

**Woodbury Boston Primary School
Policies and Procedures**

PRIVACY POLICY

Introduction: This policy aims to provide Woodbury Boston Primary School (**The School**) employees, parents, students and external providers of personal information knowledge of how the School collects, holds, uses and manages the information provided or collected by it.

Scope and Application: This policy applies to all employees of the School. This policy will be reviewed and amended as required. *(See below for review dates)*

Related Legislation / Guidelines: Australian Privacy Principles contained in the Privacy Act (1988), the Privacy Amendment (Enhancing Privacy Protection) Act (2012) and the Privacy Amendment (Notifiable Data Breaches) Act (2017); National Catholic Education Commission and Independent Schools Council of Australia Privacy Compliance Manual 2018 (or latest version).

Last revised: May 2018
Endorsed by GB: May 2018
Next review due: October 2020

**Woodbury Boston Primary School
Policies and Procedure**

Policy Statement

The Collection and Use of Personal Information

The primary purpose for which the School collects any personal information is to conduct the business of the School and its programs efficiently.

On occasions, the School may also need to use this same personal information for secondary purposes that less directly relate to the primary purpose for which the information was collected. This will only occur in ways that the individual might reasonably expect or in ways to which consent has been implied or given. Otherwise, the School will seek the written approval of the individual before using the personal information for the proposed secondary purpose.

The School collects and holds personal information, which may include sensitive information, about: students; parents and/or carers; staff members; Governing Body members; job applicants; contractors; volunteers; and other people with whom the School interacts.

The School generally collects personal information directly from an individual or from a parent / carer when the individual is a child. Information may be collected via the School website or App, completed forms, telephone calls, emails, face-to-face meetings, or interviews. On occasions, people other than students and parents / carers provide personal information.

In some circumstances the School may be provided with personal information about a third party, for example non-parent emergency contact details for a student. The School requires that the person providing this personal information has informed the third party that this information is being provided and why, and that the third party can access that information to verify accuracy if they wish.

Information and Records Relating to Students and Parents/Carers

The School collects and holds personal information, including health and other sensitive information, about students and their parents and/or carers before, during and after the course of a student's enrolment at the school. The information collected is to enable the School to provide schooling for the student. Some of the information the School collects is to satisfy its legal obligations, particularly to enable the School to discharge its duty of care.

This information may include:

- name, contact details (including next of kin), date of birth, gender, language background and previous school;
- parents' education, occupation and language background;
- medical information (e.g. details of disability and/or allergies, absence notes, medical reports and names of doctors);
- conduct and complaint records, or other behaviour notes, and school reports;
- other school related records, such as class lists, attendance registers and correspondence relating to students;
- information about referrals to government welfare agencies;
- counselling reports;
- Medicare number;
- any court orders;
- volunteering information; and
- photos and videos at School events.

Certain laws governing or relating to the operation of schools require that certain information be collected. These include the relevant Education Act, Public Health and Child Protection Laws.

If a parent and/or guardian declines to provide necessary personal information, the School may not be able to enrol or continue the enrolment of the student.

Information collected from students is regularly disclosed to their parents and/or guardians. On occasions information such as student activities and other news is published in school newsletters, magazines, on the School website, and in the mainstream media. Parents and/or guardians are asked for explicit consent for this purpose as part of the enrolment procedure.

The School displays photographs, including photographs featuring students, in school newsletters, outside publications, in displays in public places and on the school's website. Explicit permission from parents or carers to use such photographs is sought through the school's enrolment procedures. Parents are required to make a clear statement of their wishes which includes a clear statement that their child can or cannot be photographed at school for these purposes.

The School may include students' and students' parents' contact details, which can comprise a phone number or email address, in a class list and/or school directory for distribution amongst the parent community. Parents / Guardians are asked for explicit consent for this purpose as part of the enrolment procedure.

Information held may be used from time to time for fundraising activities. It may also be disclosed to organisations that assist in the school's fundraising activities solely for that

purpose. Information will not be disclosed to third parties for their marketing purposes without explicit consent.

Records of results of teacher correction and performance comments are kept by teachers in the class-room and are not available to students

The situation with respect to notes and reports prepared by a teacher who is employed in an independent school is different to the situation that applies in Government schools. This is because the Freedom of Information (FOI) Act does not apply to independent schools. Further, a report prepared by the teacher is not a '*government record*' and therefore is also not subject to provisions of the *State Records Act*.

That aside, under the Privacy Act a teacher, and also the school, have obligations to keep secure and confidential any notes and reports that they prepare about individual students. There are also other requirements with respect to collection, correction, use, access and transfer of information under the Privacy Act.

