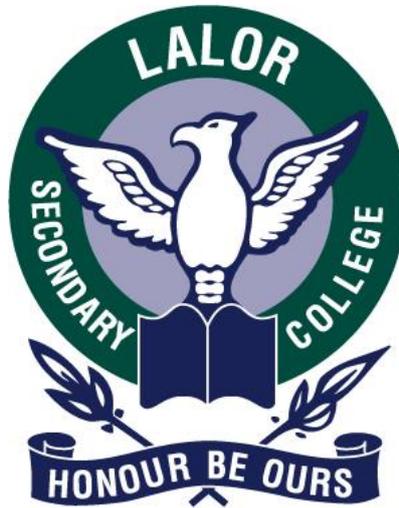


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LALOR SECONDARY COLLEGE

Privacy Policy

2015-2017

AIM

To outline the responsibilities of all Lalor Secondary College members in keeping student, parent and staff information private and confidential.

RATIONALE

All staff of Lalor Secondary College are required by law to protect the personal and health information the school collects and holds.

The Victorian privacy laws, the *Information Privacy Act 2000* and *Health Records Act 2001*, provide for the protection of personal and health information.

The privacy laws do not replace any existing obligations Lalor Secondary College has under other laws. Essentially this policy will apply when other laws do not regulate the use of personal information.

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 Principal who may access the Legal Services Unit.

The following information listed in this section (Information Requests) is taken from the Department of Education and Early Childhood Development School Policy and Advisory Guide 2012.

Information requests – Any further information relevant to particular areas of interest highlighted under the sub-heading (SEE:) can be found at the following link. www.education.vic.gov.au/spag

When information is requested by	Guideline/Action
Authorised Officers - Public Transport	The <i>Transport (Compliance and Miscellaneous) Act 1983</i> (Vic) permits the disclosure of information to an “authorised officer” for the purpose of enforcing transport infringements. Schools should comply with these requests.
Centrelink	Centrelink Officers have broad powers under the <i>Social Security Administration Act 1999</i> (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.
Courts or Tribunals	<ul style="list-style-type: none">• 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

	<p>contact Legal Services Unit immediately.</p> <p>See: Responding to Legal Claims, Writs and Subpoenas</p>
Department of Health (Victoria)	<p>The <i>Health (Infectious Diseases) Regulations 2009</i> (Vic) require schools to provide information to the Department of Health in relation to children suffering from infectious diseases.</p>
Department of Human Services (DHS) Child Protection	<p>An employee of DEECD 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.</p> <p>See:</p> <ul style="list-style-type: none"> • Child Protection – Mandatory Reporting • Police and DHS interviews
Employers	<p>Schools are often asked to provide references to employers and should comply if the student provides consent. The principal:</p> <ul style="list-style-type: none"> • may write an official reference when the student leaves school addressed “To whom it may concern” to be handed to the student on departure • may, with the student’s consent, provide a confidential reference.
Explosives inspectors	<p>Schools may provide information of student whereabouts under the provisions of the <i>Dangerous Goods Act 1958</i>.</p> <p>See: Supervision and Access</p>
Lawyers	<p>Where a request is made:</p> <ul style="list-style-type: none"> • 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. • 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. <p>See:</p> <ul style="list-style-type: none"> • Parental Responsibility • Responding to Legal Claims, Writs and Subpoenas
Officers of the Family Court (Independent Children’s Lawyer or Family Consultant)	<p>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:</p> <ul style="list-style-type: none"> • authorised by Court Order/Subpoena; or • the parents consent to the provision of the information.
Parents	<p><i>Request for details of school where a child is enrolled</i></p>

	<p>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.</p> <p>If the school is satisfied that:</p> <ul style="list-style-type: none"> • 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 parent • <i>and</i> there are no immediate welfare concerns • <i>and</i> the school is satisfied of the identity of the parent and his/her relationship to the child <p>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.</p> <p>See: Parental Responsibility</p> <p><i>Requests for school reports and ordinary school communications</i></p> <p>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.</p> <p><i>Requests for other documents</i></p> <p>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.</p> <p>See: Department resources</p>
Private agents/investigators	Schools should not provide private agents with any information except with the written consent of the parent/guardian.
Schools	See: Transfers
Students/Former Students	<p>If a student or former student requests information and documentation, it may be released if:</p> <ul style="list-style-type: none"> • 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 <p>For other documents, the student should be invited to make a formal FOI request.</p> <p>See: Department resources</p>

