



GORDON THOMAS

Q: I accepted a position as principal of a school. I am new to the school and do not know my staff. Can I review their personnel files?

A: Whenever a principal uses the information in the custody or under the control of the board, he or she must do so only for those reasonable purposes for which the information was collected or with the teacher's consent (see section 39 of the *Freedom of Information and Protection of Privacy Act* {FOIP Act} below).

Your purpose for reviewing the files might be to assign duties, build schedules, familiarize yourself with return-to-work accommodations, or other purposes directly related to the administration of the staff. For these

purposes, a review would be legitimate. If, however, the review is out of personal curiosity or for any purpose not related to your administrative mandate, then the review is ill advised, at best, and potentially in violation of section 39 of FOIP, at worst. One would not rely on information in the teacher file to initiate an evaluation or to take disciplinary action as this would require a direct supervisory role at the time the issues arose.

If you elect to review the district personnel files,

- preserve the confidentiality of the files' contents,
- protect the records from unauthorized access at all times,
- do not remove anything from the files or amend any content,
- do not photocopy or otherwise reproduce any content in the files and
- do not remove the personnel files from the district office.

Understand that both the files and any notes you make regarding the files

are subject to a FOIP request for access. Determine if notes are necessary. Ensure that any notes you create are secured and kept confidential.

Consider informing the staff that you are planning to review their personnel files and invite them to review their individual files with you. You must be able to justify reviewing the personnel files if you are challenged.

[Section 39](#) of the *FOIP Act* sets out how personal information may be used.

In [section 39](#)(1)(a) and (b), information may be used as follows:

39(1) A public body may use personal information only

(a) for the purpose for which the information was collected or compiled or for a use consistent with that purpose

(b) if the individual the information is about identified the information and consented, in the prescribed manner, to the use (see [section 6](#) of the FOIP Regulation)