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*Westgarth Primary School is a community of students, staff, friends and family working together to create a diverse, engaging and respectful learning environment.*

## **Rationale**

Westgarth Primary School (WPS) is bound by Victorian personal information privacy laws covering student records, staff files and information held by the School. These laws include:

- The *Privacy and Data Protection Act 2014*, which applies to all forms of recorded information or opinion about an individual who can be identified, including photographs and emails; and,
- The *Health Records Act 2001*, which establishes standards for the collection, handling and disposal of health information.

The School is committed to protecting the privacy of personal (including images, emails and academic records) and health information. This policy supports the School's need to collect information and the right of the individual to privacy. It ensures that the School can collect personal and health information necessary for its services and functions, while recognising the right of individuals to have their information handled in ways that they would reasonably expect and in ways that protect the privacy of their personal and health information.

## **Aims**

To ensure that personal and health information that the School collects and holds is managed in a manner consistent with community expectations, professional standards and legal obligations. This policy applies to staff, school council, students on placements, consultants and volunteers who may come about confidential information in the course of their work with WPS.

## **Purpose**

Personal and health information is collected and used by WPS to –

- Provide services or to carry out 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 & Training (DET) reporting requirements
- Comply with statutory or other legal obligations in respect of staff

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- Investigate incidents or defend legal claims against the school, its services or its staff
  - Comply with laws that impose specific obligations regarding the handling of personal and health information.

**Students and parents** - The purposes for which the school uses the personal and health 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 achievements of students
- Day-to-day administration
- Satisfying the School's legal obligations
- Allowing the School to discharge its duty of care.

**Job applicants, staff members and contractors** - The purposes for which the School uses the personal and health information of job applicants, staff members and contractors include:

- Assessing the 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 or defending legal claims about the school, its services or staff

## **Actions**

The School has adopted the *Information Privacy Principles*, appropriate to its activities, contained in Schedule 1 to the *Privacy and Data Protection Act 2014* as minimum standards in relation to handling personal and health information. In broad terms, this means that the School:

- collects only information that is required for a specified primary purpose
- ensures that the person supplying the information knows why the information is collected and how it will be handled
- uses and discloses it only for the primary or a directly related purpose, or for another purpose with the person's consent (unless otherwise required, permitted or authorised by law)

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- stores it securely, protecting it from unauthorised access retain it for the period authorised by the *Public Records Act 1973*, and takes reasonable steps to permanently de-identify personal or health information when it is no longer needed
  - Provides people with access to their own personal and health information and permits people to seek corrections if necessary.

In more specific terms the school will undertake the following actions that correspond to each of the following *Information Privacy Principles*:

1) *Collection*

- The School will collect only personal and health information that is necessary for performance of its functions and activities.
- Individuals will be told why this information is required, what it will be used for and that they can gain access to their personal and health information.

2) *Use and disclosure*

- The school will use and disclose information only for the primary or a directly related purpose, or for another purpose with the person's consent (unless otherwise required, permitted or authorised by law)
- Personal and health information at our school may only be transferred from one person to another when it is professionally appropriate and legally acceptable to do so
- Where consent for the use and disclosure of personal and health information is required, the school will seek consent from the appropriate person. In the case of a student's personal and health 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.
- The School will seek written permission from parents for the use of their children's photographic images or work to be used in such specified contexts as school-related promotional materials.
- The School will ensure any public references to children will have their identity modified to ensure their privacy.

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3) *Data quality*

- It is the responsibility of staff and families to ensure that the personal and health information being held by WPS is accurate, by advising WPS of any changes.

4) *Data security*

- All personal and health information relating to any current or past parents, families, students or staff members will be maintained in individual files, stored in a safe, secure and confidential manner and only accessed by appropriate senior staff members and the Principal.
- Staff members provided with personal information relating to students or families should present the documentation to the Assistant Principal or Principal so that it can be retained on the confidential individual file.

5) *Openness*

- On request, WPS will take reasonable steps to let the person know, generally, what sort of personal and health information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

6) *Access and correction*

- A parent, student or staff member may seek access to their personal and health information provided by them that is held at the school.
- Staff members are to direct any requests for confidential information to the Principal. The School aims to keep the personal and health information it holds accurate, complete and up-to-date. A person may update their personal and health information by contacting the Principal.
- 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*.

7) *Transborder Data Flows*

- DET guidelines will be followed if there is any need to transfer personal information outside of Victoria (e.g. a student transfers to an interstate school and their records are requested).

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8) *Sensitive Information*

- WPS will observe the special restrictions legally imposed with respect to information covering racial or ethnic origin, political opinions and membership of political associations, religious or philosophical beliefs, membership of professional or trade associations or trade unions, sexual preferences or practices, and criminal records.

**Additional information**

- All staff will be reminded regularly about workplace privacy obligations.
- The Principal will thoroughly investigate any alleged breaches of privacy in accordance with DET's Information Privacy Policy.
- This policy is to be read in conjunction with Privacy and Communication notices distributed to new parents on enrolment and existing parents each year, in accordance with the *Privacy and Data Protection Act 2014*.

**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 reasonably be 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, 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.

**Parent** in this policy in relation to a child, includes step parent, an adoptive parent, foster parent, 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, who is contracted to, or directly employed by the school or the DET. Information provided through job applications is also considered staff information.

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## **Supporting Documents**

- Communications Policy
- Confidentiality Policy
- Digital Technologies Policy
- Permission to Use Photos and Videos

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