

# Murrumbeena Primary School Policy



## PRIVACY

### PURPOSE

The Department of Education and Training (which includes all Victorian government schools, central and regional offices) values the privacy of every person and is committed to protecting information that schools collect.

All staff, service providers (contractors) and agents, (whether paid or unpaid) of the Department and Murrumbeena Primary School, must comply with Victorian privacy law and this policy.

In Victorian government schools, the management of 'personal information' and 'health information' is governed by the Privacy and Data Protection Act 2014 (Vic) and Health Records Act 2001 (Vic) (collectively, Victorian privacy law).

This policy explains how our school collects and manages personal and health information, consistent with Victorian privacy 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. For example, 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?**

Our school collects the following type of information:

- information about students and their family provided by students, their family 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?**

Our school collects information in a number of ways, including:

- in person and over the phone from electronic and paper documentation: including job applications, emails, invoices, enrolment forms, letters to our school, consent forms (for example: enrolment, excursion, Student Support Services consent forms), our school's website or school-controlled social media
- through online tools: such as apps and other software used by our school
- through any CCTV cameras located at our school.

## **Collection notices**

When our school collects information about you, our 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 (or mature minor students) upon enrolment.

## **Unsolicited information about you**

Our school may receive information about you that we have taken no active steps to collect. If permitted or required by law, our 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 are:**

- educate students
- support students' social and emotional wellbeing, and health
- fulfil legal requirements
- 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)
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- communicate with parents about students' schooling matters and celebrate the efforts and achievements of students
- maintain the good order and management of our school
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- ensure the effective management, resourcing and administration of our school
- fulfil statutory functions and duties
- plan, fund, monitor, regulate and evaluate the Department's policies, services and functions
- comply with reporting requirements
- investigate incidents in schools and/or respond to any legal claims against the Department, including any of its schools.

**Primary purposes of collecting information about staff, volunteers and job applicants:**

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- 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 our school/the Department.

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

Our 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 – for example, to enable the school council 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 Departmental research or school statistics purposes
8. to establish or respond to a legal claim.

A unique identifier (a CASES21 code) is assigned to each student to enable the school to carry out its functions effectively.

### **Student transfers between Victorian government schools**

When a student has been accepted at, and is transferring to, another Victorian government school, our 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.

## **PRIVACY RELATED TO MOBILE PHONES**

### **Definitions**

For the purpose of this policy, a **mobile phone** is a telephone with access to a cellular (telecommunication) system, with or without a physical connection to a network and includes smart watches.

### **Critical Information related to Mobile phones**

- From Term 1 2020, students who choose to bring mobile phones to school must have them switched off and securely stored during school hours. This is a ministerial policy formally issued by the Minister for Education under section 5.2.1(2)(b) of the Education and Training Reform Act 2006.
- Exceptions to the policy may be applied if certain conditions are met. Exceptions can be granted by the principal, or by a teacher. Exceptions must be documented.
- Where students bring a mobile phone to school, it must be kept in the student's bag and switched off.
- Smartwatches must not be used for communication purposes and notifications must be switched off.
- Our school's **Personal Mobile Devices Policy**, outlines how the Ministerial Order is implemented at Murrumbeena Primary School and outlines how non-compliance will be managed in addition to the Student Wellbeing and Engagement and Bullying Prevention policies.
- At all times, the privacy of others is to be respected.

### **NAPLAN results**

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 another Victorian government school, their NAPLAN results are able to be transferred to that next 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.

### **Responding to complaints**

.Our school and/or the Department's central or regional offices may use and disclose information as considered appropriate to respond to any complaints made against the school, the Education department or external organisations/agencies).

## Accessing and updating your information

All individuals, or their authorised representative(s), have a right to access, update and correct information that our school holds about them.

We endeavour to ensure that information about students, their families and staff is accurate and complete. To update your information, please contact our school's general office.

## Access to student information

Our 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 through the Department's Freedom of Information Unit (see below).

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 first seek access to their personnel file by contacting the principal. If direct access is not granted, the staff member may request access through the Department's Freedom of Information Unit.

## Storing and securing information

Our school takes reasonable steps to protect information from misuse and loss, and from unauthorised access, modification and disclosure. Our school stores all paper and electronic records securely, consistent with the Department's records management policy and information security standards. All school records are disposed of, or transferred to the Public Records Office Victoria, as required by the relevant Public Records Office Standard.

When using software and contracted service providers to manage information, our school assesses these according to the appropriate departmental processes. One example of this is that staff passwords for school systems are strong and updated on a regular basis, consistent with the Department's password policy.

## More information

[Information for parents.](#)

Translations

## FOI and privacy

To make a FOI application contact:

### **Freedom of Information Unit**

Department of Education and Training  
2 Treasury Place, East Melbourne VIC 3002  
(03) 9637 3961

[foi@edumail.vic.gov.au](mailto:foi@edumail.vic.gov.au)

For more information about FOI, see [freedom of information requests](#).

If you have a query or complaint about privacy, please contact:

### **Knowledge, Privacy and Records Branch**

Department of Education and Training  
2 Treasury Place, East Melbourne VIC 3002

(03) 8688 7967  
[privacy@edumail.vic.gov.au](mailto:privacy@edumail.vic.gov.au)