

## **Berengarra School**

*Berengarra 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 (2022).*

## **Privacy of Information**

### **Context**

Berengarra 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?**

The 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, Student Support Services 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 (or mature minor students) 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, information sharing schemes such as the Child Information Sharing Scheme (the CIS Scheme) or the Family Violence Information Sharing Scheme (the FVIS Scheme) 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, the 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 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 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.

## **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)

Privacy Act 1988 (Cth.)

Child Wellbeing and Safety Act 2005 (Vic)

Family Violence Protection Act 2008 (Vic)

Office of the Victorian Information Commissioner    <https://ovic.vic.gov.au/>

Office of the Health Complaints Commissioner        <https://hcc.vic.gov.au/>

[Child Information Sharing Scheme Ministerial Guidelines](#)

[Family Violence Information Sharing Scheme Ministerial Guidelines](#)

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