

The Right to Privacy

Teacher's Guide





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IMPORTANT NOTICE

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Presentation of the Activity

What you need to know	During this activity, the students will debate the right to privacy based on scenarios related to school and work.
Target group	Secondary I students
Summary	<p>This activity will enable students to discover the following legal concepts:</p> <ul style="list-style-type: none">• The right to privacy:<ul style="list-style-type: none">– Searches at school– Camera surveillance of employees– Access to videos recorded on a phone <p>For each scenario, the students will provide their opinions, reflect on arguments, and participate in a debate.</p> <p>Each of the three scenarios can stand alone, and teachers can use all of them or just the one(s) they choose.</p>
Objectives	<ul style="list-style-type: none">• Reflect on the right to privacy at school and at work.• Develop an argument to be used in a debate.



Knowledge and competencies	<p>Culture and Citizenship in Quebec – Secondary I</p> <p>Theme (Cultural reality): Collective life and public space</p> <p>Main concepts: Public space and private space</p> <p>Compulsory concepts: Shifting boundaries between the public and private</p> <p>Competency 2: Reflecting on ethical questions:</p> <ul style="list-style-type: none">• Examining a variety of points of view:<ul style="list-style-type: none">– Considering points of view and experiences– Comparing reference points– Evaluating reasoning
Duration	A period of 75 minutes per scenario
Material	<ul style="list-style-type: none">• One copy of the Teacher’s Guide• One copy per student of the Student Workbook• The Slide Show



Preparing the Activity

Become familiar with the Teaching Kit

- Read the **Student Workbook**, the **Slide Show**, and this document (**Teacher's Guide**).
- Choose one or more scenarios for the students to debate.

Preparing the material

- An interactive whiteboard for the **Slide Show**, or any other suitable device
- Print the copies of the **Student Workbook** with the scenario(s) chosen (one copy per student)
 - Important: The three scenarios are presented in the same document, so print only the scenario(s) chosen.

What Happens During the Activity

Introduction to privacy

Ask the students for examples of situations related to the right to privacy. They should write their examples in the **Student Workbook**, p. 4. Examples of answers: Personal information, emails, personal photos and videos, etc.

10
minutes

As a class, read the description of the right to privacy in the **Student Workbook**, p. 4.



Right to privacy: The right to keep some information or aspects of one's life to oneself, without others interfering without permission, whether by looking at or controlling that information or those aspects.

Explain to the students that, in Quebec, this right protects, among other things:

- confidential or personal information (such as your address, passport, health, and romantic life),
- your choices and what you do at home or in your personal life (such as what you wear, where you live, or the texts you send),
- your image (in general, your photo cannot be published without your consent),
- your home and personal belongings (no one can enter your home and take anything without permission).

This right is recognized in several laws, such as the *Civil Code of Québec* and the *Charter of Human Rights and Freedoms*.

But the right to privacy is not absolute. The law sometimes allows people or organizations to infringe on it – in a minimal way – for clearly defined reasons. Two examples:

- In the context of a police investigation, taking a person's photograph for police records is permitted.
- A school has the right to impose a dress code on its students, in accordance with the school's orientations and its objectives, to promote academic success.



Analysis of the scenario

Read the scenario with the students, then ask them to write their initial opinion in their workbooks by answering the reflection questions.

Review the reflection questions to ensure students understand them.

Give the students time to complete the questions.

15
minutes

Debate

Explain the steps in the debate. For example, you could:

35
minutes

- 1 Divide the students into 2 teams and assign each team a position to defend.
- 2 Allow the teams 5 minutes to discuss their ideas.
- 3 Start the debate.
 - Ask one team to take the floor and present the first argument. You could display a stopwatch.
 - Then give the floor to the other team. They can respond to the first team's argument or present a new argument.
 - Continue the debate, alternating between the teams. Encourage the students to make connections with the ideas already mentioned. Ideally, a different student would speak each time a team takes the floor.
- 4 About 5 minutes before the end of the debate, ask one student per team to summarize the main arguments supporting their team's position.

Review of the debate and what the law says

15
minutes

Ask the students to write their final personal opinion in their **Student Workbook** following the debate. Their position does not have to be the same as the one taken during the debate. You could ask the students to vote by a show of hands to determine the majority position in the class.

With the students, read the information in the **Slide Show** on what the law says. Explain the more detailed legal information presented in this guide. The students should note the key legal information in their workbook.

As a class, share final impressions of the debate and/or the legal concept.

