



INFORMATION & PRIVACY POLICY

Rationale

- The new Schools' Privacy Policy clarifies that all school staff, including Student Support Service Officers, allied health practitioners and teaching staff, may share personal and health information about a student with all other staff who 'need to know' that information, to enable the school to educate and support the student or fulfil legal obligations. The policy and supporting documents are consistent with requirements in Victorian privacy legislation.
- The policy also notes that when a student has been accepted for transfer to another Victorian government school, separate parental consent is not required to share the student's personal and health information with the next Victorian government school. This ensures continuity of appropriate educational services and supports.
- The new Collection notices advise parents/carers that student information will be shared on this 'need to know' basis.
- Collection notices for primary and secondary schools, including enrolment collection notice and enrolment forms, will be provided to families on commencement at school. Parent FAQs can be provided on request.
- Staff FAQs should be circulated and accessible for all school staff, including SSSOs and other allied health practitioners working with schools.
- See: [Schools' Privacy Policy](#)
- Contact the Privacy Team on 8688 7967 or privacy@edumail.vic.gov.au
- Schools must:
 - adopt the Department's [Schools' Privacy Policy](#) (this can be achieved by creating a link to the policy on the school's website)
 - 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](#)

Purpose

- To ensure Wembley Primary School maintains privacy of information.
- To ensure the school is aware of the legislative requirements of the *Privacy & Data Protection Act 2014* and the *Health Records Act 2001* and DET policy and guidelines.

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.

Implementation

- Our school will use the mandatory privacy policy formulated by DET.
- 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:

- for a primary purpose – as defined above
- 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
- with notice and/or consent – including consent provided on enrolment and other forms
- 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
- 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
- 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
- for Departmental research or school statistics purposes
- 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/carers 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 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 \(pdf - 228.81kb\)](#)
- Schools' Privacy Policy translations
- 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
- The school will provide an information and privacy notice to all families on enrolment. For a sample notice, please refer to Appendix A.
- Please refer also to the *Freedom of Information Policy, Admission Policy, Archives & Records Management Policy, Duty of Care Policy, Parental Disputes Policy, Conducting Research Policy* and the *Transfers Policy*.

Evaluation

- This policy, first developed in this format in July 2019, will be reviewed as part of the school's three-year review cycle or if guidelines change (latest DET update late December 2018).

School Council Approval No Longer Required

Reference:

www.education.vic.gov.au/school/principals/spag/governance/Pages/privacy.aspx

Appendix A

The policy applies to all school staff including Principals, teachers, visiting teachers, social workers, wellbeing staff, youth workers, nurses, ESS staff and all other allied health practitioners. This means the 'need to know' framework below also applies to all school staff, whether employees, service providers (contractors) and agents (whether paid or unpaid) of the Department.

Need to know

All school staff can, and must, share information about a student with other staff who 'need to know' that information to enable the school to:

- **educate** the student (including to plan for individual needs or address barriers to learning)
- **support** the student's social and emotional wellbeing and health
- fulfil **legal** obligations, including to:
 - take reasonable steps to reduce the risk of reasonably foreseeable harm to the student, other students, staff or visitors (duty of care)
 - make reasonable adjustments for a student's disability (anti discrimination law)
 - provide a safe and secure workplace (occupational health and safety law).

Deciding who 'needs to know'

Subject to the Principal's direction, each staff member decides who needs to know specific, relevant information about a student, based on the 'need to know' framework.

Sharing relevant information with other staff who 'need to know' is very different from idle conversation or gossip.

School staff are entrusted with a large amount of important information about students. Staff must treat all such personal and health information sensitively and respectfully, and not share it other than on this 'need to know' basis.

What information and records can be transferred to a student's next Victorian government school?

When a student has been accepted at another Victorian government school, the current school can provide personal and health information about the student to that next school.

This can occur in any, and all, of the following ways:

- verbally: principal to principal (or authorised representatives)
- on paper: by providing copies of the student's records (including any health reports) to that next school
- electronically: including through the CASES21 transfer function; the Student Online Case System (SOCS) and/or via email.

Principals (or authorised representatives) determine what information to provide to that next Victorian government school based on the 'need to know' framework:

What information does the next school 'need to know' to properly educate or support the student, and fulfil the school's legal obligations?

'NEED TO KNOW' framework

Duty of Care

A school's duty of care to students means that the Principal or other member of the Leadership Team needs to know about any **reasonably foreseeable risk of harm to anyone** because of the student's behaviour, disability, family circumstances or any other relevant circumstances related to the student.

So, for example, if there is a reasonably foreseeable risk to anyone because the student:

- displays violent behaviours
- is a victim or perpetrator of bullying, assault or age-inappropriate sexualised behaviours
- has emotional, wellbeing or self-harm issues

then staff must inform the Principal (or other member of the School Leadership Team).

The Principal will then share relevant information with any other staff member who needs to know because they work with, or supervise, the student. Staff must provide the Principal with enough relevant information required to adequately fulfil their own duty of care – so that the Principal can fulfil her/his duty of care too.

Importantly, when there is a reasonably foreseeable risk of harm, staff should act on that information and share the information with other staff who 'need to know', even if the student or parent/carer asks that information not be shared.

Anti-discrimination law

A school's obligation to provide **reasonable adjustments** for students with disabilities (regardless of whether they are eligible under the Program for Students with Disabilities) means that relevant information about a student's disability and their needs must be shared with all staff who work with or supervise that student.

This is required to enable the school to make properly informed decisions about what adjustments are reasonable, and then to implement those adjustments.

This may also be required to meet the duty of care to that student (for example, a student with a medical condition who may require treatment).

This means that relevant information must be shared with staff who work with or supervise that student, to enable them to:

- understand the student's disability and how it affects their learning and social or emotional wellbeing
- implement reasonable adjustments at school, including understanding all recommendations made by the student's treating practitioners.

The relevant school policies are followed by school staff when engaging with parents/carers, such as wellbeing and behavior policies. Go to your school's website for relevant policies.

The Principal and Assistant Principal are available to provide further information about school policies and handling of personal information or contact the DET Privacy Officer at privacy@edumail.vic.gov.au