



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **EDUCATION ACT STUDENT RECORDS REGULATIONS**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to August 20, 2016. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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**EDUCATION ACT**  
**Chapter E-.02**

**STUDENT RECORDS REGULATIONS**

Pursuant to section 107 of the *Education Act* R.S.P.E.I. 1988, Cap. E-.02, Council made the following regulations:

**1. Definitions**

In these regulations,

- (a) “**Act**” means the *Education Act* R.S.P.E.I. 1988, Cap. E-.02;
- (b) “**examine**” means to personally inspect or review a student record or to receive an oral description or review of a student record;
- (c) “**student record**” means a collection of information directly related to a student that is created and maintained by an education authority. (*EC532/16*)

**2. Student record**

- (1) A student record that an education authority is required to create and maintain under section 58 of the Act for each student enrolled in a school operated by the education authority shall be in a paper, electronic or other form that the education authority considers appropriate.

**Contents of student records**

- (2) A student record shall include, but is not limited to, the following information:
  - (a) the student’s
    - (i) legal name,
    - (ii) gender,
    - (iii) provincial student number,
    - (iv) date and place of birth,
    - (v) residence address and telephone number,
    - (vi) current grade and school attended;
  - (b) the name, residence address and telephone number of each of the student’s parents;
  - (c) the student’s academic achievement and attendance records;
  - (d) the student’s academic support information, including
    - (i) psychometric information,
    - (ii) health status and medical conditions, and

- (iii) other health-related information as requested by the parent of the student;
- (e) other information respecting the student, as required by the student record policy of the education authority.

#### **Examination of student records**

- (3) For the purposes of section 60 of the Act, a person who is authorized by that section to examine a student record may examine the record by being provided with
- (a) access to the record or part of the record; or
  - (b) a copy of the record or part of the record,
- in accordance with the policy and procedure respecting the examination of student records established by the education authority.

#### **Notation of person who accessed record**

- (4) The education authority shall make a notation in each student record that lists all persons or agencies, other than instructional personnel employed by the education authority, who have examined the student record. (EC532/16)

### **3. Education authority policy**

- (1) An education authority shall establish policies and procedures respecting
- (a) the security of the information contained in student records during active use and during their retention and storage;
  - (b) the regular review of active student records for the removal of material that is no longer considered conducive to the improvement of the instruction of the student;
  - (c) the transfer of student records between schools;
  - (d) the safe and secure storage and retention of student records;
  - (e) the examination of student records;
  - (f) the retention and disposal of student records in accordance with these regulations and the *Archives and Records Act* R.S.P.E.I. 1988, Cap. A-19.1.

#### **No disposal of student records**

- (2) An education authority shall not dispose of a student record unless
- (a) in the case of information specified in clauses 2(2)(a), (b) and (c), the record has been retained for a period of 55 years after the date student attained the age of 18 years;
  - (b) in the case of information specified in clauses 2(2)(d) and (e), the record has been retained for a period of 21 years after the date the student attained the age of 18 years; and
  - (c) the disposition of the record is authorized under the *Archives and Records Act*.

#### **Destruction of student records**

- (3) An education authority shall, when disposing of a student record, ensure that the disposition is carried out in a manner that ensures the confidentiality of the information contained in the student record. (EC532/16)

### **4. Revocation**

The *School Act* Student Records Regulations (EC484/98) are revoked. (EC532/16)