Presentation of the Scenarios

1. Searches at School



Search: The act of inspecting a person (body, clothing, etc.) or their personal belongings (bags, car, etc.) to look for evidence relating to an offence or a violation of rules.

1.1 Context

There are rumours circulating that some students are bringing drugs to school with them. In some instances, it's for personal use, but some of the students are selling drugs. The school administration has become aware of the situation.

Now, new rumours are circulating that all students' lockers will be searched, and sniffer dogs will be in the hallways and the cafeteria at lunchtime to find the guilty parties. There's growing protest against these possible measures.





DEBATE QUESTION

Should the school administration have the right to search the contents of all the students' lockers and bags at any time?

1.2 Reflection questions

Before the debate

- 1) Do you think the school administration should have this right? Explain your answer.
- 2) Find at least three arguments supporting that school administration should be allowed to search the students' lockers and bags.
- 3) Find at least three arguments supporting that the school administration should not be allowed to search the students' lockers and schoolbags.
- 4) Do you think searching your locker or bag violates your right to privacy? Why?
- 5) Assuming the school administration has the right to search students' lockers and bags, do you think it should have the right to search them at all times? If not, under what conditions should it be allowed to conduct a search? Explain your answer.
- 6) Do you think the use of sniffer dogs in a school's hallways to detect the presence of drugs violates students' right to privacy? Explain your answer.
- 7) If, instead, there were rumours that some students had weapons, not drugs, do you still think the school administration should—or should not—have the right to search lockers and bags? If so, under what conditions?
- 8) Below, write any other ideas you may have to help prepare for the debate.

After the debate

- 1) Now that the debate is over, is your answer to the first question still the same? If not, which arguments influenced you to change your opinion? Explain your answer.

1.3 What the law says

Explain the legal rules to the students using the slide show and the following additional information:

The role of the school administration and staff in applying school rules gives them the right to search students, their bags, their lockers, and their personal belongings, but not under any circumstances.

The school administration and staff must ensure order and discipline among students on school premises, just as they must monitor and educate the students under their care. Parents also expect the school to take action if the safety and well-being of their children are threatened. That's why the school administration and staff can, under certain conditions, search a student to ensure compliance with school rules and the law, including those prohibiting the presence of drugs and weapons.



Reasonable ground: A non-frivolous, credible reason that demonstrates common sense. Reasonable grounds are not just rumours, intuition or something based on prejudice.

For example, there's a reasonable ground if the information comes from a student who is considered credible or from several students. There's also a reasonable ground if a member of the staff or administration observed something suspicious. A combination of these different elements can also constitute a reasonable ground.

For a search by the school administration or staff to be legal, there must be reasonable grounds to believe that a law or school rule was broken and that searching the student or their personal belongings will prove it. This same rule applies to searches using sniffer dogs.

The school administration must always evaluate whether the information or observations reported are credible, taking into account the school's environment.

The search itself must be conducted in a reasonable manner, that is, as sensitively and non-invasively as possible under the circumstances.

We recommend you read our article: [Searches at School | Éducaloi](#)

2. Camera Surveillance of Employees

Time theft can take various forms. It can be:

- time spent on personal activities during work hours,
- longer breaks than provided for,
- falsification of timesheets.



Time theft: A term sometimes used in the workplace to refer to a situation where an employee is paid for time not actually worked.

2.1 Context

Ludovic works as a salesperson in a store. Cameras are installed throughout the store to ensure security and reduce theft.

After three months on the job, Ludovic is called in by his supervisor for a first job evaluation. While the supervisor's comments about Ludovic are generally positive, she has some criticisms. She tells him to make sure he does not commit time theft. Some of his breaks are too long, he sometimes uses his cell phone during work time, and he talks about personal matters with other employees when he is supposed to be working. These incidents were carefully recorded and dated.

Ludovic is shocked by these criticisms. The supervisor explains to him that she regularly looks at the cameras to check if her employees are working as they are supposed to. She warns him to turn things around quickly and that she'll be keeping a close eye on his work.



DEBATE QUESTION

Can an employer use security cameras to regularly monitor their employees' work?



2.2 Reflection questions

Before the debate

- 1) Do you think that employers and their representatives, like supervisors, should have the right to use cameras to monitor their employees? Explain your answer.
- 2) Find at least three arguments supporting that employers should be allowed to use security cameras to monitor their employees.
- 3) Find at least three arguments supporting that employers should not be allowed to use security cameras to monitor their employees.
- 4) Do you think that camera surveillance in the workplace violates employees' right to privacy? Explain your answer.
- 5) Assuming the employer does have the right to use cameras to monitor an employee, do you think they should be allowed to monitor them all the time? If not, under what conditions should they be able to use cameras to monitor them? Explain your answer.
- 6) Under what circumstances do you think the use of cameras to monitor an employee would be acceptable?
- 7) Under what circumstances do you think the use of cameras to monitor an employee would not be acceptable?
- 8) Below, write any other ideas you may have to help prepare for the debate.

