



## Privacy of Information Policy

*Rossbourne School takes a zero-tolerance approach to child abuse and is fully committed to ensuring that its strategies, policies, procedures and practices meet all Child Safety Standards as specified in Ministerial Order No. 1359*

### **Purpose**

Rossbourne School is committed to protecting the personal and health information that we collect, use and disclose. 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 their personal and health information.

The school collects and handles personal information and health information in accordance with the Privacy and Data Protection Act 2014 (Vic) and the Health Records Act 2001 (Vic) unless otherwise required by law.

### **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 e.g. 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 preferences or practices; or criminal record. It also includes health information.

### **What information do we collect?**

Rossbourne School 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 do we collect this information?**

The School 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 the school, consent forms (e.g. enrolment, excursion, consent forms), the school's website or school-controlled social media
- through online tools e.g. apps and other software used by our school
- through any CCTV cameras located at the school.

## **Collection notices**

When the School collects information about you, the 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 upon enrolment.

## **Unsolicited information about you**

The school may receive information about you that we have taken no active steps to collect. If permitted or required by law, the 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 do we collect this information?**

Primary purposes of collecting information about students and their families

The 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 the school to:
  - communicate with parents about students' schooling matters and celebrate the efforts and achievements of students
  - maintain the good order and management of the school
  - ensure the effective management, resourcing and administration of the school
  - fulfil statutory functions and duties
  - plan, fund, monitor, regulate and evaluate policies, services and functions
  - comply with reporting requirements
  - investigate incidents in the School and/or respond to any legal claims against the school.

## **Primary purposes of collecting information about others**

The 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 the School

### **When do we use or disclose information?**

The 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 e.g. to enable the school's governing body 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 research or school statistics purposes
8. to establish or respond to a legal claim

A unique identifier (Victorian Student Number - VSN) is assigned to each student to enable the school to carry out its functions effectively.

### **Student transfers to Victorian government schools**

When a student has been accepted at, and is transferring to, a Victorian government school, Rossbourne 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 is the national assessment for students in years 3, 5, 7 and 9, in reading, writing, language and numeracy. When a student transfers to a Victorian government school, their NAPLAN results are able to be transferred to that 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.

### **Child Information Sharing Scheme (CISS)**

Effective from September 2020 subject to legislation, schools are anticipated to be required to comply with CISS, which facilitates the sharing of information between organisations to

support children and families as early as possible and prevent harm from occurring. In relation to Rossbourne School it relates to all children in Victoria aged 0 – 18.

As a prescribed information sharing entity (ISE), Rossbourne is permitted to:

- Share information in response to a request from another ISE
- Make a request for information
- Share information proactively to other ISEs.

When an information request is received from another ISE, it will be assessed against three thresholds.

- Form an opinion that the request in a reasonable view is for the purpose of promoting the wellbeing or safety of a child or group of children and that sharing the information may assist the requesting ISE to carry out their professional activity.
- The requested information can also not be excluded information such as privileged information or
- The requested information can also not be excluded information that could endanger a person's life or result in physical injury.

Once an opinion is obtained that the information request meets the threshold questions, further broader sharing of information is permitted, including professional judgements, plans and assessments and information obtained from other sources. Information not only about the child but also a person with parental responsibility for the child or a person with whom the child is living is permitted.

Requests for information from other ISEs and requests to ISEs can only be received or requested by the Principal or Co-Ordinator of Wellbeing. The Co-Ordinator of Wellbeing will be trained in the administration of when to make a request for information and how to respond to requests.

### **Responding to complaints**

On occasion the School receives complaints from parents and others. The school 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 the school holds about them.

### **Access to student information**

The 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.

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**

School staff may seek access to their personnel file by contacting the Principal.

### **Storing and securing information**

The school takes reasonable steps to protect information from misuse and loss, and from unauthorised access, modification and disclosure. The school stores all paper and electronic records securely, consistent with records management policy and information security standards.

When using software and contracted service providers to manage information, the school assesses these according to the appropriate processes. Staff passwords for school systems are strong and updated on a regular basis.

### **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 the school office.

### **More information**

Privacy and Data Protection Act 2014 (Vic)

Health Records Act 2001 (Vic)

[Office of the Victorian Information Commissioner](#)

[Office of the Health Complaints Commissioner](#)

***This policy will be reviewed as part of the Rossbourne School policy review cycle.***

***May 2020***