

# Policy and Privacy of Student Information in Canada

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The Universal Declaration of Human Rights proclaims the right of individuals to receive an education directed at the full development of their personalities and the right to legal protection from arbitrary invasion of privacy.

Ninety-three officials in thirty largely urban school systems, ministries of education, and teachers' organizations were interviewed and policy documents were examined, to assess policy and practice relating to student information. The study found the following: 1/provincial legislation was inadequate to provide protection to students; 2/local system policy was largely absent and sporadically applied; 3/procedures, necessary to protect privacy, were seldom specified or followed; and 4/data was of insufficiently high quality to justify its collection, retention and dissemination.

Selon la déclaration des droits de l'homme, tout individu a droit à une éducation orientée vers le plein développement de sa personnalité et à la protection de la loi contre toute incursion arbitraire dans sa vie privée.

En vue d'évaluer les pratiques courantes et les politiques touchant les renseignements personnels fournis par les étudiants, on a interviewé 93 personnes: des fonctionnaires rattachés à 30 commissions scolaires, situées pour la plupart en milieu urbain, ou à des ministères de l'éducation et des représentants de syndicats d'enseignants, et on a étudié les documents officiels explicitant ces politiques. L'étude démontre 1/que les législations provinciales ne protègent pas adéquatement les droits des étudiants, 2/que les politiques locales sont le plus souvent inexistantes ou appliquées de façon sporadique, 3/que des procédures visant la protection de la vie privée sont rarement élaborées ou suivies, et enfin 4/que les données recueillies ne sont pas d'une qualité qui justifie qu'on les rassemble, les conserve et les diffuse.

Article 26(i) of the Universal Declaration of Human Rights states that "everyone has the right to education ..." and that "education shall be directed to the full development of the human personality ..." (UNESCO, 1968). Such a right implies the need for a community infrastructure capable of providing educational opportunities for its children – schools, programs, well-informed teachers; specialized services and meaningful curriculum materials. Infrastructure development requires information appropriate for 1/estimating the need for and location of schools, 2/developing programs for a diverse population, 3/counselling students on academic, vocational and even personal matters, 4/helping teachers understand student needs, 5/providing diagnostic service along with the specialized programs and personnel that students with significant learning problems require, and 6/financing the educational system. Quality education depends on the provision of appropriate infrastructure which in turn depends on the provision of appropriate student information. Do

the student data collected and maintained permit effective infrastructure development?

Student information is personal information. Often it is drawn from the personal experience of the student or his family. Normally it is not shared because it reveals certain private family characteristics. When compiling, maintaining, and using personal data and information, Article 12 of the Declaration of Human Rights should be noted: "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks" (UNESCO, 1968). Two points are of particular importance here: 1/interference to privacy shall be avoided; and 2/the individual shall be protected by law against interference. How does Canada fare on each of these? Do schools employ means of dealing with student information that avoid interference in the privacy of their students? Is student privacy presently protected by "... law against such interference ..."?

Articles 12 and 26 of the Universal Declaration of Human Rights are cited in support of two significant propositions: 1/children have a right to education appropriate to their developmental needs; and 2/children and their families have a right to privacy. Statements of official policy within the Canadian educational context frequently profess support for these principles. This article addresses the gap between the thought and the deed, between official statements of support for these principles and implementation of policy based upon them.

The student clearly gains when information he provides leads to a more effective education. The student clearly loses when information he provides violates his privacy. A balance must be struck between the gains of a more appropriate education and the loss of privacy. The collection and maintenance of quality data enhance the effectiveness of the educational system and result in greater gains, while effective legal and policy safeguards against access and dissemination of this information reduce losses of privacy. Both approaches must be employed to effect an appropriate balance.

This article deals with the governance of student information and specifically with policies that govern procedures to 1/improve data quality, and 2/protect student privacy.