After the debate

- 1) Now that the debate is over, is your answer to the first question still the same? If not, which arguments influenced you to change your opinion? Explain your answer.

2.3 What the law says

Explain the legal rules to the students using the information in the slide show and the following additional information:

In Quebec, time theft is not a clearly defined crime in the Criminal Code or in any other law, but it can be considered a form of fraud, negligence, or breach (also referred to as “non-performance”) of a work contract, especially if it’s intentional, repeated, and continues over time.

Video surveillance by the employer



Management’s right: The right of employers in Quebec to give their employees instructions and to make decisions to ensure that their business is profitable and runs smoothly.

Under this right, employers can supervise their staff to ensure they follow the rules.

But there are limits to this management right. The employer must respect their employees’ rights, such as the right to privacy, the right to fair, safe, and respectful working conditions, and the right to be protected against psychological harassment.

Courts have recognized that employees should have lower expectations of privacy in the workplace (except in places like bathrooms, locker rooms, and break rooms), but this does not mean the right to privacy does not exist.



Therefore, an employer does not have the right to monitor an employee at all times and without reason. Camera surveillance is permitted only if all of the following conditions are met:

- There's a real, serious, and ongoing problem (for example: time theft, theft, or vandalism).
- Installing cameras will likely resolve the problem.
- The cameras are installed where the problem is occurring.
- Insofar as possible, the employer's monitoring must limit violations of employees' rights (for example, no constant monitoring, not in private locations, etc.).

For example, employers are permitted to install cameras to monitor the comings and goings of vehicles and people for security reasons, provided the cameras are not permanently pointed at employees at their workstations.

It's prohibited to use cameras primarily to monitor employee performance or productivity, or to look for reasons to punish them. This applies even if the camera was initially installed for another reason, such as to prevent shoplifting. Monitoring by the employer to criticize employees' shortcomings could create a sense among employees that they're being constantly watched. This could be considered a form of psychological harassment.

Remote work and electronic monitoring by the employer

With remote work, new questions are arising, especially regarding employee productivity.

While privacy expectations are greater at home than at work, the courts have ruled that installing computer security and monitoring software on employees' computers is legal. However, the employer cannot continuously electronically monitor their employees.

We recommend you read our article: [Is my employer allowed to monitor me?](#)

3. Video of an Act of Vandalism

Damaging a bus shelter or writing graffiti on a wall is considered vandalism. Sometimes, vandalism is deemed a crime.



Vandalism: Destruction or defacement of objects, generally works of art or objects in public spaces.



Hate crime or incident: A crime or a non-criminal incident motivated in part or in whole by hate or prejudice regarding:

- race
- national or ethnic origin
- religion
- sex
- sexual orientation
- gender identity or expression
- etc.



Search: The act of inspecting a person (body, clothing, etc.) or their personal belongings (backpack, car, etc.) to look for evidence relating to an offence or a violation of rules.

3.1 Context

When you get to school in the morning, you notice that members of the school administration are inspecting a locker. A homophobic message has been written on it with a permanent marker. Unfortunately, the student using this locker is often the target of insults. The rumour circulating is that some students found it very funny and filmed themselves writing the message. However, nothing was posted on social media. Of course, the rumour has made its way to the principal's office, and she has called this group of friends into her office. The principal wants the video evidence of this act of vandalism.





DEBATE QUESTION

Should the school administration have the right to search the students' cell phones?

3.2 Reflection questions

Before the debate

- 1) Do you think the school administration should have this right? Explain your answer.
- 2) Find at least three arguments supporting that the school administration should be allowed to search students' cell phones.
- 3) Find at least three arguments supporting that the school administration should not be allowed to search students' cell phones.
- 4) Do you think that the search of your cell phone is a violation of your right to privacy? Why? What's private on your cell phone?
- 5) Assuming the school administration does have the right to search a cell phone, do you think it should be allowed to search it at any time? If not, under what conditions should it be allowed to do so? Explain your answer.
- 6) If the message was racist, violent, or threatening, would you be open to a phone being searched? If yes, under what conditions?
- 7) If an act of vandalism was filmed on the street, should the police be able to search citizens' cell phones? Explain your answer.
- 8) Below, write any other ideas you may have to help prepare for the debate.

