

## **Administrative Procedure 322**

# **SCHOOL COUNSELLOR RECORDS**

### **Background:**

School counsellors are privy to personal information from students in a setting where confidentiality is required. LPSD students are entitled to a high level of privacy concerning statements made to a school counsellor. A request for release of information contained in the files of school counsellors will be handled in accordance with the Local Authority Freedom of Information and Protection of Privacy Act of Saskatchewan (LAFOIPP) and the Education Act of Saskatchewan.

### **Record Keeping and Maintenance:**

School counsellors are required to maintain records to track the sequence and nature of the services provided within a counselling relationship. Information collected for such records is maintained and controlled in a responsible and efficient manner that is governed by strict rules of confidentiality.

1. The school counsellor shall keep accurate and objective records in sufficient detail to track the sequence and nature of personal counselling sessions (with the exception of career/guidance);
2. Records shall be kept in a secure location under lock and key separate from student cumulative records;
3. Records may be written, recorded, computerized, or maintained in any other medium as long as the security and confidentiality are assured;
4. Records must be stored until the year the child turns age 25 (see Saskatchewan Ministry of Education, *Records Retention and Disposal Guide for Saskatchewan School Divisions*). Upon graduation student counsellor records can be stored together by year of birth, sealed and marked on the outside for year of disposal.

### **Access and Release of Records:**

1. School counsellors must be aware of government legislation in relation to written or electronic records as outlined in The Local Authority Freedom of Information and Protection of Privacy Act of Saskatchewan (LAFOIPP).
2. Students have a right of access to view their counselling records and may request to view in consultation with school counsellor or administrator.
3. Access to records by a parent/guardian should be evaluated individually and decisions should be supported by the best interests of the child, school division policy, and privacy laws. It must be deemed to not be an unreasonable invasion of the child's privacy.
4. A request for access to counselling records for anyone other than the student must be directed to the Superintendent of Administration and will be handled in accordance with LAFOIPP as per Administrative Procedures 180 and 320. If the school counsellor is not certain how to proceed or respond to a request for personal records of students, s/he should consult with the Superintendent of Student Services or the Superintendent of Administration.

#### **Transfer of Records:**

1. When a school counsellor leaves a school, the counseling records are transferred to the school counsellor's successor. The files records are property of the school division.
2. When a student transfers or transitions to another school within the school division, counseling records shall be summarized in report format containing factual information useful to the ongoing support of the student and this report is to be transferred to the new school. Personal notes are applicable to the current counsellor only and should be shredded when the student leaves the school.
3. When a student transfers outside of the school division and, in the best interest of the student and in the opinion of the school counsellor, the student requires ongoing support the school counsellor will make a reasonable attempt to contact the receiving school. To assist the student with building a positive relationship with the school counsellor at the receiving school, this transfer will be conducted with informed consent with the student whenever possible.
4. Form 322-1 will be inserted in the cumulative file indicating that further support for the student is recommended.

**Confidentiality:**

Confidentiality is the obligation to protect information obtained during counselling. Confidentiality is crucial to establishing and maintaining a strong counsellor-student relationship.

Therefore, the school counsellor shall attempt to obtain the consent of the student before divulging information received during counselling, however in the best interest of the student, the counsellor may share information on a need to know basis in the following circumstances:

1. Child Protection
2. The school counsellor who has reason to believe that a child is or might be in need of protection shall forthwith report the information to the appropriate authorities in accordance with legal obligations pursuant to child protection legislation.
3. Potential Harm
4. If behavior of the student threatens potential harm to self or others, the school counsellor shall take appropriate action to protect the student and/or others.
5. Legal Action
6. The school counsellor may be required by the courts to release all counselling records and relevant information.
7. Consultation and Collaboration
8. The school counsellor may consult and collaborate with other professionals for purposes of more effectively helping the student. The school counsellor shall share only such information that will serve the best interests of the student.

**Reference:**

Section 85, 87, 108, 109, 175, 231 Education Act of Saskatchewan  
Local Authority Freedom of Information and Protection of Privacy Act of Saskatchewan  
Saskatchewan School Counsellors Association: *School Counsellor's Handbook*

**Adopted:**

September 2013

**Revised:**

December 2017