



Deputy Minister's office (E-1)
PO Box 2703, Whitehorse, Yukon Y1A 2C6

June 9, 2023

Jason Pedlar
Information and Privacy Commissioner
211 Hawkins Street, Suite 201
Whitehorse, Yukon Y1A 1X3

Dear Mr. Pedlar:

**Re: Access to Information and Protection of Privacy Act (ATIPPA)
Privacy Compliance Audit on the posting of images to internet platforms:
Your File No. ATP-CMP-2023-01-071**

This letter is the Department of Education's response to your privacy compliance audit, dated May 18, 2023, regarding the posting of images to internet platforms by the Department of Education.

We thank you for your efforts to examine our practices and procedures, and to provide recommendations on how we can improve to serve our students in protecting their privacy under the ATIPPA Act. We take that responsibility very seriously and strive for improvement based on your office's recommendations as outlined below.

In your audit report your office made 6 recommendations.

Recommendation 1

The Department must immediately cease the collection, use and disclosure of students' personal information on internet platforms until it has clearly established that it has authority under the ATIPPA to do so.

Response

We do not accept this recommendation. While we acknowledge the authority to collect that was previously provided to your office was incorrect, our position is that we do have the authority to collect, use, and disclose students' personal information (in the form of images) under ATIPPA 15C(i) and the Education Act Part 2 Section 4.

Personal information collection, in the form of images, directly relates to, and is necessary for the purposes of communicating the goals and objectives of the Yukon education system. The use and disclosure of that information is directly connected to the purpose for which the personal information was collected and is necessary for the public body to carry out that communication.

Schools have been directed to not post any personal information to school web sites or social media platforms until risks have been assessed more fully and further guidance can be provided.

Recommendation 2

The Department must, within a reasonable timeframe, purge all students' personal information from its official internet platforms.

Response

We do not accept this recommendation. While we understand and accept that our media release form requires an update, and increased clarity, our position is that this form has been in use in schools for more than 15 years and our parent body and schools have always understood the intention of the form and its purpose. While our method for tracking permission was rudimentary, it has been occurring without issue until most recently. We will continue to respect the decision of parents to withdraw their permission to use images.

Recommendation 3

If the Department wishes to resume collecting, using, and disclosing students' personal information on internet platforms, then it must conduct a 'Privacy Impact Assessment' (PIA) to address and mitigate the associated privacy risks. This work effort must include an assessment of the unique privacy risks associated with internet platforms, as well as meaningfully addressing and mitigating these risks through appropriate policy and procedure.

Response

We accept this recommendation. We have engaged with privacy consultants from the PIA approved vendor list to work with us on completing a privacy impact assessment as recommended.

We will evaluate the risk and ensure our policies and procedures are in-step with the risks involved to protect the privacy of our students.

Recommendation 4

Pursuant to section 11, the Department may be required to submit a copy of its PIA to our office for review, though our office remains available on request, to provide comments on non-mandatory PIAs.

The Department must undertake a review of all school social media identified in the excel spreadsheet provided to our office to assess for any privacy breaches that may have occurred involving the unauthorized collection, use or disclosure of students' personal information by Department employees.

Response

We accept this recommendation. We have completed our scan of Yukon schools' use of social media and web site presence. We believe there was a misunderstanding when we provided the initial broad list to your office. There was an assumption made that these sites were being maintained by school staff, when in fact many were sites coordinated by private citizens that were tagging the school's name in location meta-data.

While our school use of social media approval process and guidelines need further work and updating, we have collected approval forms from all schools with a social media presence, and we will be keeping copies in a central location moving forward.

Recommendation 5

The Department must immediately notify all its employees of their obligations with respect to the collection, use or disclosure of students' personal information under the ATIPPA.

Response

We accept this recommendation. Several memos have been circulated to all school staff about their obligations to protect student personal information under ATIPPA. Department of Education's Privacy Office also presented to the school administrators on the very topic on May 19, 2023.

We are recommending mandatory ATIPPA Training for all school staff.

Recommendation 6

If the Department wishes, as part of its current work effort, to resume collecting, using and disclosing students' personal information for the purpose of posting in on internet platforms, then it must address the issues identified in this Privacy Compliance Audit including, but not limited to, the following.

- a) Develop and implement an accountability framework that clearly outlines roles, responsibilities, and oversight with respect to the collection, use and disclosure of students' personal information on internet platforms.
- b) Ensure that the above framework is outlined in written policies and procedures.
- c) Ensure that the above written policies and procedures are periodically evaluated for effectiveness and audited for compliance.
- d) Establish a data management framework that ensures students' personal information is collected, used and disclosed in compliance with the ATIPPA at all stages of the data lifecycle (i.e., collection, use, disclosure, retention, destruction).

Response

We accept this recommendation. An accountability framework is under development that will outline roles, responsibilities, and oversight with respect to posting student personal information to internet sites.

The framework will be reflected in policies and procedures. The policies and procedures will be evaluated periodically and audited for compliance.

Some examples include:

- A revised media release permission form that clearly states risks of exposure of student PI on internet platforms and includes a clear collection notice, on the PI being collected (both parent/guardian and student).

- The media release permission form will go home with students at the start of every school year.
- A mechanism for media release permission tracking is available for use in the student information system. This will make tracking permissions and running reports for verification much more reliable and accessible for the schools.
- Clear procedures and training to use this tracking functionality will be available for school office staff.
- Tracking approved school social media request forms is put in place. Superintendents will be required to give approval for all school social media presence.
- Compliance will be checked twice annually against our inventory list of school social media sites.

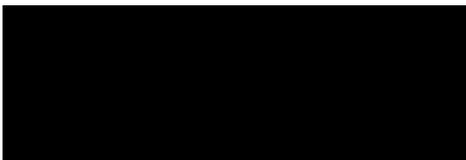
In summary, the department will:

- clearly establish Education's authority to collect, use, and disclose students' personal information on internet platforms for the purpose of communicating the goals and objectives of the Yukon education system as outlined in section 4 of the Education Act;
- revise our media release permission form to indicate intention, clearly outline risk, establish the authority to collect, use, and disclose, as well as who to contact for more information;
- send the media release permission form home with students annually and provide the ability for students to revoke permission;
- implement, and train staff, on the use of the permission tracking mechanism within the student information system;
- complete a privacy impact assessment that examines specifically the risk of posting student personal information to internet platforms;
- revisit all Yukon school's social media sites and ensure the sites have been approved by the school's superintendent or executive director. Approval forms will be kept on file and a spreadsheet inventory of sites will be audited twice annually;
- reinforce, through communication and training, all employees of their obligations with respect to the collection, use or disclosure of students' personal information under the ATIPPA.

We appreciate your attention to this matter and the collaborative discourse between your office and our department. We all value the safety and privacy of our youth and take the responsibility very seriously.

I trust our response is satisfactory, and look forward to a continued dialogue between your office and Education.

Sincerely,



Mary Cameron
Deputy Minister of Education