



### **Rationale**

The Department of Education and Training (which includes all Victorian government schools, central and regional offices) values the privacy of every person and is committed to protecting information that schools collect.

### **Guiding Principles:**

- All staff, service providers (contractors) and agents, (whether paid or unpaid) of the Department, and this Victorian government school (our school), must comply with Victorian privacy law and this policy.
- In Victorian government schools the management of 'personal information' and 'health information' is governed by the Privacy and Data Protection Act 2014 (Vic) and Health Records Act 2001 (Vic) (collectively, Victorian privacy law).
- This policy will be regularly reviewed and updated to take account of new laws and technology and the changing school environment when required. Please ensure you have the current version of this policy.

### **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 preferences or practices; or criminal record. It also includes health information.

### **What information is collected?**

School often collect the following type of information:

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

### **How is this information collected?**

School collect information in a number of ways, including:

- in person and over the phone: from students and their family, staff, volunteers, visitors, job applicants and others
- from electronic and paper documentation: including job applications, emails, invoices, enrolment forms, letters to our school, consent forms (for example: enrolment, excursion, Student Support Services consent forms), a school's website or school-controlled social media
- through online tools: such as apps and other software used by a school
- through any CCTV cameras located at a school.

### **Collection notices**

When schools collect information, schools must take reasonable steps to provide advice on certain matters. This includes the purpose of the collection, and how to access, update and correct information held about a person. For information about students and their families, a collection notice is provided to parents (or mature minor students) upon enrolment.

## Unsolicited information

A school may receive information about a person that they have taken no active steps to collect. If permitted or required by law, the school may keep records of this information. If not, information will be destroyed or de-identified, when practicable, lawful and reasonable to do so.

## Primary purposes of collecting information about students and their families

School collect 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.

## Primary purposes of collecting information about others

Schools collect 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 WorkCover
- 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 is information used or disclosed?

Schools use or disclose 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 person's life, health, safety or welfare
  - 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 statistics purposes
8. to establish or respond to a legal claim.

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.

## **Responding to complaints**

On occasions schools, 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).

## **Accessing information**

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

## **Access to student information**

Wycheproof P12 College 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. 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.

## **Storing and securing information**

Wycheproof P12 College 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 Public Records Office Victoria, as required by the relevant Public Records Office Standard.

When using software and contracted service providers to manage information, schools assess 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**

Wycheproof P12 College endeavours to ensure that information about students, their families and staff is accurate, complete and up to date. To update information, please contact our school's general office.

**Evaluation:** This policy will be evaluated as part of the school's review cycle: November 2021

**Basis of Discretion:** At all times, the DET Guidelines, the needs of the students and the school community will be considered in the implementation of the Privacy Policy.

**This policy was last ratified by School Council:** 21/03/2018