

privacy

Most people feel that privacy is fairly important. We all have our own personal thoughts, feelings, and beliefs and usually we want to decide if, or when, we will share our innermost selves with others. We also want private spaces and private times where we can just be ourselves.

Even though the *Charter* doesn't specifically say that you have a right to privacy, aside from section 8 that we previously discussed in the section on search and seizure, one place to find privacy rights is section:

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

1

students' records

One place where you definitely might want some privacy is in relation to your school records. Who wants everyone to know how they did on that killer English final? The *School Act* sets out how, when and who can have access to students' records.

1. Section 9 says that you and your parents can request to see all information recorded in your student records.
2. Section 79 says that a school board, if ordered to by the Education Minister, must provide access to student records to a person providing health, social or other support services if necessary to carry out that service.

facts: Your school has just announced that it is going to install video cameras in various locations inside and outside the building. The principal says that the cameras are necessary to stop violence, vandalism and the use of drugs in the school. Consider the following questions:

* cases study
the unblinking eye

1. Come up with a *Charter* argument against installing the cameras.
2. What arguments could you make for installing cameras? Which argument is stronger? Why?

3. Section 170 makes it illegal for anyone employed by the Ministry of Education to “knowingly disclose any information contained in a student record that identifies a student”, unless the disclosure is:
 - a) required by law
 - b) has the consent of the student who is of legal age, or the consent of his or her parent(s) or
 - c) is evidence in a legal proceeding.

If your right to privacy in your student records has been violated, you can complain to the Office of the Information and Privacy Commissioner.

2

notification of criminal charges and convictions

If you are arrested, charged and/or convicted of a criminal offence, or you are a victim or a witness to an offence, you might not want everyone to know. Part 6 of the *Youth Criminal Justice Act* prohibits the public identification of minors involved in criminal matters. This part also creates a complicated set of rules for allowing access to the criminal records of young persons. School officials may have access to a young person's criminal record if they need it to:

1. ensure compliance with a court order permitting a youth to attend school,
2. ensure the safety of staff, students or other persons, or
3. facilitate the rehabilitation of the youth.

There are some limits to the release of this information. For example:

1. No one who has this information can release it to another person unless it is for one of the purposes noted above.
2. Such information must be kept separate from any school-related records concerning a student.
3. This information must be destroyed as soon as it is no longer required for the purpose it was disclosed.