#### PRIVACY — A SOCIAL AND INDIVIDUAL NEED

Ruebhausen and Brim (1965, p. 1189) have succinctly defined privacy. "The essence of privacy is no more, and certainly no less than the freedom of an individual to pick and choose for himself the time and the circumstances under which, and most importantly, the extent to which, his attitudes, beliefs, behavior and opinions are to be shared with or

withheld from others." In the United States, privacy has been confirmed as the legally protected right of an individual "to be free from unwarranted publicity and to be protected from any wrongful intrusion into his private life which would outrage or cause mental suffering, shame or humiliation to a person of ordinary sensibilities" (Butler, Moran, & Vanderpool, 1972, p. 6). Westin (1967, p. 356) indicates that the U.S. Supreme Court has shown that privacy "... has been perceived as a protection of the positive needs of individuals and organizations in our society." Ryan also sees privacy as vital to our society: "Privacy ... is not just an individual interest, but is first and foremost a political value of the highest order. The creation now of a conceptual rubric under which privacy can be protected both legally as well as ethically, will be as important to the functioning of western democracy at the end of the twentieth century as was the existence of a viable concept of freedom of speech at its beginning" (Murray, 1972, p. 17). Claude Forget called the right to privacy an illusion and stated that basically "data is the property of the data originator and not that of the subject" (Murray, 1972, p. 8). Consequently, he suggested that we should concentrate our attention on the right to accuracy of data rather than on privacy per se, and develop procedures necessary to guarantee accuracy. Lack of legal support for a right of privacy was noted by Pedrick (1970, p. 396). Excepting one case based on the Civil Code of Quebec he stated the following: "In Canada ... there are apparently no reported cases on the tort law of privacy. The dearth of authorities in England and the Commonwealth generally with such signposts as there are pointing in a negative direction, has led scholars to conclude that there is, as yet, in the Commonwealth, no common law recognition of the right of privacy."

Concern about privacy led to a Royal Commission of Inquiry into the Invasion of Privacy in British Columbia, and a Special Committee on Invasion of Privacy in Alberta, while the Ontario Law Reform Commission published a report on the protection of privacy, (Ryan, 1968). Similarly, the federal government commissioned a Task Force on Privacy and Computers. Legislative actions arising from these activities appear to be irrelevant to informational privacy, cumbersome and expensive to employ, or applicable solely to federal jurisdictions. According to David Weisstub, Professor of Law at Osgoode Hall and a member of the Task Force on Privacy and Computers, in the early 1970s, there was no general right to privacy in Canada (Silver, 1977, p. 4).

The recently introduced Bill C-43 would extend the present laws of Canada to protect the privacy of personal information, but only insofar as it is held by federally controlled government institutions (Bill C-43). Recent proposals for the enactment of The Constitution Act, 1980, include a Canadian Charter of Rights and Freedoms lacking reference to the right of privacy (*Globe and Mail*, p. 10). In any event, these proposals have just cleared the necessary parliamentary hurdles and their

passage did not occur without significant challenge. Consideration of these bills, however, may result in the clarifications necessary to protect individual privacy. In 1982, privacy is not well protected in Canada. However, it is valuable enough to the individual and to society to warrant protection. If schools and school systems are to collect student data, the provincial and local government should protect that data and the privacy of their children-clients, through legislation, policy, and appropriate information practices.

#### GOVERNANCE OF STUDENT RECORDS BY PROVINCE AND LOCAL SCHOOL SYSTEM

Adequate protection of student privacy and the effective use of student information requires explicit policy and procedures for at least six major areas of concern: 1/definition of the record and its purpose; 2/assignment of responsibility for the record system; 3/specification of collection procedures and contents; 4/specification of maintenance procedures; 5/specification of procedures for security and storage; 6/specification of the extent and conditions of dissemination (Humphreys, 1980, p. 40).

Practitioners should be able to refer to clear policy statements to assist them in administering an information system. Without the protection in federal law, the student must rely on explicit provincial statute and regulations, and on explicit school and school system policy. While it is true that policy and procedures may exist even when not stated explicitly, the client may be unable to employ such policy to his benefit if he is not able to learn of them easily, or to cite them when presenting a case. I take the position that unstated policy and procedures are inadequate in such a vital area.

