



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:

Black Hill Primary School collects information in a number of ways, including:

- in person and over the phone
- from electronic and paper documentation
- through online tools: such as apps, online meetings and referral forms

Black Hill Primary School collects information about students and their families when necessary to:

- educate students
- develop individualised learning plans
- support students' social and emotional wellbeing and health
- to apply for additional funding through the Program for Students with Disabilities (PSD)

- to access external service providers
- to refer students to the Department of Education and Training's Support Services (Speech Therapists, Visiting Teachers, Psychologists and Social Workers)
- to make reasonable adjustments for students with disabilities
- to provide a safe and secure environment for the community

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
<ul style="list-style-type: none"> Enrolment forms 	<ul style="list-style-type: none"> Parents/Carers/Carers 	<ul style="list-style-type: none"> In school administrative office DET Online Cases 21 system Teacher files 	<ul style="list-style-type: none"> Emergency contact details Parent and carer personal details Medical information Court papers/ Intervention orders
<ul style="list-style-type: none"> Digital passwords Usernames Email Names/ID 	<ul style="list-style-type: none"> Parents/Carers School Technician 	<ul style="list-style-type: none"> School network Google classroom Google drive Seesaw 	<ul style="list-style-type: none"> Teaching and learning projects
<ul style="list-style-type: none"> Medical needs 	<ul style="list-style-type: none"> Parents/Carers GP 	<ul style="list-style-type: none"> School network Enrolment files 	<ul style="list-style-type: none"> Health and wellbeing of students
<ul style="list-style-type: none"> Court orders 	<ul style="list-style-type: none"> Parents/Carers 	<ul style="list-style-type: none"> School network-CASES21 Enrolment files 	<ul style="list-style-type: none"> Wellbeing and safety of students and families
<ul style="list-style-type: none"> Confidential reports from service providers 	<ul style="list-style-type: none"> Parents/Carers Service providers DET Assessments Australia 	<ul style="list-style-type: none"> Student Online CASE System (SOCS) DET Secure files in office Teacher files 	<ul style="list-style-type: none"> To access professional agencies for academic and wellbeing support To apply for additional funding through the program for Students with a Disability To tailor individualised learning support for students
<ul style="list-style-type: none"> Educational assessments Student reports 	<ul style="list-style-type: none"> Teaching and non-teaching staff 	<ul style="list-style-type: none"> School network-CASES21 Student files School server Teacher files 	<ul style="list-style-type: none"> To track learning growth of students To develop individualised learning plans for students
<ul style="list-style-type: none"> Students images and work 	<ul style="list-style-type: none"> Digital devices by students 	<ul style="list-style-type: none"> School network/ server 	<ul style="list-style-type: none"> Assessment and reporting Homework tasks Newsletter and school magazine Learning celebrations Assembly
<ul style="list-style-type: none"> Meeting minutes 	<ul style="list-style-type: none"> Staff 	<ul style="list-style-type: none"> School network/server 	<ul style="list-style-type: none"> Professional accountability
<ul style="list-style-type: none"> Student Snapshots Mini snapshots Behaviour Plans 	<ul style="list-style-type: none"> Staff Parents/Carers Service providers 	<ul style="list-style-type: none"> School network/server Staff Compass Students files in office Teacher files 	<ul style="list-style-type: none"> Academic, social and emotional support Behaviour management and support Referrals for PSDM funding applications Inform staff and Casual Relief Staff
<ul style="list-style-type: none"> Student Wellbeing and sensory profiles 	<ul style="list-style-type: none"> Staff Parents/Carers Service providers 	<ul style="list-style-type: none"> School network/server Students files in office Teacher files 	<ul style="list-style-type: none"> Academic, social and emotional support Psychological referrals

Transferring student information between Victorian government and non-government schools is allowed when:

- Parents/Carers 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 established 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 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 be 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.

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 to student information

Black Hill Primary School only provides school reports and ordinary school communications to Parents/Carers who have a legal right to that 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*.

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.

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.

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.

Related policies and resources:

- *Freedom of Information*
- *Volunteers in schools 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: June 2016 amended in June 2017
Reviewed in June 2021
To be reviewed June 2024