

## PRIVACY POLICY

### Rationale:

- Staff, students, parents have the right to be part of a school community that respects their privacy in terms of privacy standards of Victoria.

### Aims:

- To collect information that is needed by the school.
- To inform the person why the school needs the information and how the school will use it.
- To disclose the information only as necessary for the purpose of the service.
- To secure information against unauthorised use/disclosure.

### Implementation:

- There are two new laws governing how Department of Education & Training (DE&T) funded organisations handle information.
- The Information Privacy Act 2000 sets out how to responsibly collect and use personal information in the Victorian government sector.
- Personal information means recorded information or opinion, whether true or not, about a readily identifiable individual.
- The Information Privacy Act also has special restrictions, like an individual's racial or ethnic origin, religious beliefs, sexual preference, membership of groups such as trade unions or criminal record.
- The Health Records Act 2001 applies to all Victorians who handle health information. This includes all staff and volunteers in schools, education organisations and some statutory bodies in Victoria.
- Health information is information or an opinion about the physical, mental or psychological health of an individual. It includes information about a disability or the well-being of an identifiable person.
- Both Acts are based on a number of Privacy Principles dealing with the collection, holding, use and disclosure of personal and health information.
- The Acts do not override other laws that govern the collection, use and disclosure of personal and health information. The Privacy Principles only step in when other laws do not regulate. For example, if a disclosure is required under the Children and Young Persons Act then Information Privacy laws do not apply.
- According to the Acts an individual's personal and health information should not be used for other (secondary) purposes without the individual's consent unless the disclosure is:
  1. authorised or permitted by law,
  2. required for research and statistical use in the public interest (special conditions apply),
  3. needed to prevent or lessen a serious or imminent threat to life, health or welfare of a person or public,

4. for a law enforcement function by a law enforcement agency, or
5. a legal or equitable claim. (These are the key exceptions under the Information Privacy Act & Health Records Act).

### **Privacy Principles Summarised:**

- **Collection**

Collect only personal or health information that is necessary for the performance of a function or activity. Health and sensitive information can only be collected with the consent of the person, though some exceptions apply. Individuals, at or before the time of collection, must be informed about what DE&T funded organisations use this information for and how the individual can gain access to it.

- **Use and Disclosure**

Only use personal and health information for the purposes for which it was collected or for a secondary purpose the person would reasonably expect. Use for secondary purposes should have the explicit consent of the person.

- **Data Quality**

Make sure personal and health information is accurate, complete, up to date and relevant.

- **Data Security**

Take reasonable steps to ensure personal and health information held is safeguarded against misuse, loss, unauthorised access and modification. Only destroy personal and health information in accordance with Public Record Disposal schedules or in accordance with the Health Records Act.

- **Access and Correction**

Individuals have a right to seek access to personal and health information that is held by DE&T funded organisations under the Freedom of Information Act and the right to correct it if it is inaccurate, incomplete or not up to date.

- **Unique Identifiers**

Only assign a number to identify a person if this is necessary to carry out a school function effectively. Privacy laws limit the adoption or sharing of unique identifiers used by other agencies (i.e Health Card Number)

- **Anonymity**

If it is practicable and lawful give individuals the option of not identifying themselves when entering transactions with a DE&T funded organisation.

- **Transfer data flows**

Only transfer personal and health information outside Victoria if the organisation receiving it is subject to privacy standards similar to those in Victoria.

These Privacy Principles are binding and a contravention of the Principles is "an interference with the privacy of an individual".

### **Evaluation**

- The policy will be reviewed as required.