



# INFORMATION PRIVACY

## Rationale

- The legislation governing privacy of information covers student records, staff files and information held by Victorian Government schools and the Department.
- 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.

## Purpose

- To ensure Seaholme Primary School 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.

## Implementation

- The school will have a privacy policy that is endorsed by the School Council.
- 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.

- The school will consider nominating one member of staff to manage and review the school's information privacy procedures and controls.
- 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. Please refer to the school's *Complaints, Parent Policy*.
- Please refer also to the *Freedom of Information Policy*.

### **Evaluation**

- This policy will be reviewed as part of the school's three-year review cycle or if guidelines change (latest DET update mid December 2015).

This update February 2016 was ratified by School Council on 18<sup>th</sup> April 2016

Reference:

[www.education.vic.gov.au/school/principals/spag/governance/Pages/privacy.aspx](http://www.education.vic.gov.au/school/principals/spag/governance/Pages/privacy.aspx)