After the debate

- 1) Now that the debate is over, is your answer to the first question still the same? If not, which arguments influenced you to change your opinion? Explain your answer.

3.3 What the law says

Explain the legal rules to the students using the information in the slide show and the following additional information.



Mischief: A criminal offence that includes certain acts of vandalism.

Mischief is committed when someone deliberately:

- breaks or damages something (for example, cuts a lock on a fence, breaks down a door),
- makes something unusable or dangerous (for example, gives someone a flat tire),
- prevents access to or use of a place (for example, participating in a human barricade to block access to a road),
- prevents people from using or enjoying a place (for example, making noise with the goal of disturbing neighbours when they are home).

We recommend you read our article: [Vandalism and Mischief | Éducaloi](#)



Hate crime or (non-criminal) hate incident: An act motivated in part or in whole by hate or prejudice regarding:

- national or ethnic origin
- language
- skin colour
- religion
- sex
- age
- mental or physical disability
- sexual orientation
- gender identity or expression
- any other similar factor



Here are a few examples of hate crimes or incidents:

- Attacking a person because they are trans is a hate crime (assault),
- Bullying someone on social media because of their religion or making offensive jokes about the colour of their skin is a hate incident.

Hate crimes and incidents affect not only the victims but also the entire targeted community. They can lead to members of the community fearing that they will be targeted by other acts or behaviour.

With regard to searches, the role of the school administration and staff in applying the school's rules gives them the right to search students, their bags, their lockers, or their personal belongings, but not under all circumstances.

And cell phones?

Today, smart phones are almost as powerful as computers. They contain a lot of personal and private information. Therefore, searching a cell phone is a serious invasion of a student's privacy.

The Supreme Court of Canada has imposed very strict rules governing police searches of cell phones. These rules are stricter than the ones police must follow to search other items without prior court permission. But the courts have not yet clearly studied the search of cell phones in schools.

At present, a school administration searching a student's cell phone is treated the same way as the search of a student's other personal belongings, such as their bag or the contents of their locker. Considering the very private nature of the information contained on a cell phone, the search must be conducted with prudence and restraint.

The school administration and staff must ensure order and discipline among students on school premises, just as they must monitor and educate the students under their care. Parents also expect the school to take action if the safety and well-being of their children are threatened. That's why the school administration and staff can, under certain conditions, search a student to ensure compliance with school rules and the law, including those that prohibit the presence of drugs and weapons

For a search by the school administration or staff to be legal, there must be reasonable grounds to believe that a law or school rule was broken and that searching the student or their personal belongings will prove it.



Reasonable ground: A non-frivolous, credible reason that demonstrates common sense. Reasonable grounds are not just rumours, intuition or something based on prejudice.

For example, there's a reasonable ground if the information comes from a student who is considered credible or from several students. There's also a reasonable ground if a member of staff or the administration observed something suspicious. A combination of these different elements can also constitute a reasonable ground.

The school administration must always evaluate whether the information or observations reported are credible, taking into account the school's environment.

The search itself must be conducted in a reasonable fashion, that is, as sensitively and non-invasively as possible in the circumstances.

We recommend you read our article: [Searches at School | Éducaloi](#)



Evaluation (optional)

Conduct a first debate based on one of the scenarios. This debate is not evaluated.

Alternative 1: Evaluate a debate

Conduct a second debate, following the same steps, but based on another scenario. This one will be evaluated.

Evaluate *Competency 2: Reflecting on ethical questions* based on the students' statements during the debate and/or the reflections they write in their workbooks. We recommend using an evaluation grid. An example is provided on the next page.

Alternative 2: Make a poster

Following the debate, the students create a poster summarizing the scenario, the main arguments, and the legal information.

Observation Grid for a debate



Right to Privacy Observation Grid CCQ: Reflects on ethical questions

The right to privacy					
Student's name:	Team:				
Reflecting on ethical questions Evaluation criteria (The student...)	A	B	C	D	E
Demonstrates behaviour that fosters interaction					
Expresses their ideas and points of view					
Makes connections with the ideas or viewpoints of others					

Right to Privacy Observation Grid CCQ: Reflects on ethical questions

The right to privacy					
Student's name:	Team:				
Reflecting on ethical questions Evaluation criteria (The student...)	A	B	C	D	E
Demonstrates behaviour that fosters interaction					
Expresses their ideas and points of view					
Makes connections with the ideas or viewpoints of others					