In providing personal data, an individual has a right to expect that his interests will be protected, and that the information, once developed, will be used with care. 1/Do provinces provide protection of the law against interference or attacks on privacy of students? 2/Do school systems provide protection through explicit policy and procedure?

#### CONSENT – A KEY CONCEPT IN AVOIDING INTERFERENCE WITH PRIVACY

Since Canadian law does not offer protection of privacy, a school system should direct its efforts at the two points where invasion of privacy is likely to occur – when data are first collected, and when they are passed to a third person. A school system can easily avoid invasion of privacy in the first instance by obtaining a person's informed consent to collect data for necessary purposes. In essence, if a person freely permits you to collect and use data about him, then you do not invade his privacy when you do so in keeping with your agreement with him.

Informed consent by student or parent should not normally be difficult to obtain. Earlier studies by Humphreys and Elwood (1975, p. 25) disclosed no wish on the part of students or their parents to prevent the schools from collecting necessary data about them. Many expressed delight in learning that schools cared enough to retain their data. That parents wish schools to retain effective information should not be surprising; a need for information is generally acknowledged by those who desire professional services. Individuals expect to provide some data when they request services of the state and in return they expect the state to provide services appropriate to their needs.

#### CONTROL OF ACCESS AND DISSEMINATION

To avoid invasion of student privacy in the second instance, that is when data are passed to a third person, is more difficult. It requires a school to protect the data from both use by unauthorized users and from unauthorized use by authorized users. This implies control policies and procedures that are effective in controlling data access and dissemination. The obtaining of student data by unauthorized users is controlled through the provision of adequate security to prevent access and dissemination of data and information from the files. Access control must rely on clear policy as to who has access, the degree of access and the conditions of access, as well as on procedures and security measures that exclude those who have no legitimate right of entry. The student and/or parent should be informed of access requests and should decide on availability of data and information.

The unauthorized use of student information by authorized users relies more on the enforcement of effective codes of ethics and on clear statements of expectations. Responsibility for the record must rest with an official who will ensure compliance with policy and who will ensure that personnel understand the implications of breaches of confidentiality.

#### QUALITY OF DATA AND INFORMATION

Decisions affecting student futures require high quality data since data "... are the raw materials of information" and information "... is what changes us ..." (Beer, 1975, p. 243). A student who yields part of his privacy to the school expects a quality education in return but this can be provided only where the data upon which decisions will be made are accurate, reliable, valid, timely, and complete. Such data will be available only if the processes of collection, verification, storage and retrieval are designed and implemented with effectiveness of data as a primary objective. If information is what changes us and if it requires data for its generation, then the school system must ensure that quality of data upon which its decisions are made.

## STUDENT RECORD POLICY ACROSS CANADA

The study reported has investigated, by means of interview and document examination, the practices of educational systems across Canada. A total of 93 individuals – officials from ministries of education and teacher organizations, and school principals and superintendents from 30 largely urban school systems – were interviewed. While selection of systems and officials was not random, a substantial proportion of school children in Canada are governed by the policies and procedures of those districts in which interviews were held. Data collection for the study began in 1976 and was concluded in 1978.

The researcher visited central ministry, association, and board offices and from one to four schools in each school district in the sample. The numbers of systems (schools) visited in each of the five regions of Canada was as follows: Atlantic region, 6(10); Quebec, 6(8); Ontario, 5(9); Prairie Provinces, 10(22); British Columbia, 3(6). We obtained documentation on the availability of explicit statements of policy upon which the practitioner, either teacher or administrator, could rely in dealing with the records of students. Each of the documents obtained was examined to determine whether there was an explicit statement on any one of the 31 issue areas listed in Table 1.<sup>1</sup> No qualitative judgement was made as to whether the policy statement was adequate, or appropriate, to the need. The existence of the policy (act), directive (regulation), or guideline statement was sufficient to have it recorded in Table 1 as being present.

