POLICY – PRIVACY

1. STATEMENT OF BELIEF:

Drouin Secondary College is committed to ensuring that its procedures and practices respect the privacy of staff, students and teachers. The College will ensure that it: collects only information it needs, informs the person why the information is needed and how it will be used; discloses only as necessary for the purpose of the service; and secures information against unauthorised use/disclosure.

2. IMPLEMENTATION:

Policy Content

This Policy is based on the Department of Education ‘Information Privacy’ policy and handles personal information in accordance with the Victorian Privacy laws - the Privacy and Data Protection Act 2014 (Victoria) and Health Records Act 2001.

Personal information is collected and used by Drouin Secondary College to:

- provide services or to carry out the College’s statutory functions
- assist the College services and its staff to fulfil its duty of care to students
- plan, resource, monitor and evaluate College services and functions
- comply with Department of Education reporting requirements
- comply with statutory and/or other legal obligations in respect of staff
- investigate incidents or defend any legal claims against the College, its services, or its staff, and
- comply with laws that impose specific obligations regarding the handling of personal information.

Drouin Secondary College Network:

Is used to communicate information to the College community and for members of the College to access information. The College Network makes a record of staff and student account names.

The following information is collected to monitor student access and for statistical purposes:

- the Internet protocol (IP) address of the machine connecting to the website.
- the top level domain name (for example .com, .gov, .au, .uk etc).
- student access to web sites, sites accessed, time of access and the search criteria used on most search engines.
- student account id.
- student printing details including file name and time of printing.
- email is automatically filtered for inappropriate language.
- Moodle
- Sentral

3. OBJECTIVES:

Drouin Secondary College staff will ensure that they:

1) Follow all State and Federal laws enacted to protect the personal and health information the College collects and holds.

2) Use personal information of students and parents to: carry out general administration duties and statutory functions; keep parents informed about matters related to their child’s schooling; look after
POLICY – PRIVACY

students’ educational, social and health needs; celebrate the efforts and achievements of students; satisfy the College’s legal obligations; and allow the College to discharge its duty of care.

3) Use personal information of staff to: carry out for general administration duties and statutory functions; assess suitability for employment; administer the individual’s employment or contract; for insurance purposes, such as public liability or WorkCover; satisfy the College’s legal requirements; and investigate incidents or defend legal claims about the College, its services, or staff.

4) Restrict access to information according to the requirements of laws that cover the management of College records. These include the Public Records Act and the Freedom of Information Act.

5) Only disclose personal information for the purpose for which it was collected; when the person consents; when it is necessary to lessen or prevent a serious or imminent threat to life, health or safety; or is required by law or for law enforcement purposes.

6) Only allow a parent, student or staff member to seek access to their personal information when such information was provided by them, to the College.

7) Ensure that personal information held by the College is up-dated regularly.
8) Ensure that staff and students use of information and communications technologies (ICT) provided by the College and DET’s in a manner consistent with their acceptable use policies for Internet, email and other electronic communications and DET’s IT security policy.

9) Ensure that should the College receive a complaint about personal information privacy it will be investigated in accordance with the Department of Education privacy complaints handling policy.

10) Ensure that all out-of-date information is discarded in a manner which protects privacy.

4. IMPLEMENTATION:

What you need to remember:

<table>
<thead>
<tr>
<th>COLLECT</th>
<th>only information you need</th>
</tr>
</thead>
<tbody>
<tr>
<td>INFORM</td>
<td>the person why you need it and how you will use it</td>
</tr>
<tr>
<td>DISCLOSE</td>
<td>only as necessary for the purpose of the service</td>
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<tr>
<td>SECURE</td>
<td>information against unauthorised use/disclosure</td>
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</table>

5. 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 College, paid or unpaid, or who is contracted to, or directly employed by the College or the Department of Education (DET). Information provided to a College through job applications is also considered staff information.

### 6. REFERENCES:

For more information, see:

- Privacy and Data Protection Act 2014 (Victoria) or Privacy Victoria

Related policies:

- Child Protection – Mandatory Reporting
- Infectious Diseases
- Legal Position
- Decision Making Responsibilities for Students
- Photographing and Filming Students
- Police and DHS interviews
- Responding to Legal Claims, Writs and Subpoenas
- Transfers.

