

Confidentiality and Privacy Policy

Purpose:

To ensure that confidential information is managed in a manner consistent with community expectations, professional standards and legal obligations.

Guidelines:

- All staff of Wantirna Primary School are required by law to protect the personal information the school collects and holds
- The Victorian privacy laws, the Information Privacy Act 2000 and Health Records Act 2001, and the Privacy and Data Protection Act 2014, provide for the protection of personal information
- The privacy laws do not replace any existing obligations Wantirna Primary School has under other laws
- Essentially this policy will apply when other laws do not regulate the use of personal information

Definitions

Personal information is information or opinion, whether true or not, about a person whose identity is apparent, or can reasonably be ascertained, from the information or opinion – that is recorded in any form. For example, a person's name, address, phone number and date of birth (age).

De-identified information about students can also be personal information.

Health information is information or opinion about a person's physical, mental or psychological health or disability, that is also personal information – whether in writing or not. This includes information or opinion about a person's health status and medical history, immunisation status and allergies, as well as counselling records.

Sensitive information is information or opinion about a set of specific characteristics, including a person's racial or ethnic origin, political opinions or affiliations, religious beliefs or affiliations, philosophical beliefs, sexual orientation or practices; or criminal record. It also includes health information.

Implementation:

Personal Information

Personal Information is collected and used by Wantirna Primary School to:

- Provide services or to carry out the school statutory functions
- Assist the school services and its staff to fulfil its duty of care to students
- Plan, resource, monitor and evaluate school services and functions
- Comply with DET reporting requirements
- Comply with statutory and/or other legal obligations in respect to staff
- Investigate incidents or defend any legal claims against the school, its services or staff

- Comply with laws that impose specific obligations regarding the handling of personal information
- Records will be stored and disposed of in accordance with DET 'General Retention & Disposal Authority for School Records' guidelines

Privacy Principles in the Victorian Privacy Laws

In line with DET, Wantirna Primary School has adopted the Privacy Principles in the Victorian privacy laws as minimum standards in relation to handling personal and health information. In broad terms, this means that the school will:

- collect only information that is required for a specified primary purpose
- ensure that the person supplying the information knows why the information is collected and how it will be handled
- use and disclose it only for the primary or a directly related purpose, or for another purpose with the person's consent (unless otherwise required, permitted or authorised by law)
- store it securely, protecting it from unauthorised access retain it for the period authorised by the Public Records Act 1973, and take reasonable steps to permanently de-identify personal or health information when it is no longer needed
- provide people with access to their own personal information and permit people to seek corrections if necessary. This will usually be handled under the Freedom of Information Act 1982. For departmental services not covered by this Act, access will be available as prescribed by the Victorian privacy laws

What information do we collect?

Our school collects the following type of information:

- information about students and their families, provided by students, their families and others
- information about job applicants, staff, volunteers and visitors; provided by job applicants, staff members, volunteers, visitors and others

How do we collect this information?

Our school collects information in a number of ways, including:

- in person and over the phone: from students and their families, staff, volunteers, visitors, job applicants and others
- from electronic and paper documentation: including job applications, emails, invoices, enrolment forms, letters to our school
- school, consent forms (for example: enrolment, excursion, Student Support Services consent forms), our school's website or school-controlled social media
- enrolment, excursion, Student Support Services consent forms), our school's website or school-controlled social media
- through software used by our school

Why do we collect this information?

Our school collects information about students and their families when necessary to:

- educate students
- support students' social and emotional wellbeing, and health
- fulfil legal requirements, including to:
 - take reasonable steps to reduce the risk of reasonably foreseeable harm to students, staff and visitors (duty of care)
 - make reasonable adjustments for students with disabilities (anti-discrimination law)
 - provide a safe and secure workplace (occupational health and safety law)
- enable our school to:

- communicate with parents about students' schooling matters and celebrate the efforts and achievements of students
- maintain the good order and management of our school
- enable the Department to:
 - ensure the effective management, resourcing and administration of our school
 - fulfil statutory functions and duties
 - plan, fund, monitor, regulate and evaluate the Department's policies, services and functions
 - comply with reporting requirements
 - investigate incidents in schools and/or respond to any legal claims against the Department, including any of its schools

Storing and securing information

- Our school takes reasonable steps to protect information from misuse and loss, and from unauthorised access, modification and disclosure. Our school stores all paper and electronic records securely, consistent with the Department's records management policy and information security standards. All school records are disposed of, or transferred to the State Archives (Public Record Office Victoria), as required by the relevant Public Record Office Standard.
- When using software and contracted service providers to manage information, our school assesses these according to the appropriate departmental processes. One example of this is that staff passwords for school systems are strong and updated on a regular basis, consistent with the Department's password policy.

Updating personal information

- The school aims to keep personal information it holds accurate, complete and up to date
- A person may update their personal information by contacting the Business Manager or Principal and parents/caregivers will be asked to review personal information as soon as any changes occur eg: phone numbers, residential or change of name

Collection of information about Staff

Our school collects information about staff, volunteers and job applicants:

- to assess applicants' suitability for employment or volunteering
- to administer employment or volunteer placement
- for insurance purposes, including public liability and Work Cover
- to fulfil various legal obligations, including employment and contractual obligations, occupational health and safety law and to investigate incidents
- to respond to legal claims against our school/the Department

When do we use or disclose information?

