

# Toronto District School Board

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Governance Procedure PR733

Title: **INFORMATION FLOW PROTOCOL**

Adopted: May 26, 2021  
Effectuated: May 26, 2021  
Revised: N/A  
Reviewed: N/A  
Authorization: Board of Trustees

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## 1. RATIONALE

The Information Flow Protocol (the “Protocol”) is a governance procedure developed in accordance with the resolution of the Board of Trustees on June 17, 2020 and pursuant to the TDSB Integrity Commissioner’s recommendations with regard to Trustee access to information under the custody or control of the TDSB.

The Protocol is aligned with and supports implementation of the TDSB’s Governance Policy (P086) and the Board Member Code of Conduct (P075).

## 2. OBJECTIVE

To ensure that the Board of Trustees has access to information and support that allows the Board to fulfil their role to:

- Govern in a manner that is responsive to all school communities;
- Act in the interests of all learners in the district;
- Advocate actively for students, their learning and their well-being in the Board’s work with the community, the municipality and the province;
- Promote confidence in publicly funded education through its communications about the goals and achievements of the Board.

To establish a clear, transparent, fair and efficient process for accessing and requesting information and effective mechanisms for responding to information requests from the Board of Trustees and individual Trustees in accordance with

the *Municipal Freedom of Information and Protection of Privacy Act* and other applicable legislation and policies.

### 3. DEFINITIONS

*Board* is the Toronto District School Board, which is also referred to as “TDSB”.

*Confidential Information* is information in the possession of, or received in confidence by the TDSB, that the TDSB is either prohibited from disclosing, or is required to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* (“MFIPPA”), or other legislation, or received in confidence from other third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.

Confidential information includes matters considered by the Board of Trustees in closed session in accordance with sections 207(2) and 207 (2.1) of the *Education Act*, which include:

- Litigation or any potential litigation affecting the Board;
- Intimate, personal or financial information in respect of a member of the Board or Committee, an employee or prospective employee of the Board or a pupil or their parent or guardian;
- The acquisition or disposal of the Board’s real property, including a school site;
- Decisions in respect of negotiations with the staff members of the Board;
- Information deemed to be “personal information” under the MFIPPA;
- Information subject to solicitor-client privilege; and/or
- An ongoing investigation under the *Ombudsman Act* respecting the TDSB.

*Member of the Board* (also referred to as Trustee) is a member of the Board of Trustees.

*Personal Information* is recorded information about an identifiable individual. As defined by the MFIPPA this may include, but is not limited to:

- Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
- Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- Any identifying number, symbol or other particular assigned to the individual;
- The address, telephone number, fingerprints or blood type of the individual
- The personal opinions or views of the individual except if they relate to another individual;

- Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- The views or opinions of another individual about the individual; and
- The individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

*RIL* is the Request for Information List.

#### **4. RESPONSIBILITY**

The Director of Education holds primary responsibility for the implementation of this Protocol.

Within the Director's Office, the responsibility for the coordination and day-to-day management of the Protocol is assigned to the Associate Director, Business Operations and Service Excellence.

#### **5. APPLICATION AND SCOPE**

This Protocol applies to TDSB Trustees and staff, including employees involved in managing and responding to requests for information.

The Protocol does not replace or circumvent the Board's Parent Concern Protocol (PR505) for Trustees' interactions with Superintendents of Education and relevant central staff as part of addressing parents' concerns related to school matters.

#### **6. PROCEDURES**

##### **6.1. General Principles**

- 6.1.1. The flow of information between the Board of Trustees, the Director of Education and TDSB staff will uphold the principles of transparency, accountability, fairness, impartiality and effectiveness and will operate in accordance with the MFIPPA and other applicable legislation and policies.
- 6.1.2. As a collective, the Board of Trustees – the TDSB's governing body – has authority to direct the Director of Education with regard to access to information, including confidential information, under the custody or control of the TDSB.
- 6.1.3. Trustees have access to information in the custody or control of the TDSB that is relevant to matters before the Board of Trustees or its Committees and which would support Trustees' participation in in Committee and Board meetings.

- 6.1.4. Individually, members of the Board may not have access to information if:
- it is personal information as defined by MFIPPA;
  - it is required or permitted by law to be kept confidential and its possession could be prejudicial to the interest of the Board;
  - it is tentative or incomplete by reason that the subject matter is in the conceptual, developmental, or draft stage.
- 6.1.5. The Director of Education is responsible for establishing and implementing effective processes for responding to information requests from the Board of Trustees and members of the Board.

## **6.2. Making Information Requests by Members of the Board**

- 6.2.1. Members of the Board may request at any point of time information from the Director of Education or their designates (respective Associate Directors, Superintendents of Education and/or Executive Superintendents/Officers responsible for the area).
- 6.2.2. Requests for information:
- must be in writing;
  - will be acknowledged by the recipient; and
  - will be responded to during regular business hours.
- 6.2.3. The requestor will be provided with the information without delay if the information is readily available in required format.
- 6.2.4. If information is not readily available and has to be retrieved, assembled, or compiled in required format, the requestor will be provided with a preliminary time estimate for delivery of information.
- 6.2.5. The requestor will be regularly updated on the progress of information delivery and the time estimate.

