



INFORMATION PRIVACY POLICY

Rationale

- The legislation governing privacy of information covers student records, staff files and information held by Victorian Government schools and DET.
- The *Information Privacy Act 2014* applies to all forms of recorded information or opinion about an individual who can be identified, including photographs and emails. It establishes standards for the collection, handling and disposal of personal information and places special restrictions on 'sensitive information' such as racial or ethnic origin, political views, religious beliefs, sexual preference, membership of groups and criminal records.
- The *Health Records Act 2001* establishes standards for the collection, handling and disposal of health information including a person's physical, mental or psychological health and disability.
- Health information can also include access to health services and the nature of these services; however this type of information does not have to be recorded to be classified as health information.
- The objectives of privacy laws are to:
 - balance the public interest in the free flow of information while protecting personal and health information
 - empower individuals to manage, as far as practicable, how personal and health information is used and disclosed
 - promote responsible, open and accountable information handling practices
 - regulate personal information handling by applying a set of information privacy principles.
- Information privacy principles create rights and obligations about personal and health information; however these only apply when they do not contravene any other Act of Parliament. In most cases there will be no contradiction as the relevant action falls within one of the exceptions within the information privacy principles.
- Schools frequently receive requests for information from a variety of sources. Whilst the first consideration is always privacy legislation; there are a number of situations in which information sharing is lawful.
- In all cases, before providing information about students, Principals and teachers must be satisfied of the identity of the person seeking information, that the person seeking information is entitled to access the information.
- Where there is any uncertainty, advice should be sought from the Legal Services Unit.

Background

All staff members at Northern School for Autism are required by law to protect the personal and health information which 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, which the Northern School for Autism has under other laws. Essentially this policy will apply when other laws do not regulate the use of personal information.

Aims

- To ensure the Northern School for Autism maintains privacy of information.
- To ensure the school complies with the legislative requirements of the *Information Privacy Act 2014* and the *Health Records Act 2001* and DET policy and guidelines.

Reservoir Campus
16-18 Gertz Avenue
RESERVOIR VIC 3072
Phone: (03) 9462 5990
Fax: (03) 9460 8058

Lalor Campus
2-4 Lyndon Street
LALOR VIC 3075
Phone: (03) 9464 3480
Fax: (03) 9464 4713

northern.sch.autism@edumail.vic.gov.au
<http://www.northernautism.vic.edu.au/web/>



Definitions

Personal Information refers to information of opinion that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can be reasonably 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 can be defined as information relating to a person's racial or ethnic origin, political opinions, religion, trade union, or other professional, or trade association membership, sexual preferences, or criminal record that is also classified personal information about an individual.

In this policy Personal Information refers to personal information, health information and sensitive information unless otherwise specified.

Parent in this policy in relation to a child, includes step-parent, adoptive parent, foster parent, carer, or a person who has custody or daily care and control of the child.

Staff in this policy are defined as people who carry out a duty on behalf of the school, paid or unpaid, or who are contracted to, or directly employed by the school or Department of Education and Training (DET).

Information provided to a school through job applications is also considered staff information.

Implementation

- This policy applies to members of school staff, the School Council at Northern School for Autism (NSA) and volunteers.
- The school will have a privacy policy that is endorsed by the School Council.
- The school will nominate a person to manage and review the school's information privacy.
- The school will abide by legislative privacy requirements in relation to how personal and health information is collected, used, disclosed and stored and will be reasonable and fair in how this information is treated, not only for the benefit of staff and students, but also to protect the school's reputation.
- The school's *Information Privacy Policy* will be provided to anyone who requests a copy.
- As part of the regular policy review, a privacy audit will be conducted to determine what information the school collects, how information is used and with whom information is shared and how effective are the data security arrangements.
- All staff, including volunteers, will be briefed annually so they are aware and compliant with the school privacy policy.
- The school will establish a complaints process and will treat all privacy complaints in the strictest confidence.
- Personal and health information can be disclosed for a purpose other than for which it was collected and without the person's consent when the disclosure is:
 - necessary to lessen or prevent a threat to life, health or safety
 - required, authorised or permitted by law or for law enforcement purposes
 - used for research or compilation of statistics in the public interest, in certain limited circumstances. Any research in schools must be first approved by the Office for Policy, Research and Innovation.
- The school may use and disclose and disclose information so that the duty of care to students is complied with. A key element of duty of care is that the processes and procedures used are documented and records kept.

Reservoir Campus
16-18 Gertz Avenue
RESERVOIR VIC 3072
Phone: (03) 9462 5990
Fax: (03) 9460 8058

Lalor Campus
2-4 Lyndon Street
LALOR VIC 3075
Phone: (03) 9464 3480
Fax: (03) 9464 4713

northern.sch.autism@edumail.vic.gov.au
<http://www.northernautism.vic.edu.au/web/>



Policy Context

Personal information is collected and used by Northern School for Autism 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 DET 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.

Collection of Personal Information

The school collects and holds personal information about students, parents and staff.

Use and Disclosure of Personal Information Provided

Students and Parents

The purposes for which the school uses personal information of students and parents/carers include:

- Keeping parents/carers informed about matters related to their child's schooling
- Looking after students' educational, social and health needs
- Celebrating the effort 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 the suitability for employment
- Administering individual's employment or contract
- For insurance purposes, such as public liability or Work Cover
- Satisfying the school's legal requirement and,
- Investigating incidents or defending legal claims about the school, its services, or staff

This school will use and disclose personal information about students, parent/carers and staff when:

- It is required for general administration duties and statutory functions
- It is related to the purposes for which it was collected
- It is 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 this disclosure.

Reservoir Campus
16-18 Gertz Avenue
RESERVOIR VIC 3072
Phone: (03) 9462 5990
Fax: (03) 9460 8058

Lalor Campus
2-4 Lyndon Street
LALOR VIC 3075
Phone: (03) 9464 3480
Fax: (03) 9464 4713

northern.sch.autism@edumail.vic.gov.au
<http://www.northernautism.vic.edu.au/web/>



Where the 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 parent/carer depending on the circumstances and the student's mental ability and maturity to understand the consequences of the proposed use and disclosure.

Northern School for Autism will generally seek the consent of the student's parents/carers and will treat consent given by the parent/carer as consent given on behalf of the student.

Accessing personal information

A parent/carer, student or staff member may seek access to their own personal information, which was provided by them, which 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 Record Act and the Freedom of information Act.

Updating personal information

The school aims to keep personal information which it holds accurate, complete and up to date. People may update their personal information by contacting the Principal or her/his delegate.

Security

School staff and students have use of information and communications technologies (ICT) provided by the school. This use is directed by:

- DET acceptable use policy for internet, e-mail and other electronic communications
- DET IT security policy.

References:

DET School Policy Advisory Guide > A-Z Index

www.education.vic.gov.au/school/principals/spag/pages/spag.aspx

www.education.vic.gov.au/school/principals/spag/governance/Pages/privacy.aspx

Review:

This policy will be reviewed every year (latest DET update mid December 2015).

This policy was first adopted at Northern School for Autism on August 16, 2006.

It was reviewed and ratified by School Council on Thursday 22 May 2014

This update was ratified by School Council on 26 March 2015

This update was ratified 18 February 2016

Reservoir Campus
16-18 Gertz Avenue
RESERVOIR VIC 3072
Phone: (03) 9462 5990
Fax: (03) 9460 8058

Lalor Campus
2-4 Lyndon Street
LALOR VIC 3075
Phone: (03) 9464 3480
Fax: (03) 9464 4713

northern.sch.autism@edumail.vic.gov.au
<http://www.northernautism.vic.edu.au/web/>