## EXPLICIT POLICY STATEMENTS TO PROVIDE "... PROTECTION OF THE LAW ..."

An adequately developed policy provides guidance to the practitioner on each issue area, at an appropriate level of abstraction, for the provincial and local systems and the school. The province should state broad principles, guaranteeing to all persons within the province certain rights and providing processes to support those rights. Local applications of the general principles should recognize idiosyncratic needs of the local system, personnel, and population. Codes of ethics should provide the professional with principles to guide the conduct of personal practice. We wished to determine whether each issue area was addressed and to determine whether each jurisdiction provided the elements of governance appropriate to its level.

*Provincial legislation*

Only Ontario provides extensive legislation to govern student records. Section 231 of the Education Act (1974) specifies the privileged nature of the record, the rights of the parent and pupil, uses of the record, secrecy of contents, and the prohibition of actions regarding record contents.

Regulations under the act define the contents and structure of the record along with some operating procedures. Quebec has developed regulations to govern the Dossier Academic and Dossier Personnel but is still in a state of flux in the regulation of student files. Other provinces for the most part have little or no legislation even to define the rights of students concerning records. Legislation to provide "protection of the law ..." is lacking at the provincial level.

In order to develop policy about student records it is essential to define their limits and to specify those parts of the record that require special treatment. Except as noted above, the "student record" has not been well defined in provincial legislation, being absent, except for brief references, such as, the need to retain "... registers and other school records ..." (Public Schools Act). Regulations under the acts as well as provincial guidelines similarly avoid defining the record, leaving such definitions to be derived by local school systems. Unfortunately, these systems also avoid necessary definition, preferring at most to specify only the record elements or the purposes of information to be included. This provides an unsatisfactory conceptual basis for the construction of policy to serve students, schools, and school systems. Not only is legislation that would provide "protection of the law" lacking in most provinces but the record is frequently ill defined.

If provincial legislation provides inadequate guidance to the practitioner, is the student protected by statements of local system policy? To determine this, we tabulated frequencies of explicit references to the 31 specific issue areas listed in Table 1. We found these references in professional codes of ethics, in provincial legislation, regulations, and guidelines, and in local school system policies, directives, and guidelines. A maximum of one reference per system in each of seven categories (i.e. 210 references) were possible for each issue area. Minimal control of an issue area would require at least one reference (either provincial or local), a policy, directive or guideline statement in each of the 30 systems visited (see Table 1).

Even the minimal level of control is lacking. No issue area has an average of even one reference per system, i.e. 30 references. Some issue areas are almost void. Only references to "Contents of the record" and to "Transfer-in-province" exist in more than 25 systems.

Further examination of the data revealed that 1/some issue areas, for example, Confidentiality affirmed by personnel and logs of dissemination, are essentially unregulated, 2/some issue areas are effectively regulated in a school system while in the same system other area are unregulated, 3/there is little uniformity in the location of explicit regulations, i.e. references to one issue area may be found in a local policy, in a provincial regulation, in both or in neither, and 4/the existence of a provincial statement on one issue area does not mean that the local system under its jurisdiction has policy that is consistent with the provincial policy.

In Canada, one does not expect uniformity of treatment of any

TABLE 1  
Incidence in 30 School Systems of Records Being Governed by Legislation, Regulation, Policy, Directive, or Guideline of Provincial or Local Government, or by Code of Ethics, by Issue Area

