

YARRA ROAD PS

Privacy Policy

Yarra Road Primary School is committed to implementing a culture of child safety, inclusive of all school environments, in and outside of school hours and practices zero tolerance of child abuse.

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 including contractors, service providers and volunteers 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 orientation 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 families, provided by students, their families 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 families, 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 how the information will be handled. 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 students who are mature minors) 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 State Archives (Public Record Office Victoria), as required by the relevant Public Record 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 \(docx - 111.23kb\)](#)
- [School Privacy Policy—English \(pdf - 229.52kb\)](#)

[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

Information requests

When information is requested by	Guideline/Action
Authorised Officers - Public Transport	The Transport (Compliance and Miscellaneous) Act 1983 (Vic) permits the disclosure of information to an "authorised officer" for the purpose of enforcing transport infringements. Schools should comply with these requests.
Centrelink	Centrelink Officers have broad powers under the Social Security Administration Act 1999 (Cth) to obtain information to determine whether a person qualifies for income support benefits. This may include information or documentation relating to a child's enrolment and attendance at school.

Courts or Tribunals	<ul style="list-style-type: none"> • If a Subpoena, Witness Summons or Court Order requires the production of documents or that staff attend court to give evidence or act as a witness, staff should comply. • If a Location Order or Recovery Order issued by the Family Court or the Federal Magistrates' Court is received by a school, staff Yarra Road Primary School Privacy Policy Ratified - 2014 should contact Legal Services Unit immediately.
Department of Health (Victoria)	The Health (Infectious Diseases) Regulations 2009 (Vic) require schools to provide information to the Department of Health in relation to children suffering from infectious diseases.
Department of Human Services (DHS) Child Protection	An employee of DEECD may disclose any information to DHS that is relevant to the protection or development of a child who has been the subject of a protective intervention report.
Explosives inspectors	Schools may provide information of student whereabouts under the provisions of the Dangerous Goods Act 1958.
Lawyers	Where a request is made: <ul style="list-style-type: none"> • in writing by a lawyer acting on behalf of a student or former student, and a written consent is provided, the information should generally be provided. • for school staff to provide a statement or information by a lawyer acting on behalf of one parent in a family law dispute or child protection case, the school should decline to provide any information (other than information normally provided to parents) unless subpoenaed
Officers of the Family Court (Independent Children's Lawyer or Family Consultant)	These Officers are appointed by the Family Court to assist in family law proceedings. Schools should generally assist such officers and comply with the request for information if: <ul style="list-style-type: none"> • authorised by Court Order/Subpoena; or • the parents consent to the provision of the information. The school may confirm that a child is enrolled at the school. Personal information such as the child's address should not be released.
Parents	Requests for school reports and ordinary school communications Parents, guardians and informal carers are generally entitled to information ordinarily provided to parents unless there is a Court Order restricting their right to access this information. Requests for other documents Requests from parents for other documents (for example, incident reports, staff diary notes, minutes of meetings etc) should be referred to the FOI & Privacy Unit, who will determine whether the person is entitled to the information
Private agents/investigators	Schools should not provide private agents with any information except with the written consent of the parent/guardian.
Students/Former Students	If a student or former student requests information and documentation, it may be released if: <ul style="list-style-type: none"> • the document/information was given to the school by the student • the document/information was previously given to the student • the document is publicly available For other documents, the student should be invited to make a formal FOI request.
Victoria Police	Victoria Police have broad powers to investigate and obtain evidence. Where personal information is requested by police it may be disclosed when:

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| | <ul style="list-style-type: none">• the student or parent/guardian consents;• the disclosure is necessary to lessen or prevent:<ul style="list-style-type: none">• a serious and imminent threat to an individual's life, health, safety or welfare;• a serious threat to public health, public safety or public welfare• the disclosure is necessary to assist with the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of a law;• the disclosure is necessary to assist with the prevention, detection, investigation or remedying or seriously improper conduct |
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References DET guidelines

Review This policy will be reviewed as part of the school's 3 Year review.

This Policy was last ratified by School Council in 2017