



# Williamstown Primary School

## Information Privacy Policy

### 1. BACKGROUND

Personal information is collected and used by Williamstown Primary School 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 Department of Education and Training reporting requirements; and,
- comply with statutory and/or other legal obligations in respect of staff.

The Victorian privacy laws, the Privacy and Data Protection Act 2014 and the Health Records Act 2001, provide for the protection of personal and health information. Information privacy principles create rights and obligations about personal and health information; however these only apply when they do not contravene any other Act of Parliament. In most cases there will be no contradiction as the relevant action falls within one of the exceptions within the information privacy principles.

Schools frequently receive requests for information from a variety of sources. Whilst the first consideration is always privacy legislation, there are a number of situations in which information sharing is lawful.

### 2. PURPOSE

This policy clearly sets out how personal information is collected, used, disclosed and updated.

The use of the School's information and communications technologies (ICT), by staff and students is also directed by:

- Department of Education and Training's Acceptable Use Policy for Internet, Email and other Electronic Communications;
- Department of Education and Training's IT Security Policy.

Furthermore, the privacy laws do not replace any existing obligations Williamstown Primary School has under other laws. Essentially this policy will apply when other laws do not regulate the use of personal information.

### 3. 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. For example, this includes all paper and electronic records, photographs and video recordings.

**"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, whether recorded or not.

**"Sensitive information"** is defined as information relating 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 *personal information* refers to personal information, health information and sensitive 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 and control of the child.

**"Staff"** in this policy is defined as someone who carries out a duty on behalf of the School, paid or unpaid, or who is contracted to, or directly employed by the School or the Department of Education and Training (DET). Information provided to a School through job applications is also considered staff information.

**"School"** is Williamstown Primary School

## 4. PROCEDURES FOR IMPLEMENTATION

The School is required by law to protect the personal and health information the School collects and holds. In all cases, before providing information about students, Principals and teachers must be satisfied of the identity of the person seeking information, that the person seeking information is entitled to access the information. Where there is any uncertainty, advice should be sought from the Legal Services Unit.

### 4.1 Collection of personal information

The School collects and holds personal information about students, parents and staff.

### 4.2 Use and disclosure of the personal information provided

#### 4.2.1 The purposes for which the School uses personal information of students and parents include:

- keeping parents information about matters related to their child's Schooling
- looking after students' education, social and health needs
- celebrating the efforts and achievements of students
- day-to-day administration
- satisfying the School's legal obligations, and
- allowing the School to discharge its duty of care.

#### 4.2.2 The purposes for which the School uses personal information of job applications, 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, and
- investigating incidents or defending legal claims about the School, its services, or staff.

#### 4.2.3 The School will use and disclose personal information about a student, parent and staff when:

- it is required for statutory functions
- it relates to the purposes for which it was collected, and
- for a purpose that is directly related to the reason the information was collected and the use would be reasonably expected by the individual and there is no reason to believe they would object to the disclosure.

#### 4.2.4 The School can disclose personal information for another purpose when:

- the person consents, or
- it is necessary to lessen or prevent a serious or imminent threat to life, health or safety, or
- is required by law or for law enforcement purposes.

#### 4.2.5 The following guidelines will be used when information is requested:

**When information is requested by**

**Guideline/Action**

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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.

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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.

