

Toronto District School Board

Operational Procedure PR738

Title: **ELECTRONIC MONITORING**

Adopted: January 10, 2023
Effectuated: January 10, 2023
Revised: N/A
Reviewed: N/A
Authorization: Executive Council

1. RATIONALE

The Electronic Monitoring Procedure (the “Procedure”) operationalizes the use of electronic monitoring systems, where necessary, promoting security, health, well-being and safety of students, employees, and visitors, and protecting TDSB property and information technology resources.

The Procedure was developed in accordance with the requirements of the *Employment Standards Act, 2000 (ESA)* regarding electronic monitoring of employees.

The Procedure establishes controls around electronic monitoring activities by setting up principles and conditions for electronic monitoring, approval requirements, objectives and circumstances for electronic monitoring, and the purpose for which information obtained through electronic monitoring may be used by the Board.

The Procedure supports the implementation of multiple Board policies and corresponding procedures, including but not limited to, the Anti-Fraud Measures Policy (P081), the Dealing with Abuse and Neglect of Students Policy (P045), the Reporting of Suspected Wrongdoing (Whistleblowing) Policy (P066), the Caring and Safe Schools Policy (P051), the Acceptable Use of Information Technology Resources Policy (P088), and the Freedom of Information and Protection of Privacy Policy (P094).

2. OBJECTIVE

- To establish requirements and processes for electronic monitoring of TDSB employees.

3. DEFINITIONS

Board is the Toronto District School Board (also referred to as TDSB).

Board Property refers to any TDSB land premises (leased and/or owned), location at, upon, in or near which a student learns or an employee works including TDSB vehicles.

Data refers to facts, figures and statistics objectively measured according to a standard or scale, such as frequency, volumes or occurrences and forms the basis of Information.

Electronic Monitoring refers to all forms of monitoring of employees that is done electronically.

Employee refers to an individual employed by TDSB to perform services in exchange for a salary or an hourly wage on a casual, temporary or permanent basis. For clarity, independent and dependent contractors and their staff and subcontractors are not considered Employees.

Municipal Freedom of Information and Protection of Privacy Act (“MFIPPA”) establishes legal obligations on how public organizations, including school boards, may collect, use and disclose Personal Information. MFIPPA also establishes a right of access that enables individuals to request their own Personal Information and have it corrected.

Personal Information (as defined in *MFIPPA*) is recorded information about an identifiable individual which will be treated as confidential unless it is public information or, unless the individual consents to its disclosure or, disclosure of the information is otherwise permitted by *MFIPPA*. Personal information 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.

Record or "Recorded Information" refers to any record of information, however recorded, whether in printed form, on film, by electronic means or otherwise, made, or received and retained by an organization in pursuance of legal obligations or in the transaction of business.

TDSB is the Toronto District School Board, which is also referred to as the "Board".

TDSB Information Technology Resources include but are not limited to TDSB owned or leased computers, phones, tablets, cellular/mobile technology, computer applications, email, servers, networks, internet services, internet access including access to external websites, Global Positioning System (GPS) devices, data and any other electronic or communication technology provided by TDSB that exist today or may be developed in the future regardless of whether or not it may be used as a stand-alone device.

TDSB Vehicles refers to any vehicles owned, leased, or rented by TDSB, and operated by Board staff.

Wrongdoing refers to:

- a contravention of a federal or provincial act or regulation (for example: *Criminal Code of Canada*, *Education Act* and applicable regulations, etc.);
- an act or omission that creates danger to life, physical and mental health, safety of persons, or to the environment;
- mismanagement inconsistent with laws, regulations, and Board policies, including waste of financial resources, abuse of managerial authority, mismanagement, or loss/theft of public assets;
- financial fraud (e.g., an act of deception, manipulation, or trickery) in respect to the finances of the Board or a school/department operated by the Board;
- time theft (i.e., a fraudulent act where an employee collects pay for time not actually worked);
- deliberate non-compliance with Board policies and procedures; and
- directing or counseling a person to commit any of the above.