| Issue area                            | No. of systems where records are governed by: |            |           |              |           |           | Code of ethics | Total number of references |
|---------------------------------------|-----------------------------------------------|------------|-----------|--------------|-----------|-----------|----------------|----------------------------|
|                                       | Provincial Legislation                        | Regulation | Guideline | Local Policy | Directive | Guideline |                |                            |
| Definition                            | 5                                             | 10         | 2         | 2            | 2         | 2         |                | 13                         |
| Purpose                               |                                               | 5          | 10        | 2            | 2         | 2         |                | 21                         |
| Responsible official to control       | 5                                             | 5          |           | 3            | 3         | 1         |                | 17                         |
| Confidentiality specified             | 10                                            | 5          | 6         | 2            | 3         | 2         | 2              | 23                         |
| Confidentiality affirmed by personnel |                                               | 5          |           |              | 1         | 1         |                | 7                          |
| Collection – what to be collected     |                                               | 9          |           | 1            |           | 1         |                | 11                         |
| Consent required                      |                                               |            |           |              |           |           |                |                            |
| – direct                              |                                               | 5          | 8         |              | 2         | 1         |                | 16                         |
| – representational                    |                                               |            | 8         | 1            | 2         | 1         |                | 12                         |
| Contents of the record                |                                               | 10         | 8         | 1            | 5         | 4         |                | 28                         |
| Maintenance                           |                                               |            |           |              |           |           |                |                            |
| – accuracy                            |                                               |            | 4         | 1            | 2         | 3         |                | 10                         |
| – timeliness                          |                                               |            | 4         | 2            | 3         | 3         |                | 12                         |
| – disposal                            |                                               | 5          |           | 2            | 3         | 1         |                | 11                         |
| – period of retention                 |                                               | 10         |           | 1            | 5         | 2         |                | 18                         |
| Corrections and revisions             | 5                                             | 5          | 4         | 1            | 1         | 1         |                | 17                         |
| Appeal procedures                     | 5                                             |            |           |              | 2         |           |                | 7                          |
| Security                              |                                               | 5          | 6         | 1            | 4         |           |                | 16                         |
| Location                              |                                               |            | 6         |              | 4         | 1         |                | 11                         |

TABLE 1 (Concluded)

| Issue area        | Provincial<br>Legislation | No. of systems where records are governed by: |           |                 |           |           | Code of<br>ethics | Total<br>number of<br>references |
|-------------------|---------------------------|-----------------------------------------------|-----------|-----------------|-----------|-----------|-------------------|----------------------------------|
|                   |                           | Regulation                                    | Guideline | Local<br>Policy | Directive | Guideline |                   |                                  |
| Access            |                           |                                               |           |                 |           |           |                   |                                  |
| – student/parent  | 5                         | 5                                             | 4         | 4               | 4         | 2         |                   | 24                               |
| – other           |                           | 5                                             | 6         | 4               | 4         | 4         |                   | 23                               |
| – conditions      |                           | 5                                             | 4         | 1               | 3         | 3         |                   | 16                               |
| – degree          |                           | 5                                             | 4         |                 | 3         |           |                   | 12                               |
| – consent process | 5                         |                                               |           |                 |           | 2         |                   | 7                                |
| – log             |                           |                                               | 4         | 2               |           | 1         |                   | 7                                |
| Dissemination     |                           |                                               |           |                 |           |           |                   |                                  |
| – to whom         | 5                         | 5                                             | 4         | 2               | 3         | 2         | 3                 | 24                               |
| – conditions      |                           | 5                                             | 4         | 1               | 3         | 2         |                   | 15                               |
| – degree          |                           |                                               |           | 1               | 1         |           |                   | 2                                |
| – log             |                           |                                               |           | 1               |           |           |                   | 1                                |
| – consent         | 5                         | 5                                             | 4         | 5               | 5         | 1         |                   | 25                               |
| Transfer          |                           |                                               |           |                 |           |           |                   |                                  |
| – local procedure |                           |                                               | 10        | 3               | 5         | 4         |                   | 22                               |
| – in-province     |                           | 10                                            | 6         | 4               | 4         | 3         |                   | 27                               |
| – out-of-province |                           | 10                                            | 4         | 4               | 4         | 2         |                   | 24                               |

educational issue; however, it is alarming to find a frequent lack of direction in some areas and an almost total lack of direction in others, concerning a topic such as the privacy of student information. This is a particular concern where substantial numbers of students move from one jurisdiction to another. Variability among jurisdictions and lack of explicit policy make it extremely difficult for the student to obtain a consistent treatment of information.

