

# 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.

### **Policy Statement:**

Protecting the personal and health information of staff and students is a moral, professional and legal responsibility that our school recognises and accepts. The school is committed to protecting the privacy of personal information. This policy governs the collection, storage, use, access and disposal of data including all personal information obtained on DET websites. Personal information is collected and used by staff at Yarra Road Primary to:

- Provide services or to carry out the school's statutory functions
- Assist the school services and its staff to fulfil its duty of care to students
- Plan, resource, monitor and evaluate school services and functions
- Comply with DET requirements
- Comply with statutory and or other legal obligations in respect of staff
- Investigate incidents or defend any legal claims against the school, its services or its staff
- Comply with laws that impose specific obligations regarding the handling of personal information

### **Definitions**

**Personal Information** means information or opinion that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can be reasonably determined from the information or opinion.

**Health Information** is defined as including information or opinion about a person's physical, mental or psychological health, or disability, which is also classified as personal information. This includes information or opinion about a person's health status and medical history which is recorded or not.

**Sensitive Information** is defined as information related to a person's racial or ethnic origin, political opinions, religion, trade union, or other professional, or trade association membership, sexual preferences, or criminal record that is also classified as personal information about an individual.

In this policy all of the above types of information are regarded as personal information unless otherwise specified.

**Parent** in this policy in relation to a child, includes step parent, an adoptive parent, a foster parent, guardian, or a person who has custody or daily care of the child.

### **Rationale**

Privacy protects individuals from harm resulting from misuse of their information. The personal and health information of staff and students will be handled, used, stored and disclosed in a manner compliant with the Health Records Act 2001 and the Information Privacy Act 2014.

### **Implementation**

The school will use personal information as follows:

### **Students and Parents**

The purposes for which the school uses personal information of students and parents include:

- Keeping parents informed about matters related to their child's schooling
- Looking after student's educational, social and health needs
- Celebrating the efforts and achievements of students
- Day to day administration • Satisfying the school's legal obligations
- Allowing the school to discharge its duty of care

### **Staff**

The purposes for which the school uses personal information of job applicants, staff members and contractors include:

- Assessing suitability for employment
- Administering the individual's employment or contract
- For insurance purposes, such as Public Liability or Work Cover
- Satisfying the school's legal requirements
- Investigating incidents or defending legal claims about the school, its services or staff

The school will use and disclose personal information about a student, parent or staff member when:

- It is required for general administration duties and statutory functions
- It relates to the purpose for which it was collected
- It relates to the purpose for which it was collected and the use would be reasonable expected by the individual and there is no reason to believe they would object to the disclosure.

The school can disclose personal information for another person when:

1. The person consents
2. It is necessary to lessen or prevent a serious or imminent threat to life, health or safety
3. It is required by law or law enforcement purpose.

Where consent for the use and disclosure of information is required, the school will seek consent from the appropriate person. Yarra Road Primary will generally seek the consent of the student's parents and will treat consent given by the parent as consent on behalf of the student

### **Accessing personal Information**

A parent, student or staff member may seek access to their personal information, provided by them, that is held by the school. Access to other information may be restricted according to the requirements of laws that cover the management of school records. These include the Public Records Act and the Freedom of Information Act.

### **Updating Personal information**

The school aims to keep personal information accurate, complete and up to date. A person may update their personal information by contacting the school.

### **Security**

School staff and students have use of information and communications technologies provided by the school. This use is directed by:

- DET acceptable use policy for Internet, email and other electronic communications
- DET IT security policy
- School ICT policy

### **Complaints Under Privacy**

Should the school receive a complaint about personal information privacy this will be investigated in accordance with DEECD privacy complaints handling policy.

### **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"> <li>• 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.</li> <li>• 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.</li> </ul>
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"> <li>• 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.</li> <li>• 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</li> </ul>
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"> <li>• authorised by Court Order/Subpoena; or</li> <li>• 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.</li> </ul>
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	<p>If a student or former student requests information and documentation, it may be released if:</p> <ul style="list-style-type: none"> <li>• the document/information was given to the school by the student</li> <li>• the document/information was previously given to the student</li> <li>• the document is publicly available</li> </ul> <p>For other documents, the student should be invited to make a formal FOI request.</p>
Victoria Police	<p>Victoria Police have broad powers to investigate and obtain evidence. Where personal information is requested by police it may be disclosed when:</p> <ul style="list-style-type: none"> <li>• the student or parent/guardian consents;</li> <li>• the disclosure is necessary to lessen or prevent: <ul style="list-style-type: none"> <li>• a serious and imminent threat to an individual's life, health, safety or welfare;</li> <li>• a serious threat to public health, public safety or public welfare</li> </ul> </li> <li>• the disclosure is necessary to assist with the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of a law;</li> <li>• the disclosure is necessary to assist with the prevention, detection, investigation or remedying or seriously improper conduct</li> </ul>

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**