

PRIVACY

POLICY

Policy

Schools must:

- adopt the Department's [Schools' Privacy Policy](#) (see below)
- abide by legislative privacy requirements in relation to how personal and health information is collected, used, disclosed and stored
- be reasonable and fair in how this information is treated, not only for the benefit of staff and students, but also to protect the school's reputation
- abide by freedom of information requirements - for details, see: [Freedom of Information](#)

Note: The school's privacy policy must be provided to anyone who requests a copy.

Legislation

Victorian privacy law applies to all staff, service providers (contractors) and agents, (whether paid or unpaid) of the Department, and covers student records, staff files and information held by the Department and all government schools. The Privacy and Data Protection Act 2014 applies to all forms of recorded information or opinion about an individual who can be identified, including photographs and emails. It establishes standards for the collection, handling and disposal of personal information and places special restrictions on 'sensitive information' such as:

- racial or ethnic origin
- political views
- religious beliefs
- sexual preference
- membership of groups
- criminal record.

The Health Records Act 2001 establishes standards for the collection, handling and disposal of health information including a person's

- physical, mental or psychological health
- disability.

Health information can also include access to health services and the nature of these services; however this type of information does not have to be recorded to be classified as health information.

Objectives and principles

The objectives of privacy laws are to:

- balance the public interest in the free flow of information while protecting personal and health information
- empower individuals to manage, as far as practicable, how personal and health information is used and disclosed
- promote responsible, open and accountable information handling practices
- regulate personal information handling by applying a set of information privacy principles.

Information privacy principles create rights and obligations about personal and health information; however these only apply when they do not contravene any other Act of Parliament. In most cases there will be no contradiction as the relevant action falls within one of the exceptions within the information privacy principles.

School compliance strategies

Some strategies school can implement to ensure compliance with the privacy legislation include:

- nominating a person to manage and review the school's privacy practices
- conducting a privacy audit to determine what information the school collects, how information is used and with whom information is shared
- examining data security arrangements
- ensuring all staff, including volunteers, are aware and compliant with the Schools' Privacy Policy and supporting documents
- treating all privacy complaints in the strictest confidence and seeking advice from the Privacy team as needed, on (03) 8688 7967 or privacy@edumail.vic.gov.au

Privacy exemptions

Personal and health information can be disclosed for a purpose other than for which it was collected and without the person's consent when the disclosure is:

- necessary to lessen or prevent a threat to life, health or safety
- required, authorised or permitted by law or for law enforcement purposes
- used for research or compilation of statistics in the public interest, in certain limited circumstances. Any research in schools must be first approved by the Office for Policy, Research and Innovation.

See: [Conducting Research](#)

Privacy and duty of care

Privacy laws recognise and permit schools collecting, using and disclosing information so that they can comply with their duty of care to students. A key element of duty of care is that the processes and procedures used are documented and records kept.

See: [Duty of Care](#)

Privacy and parents/guardians

To assist decision making about a student's needs, schools inform parents/guardians of the student's academic progress, behaviour, educational options or special educational requirements.

Privacy laws do not restrict this use of the information, as this is the purpose for which it is collected.

Court orders

Unless a court order is made under the Family Law Act, both parents of a student have the same rights to access information about the student. See: [Decision Making Responsibilities for Students](#)

Enrolment information

Schools must:

- provide a privacy collection notice with the enrolment form explaining to the parents and student why this information is being collected, what it is used for, where it might be disclosed and how they can access information held about them
- only use the information collected during enrolment for the purposes that it was collected for. Disclosure for an unrelated purpose requires parental consent or in the case of a secondary student the content of the parent and student, unless the circumstances fall within one of the above privacy exemptions.

See: [Admission](#)

Health information

Health related information can be kept confidential by the principal, or shared with:

- selected staff to the extent they need to know to care for the student, or
- all staff when they need to know in case of emergencies.

Note 1: Counselling services are health services and records are confidential health records. Confidentiality of information disclosed during a counselling session must be maintained unless the student provides consent or the situation falls into a privacy exemption category.

Note 2: Career counselling is not a health service.

See: [First Aid Needs](#)

Transfers

Transferring student information between Victorian government schools is allowed when:

- parents/guardians are informed of the process
- schools meet the Department's standards in transferring files.

Access to information

The privacy laws do not change the individual's right to access their information that is held by a government school. The individual's right to access remains via a request made under the Freedom of Information Act 1982.

Privacy legislation encourages organisations to be open and transparent about what personal and health information they hold about individuals. When it is appropriate schools can provide individuals with informal access to their own personal or health information. However, the person seeking access should make a request under the Freedom of Information Act 1982 if records hold information:

- provided by a third party
- that identifies a third party or
- that may cause harm to the individual or others.

See: [Freedom of Information](#)

Complaints

Individuals are able to raise a complaint about the handling of their own personal information, or the personal information of a child for which they have parental or carer's rights.

When a complaint is made to:

- a school, the principal should attempt to resolve the matter. If needed, regional complaints staff or the Department's Privacy Team can provide the principal with assistance. In all cases, the Privacy Team should be notified of complaints on (03) 8688 7967 or privacy@edumail.vic.gov.au
- to a regional office, they will refer the complaint to the Department's Privacy Team for response.

If a complaint is made to the Office of the Victorian Information Commissioner (OVIC) or the Victorian Health Complaints Commissioner (HCC) these Offices will confirm first that the Department has had the opportunity to respond directly. However if an individual is unsatisfied with the Department's response, they can escalate their complaint to OVIC or HCC.

For more detail on the privacy complaints process, see: [Make a privacy complaint](#)

Related policies

- [Archives and Records](#)
- [Supervision and Access](#)
- [Transfers](#)

Related legislation

- Health Records Act 2001
- Privacy and Data Protection Act 2014

Schools' privacy policy

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.

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 explains how our school collects and manages personal and health information, consistent with Victorian privacy law.

Current version of this policy

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 do we collect?

Our school collects 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 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 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), our school's website or school-controlled social media
- through online tools: such as apps and other software used by our school
- through any CCTV cameras located at our school.

Collection notices

When our school collects information about you, our school takes reasonable steps to advise you of certain matters. 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 mature minor students) 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.

Why do we collect this information?

Primary purposes of collecting information about students and their families

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.

Primary purposes of collecting information about others

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 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 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 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 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.

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 Public Records Office Victoria, as required by the relevant Public Records 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.

More information

[Information for parents](#)

-  [School Privacy Policy—English \(docx - 108.02kb\)](#)
-  [School Privacy Policy—English \(pdf - 228.81kb\)](#)



FOI and privacy

To make a FOI application contact:

Freedom of Information Unit

Department of Education and Training
2 Treasury Place, East Melbourne VIC 3002
(03) 9637 3961

foi@edumail.vic.gov.au

For more information about FOI, see [freedom of information requests](#).

If you have a query or complaint about privacy, please contact:

Knowledge, Privacy and Records Branch

Department of Education and Training
2 Treasury Place, East Melbourne VIC 3002
(03) 8688 7967

privacy@edumail.vic.gov.au

Related pages

- [Our website privacy policy](#)
- [Information privacy policy](#)

Evaluation:

This policy will be reviewed as part of the school's three-year review cycle.

This policy was last ratified by School Council in....

August 2019



Cavendish Primary School is committed to Child Safety – We have a zero tolerance for child abuse.