## **6.3. Request for Information List (RIL)**

- 6.3.1. All requests for information will be logged by staff and added to web-based Request for Information List ("RIL") database.
- 6.3.2. The RIL will be available to all Trustees, Executives and designated staff, and will be used for planning and management purposes.
- 6.3.3. The information request date, requestor's name, Executive staff responsible for delivery of the information/report, and expected delivery date will be recorded in the RIL database.
- 6.3.4. The RIL will include information on scheduled annual, regular and ad hoc reports mandated by legislation, Government directives, and resolutions of the Board of Trustees.

6.3.5. The RIL will include hyperlinks to reports produced and information compiled and will serve as an internal on-line inventory.

#### **6.4. Prioritizing Requests for Information**

6.4.1. Trustee information requests must be addressed by staff in the shortest time possible.

6.4.2. Staff resources will be assigned to address Trustees' requests for information. However, priority will be given to reports mandated by the Board resolution, legislation and Government directives (e.g., reports to the Board of Trustees, the Ministry of Education, the Ministry of Finance, Canada Revenue Agency, etc.).

#### **6.5. Protection of Privacy and Confidentiality**

6.5.1. Protection of privacy, legal obligations as well as the safety and well-being of students and community must be considered when sharing information.

6.5.2. For in-person Board/Committee meetings, confidential documents may be provided as library copies on yellow paper to all Trustees physically present at the meeting. For virtual Board/Committee meetings, Trustees will be provided with secure electronic copies of confidential documents.

6.5.3. Meeting materials from previous open (public) meetings are available on the TDSB website: <https://www.tdsb.on.ca/Leadership/Boardroom/Agenda-Minutes> and can be accessed by Trustees directly or obtained through a request to Board Services staff.

For Trustees convenience, the following search engine can be used to search for required reports, agendas and minutes of the Board: <https://www.tdsb.on.ca/Leadership/Boardroom/Search-Agenda-Minutes>.

6.5.4. Closed (private) meeting materials from previous meetings may be provided to individual Trustees as library copies by Board Services staff.

6.5.5. In accordance with the Board Member Code of Conduct (P075), it is the responsibility of individual Trustees to ensure that confidential materials provided to them for Board of Trustees or Committee meetings are kept secure at all times and disposed of appropriately.

6.5.6. Upon becoming aware of a potential breach of confidentiality or unauthorized disclosure of personal information, Trustees should immediately notify the Chair of the Board and the Director of Education or designate.

## **6.6. Sharing Information**

- 6.6.1. Non-confidential information compiled and produced as a result of a request by a member of the Board will be shared with all Trustees through the RIL.
- 6.6.2. In addition, information about school programs, consultations, system-wide news, announcements, media releases, news articles, and statements by the Chair of the Board and Director of Education will be shared with Trustees by the Director of Education and their designates electronically through emails, Trustees' Weekly, TDSB Update and TDSB Connects.
- 6.6.3. As the Director's designate, the Government, Public and Community Relations department and/or school Superintendents will share information with Trustees in a timely fashion relating to school-based crises/incidents including communications related information such as responses and letters for parents and students.
- 6.6.4. Non-confidential information that is routinely requested, including aggregate numbers, information about processes, key statistical indicators, etc., will be identified and proactively disclosed and posted on the Board's website in accordance with the TDSB Open Data Policy (P091).

## **6.7. Working with Superintendents of Education and Principals**

- 6.7.1. Superintendents of Education will provide ongoing and timely information and support to their local Trustee about local school-related matters and concerns. Trustees and Superintendents are encouraged to regularly communicate with each other on school related issues of mutual concern. This may include school events, parent/guardian concerns, school related incidents including injuries requiring medical services as well as safe school concerns (e.g., lock down, hold and secure, bullying, significant acts of violence, hate or racism), bereavements and community concerns (e.g., busing, boundaries).
- 6.7.2. In the event local issues may have systemic implications, the school Superintendent, in consultation with the school principal, will keep both the local Trustee and school community informed.
- 6.7.3. When a local matter has system-wide implications, the respective Superintendents of Education will work with their Executive Superintendent and the Government, Public and Community Relations department to inform all Trustees as soon as possible.
- 6.7.4. Clear expectations will be outlined and regularly discussed and reinforced with the Superintendents of Education on information sharing and support to Trustees. To ensure a consistent and effective approach to accessing and sharing information, the

Director of Education, through Associate Directors, will establish standard parameters for support provided to the Trustees by their respective Superintendents of Education.

### **6.8. Training**

6.8.1. Trustees will be provided with an orientation on the Information Flow Protocol as part of the overall orientation for newly elected or appointed Trustees.

## **7. EVALUATION**

This Protocol will be reviewed as required, but at a minimum every four (4) years after the effective date.

## **8. APPENDICES**

Appendix A: Information Flow Chart

## **9. REFERENCE DOCUMENTS**

Legislation:

- *Education Act*
- *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*

Policies and Procedures:

- Equity Policy (P037)
- Board Member Code of Conduct (P075)
- Freedom of Information and Protection of Privacy Policy (P094)
- Governance Policy (P086)
- Open Data Policy (P091)
- Parent Concern Protocol (PR505)

Other Documents:

- Board Bylaws
- Integrity Commissioner Annual Report for 2018, presented to the Board of Trustees on June 19, 2019

