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## POLICY: PRIVACY POLICY

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### 1. PURPOSE:

To ensure that the School acknowledges the Victorian privacy laws, the *Information Privacy Act 2000* and the *Health Records Act 2001*, and will comply with the legal responsibilities to provide for the protection of personal and health information.

### 2. GUIDELINES:

- All Staff and Council of Chilwell Primary School are required by law to protect the personal and health information the school collects and holds.
- The privacy laws do not replace any existing obligations Chilwell Primary School has under other laws. Essentially this policy will apply when other laws do not regulate the use of personal information.

### 3. DEFINITIONS:

**Personal information** means information or 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** is 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 as 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, an adoptive parent, a foster parent, guardian, or a person who has custody or daily care and control of the child.

**Staff** in this policy is defined as someone who carries out a duty on behalf of the school, paid or unpaid, or who is contracted to, or directly employed by the school or the DET. Information provided to a school through job applications is also considered staff information.

### 4. PERSONAL INFORMATION is collected and used by Chilwell Primary School to:

- provide services or to carry out the school's statutory functions
- assist the school, its staff and school services staff to fulfil the School's 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
- comply with laws that impose specific obligations regarding the handling of personal information.

### 5. IMPLEMENTATION PLAN:

- Collection of personal information  
The school collects and holds personal information about students, parents and staff.
- Use and disclosure of the personal information provided:

**1) Students and parents**

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

keeping parents informed about matters related to their child's schooling  
looking after students' educational, social and health needs  
celebrating the efforts and achievements of students  
day-to-day administration  
satisfying the school's legal obligations, and  
allowing the school to discharge its duty of care.

**2) Staff**

**The purposes for which the school uses personal information of job applicants, staff members and contractors include:**

assessing suitability for employment  
administering the individual's employment or contract  
for insurance purposes, such as public liability or WorkCover  
satisfying the school's legal requirements, and  
investigating incidents or defending legal claims about the school, its services, or staff.

**3) The school will use and disclose personal information about a student, parent and staff when:**

it is required for general administration duties and statutory functions  
it relates 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 the disclosure.

**4) The school can disclose personal information for another purpose when:**

the person consents  
it is necessary to lessen or prevent a serious or imminent threat to life, health or safety  
is required by law or for law enforcement purposes.

- **Where 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/or parent depending on the circumstances and the student's mental ability and maturity to understand the consequences of the proposed use and disclosure.**
- **Accessing personal information**  
A parent, student or staff member may seek access to their personal information, provided by them, that 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 Records Act and the Freedom of Information Act.
- **Updating personal information**  
The school aims to keep personal information it holds accurate, complete and up-to-date. A person may update their personal information by contacting the School's General Office staff.
- **Security**  
School staff and students have use of information and communications technologies (ICT) provided by the school. This use is directed by:  
the DET acceptable use policy for Internet, email and other electronic communications  
the DET IT security policy.
- **School publications and web sites**  
Written consent will be obtained prior to the use of personal information, including images, in any College publication. This refers to staff, students, School Council and Community members.
- **Complaints under privacy**  
Should the school receive a complaint about personal information privacy this will be investigated in accordance with the DET privacy complaints handling policy.

Further support will be sought if required from DET Legal Unit and Privacy Service.

**6. EVALUATION:**

**This Policy will be updated on advice from DET.**