



**POLICY
SUBJECT:**

**KBF
DISTRIBUTION OF
INFORMATION BY STUDENTS**

APPROVAL DATE:

March 14, 1987

REVISION DATE:

September 19, 1989

March 5, 2018

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1. GENERAL

- 1.1 The Winnipeg School Division shall ensure that information for distribution by students to the parents/guardians shall be educational in nature, support and/or enrich the curriculum, provide information on the operation of the Division, and/or provide information on school fund raising activities.
- 1.2 The Canadian Anti-Spam Legislation (CASL) prohibits the sending of a *Commercial Electronic Message* to an electronic address unless the sender complies with three requirements: (1) obtains the consent of the intended recipient(s), (2) provides prescribed identification of the sender and, (3) provides an unsubscribe mechanism.
- 1.3 The Division may wish to provide information to parents which may include the promotion, advertising and/or offering for sale of school pictures, field trips, yearbooks, team uniforms, fundraising events, etc. to ensure compliance with the legislation, schools are required to advise parents of the new legislation and provide an opportunity to opt out of receiving emails/materials.
- 1.4 Schools, student councils, parent councils, individual employees who distribute email, newsletters that contain a commercial electronic message must comply with Canada's Anti-Spam Legislation and applicable legislation.
- 1.5 Information to be distributed by students to parents/guardians from organizations outside the Division shall not be for political purposes or personal gain nor on behalf of a particular religious denomination.
- 1.6 Information to be distributed by the students to parents/guardians from outside organizations shall be at no cost to the Division.

2. DEFINITIONS

2.1 Personal Information Protection & Electronic Documents Act (PIPEDA)

PIPEDA is applicable to all organizations in Canada, including non-profit organizations such as parent councils and alumni associations.

PIPEDA governs the collection, use and disclosure of personal information in the course of commercial activities. The information must be collected in a manner that recognizes the right of privacy of individual with respect of their personal information. Under PIPEDA, fund raising is considered a "commercial activity".

2.2 The Freedom of Information and Protection of Privacy Act (FIPPA) - Personal Information

"Personal Information" means recorded information about an identifiable individual as outlined in The Freedom of Information and Protection of Privacy Act (FIPPA).



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2.3 Division-wide Publications

Division-wide publications include all documents intended for dissemination to the broader community, including Winnipeg School Division websites/web pages, the Division newspaper, pamphlets, posters as well as school newsletters posted to Winnipeg School Division websites/web pages.

2.4 Public Event

Public event refers to a school or Division sponsored event or activity that is supervised, organized or advertised by the school/Division and intended to be open to, or accessible to the general public, regardless of whether it is held in a Winnipeg School Division school or other venue.

2.5 Recording

Recording means a visual, audio, pictorial or digital representation and includes a photograph, film, video, audio, digital image, sketch, or any other type of recording which identifies individuals.

2.6 Informed Consent Forms

In accordance with the Freedom of Information and Protection of Privacy Act, the Division has certain obligations and duties related to protecting personal information of students, staff, and volunteers. The Division is required to obtain consent directly from the individual the information is about or in the case of a child under the age of 18 years, the consent of the parent/guardian is required.

2.7 Commercial Electronic Messages

Electronic (emails) distribution of newsletters, school updates and announcements regarding division and school activities, including fundraising and promotions.

Examples of Commercial Electronic Messages would include promoting, advertising, and/or offering for sale of school pictures, field trips, yearbooks, team uniforms, fundraising events, etc.

2.8 Media

Media refers to newspapers, television, radio and websites as well as any other means of disseminating mass communications to the public.

3. CRITERIA

3.1 Information to be distributed by students to parents/guardians shall be reviewed by the principal or the Chief Superintendent or designate based on the following criteria:

- (a) relevancy to the educational program;
- (b) appropriateness to the age/grade level of the student;
- (c) consistency with the general educational goals of the Province of Manitoba and the Winnipeg School Division;
- (d) non-political in nature or content;
- (e) presentation of a balanced viewpoint.
- (f) Parents



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- 3.2 All information distributed by students to parents/guardians shall be reviewed by and have the approval of the principal, Chief Superintendent, or designate prior to distribution.

4. RESPONSIBILITIES

- 4.1 The principal shall ensure compliance with Canada's Anti-Spam Legislation and advise parents of the legislation.
- 4.2 The principal shall ensure that all collection of personal information for commercial activities must comply with the following obligations:
- (a) The school identify the purpose for which the personal information is collected, at or before the time the information is requested.
 - (b) That consent is obtained from the individual in order for the school to collect, use or disclose personal information.
 - (c) The collection, use, disclosure and retention of personal information must be limited to only what is necessary to carry on the function of the school's purpose. All personal information must be housed in a local filing cabinet in the school office or password-protected electronic file.



1. GENERAL

- 1.1 Federal Government introduced legislation to protect citizens from unwanted electronic communication that could be considered commercial in nature. An example of a commercial activity includes any particular transaction, act or conduct or any regular course of conduct that is of a commercial character, whether or not the person who carries it out does so in the expectation of profit. For example, commercial activity would include (a) an offer to purchase, sell, barter, or lease products, goods, services or land; or (b) an offer to provide a business or investment; or (c) an advertisement or promotion for (a) or (b).

2. RESPONSIBILITIES

2.1 Chief Superintendent

The Chief Superintendent or designate shall be responsible for the review and granting of approval for the distribution of information by students including:

- (a) school-related information to be distributed on a Division-Wide basis or through a number of schools;
- (b) information of a controversial nature;
- (c) information from City of Winnipeg, Child and Family Services, or other public organizations;
- (d) notices of programs that are educational in nature and appropriate for students in the Division.

2.2 Principal

Information that may be distributed by students to parents/guardians on the approval of the principal shall include:

- (a) information related to the educational program or on individual progress of the student(s);
- (b) local school newsletters and Division publications;
- (c) information on inservices/meetings for the parents/guardians organized or sponsored by the Division or the local school;
- (d) surveys/questionnaires conducted by the Division;
- (e) information from Manitoba Education and Training and universities or other post secondary institutions;
- (f) information from the local parent association.

- 2.3 The principal shall advise parents in a timely manner of the Canada's Anti-Span legislation requirement as emails, newsletters, etc. may from time to time include information which could be construed as commercial in nature. Parents may contact the school should they wish to opt out of receiving future emails/materials related to commercial activities.

- 2.4 The principal shall ensure that any requests for the distribution of information other than those defined in 3.2 are forwarded to the Chief Superintendent for review and approval prior to distribution.

2.5 Teacher

The teacher shall ensure that any material to be distributed by the students has the prior approval of the principal.



**ADMINISTRATIVE RULE/
PROCEDURE** **KBF-R**
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3. CONSENT

- 3.1 Parent Councils may wish to consider using the following disclaimer on all forms/documents which request personal information such as name, address, telephone number, etc. The actual name of your organization and the purpose of collecting the information should be used on the disclaimer where indicated by bold/bracketed print. (Exhibit A)