



Privacy

Context

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, service providers (contractors) and agents, (whether paid or unpaid) of the Department, and this Victorian government school (Donburn Primary 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).

Aim

This policy explains how Donburn Primary School collects and manages personal and health information, consistent with Victorian privacy law.

Specifically, personal information is collected to:

- Provide services or carry out Donburn Primary School's statutory functions.
- Plan, resource, monitor and evaluate school services and functions.
- Comply with Department of Education and Early Childhood Development (DEECD) reporting requirements.
- Assist Donburn Primary School to fulfil its duty of care to students and staff.

Policy

1. Collection of information

Donburn Primary 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.

Donburn Primary 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.



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- Through online tools: such as apps and other software used by our school.
- Through any CCTV cameras located at our school.

Collection notices

When Donburn Primary 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 (or mature minor students) upon enrolment.

Unsolicited information about you

Donburn Primary 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.

2. Purpose (and use) information

Primary purposes of collecting information about students and their families

Donburn Primary 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



Donburn Primary 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.

3. Disclosure of Information

Donburn Primary School 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 Department **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.

4. 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.

5. 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.

6. 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 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.

7. Accessing and Updating Personal Information

- 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, would be contrary to a mature minor student's wishes 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.



8. Other Information

In some cases where the School requests personal information about a student or a parent and the information requested is not obtained, the School may not be able to enrol or continue the enrolment of the student.

The School will treat consent given by parents as consent given on behalf of the student, and notice to parents will act as notice given to the student.

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.

Breach of Policy

Any staff member found to be in breach of the requirements of this policy may be subject to disciplinary action in accordance with the School's relevant policies and procedures.

Should the Donburn Primary School receive a complaint about personal information privacy this will be investigated in accordance with the DEECD's privacy complaints handling policy.

Other Considerations & Related Donburn Policies

Donburn Primary School, Duty of Care Policy
Donburn Primary School, Child Safety & Working with Children Policy
Donburn Primary School, First Aid Policy
Donburn Primary School, Medication Policy
Donburn Primary School, Mobile Phone Policy
Donburn Primary School, Student Engagement and Wellbeing Policy
Donburn Primary School, Student Welfare & Discipline Policy
Donburn Primary School, Acceptable Use of IT Policy
Donburn Primary School, Social Media Policy
Donburn Primary School, Complaints Management Policy
Donburn Primary School, Parent Payments & Voluntary Contributions Policy
Donburn Primary School, Electronic Funds Management Policy
Donburn Primary School, Recruitment Policy

References

National Privacy Principles under the Federal Privacy Act (1988), www.privacy.gov.au
Information Privacy Act (Victoria)
Privacy and Data Protection Act 2014
[http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/51dea49770555ea6ca256da4001b90cd/05CC92B3F8CB6A6BCA257D4700209220/\\$FILE/14-060aa%20authorised.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/51dea49770555ea6ca256da4001b90cd/05CC92B3F8CB6A6BCA257D4700209220/$FILE/14-060aa%20authorised.pdf)



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Department of Education & Training, School Policy and Advisory Guide, *Information Privacy Policy*, Government of Victoria. Available from:

<http://www.education.vic.gov.au/Pages/schoolsprivacypolicy.aspx> [Jan 2018]

Department of Education & Training, School Policy and Advisory Guide, *Photographing and Filming Students Policy*, Government of Victoria. Available from:

<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/photoandfilm.aspx> [September 2016]

Department of Education & Training, School Policy and Advisory Guide, *Requests For Information About Students Policy*, Government of Victoria. Available from:

<http://www.education.vic.gov.au/school/principals/spag/safety/pages/requestinfo.aspx> [September 2016]

Definitions

Term	Definition
Personal information	This 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	This 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	This 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.

Approval

Contact Person:	Policy Owner:
Principal	Donburn Primary School Council, Education Sub Committee

Document Control

Version / Date Created	Nature of Amendment
August 2013	Initial Policy Release
December 2016	Example: Updated format and content to reflect current practices / to reflect DoE / other guidelines / policy
November 2018	Updated format and information to align with the new Act 2014 and the template from the department of education.