Our school uses or discloses information consistent with Victorian privacy law, as follows:

1. for a primary purpose – as defined above
2. for a related secondary purpose that is reasonably to be expected – for example, to enable the school council to fulfil its objectives, functions and powers
3. with notice and/or consent – including consent provided on enrolment and other forms
4. when necessary to lessen or prevent a serious threat to:
 - a. a person's life, health, safety or welfare
 - b. the public's health, safety or welfare
5. when required or authorised by law – including as a result of our duty of care, anti-discrimination law, occupational health and safety law, reporting obligations to agencies such as Department of Health and Human Services and complying with tribunal or court orders, subpoenas or Victoria Police warrants

6. to investigate or report unlawful activity, or when reasonably necessary for a specified law enforcement purpose, including the prevention or investigation of a criminal offence or seriously improper conduct by or on behalf of a law enforcement agency
7. For Departmental research or school statistical purposes
8. To establish or respond to a legal claim
9. A unique identifier (a CASES21 code) is assigned to each student to enable the school to carry out its functions effectively

Student transfers between Victorian government schools

When a student has been accepted at, and is transferring to, another Victorian government school, our school transfers information about the student to that school. This may include copies of the student's school records, including any health information. This enables the next school to continue to provide for the education of the student, to support the student's social and emotional wellbeing and health, and to fulfil legal requirements.

NAPLAN results

NAPLAN is the national assessment for students in years 3, 5, 7 and 9, in reading, writing, language and numeracy. When a student transfers to another Victorian government school, their NAPLAN results are able to be transferred to that next school. Additionally, a student's NAPLAN results are able to be provided to the student's previous Victorian government school to enable that school to evaluate their education program.

Accessing personal information

- Where consent for the use and disclosure of personal information is required, the school will seek consent from the appropriate person
- In the case of a student's personal information, the school will seek the consent from the student and/ or parent/caregiver, depending on the circumstances. This may depend on the student's mental ability and maturity to understand the consequences of the proposed use and disclosure
- The school will generally seek the consent of the student's parents/caregiver as consent given on behalf of the student
- A parent/caregiver or staff member may seek access to their personal information, provided by them, that is held by the school
- Access to other information may be restricted according to the requirements of laws that cover the management of school records. These include the Public Records Act and the Freedom of Information Act

Collection notices

When our school collects information about you, our school takes reasonable steps to advise you of how the information will be handled. This includes the purpose of the collection, and how to access, update and correct information held about you. For information about students and their families, a collection notice is provided to parents (or students who are mature minors) upon enrolment.

Unsolicited information about you

Our school may receive information about you that we have taken no active steps to collect. If permitted or required by law, our school may keep records of this information. If not, we will destroy or de-identify the information when practicable, lawful and reasonable to do so.

Storing and securing information

Our school takes reasonable steps to protect information from misuse and loss, and from unauthorised access, modification and disclosure. Our school stores all paper and electronic records securely, consistent with the Department's records management policy and information security standards. All school records are disposed of, or transferred to the State Archives (Public Record Office Victoria), as required by the relevant Public Record Office Standard. When using software and contracted service providers to manage information, our school assesses these according to the appropriate departmental processes. One example of this is that staff passwords for school systems are strong and updated on a regular basis, consistent with the Department's password policy.

Updating your information

We endeavour to ensure that information about students, their families and staff is accurate, complete and up to date. To update your information, please contact our school's general office.

Responding to complaints

On occasion, our school and the Department's central and regional offices receive complaints from parents and others. Our school and/or the Department's central or regional offices will use and disclose information as considered appropriate to respond to these complaints (including responding to complaints made to external organisations or agencies).

Find out more about the [privacy complaints process](#).

Accessing your information

All individuals, or their authorised representative(s), have a right to access, update and correct information that our school holds about them.

Access to student information

Our school only provides school reports and ordinary school communications to parents who have a legal right to that information. Requests for access to other student information must be made by making a Freedom of Information (FOI) application through the Department's Freedom of Information Unit (see below). In some circumstances, an authorised representative may not be entitled to information about the student. These circumstances include when granting access would not be in the student's best interests or would breach our duty of care to the student, would be contrary to a mature minor student's wishes or would unreasonably impact on the privacy of another person.

Access to staff information

School staff may first seek access to their personnel file by contacting the principal. If direct access is not granted, the staff member may request access through the Department's Freedom of Information Unit.

Security

- The school will take reasonable steps to protect personal and health information from misuse, loss, unauthorised access, modification and disclosure
- School staff and students will adhere to the DET Information Privacy Policy
- School staff will protect individual's privacy as outlined in Wantirna Primary's Digital Technologies and Acceptable Use Contract when using Digital Technologies provided by the school

Complaints and Breaches



- Any complaints or breaches the school may receive about privacy issues will be investigated by the Principal or delegate and in accordance with DET Privacy Complaints Handling Policy and ensure that it is managed in a manner consistent with community expectations, professional standards and legal obligations

Further information is available at:

- DET Privacy Unit Email: privacy.enquiries@edumail.vic.gov.au
- DET Freedom of Information Unit Email: foi@edumail.vic.gov.au
- DET website <https://www.education.vic.gov.au/Pages/schoolsprivacypolicy.aspx>
- Victorian Privacy Laws Privacy Victoria website: <http://www.privacy.vic.gov.au>
- Knowledge, Privacy and Records Branch: privacy@edumail.vic.gov.au

Evaluation:

Evaluation of this policy will be carried out by the Education Committee as part of the cyclic review process in three years' time or beforehand if a significant issue arises. It will be updated to take account of new laws and technology and the changing school environment when required.

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Author	Education Committee Brogan Badrock, Yvette Preyser, Sue Fergeus, Vicky Blundell
Approved By	School Council
Approval Authority (Signature & Date)	 
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