Related legislation:

- Children, Youth and Families Act 2005 (Vic)
- Dangerous Goods Act 1985 (Vic)
- Education and Training Reform Act 2006 (Vic)
- Family Law Act 1975 (Cth)
- Freedom of Information Act 1982 (Vic)
- Health (Infectious Diseases) Regulations 2001
- Health Records Act 2001 (Vic)

### Freedom of Information and Privacy Unit
Information Privacy Line: 9637 3601
Email: privacy.enquiries@edumail.vic.gov.au
Intranet Site: https://edugate.eduweb.vic.gov.au/Services/privacy

### Regional Privacy Coordinators

<table>
<thead>
<tr>
<th>Region</th>
<th>Privacy Coordinator</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Western</td>
<td>Carlo Ticchi</td>
<td><a href="mailto:ticchi.carlo.c@edumail.vic.gov.au">ticchi.carlo.c@edumail.vic.gov.au</a></td>
</tr>
<tr>
<td>North Western</td>
<td>Patricia Brophy, John Roberts</td>
<td><a href="mailto:brophy.patricia.m@edumail.vic.gov.au">brophy.patricia.m@edumail.vic.gov.au</a>, <a href="mailto:roberts.john.m2@edumail.vic.gov.au">roberts.john.m2@edumail.vic.gov.au</a></td>
</tr>
<tr>
<td>South Eastern</td>
<td>Dean Mann</td>
<td><a href="mailto:mann.dean.g@edumail.vic.gov.au">mann.dean.g@edumail.vic.gov.au</a></td>
</tr>
<tr>
<td>North Eastern</td>
<td>Angela Creighton (Benalla Office), Maria Baker (Glen Waverley Office), Lindy Cooney (Glen Waverley Office)</td>
<td><a href="mailto:creighton.angela.m@edumail.vic.gov.au">creighton.angela.m@edumail.vic.gov.au</a>, <a href="mailto:baker.maria.me@edumail.vic.gov.au">baker.maria.me@edumail.vic.gov.au</a>, <a href="mailto:cooney.lindy.e@edumail.vic.gov.au">cooney.lindy.e@edumail.vic.gov.au</a></td>
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If you have any suggestions for improving this site please email The Privacy Unit, at

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- Information Privacy Act 2000 (Vic)
- Social Security (Administration) Act 1999 (Cth)
- Transport Accident Act 1986 (Vic)
- Transport (Compliance and Miscellaneous) Act 1983 (Vic)

privacy.enquiries@edumail.vic.gov.au

Schools frequently receive requests for information from a variety of sources. The first consideration is always privacy legislation; however there are a number of situations in which information sharing is lawful.

The table below gives general guidance as to how schools should respond to some commonly made requests. In all cases, before providing information about students, principals and teachers must be satisfied:

- of the identity of the person seeking information
- that the person seeking information is entitled to access the information.

Where there is any uncertainty, advice should be sought from the Legal Services Unit.