#### INFORMED CONSENT TO AVOID "ARBITRARY INTERFERENCE WITH HIS PRIVACY, FAMILY"

Invasion of privacy could largely be avoided if students or parents were asked to provide their consent prior to the collecting of data. Such consent would need to be based on an understanding of the implications of such consent and should specify what was to be collected, how it was to be used, how it was to be maintained, how long it would be kept, and how it would be disposed of. Of 30 systems, only 16 had "policy" statements that referred to direct consent procedures and 12 to representational consent. Twelve systems did not require nor even suggest consent should be obtained. Of those systems that mention consent (either direct or representational), only two have policies requiring consent, while seven operate on the basis of regulations. Clearly, most student information is collected in Canada without the consent of either the subject or his representative. It should be noted, however, that many systems operate with a clear understanding that before individual assessment can be undertaken, the consent of the parent must be obtained.

#### SECURITY AGAINST ACCESS AND DISSEMINATION

To ensure their security, one would expect records to be kept under conditions which 1/exclude unauthorized access 2/control the conditions under which authorized personnel use records, and 3/control the dissemination of data from the record. Present practices for retaining student data, frequently in unlockable file cabinets in elementary school offices or classrooms, provide little assurance of security. Secondary schools, having more adequate resources, generally provide better control while central offices of school systems appear to provide adequate security. Policy with regard to location of records is frequently absent in local school systems. Exclusion of those wishing entry to obtain information from the records (or to vandalize them) is clearly inadequate in most schools. Only 24 systems dealt with this issue in policies governing their records; the conditions of access only drew policy from 16 of those systems.

Dissemination is a second area frequently requiring policy. Here the emphasis is on a list of who may receive data and on the need for consent to provide it beyond that list. Conditions imposed on those who receive

data do not receive much emphasis in policy documents. In fact, interview data suggested that individuals holding student data took the legitimacy of their providing data for granted and relied more upon their professional judgement rather than on policy for guidance. It is clear from this survey that security of data in student records suffers from a lack of consistent development of policy and enforcement of that policy where it is present. This condition may be related to the lack of a senior official to assume responsibility for administering the record in the local school system.

**HIGH QUALITY DATA ESSENTIAL TO EDUCATION "DIRECTED AT THE FULL DEVELOPMENT OF THE HUMAN PERSONALITY"**

Article 26 of the Declaration of Human Rights calls on signatories to provide education "directed at the full development of the human personality." Earlier, I outlined some of the uses to be made of student data. Certainly, high quality data are critical to developing the infrastructure necessary to accomplish such a goal. Furthermore, a wide range of data is likely to be necessary to fulfill such a mandate. Do Canadian school systems collect appropriate data on students and are the data they collect adequate to their purposes?

Over 650 different types of data were collected by these surveyed Canadian schools. Data ranged from marks on teacher-made tests in mathematics to comments by social workers about the home life of a student. Some data were objective, and others clearly subjective. Some data were reliable and others were of doubtful reliability. Some data were collected using valid tests; others originated from sources of unknown validity. On the whole one would be hard pressed to characterize the data maintained in many student files. Furthermore, the accuracy of much data is suspect. Many school systems have no procedures for checking the accuracy of student data. Where procedures existed, students often were relied on to discover errors and to have them corrected. While this may prove to be a sound basis where computer feedback documents are produced it is unsound if students do not have access to files or to marks entered into permanent records by hand. In short, few schools had systematic procedures to ensure accuracy.

If data are to be collected they must serve a useful purpose, but data that are inaccurate obviously cannot be used with confidence. Data that are unreliable will not lead to reliable conclusions. Data that are invalid or incomplete will result not only in poor decisions, but in wrong decisions. Processes currently employed are inadequate to provide the quality of data needed by practitioners, planners, and managers in their quest to provide education directed to the full development of the human personality.

## SUMMARY AND CONCLUSION

Royal Commission reports, statements of prominent citizens and manifestos of professional organizations frequently call for recognition of the rights of children to enjoy privacy and to benefit from high quality education. International support for these rights stated in the Universal Declaration of Human Rights suggests a willingness to transform these brave words into deeds. But acting on these declared principles in schools will occur only when practitioners understand the issues, recognize the dangers of indifference, and appreciate the advantages of effective implementation. Canadian school systems have the power to implement systems for effective data management that will ensure the provision of appropriate information for system needs and effective procedures for the protection of their children-clients. Failing such implementation, they can do no less than to adopt policies that enable their clients to protect themselves.

