



## PRIVACY POLICY

### PURPOSE

Avenel Primary School staff 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 Avenel Primary School has under other laws. Essentially this policy will apply when other laws do not regulate the use of personal information.

### AIMS

Personal information is collected and used by Avenel 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 DEECD 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.

### IMPLEMENTATION

Use and disclosure of the personal information provided:

#### **STUDENT 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 students' educational, 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.

#### **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 WorkCover
- Satisfying the school's legal requirements, and
- 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 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 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.

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.

Avenel 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**

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 it holds accurate, complete and up-to-date. A person may update their personal information by contacting the Principal.

### **Requests for Information About Students:**

All requests for information about students will be dealt with by adopting the following guidelines:

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 should contact Legal Services Unit immediately.</li> </ul> <p>See: <a href="#">Responding to Legal Claims, Writs and Subpoenas</a></p>
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	<p>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.</p> <p>See:</p> <ul style="list-style-type: none"> <li>• <a href="#">Child Protection – Mandatory Reporting</a></li> <li>• <a href="#">Police and DHS interviews</a></li> </ul>
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>

When information is requested by	Guideline/Action
Explosives inspectors	<p>Schools may provide information of student whereabouts under the provisions of the Dangerous Goods Act 1958.</p> <p>See: <a href="#">Supervision and Access</a></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> <p>See:</p> <ul style="list-style-type: none"> <li>• <a href="#">Decision Making Responsibilities for Students</a></li> <li>• <a href="#">Responding to Legal Claims, Writs and Subpoenas</a></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</p> <p>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.</p> <p>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
	<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> <p>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.</p> <p>See: <a href="#">Decision Making Responsibilities for Students</a></p> <p>Requests for school reports and ordinary school communications</p> <p>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.</p> <p>Requests for other documents</p> <p>Requests from parents for other documents (for example, incident reports, staff diary notes, minutes of meetings etc) should be referred to the FOI &amp; Privacy Unit, who will determine whether the person is entitled to the information.</p> <p>See: <a href="#">Department resources</a></p>
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	<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> <p>See: <a href="#">Department resources</a></p>

When information is requested by	Guideline/Action
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> </ul> <p>the disclosure is necessary to assist with the prevention, detection, investigation or remedying or seriously improper conduct.</p>

## EVALUATION

This policy will be reviewed as part of the school's three year cyclic review.