

Ministry of Education / BCCPAC

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Maintain the custody and protection of student data, in the public schools, independent schools and international education sector.

Summary: Please see PowerPoint for distribution to members

[BCCPAC – how does Bill 11 improve student privacy?](#)

This question was also asked by opposition during question and answer period.

The privacy parts all fall under FOIPPA which is reviewed every 6th year. There is a review this fall and we are open to share concerns and comments. The privacy parameters of the BC School Act are not reviewed regularly like FOIPPA.

FOIPPA is the same piece of legislation that protects children's healthcare records, mental health records,

[BCCPAC FOIPPA legislation does not mention children or student in any way? How does it then protect children?](#)

Protects children the same way it protects everyone, not just children.

Cannot relate back any information relating to specific children, the identifiable records of any type because they are managed by the FOIPPA. A violation of FOIPPA is a violation under the Offence Act.

[BCCPAC - Will PEN carry forward from K-12 then into public post-secondary education?](#)

Yes, PEN carries forward to public post-sec

[BCCPAC matching for Jobs Plan – concern by parents that students will be filtered into a certain stream based on their academic skill set.](#)

Previously, could not measure the success of the K-12 system after they left K-12, could only track if they went on to public post-secondary, couldn't track students going into the trades. Seeking to measure success of our K-12 system from student achievement after they graduate Government is very cognizant of the dangers of "streaming" children and limiting them with choosing a career too early.

These legislative changes affect only data and are not related to “streaming” individual students.

[BCCPAC - Can the data be mined to specifically target students with regard to information/sales.](#)

Researcher does not receive students PEN or any identifiable information, the researcher gets a Study ID which is a completely random and cannot be traced back to a PEN. Cannot be cross referenced, they are done by a separate organization that is completely separate at UBC PEN and Study ID and information are in completely separate databases that cannot be cross referenced.

[BCCPAC - Are there any loopholes between the two legislations that if a child flips back and forth between the independent school system and the public school system, information could be released?](#)

Independent Schools are still being submitted to the ministry and therefore fall under FOIPPA, where the Ministry or School district has custody of the data and PIPA where the Independent School has custody of the data. Students data is always protected.

Under the previous framework involving two pieces of legislation , there was a grey area and room for error. With FOIPPA there is a standardized provincial framework really tight legislation, it clarifies the guidelines.

FOIPPA Applies to:

All record in the custody or under the control of a public body.

The student owns the data.

[BCCPAC Does the parent have any right request their child’s information?](#)

Lays down the really strict code of who it can be released to and those regulations are all laid out in FOIPPA, the parent or the student can, and have always been able to, ask for their record from the District.

[BCCPAC Does the new legislation allow easier access for parents?](#)

Not any easier to get the records, this hasn’t changed and should always be easy, but the parent/student has the right to request the information and if there are errors the parent of student should notify the school and they are required to correct.

Principals they met with asked “Who owns the records” the students own the records and this is the response that they are being given.

[BCCPAC Is it an option for the parents to request to opt out of having their child’s information shared?](#)

The Ministry will provide an answer along with the written response to the letter of July 23. What has changed is the use of the PEN data to align with FOIPPA.

Small cell (group of individuals) size information is never released – currently small cell size is considered 10 or less. If there is a group of individuals, ten or less, all with the same identifying characteristics, their information is never shared for research purposes it is “masked off”.

Currently, the Ministry works with UBC involving a Best Practices platform that is used for researcher’s access to data that is linked using PEN. Researchers are held accountable by ethics approval by their University and a Research Agreement with the Ministry.

Data is disclosed for specific research projects.

There have not been any changes to the allowable data that can be collected.

A ministerial order to collect data has not changed ie. Class sizes etc. None of those components have changed.

Before legislation was presented Ministry consulted with the Office of the Information and Privacy Commissioner, who had no concerns with the legislation.

[BCCPAC How does this affect the release of data to third parties, ie. the Fraser Institute.](#)

If data is released to the Fraser Institute, it is de-identified; to any external group all data must be de identified.

[BCCPAC FSA \(standardized assessment\) opt out high, partly because of the use of student data by the Fraser Institute.](#)

This particular piece of legislation is not going to change this issue however, the FSAs are under review and the improved assessments may be introduced in the spring of 2016.

Bill 11 does not affect FSA’s, or the Fraser Institutes access to education data.

[BCCPAC Standardized testing is good, but the use of the information is what is in question. If there is harm to the system because of the participation of the Fraser Institute why can we not disallow the Fraser Institute from collecting the information if it is doing more harm than good?](#)

As a third party they have a right to collect any public sector information.

[BCCPAC Are there differences between BCesis and MyEd as to the information that is collected?](#)

As far as Dr. Rongve is aware, the Ministry still collects the same information at this time. Will get back to us with more information as MyEd is outside of his scope. Answers from My Ed BC will be addressed in the Ministry’s written response to the letter of July 23, 2015.

MyEdBC – is both FOIPPA and PIPA compliant.