Information requests

<table>
<thead>
<tr>
<th>When information is requested by</th>
<th>Guideline/Action</th>
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<tbody>
<tr>
<td>Authorised Officers - Public Transport</td>
<td>The Transport (Compliance and Miscellaneous) Act 1983 (Vic) permits the disclosure of information to an “authorised officer” for the purpose of enforcing transport infringements. Schools should comply with these requests.</td>
</tr>
<tr>
<td>Centrelink</td>
<td>Centrelink Officers have broad powers under the Social Security Administration Act 1999 (Cth) to obtain information to determine whether a person qualifies for income support benefits. This may include information or documentation relating to a child’s enrolment and attendance at school.</td>
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</tbody>
</table>
| Courts or Tribunals | • If a Subpoena, Witness Summons or Court Order requires the production of documents or that staff attend court to give evidence or act as a witness, staff should comply.  
  • If a Location Order or Recovery Order issued by the Family Court or the Federal Magistrates’ Court is received by a school, staff should contact Legal Services Unit immediately. See: Responding to Legal Claims, Writs and Subpoenas |
| Department of Health (Victoria) | The Health (Infectious Diseases) Regulations 2009 (Vic) require schools to provide information to the Department of Health in relation to children suffering from infectious diseases. |
| Department of Human Services (DHS) Child Protection | An employee of DET may disclose any information to DHS that is relevant to the protection or development of a child who has been the subject of a protective intervention report.  
  See:  
  • Child Protection – Mandatory Reporting |
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<table>
<thead>
<tr>
<th>When information is requested by</th>
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<tr>
<td>Employers</td>
<td>Schools are often asked to provide references to employers and should comply if the student provides consent. The principal:</td>
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<td></td>
<td>• Police and DHS interviews</td>
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<td>Explosives inspectors</td>
<td>Schools may provide information of student whereabouts under the provisions of the Dangerous Goods Act 1958.</td>
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<td></td>
<td>See: Supervision and Access</td>
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<tr>
<td>Lawyers</td>
<td>Where a request is made:</td>
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<td></td>
<td>• in writing by a lawyer acting on behalf of a student or former student, and a written consent is provided, the information should generally be provided.</td>
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<td></td>
<td>• for school staff to provide a statement or information by a lawyer acting on behalf of one parent in a family law dispute or child protection case, the school should decline to provide any information (other than information normally provided to parents) unless subpoenaed.</td>
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<td></td>
<td>See:</td>
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<tr>
<td></td>
<td>• Decision Making Responsibilities for Students</td>
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<tr>
<td></td>
<td>• Responding to Legal Claims, Writs and Subpoenas</td>
</tr>
<tr>
<td>Officers of the Family Court (Independent Children’s Lawyer or Family Consultant)</td>
<td>These Officers are appointed by the Family Court to assist in family law proceedings. Schools should generally assist such officers and comply with the request for information if:</td>
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<td></td>
<td>• authorised by Court Order/Subpoena; or</td>
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<td></td>
<td>• the parents consent to the provision of the information.</td>
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<tr>
<td>Parents</td>
<td>Request for details of school where a child is enrolled</td>
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<tr>
<td></td>
<td>Subject to any Family Court Order, parents have equal ‘parental responsibility’ in respect of the child, including an entitlement to know where their child is enrolled. Parents who have parental responsibility for “long-term care, welfare and responsibility” have the same entitlement.</td>
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<tr>
<td></td>
<td>If the school is satisfied that:</td>
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<td></td>
<td>• either there are no Court Orders in place or there is a court order conferring long-term care, welfare and responsibility for the child on the</td>
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<tr>
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<tbody>
<tr>
<td></td>
<td>parent</td>
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<tr>
<td></td>
<td>• and there are no immediate welfare concerns</td>
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<td></td>
<td>• and the school is satisfied of the identity of the parent and his/her relationship to the child</td>
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<tr>
<td></td>
<td>then the school may confirm that a child is enrolled at the school. Personal information such as the child’s address should not be released.</td>
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</tbody>
</table>

See: Decision Making Responsibilities for Students

Requests for school reports and ordinary school communications

Parents, guardians and informal carers are generally entitled to information ordinarily provided to parents unless there is a Court Order restricting their right to access this information.

Requests for other documents

Requests from parents for other documents (for example, incident reports, staff diary notes, minutes of meetings etc) should be referred to the FOI & Privacy Unit, who will determine whether the person is entitled to the information.

See: Department resources

Private agents/investigators

Schools should not provide private agents with any information except with the written consent of the parent/guardian.

See: Transfers

Students/Former Students

If a student or former student requests information and documentation, it may be released if:

• the document/information was given to the school by the student
• the document/information was previously given to the student
• the document is publicly available

For other documents, the student should be invited to make a formal FOI request.

See: Department resources

Victoria Police

Victoria Police have broad powers to investigate and obtain evidence. Where personal information is requested by police it may be disclosed when:

• the student or parent/guardian consents;
• the disclosure is necessary to lessen or prevent:
  • a serious and imminent threat to an individual’s life, health, safety or welfare;
  • a serious threat to public health, public safety or public welfare
• the disclosure is necessary to assist with the prevention, detection,

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<table>
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<tbody>
<tr>
<td></td>
<td>investigation, prosecution or punishment of criminal offences or breaches of a law;</td>
</tr>
<tr>
<td></td>
<td>the disclosure is necessary to assist with the prevention, detection, investigation or remedying or seriously improper conduct.</td>
</tr>
</tbody>
</table>

7. EVALUATION:

- This policy will be reviewed as part of the school’s four-year review cycle.