This analysis has been limited to an examination of the policy provisions necessary for the administration of student data and information. Other sources might be consulted in a consideration of the specific issues related to the student information. How should student records be organized for effective control of data (Humphreys, 1980, pp. 71-79)? What ethical considerations must guide the research use of student data (Ruebhausen and Brim, 1965)? What might we expect in a future information society (Beer, 1975, p. 219-271)? Each of these questions is important. Recent developments in computer technology led Beer (1975, p. 362) to claim that "... in future liberty will be all about ... the design of hierarchies of filters intended to safeguard the rights of the individual." While schools are only at the beginning of computerization, they must now consider policy to deal with the future.

Protection of students through legislation was found to be lacking in all provinces but Ontario. Regulation governing student records was lacking in all provinces but Ontario and Quebec. Only a small minority of school systems had adequate policies, while many had neither policy nor guidelines to supplement the paucity of provincial legislation. When explicit policies did exist, at either the provincial or local level, administration of the records frequently operated independently of those policies.

Seldom did school systems obtain consent to collect data on students whether through direct or representational means. Clearly, students and their families were unable to control information developed in Canadian schools in either collection, maintenance or dissemination. Protection of privacy by the law (or by explicit policy) appears to be lacking for a large number of Canadian students.

Furthermore, policy at the provincial and local level fails to provide assurance of the quality of data collected on students. The specification, verification, validation, and correction of data were largely absent from

system information policies. Seldom did explicit policy or regulations require systematic or periodic examination of data. Records were infrequently checked for completeness, accuracy, validity, reliability, or timeliness. Only where major computerized systems existed did such checking appear to be routine. As a consequence, confidence in the data in student records was seldom high. Student data could not be characterized as appropriate to the provision of education to fully develop a student's personality.

The existence of explicit policy will not guarantee the implementation of appropriate information practices. Similarly, the lack of such policy will not necessarily result in improper information practices. In fact, there are only a small number of documented cases of improper use of student information in Canada. There is, however, a growing number of legal battles over issues of student information and privacy in the United States. Can Canada be far behind?

The lack of explicit policy implies a lack of commitment to the issues of student information practice. We suspect that lack of policy leads to a lack of resource allocation; a lack of guidance for teachers and principals as to what data is appropriate to retain and how it should be managed; a lack of appropriate public expectations as to how professionals will deal with student information; lack of sensitivity to the issues of privacy and confidentiality; and a lack of important information to meet the needs of professional personnel. Teachers and principals would surely welcome clarity of policy in this area and the resources to provide protection for students and parents. Absence of explicit policy and procedures makes it difficult for the student to know what he might expect and what he has a right to expect concerning his personal records. Awareness of one's rights is, after all, critical to exercising them. Upholding the rights of students is difficult if the public is unable to obtain explicit statements of the policies and processes that are employed by schools, school systems, and provincial governments. It is incumbent upon school personnel to provide the means whereby students and parents may judge whether they are receiving proper treatment from officials.

Universities, colleges, and school systems in the U.S. have become increasingly involved in litigation over the rights of privacy. Recent legislation has significantly affected administrative practice (Chase, 1975, pp. 27-32). The Secretary's Advisory Committee on Automated Personal Data Systems has suggested the implementation of a "Code of Fair Information Practice" which would be enforced by the courts (U.S. Dept., 1973). Each of these thrusts attempts to control the abuse of student information by practitioners. Litigation, accompanied by imposed policy, can hardly be in the interests of either student or administrator. Recognition of the obligations implicit in the Declaration of Human Rights through the development and enforcement of effective policy would seem to be a more desirable course.

## NOTE

- <sup>1</sup> The author acknowledges the inclusion of this table from E. H. Humphreys, *Privacy in Jeopardy*. Toronto: OISE Press, 1980, p. 43.

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