



Moe (South Street) Primary School

'Be SAFE Be RESPECTFUL Be a LEARNER'



Privacy Policy

1. Rationale or Purpose

All staff of Moe (South Street) Primary School are required by law to protect the personal and health information the school collects and holds.

The Victorian privacy laws, the *Information Privacy Act 2000* and the *Health Records Act 2001*, provide for the protection of personal and health information.

The privacy laws do not replace any existing obligations Moe (South Street) Primary School has under other laws. Essentially this policy will apply when other laws do not regulate the use of personal information.

2. Policy Statement

Personal information is collected and used by Moe (South Street) 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
- 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, and
- comply with laws that impose specific obligations regarding the handling of personal information.

3. Implementation

Collection of personal information

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

How the school collects personal information

The school collects information in a number of ways, including:

- in person and over the phone: from 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 and other software used by our school such as Sentral, Teams and Facebook.

Collection notices

- When the school collects information about you, the 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 (or mature minor students) upon enrolment.

Unsolicited information about you

- The school may receive information about you that we have taken no active steps to collect. If permitted or required by law, the 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.

- **Use and disclosure of the personal information provided**

Students and parents

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

- 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 the 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.

Staff

The 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.

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

- it is required for general administration duties and 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.

The school can **disclose** personal information for another purpose when:

The school uses or discloses information consistent with Victorian privacy law, as follows:

1. for a 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, the 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. The 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 the school, and the Department's central and regional offices, receive complaints from parents and others. The 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).

Where 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.

Moe (South Street) 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.

- **Accessing personal information**

All individuals, or their authorised representative(s), have a right to access, update and correct information that the school holds about them.

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.

- **Access to staff information**

The 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.

- **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 or Office Manager.

- **Storing and Securing information**

The school takes reasonable steps to protect information from misuse and loss, and from unauthorised access, modification and disclosure. The 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.

- **Security**

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

- Department of Education and Training's acceptable use policy for Internet, email and other electronic communications
- Department of Education and Training IT security policy.

- **Web sites**

Information collected

Moe (South Street) Primary School web and web server makes a record of: a visit and the following information logged for statistical purposes:

- the Internet protocol (IP) address of the machine from connecting to the website
- the top-level domain name (for example .com, .gov, .au, .uk etc).

- **Complaints under privacy**

Should the school receive a complaint about personal information privacy this will be investigated in accordance with the Department of Education and Training's privacy complaints handling policy.

4. Evaluation and review

This policy will be reviewed according to the School Council Calendar Policy Review

5. 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, 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.

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 (DE&T). Information provided to a school through job applications is also considered staff information.

6. References

Further information can be obtained on the following website:

<http://www.education.vic.gov.au/Pages/schoolsprivacypolicy.aspx>

<http://www.education.vic.gov.au/Pages/School%27s-Privacy-Policy-information-for-parents.aspx>

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

7. School Council Ratification

This policy was ratified by School Council on 10/11/2021

Appendix -

Handout available in translations:-

Information in handout covered below

<http://www.education.vic.gov.au/Pages/School%27s-Privacy-Policy-information-for-parents.aspx>

Information for Parents—Schools' Privacy Policy

The Schools' Privacy Policy informs the school community that information about students can be shared to fulfil the schools' core functions of educating and supporting our students.

The Schools' Privacy Policy establishes a clarified 'need to know' framework, where school staff share information about students with other staff who need to know as part of their role. This is consistent with Victorian privacy law.

To whom this policy applies

The policy applies to all central, region and school staff including principals, teachers, visiting teachers, social workers, wellbeing staff, youth workers, nurses, Student Support Service officers (SSSOs) and all other allied health practitioners. This means the 'need to know' framework below also applies to all school staff, whether employees, service providers (contractors) and agents (whether paid or unpaid) of the Department.

Need to know

All school staff can, and must, share information about a student with other staff who 'need to know' that information to enable the school to:

1. **educate** the student (including to plan for individual needs or address barriers to learning)
2. **support** the student's social and emotional wellbeing and health
3. fulfil **legal** obligations, including to:
 - take reasonable steps to reduce the risk of reasonably foreseeable harm to the student, other students, staff or visitors (duty of care)
 - make reasonable adjustments for a student's disability (anti-discrimination law)
 - provide a safe and secure workplace (occupational health and safety law).

Deciding who 'needs to know'

Subject to the principal's direction, each staff member decides who needs to know specific, relevant information about a student, based on the 'need to know' framework.

Sharing relevant information with other staff who 'need to know' is very different from idle conversation or gossip.

School staff are entrusted with a large amount of important information about students. Staff must treat all such personal and health information sensitively and respectfully, and not share it other than on this 'need to know' basis.

What information and records can be transferred to a student's next Victorian government school?

When a student has been accepted at another Victorian government school, the current school can provide personal and health information about the student to that next school.

This can occur in any, or all, of the following ways:

- verbally: principal to principal (or authorised representatives)
- on paper: by providing copies of the student's records (including any health reports) to that next school

- electronically: including through the CASES21 transfer function; the Student Online Case System (SOCS) and/or via email.

Principals (or authorised representatives) determine what information to provide to that next Victorian government school based on the ‘need to know’ framework:

What information does the next school ‘need to know’ to properly educate or support the student, and fulfil the school’s legal obligations?

‘NEED TO KNOW’ framework

Duty of care

A school’s duty of care to students means that a principal or other member of the leadership team needs to know about any **reasonably foreseeable risk of harm to anyone** because of the student’s behaviour, disability, family circumstances or any other relevant circumstances related to the student.

So, for example, if there is a reasonably foreseeable risk to anyone because the student:

- displays violent behaviours
- is a victim or perpetrator of bullying, assault or age-inappropriate sexualised behaviours
- has emotional, wellbeing or self-harm issues

then staff must tell the principal (or other member of the school leadership team).

The principal will then share relevant information with any other staff member that needs to know because they work with, or supervise, the student. Staff must provide the principal with enough relevant information required to adequately fulfil their own duty of care – so that the principal can fulfil their duty of care too.

Importantly, when there is a reasonably foreseeable risk of harm, staff should act on that information and share the information with other staff who ‘need to know’, even if the student or parent asks that information not be shared.

Anti-discrimination law

A school’s obligation to provide **reasonable adjustments** for students with disabilities (regardless of whether they are eligible under the Program for Students with Disabilities) means that relevant information about a student’s disability and their needs must be shared with all staff who work with or supervise that student.

This is required to enable the school to make properly informed decisions about what adjustments are reasonable, and then to implement those adjustments.

This may also be required to meet the duty of care to that student (for example, a student with a medical condition who may require treatment).

This means that relevant information must be shared with staff who work with or supervise that student, to enable them to:

- understand the student’s disability and how it affects their learning and social or emotional wellbeing
- implement reasonable adjustments at school, including understanding all recommendations made by the student’s treating practitioners.

The relevant school policies are followed by school staff when engaging with parents, such as wellbeing and behavior policies. Go to your school's website for relevant policies.

School staff are available to provide further information about school policies and handling of personal information or contact the DET Privacy Officer at privacy@edumail.vic.gov.au