

**Legal Guide to Privacy and  
Information Management for Educators  
October 29, 2020**

**AGENDA**

**8:00 a.m. Program Login**

**8:30 a.m. Welcome and Introduction from the Chair**  
Kimberley Ishmael, Keel Cottrelle LLP

**8:35a.m. Overview of Privacy Laws: What Educators Need to Know**  
Irena Brooks, Brooks Law Office  
Kimberley Ishmael, Keel Cottrelle LLP

To open the day, we will walk through and discuss applicable privacy legislation all educators need to understand, highlighting significant changes to be aware of. Applicable legislation includes:

- *Education Act*
- *Personal health Information Protection Act (PHIPA)*
- *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*
- *Personal Information Protection and Electronic Documents Act (PIPEDA)*
- *Canada's Anti-spam Legislation (CASL)*

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**10:00 a.m.**

**Wellness Break**

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**10:15 a.m. Health law Privacy in Schools**  
Dara Lambie, Legal Counsel, Information and Privacy commissioner of Ontario

Using a series of health privacy scenarios, Dara Lambie will walk you through health law privacy in a school setting and the real concerns and challenges you are likely to face. You will walk away with key knowledge, tips and tools including:

- An understanding of the applicable health privacy laws
- What is considered health information and who is “the custodian” of that information under PHIPA?
- What obligations do health information custodians have on:
  - collection, use, disclosure, security, access & correction, transparency?
- When are disclosures between and by health information custodians appropriate?

Endorsed By:



- What about privacy and consent?
- Navigating parental disputes and privacy
- Mental health and privacy: navigating unique challenges
- How should schools treat the health information they are receiving?
- What COVID-19 specific privacy challenges are being seen and how to address them
- IPC Orders and Decisions affecting the education setting

11:15 a.m.

### **Understanding School Obligations Around Part X of the Child, Youth and Family Services Act**

**Michelle Manning**, Legal Counsel, Information and Privacy commissioner of Ontario

- What is Part X of the CYFSA? Who does it apply to? Does it apply in the education sector?
- How does the collection, use and disclosure of personal information in the child, youth and family services sector intersect with obligations of schools?
- Is there a duty to report? Can information shared under the duty to report be accessed under Part X?

11:45 a.m.

**Lunch Break**

12:30 p.m.

### **Privacy Challenges and Obligations With Online Learning Platforms**

**Brenda McPhail, PhD**, Director, Privacy, Technology & Surveillance Project, Canadian Civil Liberties Association (CCLA)

**Irena Brooks**, Brooks Law Office

**Luis Gomes**, Senior Manager IT Services, Wellington Catholic District School Board

- Who is accountable for the use of tools? What does that include?
- Use of different platforms/software/apps – are they being vetted?
- What are the specific privacy concerns?
- Remote learning requirements outlined in PPM 164
- Privacy and security: keeping students and teachers safe
- Staff considerations for remote and online learnings
- Do you have a privacy policy in place? Guidance for teachers/students working remotely?
- What happens if there is a breach? Who do you report to?

Endorsed By:



**1:45 p.m. Social Media Privacy Concerns: Staff and Student**  
**Marnie Baizley, SpringLaw**

- Appropriate use of social media
- Overview of employee privacy rights and workplace privacy law
- Freedom of expression and the Charter
- Protecting students' personally identifiable information and confidentiality
- Role of social media and privacy policies to mitigate risk

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**2:15 p.m. Wellness Break**

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**2:30 p.m. Preparing for and Responding to Privacy Breaches**  
**Kimberley Ishmael, Keel Cottrelle LLP**

- Understanding what a cyber-attack is and its impact on the education system
- What data can be compromised?
- Who is responsible in the event of a cyber-attack?
- Professional misconduct with the OCT?
- What to do in the event of a cyber attack
- Do you have a contingency plan in place?

**3:30 p.m. Program Concludes**

Endorsed By:

