



PRIVACY

Policy 2020

RATIONALE:

All staff are required by law to protect the personal and health information the school collects and holds. 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 including contractors, service providers and volunteers of the Department, and Baden Powell College, 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**). This policy explains how our school collects and manages personal and health information, consistent with Victorian privacy law.

AIM:

To collect, handle, use, store and disclose personal and health information of staff and students in a manner compliant with the *Health Records Act 2001* and the *Information Privacy Act 2000*.

DEFINITIONS:

Personal information 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 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 orientation or practices; or criminal record. It also includes health information.

Parent - includes step parent, guardian or a person who has custody or primary/daily care of the child.

Staff is defined as someone who carries out a duty of care on behalf of the School, paid or unpaid, or who is contracted to, or directly employed by the school or Department of education and training. Information provided to a school through job application is also considered staff information.

WHAT INFORMATION WE COLLECT:

Baden Powell College collects the following type of information:

- information about students and their families, provided by students, their families and others
- information about job applicants, staff, volunteers and visitors; provided by job applicants, staff members, volunteers, visitors and others.

HOW WE COLLECT THIS INFORMATION:

Baden Powell College collects information in a number of ways, including:

- in person and over the phone: from students and their families, 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: such as apps and other software used by our school
- through any CCTV cameras located at our school.

COLLECTION NOTICES:

When Baden Powell College collects information about you, we take reasonable steps to advise you of how the information will be handled. 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 students who are mature minors) upon enrolment.

UNSOLICITED INFORMATION ABOUT YOU:

Baden Powell College 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.

WHY WE COLLECT THIS INFORMATION:

Primary purposes of collecting information about students and their families:

Baden Powell College 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 college to:
 - communicate with parents about students' schooling matters and celebrate the efforts and achievements of students
 - maintain the good order and management of our college
- enable the Department to:
 - ensure the effective management, resourcing and administration of our college
 - 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 PURPOSE OF COLLECTING INFORMATION ABOUT OTHERS:

Baden Powell College 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.

WHEN WE DISCLOSE INFORMATION:

Baden Powell College 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.

GUIDELINES:

- a) **Baden Powell College will collect and hold personal information to:**
 - Keep parents informed about their child's schooling
 - Look after educational, social and health needs of each child.
 - Celebrate the efforts and achievements of students
 - Day to day administration
 - Satisfying the school's legal obligations
 - Allow the school to discharge its duty of care

- b) **Staff** – The purposes for which the school uses personal information of job applicants, staff members and contractors include:
- assess the suitability for employment
 - administering a contract
 - for insurance purposes
 - satisfying legal requirements
 - investigating incidents or defending claims
- c) **Baden Powell College will use and disclose personal information when:**
- it is required for general administration duties
 - it relates to the purpose for which it is collected
 - if the person consents
 - it is necessary to lessen or prevent a serious threat to life, health or safety
 - it is required by law
- d) The school will seek consent from the appropriate person if disclosure of information is required. In the case of Primary students this will be the parent or guardian.
- e) The school will regularly update information as received.
- f) School staff and students will use Information Technology in compliance with the Acceptable use Policy DET and the IT Security policy DET.
- g) Complaints will be investigated in accordance with DET Privacy Complaints Handling Policy.

IMPLEMENTATION:

- 1 The Principal will ensure that the school:
 - **COLLECTS** only information the school needs.
 - **INFORMS** people why the information is needed and how we will use it.
 - **DISCLOSE** only the information that is necessary for the purpose of the service.
 - **SECURES** information against unauthorised use or disclosure.
- 2 All information collected at our college (including enrolment, excursion and medical permission forms etc) will be subjected to the above principles.
- 3 All collected information at our college will be retained in either the fireproof safe (in the case of staff), or in the secure storage in the office as appropriate, or either disposed of or transferred to the Public Record Office of Victoria after use consistent with the Public Record Office Standard (PROS) 01/01.
- 4 All relevant information and records relating to students (eg: enrolment forms, consent forms, assessments, psychological reports, academic reports etc) will all be retained in a secure storage area.
- 5 All electronic data will be maintained, stored and transmitted in accordance with DET requirements and expectations.
- 6 All records will be maintained and kept up to date by office administration staff.
- 7 All requests (including requests by staff) for information stored at school must be made to the principal or his/her nominee.
- 8 All requests for information (other than brief, easy to retrieve information solely about the person making the request, or standard information requests from parents about their children, or information requested by staff in the course of their work about students) will be referred to the principal and possibly the Freedom of Information Unit.
- 9 Under no circumstances, will personal private information be disclosed to unauthorised people.

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.

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.

RESPONDING TO COMPLAINTS:

On occasion our school, and the Department's central and regional offices, receive complaints from parents and others. Our 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).

ACCESSING YOUR INFORMATION:

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

ACCESS TO STUDENT INFORMATION:

Baden Powell College 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.

ACCESS TO STAFF INFORMATION:

Baden Powell College 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.

STORING AND SECURING INFORMATION:

Baden Powell College 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 State Archives (Public Record Office Victoria), as required by the relevant Public Record 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.

UPDATING YOUR INFORMATION:

We endeavour to ensure that information about students, their families and staff is accurate, complete and up to date. To update your information, please contact our school's general office.

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

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

EVALUATION:

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

This policy was last ratified by School Council in....

September 2020