

#123277

BC

**TRUSTEE CODE OF CONDUCT**

**APPENDIX A – BOARD CONFIDENTIALITY / REQUESTS FOR PERSONAL  
EMPLOYEE INFORMATION**

**Introduction**

St. James-Assiniboia School Division is committed to openness and accountability. The Board will encounter situations where the information used to make a decision must remain confidential. These matters involve, but are not limited to legal opinions, labour relations, the leasing or sale of land or buildings, and personal matters concerning staff and/or students. If these matters were considered in detail in public session it would damage or prejudice the interests of the division or of a related third party.

These matters are discharged by the Board as part of the trust relationship it has with the community.

Respecting confidentiality is not only a cornerstone of trust and confidence, but it is also a legislated responsibility.

The Board's policies and protocols shall reflect its wish to handle information it holds, consistent with the protection of individual privacy, the effective management of division business, and relevant legislation.

**Purpose**

Board members have a duty of fiduciary care to the school division and this includes a duty of confidentiality. This regulation will provide guidance with respect to confidential school division matters, materials and discussion, requests for personal employee information, and will assist board members in dealing with confidential information in a responsible and ethical manner.

Accordingly, Board members commit to the following expectations:

- a. Ensuring that board materials and information, including electronic information, is handled in accordance with Freedom of Information and Personal Privacy and Personal Health Information Acts, divisional policy, Organizational By-Law and/or other legal statutes

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- b. Ensuring that the substance of information obtained during in camera meetings is not shared with anyone, including family members;
- c. Ensuring that material distributed during in camera meetings is returned to the divisional administration as deemed necessary by divisional policy and/or legal statutes for disposal by the Superintendent of Schools or designate(s), unless otherwise counselled by the divisional administration;
- d. Ensuring that information related to divisional personnel matters remains at the site of in camera meetings, unless otherwise advised by the divisional administration;
- e. Ensuring that, in the event of their vacating permanently or temporarily their duties as Trustees, all material acquired in the course of their duties is returned to the Superintendent or designate(s).

### **Responsibility**

It is the responsibility of the Superintendent to ensure which Board and Committee materials are considered confidential in keeping with relevant legislation and the Board's policies and Organizational By-Law.

It is also the responsibility of the Superintendent to ensure that a process is in place to make the identification of any confidential material obvious and unmistakable.

It is the responsibility of the board chair or the board (by motion) to ensure that board materials are appropriately classified as open to release.

Briefing documents, minutes, reports and any other documents identified as confidential and received by a Trustee or anyone else for purposes of a meeting or other deliberations of the Board or its committees, as confidential. Confidential material received by a Trustee or anyone else for purposes of a confidential proceeding of the Board or its committees shall not be divulged to any other person without the express prior authorization of the Board. Trustees shall not comment publicly on confidential Board or committee deliberations.

### **Protocol - Board of Trustee Requests for Personal Employee Information**

- a) The Division and the Board of Trustees (Board) are one and the same under the *Public Schools Act*, so personal information that is shared internally with

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- the Board does not require a FIPPA access application etc., however section 42(1) of FIPPA contains the same “need to know” principle that applies to all division employees. Trustees have the authority to request information as a Board, but not as individuals.
- b) Requests for information outside of the formal board process (e.g. grievances) regarding individual employees should be made to the Chair of the Board in writing.
  - c) Trustees should answer the following questions in their written request for information through the Chair: Do I need to know this information? What is the intended purpose of the information? Administration should ask the same question when responding to these requests.
  - d) If the “need to know” assessment is met, the amount of personal information disclosed internally to the Board of Trustees by administration will be as minimal as possible while still being useful for the purpose in question.
  - e) Individual trustee requests for personal information should be referred back to the Chair of the Board so a formal request may be made by the Board and if not supported by the Board, the individual trustee will be referred to the FIPPA access application process.
  - f) Any personal information supplied to administration by trustees regarding employees will be received, reviewed and acted upon accordingly by administration. Any action taken as a result of this information will not typically be conveyed to the Board. If further Board involvement is required by administration, it will be sought through the formal board process.
  - g) When determined appropriate, information provided to Trustees would be for the intended use only and it is understood that it is not to be disclosed without consent and/or approval.

**Related Documents**

Freedom of Information and Protection of Privacy Act (FIPPA)

Personal Health Information Act (PHIA)

Board Organizational By-Law

Pledge of Confidentiality (PHIA, FIPPA)

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