

## 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.

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).

## AIM

That all staff, service providers (contractors) and agents, (whether paid or unpaid) of the Department and this Victorian government school (our school), comply with Victorian privacy law and this policy.

## IMPLEMENTATION

- 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.
  - Our school collects information in a number of ways including:
    - In person and
    - Over the phoneFrom 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.
- 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 upon enrolment.
- 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.
- 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 school and/or respond to any legal claims against the Department, including an of its schools.
- Our school collects information about staff, volunteers and job applications:
  - 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.
- Our school uses or discloses information consistent with Victorian privacy law, as follows:
  - For 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
- 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 enable 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.
- All individuals, or their authorised representative(s), have a right to access, update and correct information that our school holds about them.
- 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 or would unreasonably impact on the privacy of another person.
- 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.
- Our school takes reasonable steps to protect information from misuse and loss, and from the 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.

## APPROVED:

Ratified by School Council: 26<sup>th</sup> April 2018

## EVALUATION

- This policy will be regularly reviewed and updated to take account of new laws and technology and the changing school environment when required
- This policy will be reviewed annually as part of the school's three-year review cycle.

## SUPPORTING RESOURCES

- Department of Education and Training Freedom of Information  
<http://www.education.vic.gov.au/school/principals/spag/governance/Pages/foi.aspx>

## 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.

