



POLICY	PRIVACY
DATE	August 2018
SCHOOL COUNCIL ENDORSEMENT	NA
REVIEW DATE	when centrally updated

RATIONALE

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 this Victorian government school, Blackburn English Language School (ELS) 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 the school collects and manages personal and health information, consistent with Victorian privacy law.

Current version of this policy

This policy will be regularly reviewed and updated to take account of new laws and technology and the changing school environment when required.

Blackburn ELS's policy is consistent with the current DE&T version.

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?

Blackburn ELS collects the following type of information:

- about students and their family, provided by students, their family and others, and
- about job applicants, staff, volunteers and visitors; provided by job applicants, staff members, volunteers, visitors and others.

How do we collect this information?

Blackburn ELS collects information in a number of ways, including:

- in person and over the phone: from students and their family, staff, volunteers, visitors, job applicants and others,
- 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 Blackburn ELS collects information about you, it 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

Blackburn ELS 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

Blackburn ELS 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 our 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.
- enable the Department to:
 - ensure the effective management, resourcing and administration of the 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 others

Blackburn ELS 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 our school/the Department.

When do we use or disclose information?

Blackburn ELS 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 form,
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 Department **research or school statistics** purposes,
8. to establish or respond to a **legal claim**.

A unique identifier (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 completed their English language program and has been accepted at, and is transferring to, another Victorian government school, Blackburn ELS 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 mainstream 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 results

NAPLAN is the national assessment for students in Years 3, 5, 7 and 9, in reading, writing, language and numeracy.

Blackburn ELS students do not complete the NAPLAN.

Responding to complaints

On occasion Blackburn ELS, and the Department's central and regional offices, receive complaints from parents and others. The school and/or the Department's central or regional offices 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

Blackburn ELS 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

Blackburn ELS 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 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, Blackburn ELS 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.

Updating your information

The school endeavours 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's general office.

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

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

REVIEW

This policy is reviewed and updated as the Department updates it centrally.