There is nothing within the Act which requires a teacher to provide the report or their notes to the school nor does it make them automatically the property of the school. However, the School expects these types of documents and records to be provided to the Principal and to be kept as school records; in which case the Principal and the School also have obligations under the *Privacy Act* to keep confidential and secure any notes or reports it may receive.

At the end of each academic year, teacher's records about students are archived, and retained by the School. Similarly, when a student leaves the School, their records are archived, until the student reaches the age of 25, at which time the records are destroyed.

Information and Records Relating to Employees

The School as an employer is in possession of records relating to its employees. These records include details of:

- name, contact details (including next of kin) and date of birth;
- information provided on job application;
- professional development history;
- salary and payment information, including superannuation details;
- medical information (e.g. details of disability and/or allergies, and medical certificates);
- complaints records and investigation reports;
- leave details;
- photos and videos at School events;

- work emails and private emails (when using work email address) and Internet browsing history; and
- referees

Records are maintained for 7 years after the cessation of employment, unless required to be held longer under other legislation.

Under the Privacy Act, the Australian Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to the School's treatment of an employee record, where the treatment directly relates to a current or former employment relationship between the School and employee.

Information and Records Relating to Job Applicants

Personal information held about job applicants is collected solely for assessing their claims to be engaged and will be used for no other purpose. Records will be held for the duration of the appointment process and destroyed five working days after completion of this process, unless permission is received to hold information for any extended period of time (for example to place on a relief staff list). Upon written request, the School will return all personal information to unsuccessful applicants. Such requests should be made no more than five working days following receipt of notification that the job application was unsuccessful.

Information and Records Relating to Other People

Personal Information collected about other people, including volunteers and contractors, who come into contact with the School will include name and contact details, and any other information necessary for the particular contact with the School.

Other records

The School holds other records, such as records relating to school policies and procedures, financial records and records relating to independent contractors engaged by the school. These records are retained for at least 7 years from the date of the cessation of their use.

The Disclosure of Personal Information

At the time of collecting personal information, the School will make it clear to the individual as to the potential disclosure of the information.

The School may disclose personal information, including sensitive information, held about an individual for educational, administrative and support purposes. This may include to:

- Other schools and teachers at those schools;

- Government departments (including for policy and funding purposes);
- Medical practitioners;
- People providing educational, support and health services to the School, including specialist visiting teachers, coaches, volunteers, and counsellors;
- Providers of learning and assessment tools;
- Assessment and educational authorities, including the Australian Curriculum, Assessment and Reporting Authority (ACARA) and NAPLAN Test Administration Authorities (who will disclose it to the entity that manages the online platform for NAPLAN);
- People providing administrative and financial services to the School;
- Recipients of School publications, such as newsletters;
- Students' parents / carers;
- Anyone the individual authorises the School to disclose information to; and
- Anyone to whom the School is required or authorised to disclose the information to by law, including child protection laws.

Sending and storing information overseas

The School may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange. However, the School will not send personal information about an individual outside Australia without:

- Obtaining the consent of the individual (in some cases this consent will be implied); or
- Otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

The Management of Personal Information

The members of staff of the School and individuals who serve on committees conducting the business of the School, including the Governing Body, are required to respect the confidentiality of personal information and the privacy of individuals.

The School has in place steps to protect the personal information it holds from misuse, interference and loss, unauthorised access, modification or disclosure, by use of various methods including locked storage of paper records and password access rights to computerised records.

The School may use online or 'cloud' service providers to store personal information and to provide services to the School that involve the use of personal information, such as services relating to email, instant messaging and education and assessment applications. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may be stored in the 'cloud' which means that it may reside on a cloud service provider's servers which may be situated outside Australia.

The School endeavours to ensure that the personal information it holds is accurate, complete, current and not held for longer periods than is necessary.

Notifiable Data Breaches

Since 22 February 2018, all agencies and organisations with existing personal information security obligations under the Privacy Act, including Schools, are required to report certain data breaches under the notifiable data breaches scheme.

A Data Breach must be notified if it is likely to result in serious harm to an individual or individuals whose information is involved in the Data Breach.

Some examples of when a Data Breach may occur are:

- The loss of a smartphone or other School device or equipment containing personal information;
- Cyber attacks on the School's system, resulting in unknown third parties accessing or stealing personal information;
- Accidental transmission of personal information such as student's reports to unintended recipients via email;
- Loss or theft of hard copy documents; and
- Misuse of personal information of students or parents by School personnel.

For more information about responding to Data Breaches, see the National Catholic Education Commission and Independent Schools Council of Australia Privacy Compliance Manual 2018 (or latest version).

Accessing and Correcting Personal Information

In accordance with the Privacy Act, an individual has the right to seek to access any personal information the School holds about them and to advise the School of any perceived inaccuracy with that information. Parents / carers may also seek access to personal information held about their child/children.