4. RESPONSIBILITY

Associate Director, Organizational Transformation and Accountability, and Executive Superintendent, Employee Services.

5. APPLICATION AND SCOPE

This Procedure applies to all employees (including, temporary, permanent and occasional employees).

The Procedure encompasses electronic monitoring of Board employees by engaging and using TDSB Information Technology Resources as defined in section 3. In addition, the TDSB reserves the right to engage electronic devices and resources of third-party investigators.

6. PROCEDURES

6.1. Electronic Monitoring Principles and Conditions

- 6.1.1. TDSB will conduct electronic monitoring of individual employees, as applicable, in order to promote security, health, well-being and safety of students, employees and visitors, and to protect Board Property, assets and TDSB Information Technology Resources.
- 6.1.2. Electronic monitoring of individual employees will not be conducted without proper authorization by Executive Superintendent, Employee Services and the relevant Associate Director (or their designates).
- 6.1.3. Information obtained through electronic monitoring will be used to: protect the safety and security of students and employees; identify suspected wrongdoing and misconduct; support TDSB's commitments to maintaining a respectful work and educational environment; ensure appropriate use of TDSB Information Technology Resources; and secure Board property in accordance with TDSB policies and procedures.
- 6.1.4. TDSB will initiate a request for electronic monitoring based on the principles and conditions outlined in section 6.1.1 to 6.1.3.

6.2. Protection of Privacy and Record-Keeping

- 6.2.1. TDSB will safeguard records including records containing Personal Information collected during electronic monitoring of employees. The records will be kept confidential and used exclusively for the original intended purpose in accordance with *MFIPPA* and related regulations and the Freedom of Information and Protection of Privacy Policy (P094).
- 6.2.2. TDSB will protect the privacy of TDSB's employees, students, and stakeholders. Personal Information obtained through the electronic monitoring will be used in accordance with TDSB's privacy obligations set out in *MFIPPA* and the Freedom of Information and Protection of Privacy Policy (P094). TDSB will take steps to secure and protect Personal Information from unauthorized access, use,

disclosure and inadvertent destruction by adhering to established safeguards and TDSB's records retention schedule.

6.2.3. TDSB will retain copies of the Procedure after the Procedure ceases to be in effect in accordance with the Records and Information Management Policy (P097) and TDSB's records retention schedule.

6.2.4. To ensure that all Personal Information is only kept for as long as it is necessary to do so, all data that is captured as a result of electronic monitoring will be stored digitally as outlined in the Records and Information Management Policy (P097) and TDSB's records retention schedule.

6.3. Distribution to Employees

6.3.1. Employees will be provided with a copy of this Procedure within 30 days of approval or revision.

6.3.2. New employees will be provided with a copy of the Procedure within 30 days of starting employment with TDSB.

6.4. Prohibited Forms of Electronic Monitoring

6.4.1. To provide TDSB employees with a reasonable degree of privacy, the following forms of electronic monitoring are prohibited:

- Keylogging (recording individual keystrokes)
- Video monitoring in washrooms and/or changerooms
- Use of external camera device to record computer activity

7. EVALUATION

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

8. APPENDICES

Not applicable

9. REFERENCE DOCUMENTS

Policies:

- Acceptable Use of Information Technology Resources (P088)
- Anti-Fraud Measures (P081)
- Caring and Safe Schools (P051)
- Dealing with Abuse and Neglect of Students (P045)
- Freedom of Information and Protection of Privacy (P094)
- Human Rights (P031)
- Occupational Health and Safety (P048)
- Records and Information Management (P097)

- Reporting of Suspected Wrongdoing (Whistleblowing) (P066)
- Workplace Harassment Prevention (P034)
- Workplace Violence Prevention (P072)

Operational Procedures:

- Board Code of Conduct (PR585)
- Code of On-line Conduct (PR571)
- Cyber Risk and Security Procedure (PR725)
- Privacy Breach Procedure (PR736)

Legislative Acts and Regulations:

- *Education Act*
- *Employee Standards Act, 2000*
- *Municipal Freedom of Information and Protection of Privacy Act*