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Courts or Tribunals

- If a Subpoena, Witness Summons or Court Order requires the production

**When information is requested by**

**Guideline/Action**

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	<p>of documents or that staff attend court to give evidence or act as a witness, staff should comply.</p> <ul style="list-style-type: none"><li>• If a Location Order or Recovery Order issued by the Family Court or the Federal Magistrates' Court is received by a school, staff should contact Legal Services Unit immediately.</li></ul>
Department of Health (Victoria)	<p>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.</p>
Department of Human Services (DHS) Child Protection	<p>An employee of DET 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.</p>
Employers	<p>Schools are often asked to provide references to employers and should comply if the student provides consent. The principal:</p> <ul style="list-style-type: none"><li>• may write an official reference when the student leaves school addressed "To whom it may concern" to be handed to the student on departure</li><li>• may, with the student's consent, provide a confidential reference.</li></ul>
Explosives inspectors	<p>Schools may provide information of student whereabouts under the provisions of the Dangerous Goods Act 1958.</p>
Lawyers	<p>Where a request is made:</p> <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)	<p>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:</p> <ul style="list-style-type: none"><li>• authorised by Court Order/Subpoena; or</li><li>• the parents consent to the provision of the information.</li></ul>
Parents	<p>Request for details of school where a child is enrolled Subject to any Family Court Order, parents have equal 'parental responsibility' in respect of the child, including an entitlement to know where their child is enrolled. Parents who have parental responsibility for "long-term care, welfare and responsibility" have the same entitlement. If the school is satisfied that:</p> <ul style="list-style-type: none"><li>• either there are no Court Orders in place or there is a court order conferring long-term care, welfare and responsibility for the child on the parent</li><li>• and there are no immediate welfare concerns</li></ul>

**When information is requested by**

**Guideline/Action**

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	<ul style="list-style-type: none"><li>• and the school is satisfied of the identity of the parent and his/her relationship to the child</li></ul> then the school may confirm that a child is enrolled at the school. Personal information such as the child's address should not be released. See: <a href="#">Decision Making Responsibilities for Students</a> 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.
Schools	See: <a href="#">Transfers</a>
Students/Former Students	If a student or former student requests information and documentation, it may be released if: <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> 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: <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></ul> the disclosure is necessary to assist with the prevention, detection, investigation or remedying or seriously improper conduct.

**4.3 When consent for the use and disclosure of personal information is required.**

The School will seek consent from the appropriate person. In the case of a student's personal information, the School will seek the consent from the student and/or parent depending on the circumstances and the student's mental ability and maturity to understand the consequences of the proposed use and disclosure.

**4.3.1** Williamstown Primary School will generally seek the consent of the student's parents and will treat consent given by the parent as consent given on behalf of the student.

#### **4.4 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.

#### **4.5 Updating personal information**

The School aims to keep personal information it holds accurate, complete and up-to-date. A person may update their personal information by contacting the principal.

#### **4.6 Information collected**

The Williamstown Primary School website (through its Internet Service Provider), web server and network file servers makes records of usage and some personal details. The usage and disclosure of this information is covered by Clause 4.2 of this policy.

Once the personal information is no longer required, for the purpose for which it was collected, it will be securely disposed of.

Should the School receive a complaint about personal information privacy this will be investigated in accordance with the DET's Privacy Complaints Handling Policy. Please also refer to the School's Addressing Complaints and Concerns Policy.

#### **4.7 Management**

The School's *Information Privacy Policy* will be provided to anyone who requests a copy.

It will also be available on the public pages of the School website. All staff, including volunteers, will be briefed annually so they are aware and compliant with the School privacy policy. Information Privacy procedures and controls will be managed by the Principal in conjunction with the business Manager.

#### **Reference:**

[www.education.vic.gov.au/School/principals/spag/governance/Pages/privacy.aspx](http://www.education.vic.gov.au/School/principals/spag/governance/Pages/privacy.aspx)

[Child Protection – Mandatory Reporting](#)

[Police and DHS interviews](#)

[Supervision and Access](#)

[Decision Making Responsibilities for Students](#)

[Responding to Legal Claims, Writs and Subpoenas](#)

[Transfers](#)

## **5. REVIEW AND POLICY HISTORY**

This policy is due for formal review in July 2019 although it may be changed at any time as required after approval by School Council and the Principal or if guidelines change (latest update mid Dec 2015).

### **Policy History**

<b>Version Approval Date</b>	<b>Summary of Changes</b>
August 2003	New Policy
May 2004	Update
August 2013	Update. For noting
April 2015	Update (name change)
January 2018	DET Update (January 2018)