There are some exceptions to these rights set out in the applicable legislation.

To make a request to access or to update any personal information the School holds about you or your child, please contact the Principal or Administrator by telephone or in writing. The School may require you to verify your identity and specify what information you require. The School may charge a fee to cover the cost of verifying your application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the School will advise the likely cost in advance. If the School cannot provide you with access to that information, we will provide you with written notice explaining the reasons for refusal.

Consent and rights of access to the personal information of pupils.

The School respects every parent's / carer's right to make decisions concerning their child's education. Generally, the School will refer any requests for consent and notices

in relation to the personal information of a student to the student's parents / carers. The School will treat consent given by parents / carers as consent given on behalf of the student and notice to parents / carers will act as notice given to the student.

Parents / carers may seek access to personal information held by the School about them or their child by contacting the Principal or Administrator by telephone or in writing. However, there may be occasions when access is denied. Such occasions would include where release of the information would have an unreasonable impact on the privacy of others, or where the release may result in a breach of the School's duty of care to the student.

The School may, at its discretion, on the request of a student grant that student access to information held by the School about them or allow a student to give or withhold consent to the use of their personal information, independently of their parents / carers. This would normally be done only when the maturity of the student and / or the student's personal circumstances warrant it.

Use of school information and distribution outside of the school

Individuals who are recording school information for study, completing surveys or using the school for any purpose that may mean the publication or exhibiting any matter to do with the school must have permission from the Principal. The School expects these types of documents and records to be provided to the Principal of the School before exhibiting or submitting to another agency. The School has the right to edit and/or stop any such publication or exhibition if it deems it to be outside the school's, or member of the school community's interests.

Only the Principal, or their delegate, can represent the school to the media. The danger is that interviews or comments may be edited and constructed to provide the view the journalist wishes to provide, which may not be in the best interests of the school or the school community member.

Records relating to a mandated reporter (see also Child Protection Policy)

Once a report has been provided to the Department for Communities - Child Protection and Family Services (CPFS), that report becomes a 'government record' held by the Department and must be treated by the Department in accordance with the requirements imposed on the Department by the Children and Community Services Act 2004 (WA) (the C & CS Act) and any other statutory obligations.

Because the reporting obligations under the C & CS Act are obligations placed upon the teacher personally, it is recommended that the teacher:

- (a) Keep a copy of the report and any notes the teacher provides to the Department in compliance with their obligations under the C & CS Act;
- (b) Keep a record of receipt by the Department of the report (this is usually in the form of receipt number) as evidence that the report was made to the Department;
- (c) Keep a copy of the report and any notes the teacher provides to the school;
- (d) Should retain copies of any notes, the report and the receipt of the report by the Department, when the teacher leaves the school.

Confidentiality and Legal Protection

In the case of disclosure of abuse or neglect, all care needs to be taken that the situation is known to only those who need to know. The staff room at the School is a particularly vulnerable place as it is shared with parents and children. Staff are regularly reminded to only discuss sensitive issues in a secure environment.

The identity of the reporter is required to be kept confidential, except in limited circumstances. Section 124F(2) of the C & CS Act protects a reporter's identity from being disclosed. Disclosure of a reporter's identity carries a maximum fine of \$24,000 and 2 years imprisonment.

There are exceptions where disclosure of a reporter's identity is permitted. Even where disclosure is allowed, consideration will be given to ensuring the reporter's safety has been taken into account. Examples of when a reporter's identity may be revealed include:

- The Mandatory Reporting Service must send a copy of every written report to the WA Police;
- The WA Police may need to reveal a reporter's identity in order to investigate or prosecute a suspected offence;
- A CPFS officer may need to reveal the reporter's identity when certain child protection, family law or adoption proceedings are taking place;
- Reporter may have provided written permission for their identity to be disclosed.

A mandated reporter who is normally governed by a **code of confidentiality or secrecy, professional ethics, standards or principles of conduct (eg. Doctor/patient) is protected from a breach to this code if they are making a report in good faith. The legislative requirements of the C & CS Act override internal school policies, professional codes or confidentiality requirements.**

A mandated reporter is also protected from liability. If a report is made in good faith, they will not incur any civil or criminal liability by making a report.

Enquiries and complaints

If you would like further information about the way the School manages the personal information it holds or wish to complain that you believe that the School has breached the Australian Privacy Principles please contact the Principal by writing or telephone (contact details below). The School will investigate any complaint and will notify you of the making of a decision in relation to your complaint as soon as is practicable after it has been made.

Woodbury Boston Primary School
PO Box 657
Albany WA 6331
admin@woodburyboston.wa.edu.au
08 9845 1185