



# Black Hill Primary School Privacy Policy

## **Purpose:**

To ensure Black Hill Primary School maintains privacy and duty of care of information.

- abide by legislative privacy requirements in relation to how personal and health information is collected, used, disclosed and stored
- to ensure individuals' rights are protected in that 'personal information' is collected and used, according to DET guidelines and procedures
- 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
- privacy laws recognise and permit schools collecting, using and disclosing information so that they can comply with their duty of care to students

## **Aims:**

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
- ensure the processes and procedures used are documented and records kept
- regulate personal information handling by applying a set of information privacy principles.
- ensure all staff, including volunteers, are aware and compliant with the school privacy policy
- establish a complaints process in liaison with the regional office
- treat all privacy complaints in the strictest confidence.

## **Implementation:**

Information collected is held both electronically on the secure school network and/or in student files. Types of personal Information that the school collects and holds includes:

Type of information	Method of collection	Where stored	Purpose
Enrolment forms	Parents complete	<ul style="list-style-type: none"> <li>• In school administrative office</li> <li>• DET Online Cases 21 system</li> </ul>	<ul style="list-style-type: none"> <li>• Emergency contact details</li> <li>• Parent and carer personal details</li> <li>• Medical information</li> <li>• Court papers/ Intervention orders</li> </ul>
Digital passwords Usernames Email	Parents School Technician	<ul style="list-style-type: none"> <li>• School network</li> <li>• Google classroom</li> <li>• Google drive</li> </ul>	<ul style="list-style-type: none"> <li>• Teaching and learning projects</li> </ul>

Names/ID			
Medical needs	Parents GP	<ul style="list-style-type: none"> <li>• School network</li> <li>• Enrolment files</li> </ul>	<ul style="list-style-type: none"> <li>• Health and wellbeing of students</li> </ul>
Court orders	Parents	<ul style="list-style-type: none"> <li>• School network- CASES21</li> <li>• Enrolment files</li> </ul>	<ul style="list-style-type: none"> <li>• Wellbeing and safety of students and families</li> </ul>
Confidential reports from service providers	Parents Service providers DET Assessments Australia	<ul style="list-style-type: none"> <li>• Student Online CASE System (SOCS) DET</li> <li>• Secure files in office</li> </ul>	<ul style="list-style-type: none"> <li>• To access professional agencies for academic and wellbeing support</li> <li>• To apply for additional funding through the program for Students with a Disability</li> <li>• To tailor individualised learning support for students</li> </ul>
Educational assessments  Student reports	Teaching and non- teaching staff	<ul style="list-style-type: none"> <li>• School network- CASES21</li> <li>• Student files</li> <li>• School server</li> </ul>	<ul style="list-style-type: none"> <li>• To track learning growth of students</li> <li>• To develop individualised learning plans for students</li> </ul>
Students images and work	Digital devices by students	School network/ server	<ul style="list-style-type: none"> <li>• Assessment and reporting</li> <li>• Homework tasks</li> <li>• Newsletter and school magazine</li> <li>• Learning celebrations</li> <li>• Assembly</li> </ul>
Meeting minutes	Staff	<ul style="list-style-type: none"> <li>• School network/server</li> </ul>	<ul style="list-style-type: none"> <li>• Professional accountability</li> </ul>
Student Snapshots and Behaviour Plans	Staff Parents Service providers	<ul style="list-style-type: none"> <li>• School network/server</li> <li>• Students files in office</li> </ul>	<ul style="list-style-type: none"> <li>• Academic, social and emotional support</li> <li>• Behaviour management and support</li> </ul>

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 such as entering data and reports onto the departments Online Student Case System (SOCS) with parent permission.

### Legislation

This information outlines the legislation that covers student records, staff files and information held by Victorian Government schools and the Department. *Privacy and Data Protection Act 2014 and Health Records Act 2001*

These Acts apply to all forms of recorded information or opinion about an individual who can be identified, including photographs, CCTV and emails. They 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.

- physical, mental or psychological health
- disability.

## Complaints

When a complaint is made:

- that a member of staff has breached privacy then the principal will attempt to resolve the matter. If required the regional privacy coordinator can provide the principal with assistance. However schools and regions that receive privacy complaints should contact the Department's Privacy Officer on (03) 9637- 3141 or [privacy@edumail.vic.gov.au](mailto:privacy@edumail.vic.gov.au) for advice.
- to the Victorian Health Services Commissioner about 'an interference with health privacy' by a school, this will be sent to the Department's Privacy Officer who will inform the region and school
- about a school to the Commissioner for Privacy and Data Protection and the complainant has already approached the school, this will most likely to referred to the Department's Secretary
- because the complainant is not satisfied with the Department's investigation and response, the complaint can then be taken to the Commissioner for Privacy and Data Protection. In most circumstances the regional director

## 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.

## Access

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*.

The *Privacy and Data Protection Act 2014* and the *Health Records Act 2001* encourage 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](#)

**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: June 2016 amended in June 2017