Victoria Police	<p>Victoria Police have broad powers to investigate and obtain evidence. Where personal information is requested by police it may be disclosed when:</p> <ul style="list-style-type: none"> • the student or parent/guardian consents; • the disclosure is necessary to lessen or prevent: <ul style="list-style-type: none"> • 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, investigation, prosecution or punishment of criminal offences or breaches of a law; <p>The disclosure is necessary to assist with the prevention, detection, investigation or remedying or seriously improper conduct.</p>
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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 reasonable be 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 Department of Education and Early Childhood Development (DEECD). Information provided to a School through job applications is also considered staff information.

[Camera](#) means a device that is able to record an image of an individual whose identity is apparent. For example, this includes all digital and film cameras, phone cameras and video cameras.

School Approach

The School collects and holds personal information about students, parents and staff. Personal Information is collected and used by Lalor Secondary College to:

- provide services or to carry out the School statutory functions,
- assist the School services and its staff to fulfil its duty of care to students,

- plan, resource, monitor and evaluate School services and functions,
- comply with DEECD 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, and
- comply with laws that impose specific obligations regarding the handling of personal information.

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, and
- 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.

The School can disclose personal information for another purpose when:

- the person consents, or
- 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.

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.

DISCLOSURE of PERSONAL INFORMATION

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.

ALL Staff

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

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

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*.](#)

Publication of Student Work and Photographs

1. Parent consent not required

Lalor Secondary College occasionally publishes student information booklets and because these are for our school programs and are circulated amongst the Lalor Secondary College students and staff we sometimes use student photographs and full student names. ***This is an acceptable practice for schools and permission is not needed.***

Each year a commercial photographer takes home group and other group photos of our students which parents receive. This is an acceptable practice in schools. Individual photos are taken of all students at this time for the school to use as part of its student information records for educational, health and welfare reasons. These photographs are also used for student ID cards. ***This is an acceptable school practice and permission is not needed.***

2. Parent consent required for each occurrence.

On occasions students are invited to be videoed, photographed, recorded or interviewed by local or national newspapers, television, government publications or other areas of media. ***Parent/guardian consent will be sought before each individual occurrence.***

3. Parent consent required – general consent form.

At Lalor Secondary College we celebrate the efforts and achievements of our students by mentioning their participation in school programs in our newsletter which is also on our website. Occasionally group photos, and individual photos, of students are used. We may identify students in photographs by first name, student's home group and year level. On a regular basis we celebrate student work by publishing it in our weekly newsletter and on our website. Authorship of student work is by the student's first name and their home group. ***Parent permission is needed for their child to be part of this publishing program (refer Appendix 1).***

Collection of Images

Lalor Secondary College has a duty of care towards its staff and students. To meet this duty of care it is necessary to ensure that:

- Before a photograph is taken permission must be given by the subject of the photograph.
- If that photograph is to be used outside the school, then written permission for such use must be gained from the parent/carer if the child is a minor, or from the subject of the photograph themselves if they are no longer a minor.
- Phone cameras should only be used in accordance with the Lalor Secondary College Digital Device Policy.

In special situations, e.g. camps, excursions, out of school activities, etc. students may be permitted to bring a camera to these activities. The equipment list for such activities will list cameras as permitted items. The rules outlined earlier regarding appropriate permission must be adhered to.

Security

School staff and students have use of information communication technologies (ICT) provided by the School. This use is directed by:

- [DEECD's Acceptable Use policy for Internet, email, and other electronic communications.](#)
- [DEECD's IT Security Policy](#)

Web Sites

Information Collected:

The web server which holds the school's web pages is located at the ISP and records the following information for each request:

- the IP (Internet Protocol) address of the request's origin (the Internet address of the computer used to view the web page).
- location of the page on the web site (e.g. /index.html,/ contact_details.html, /photos/aerial.jpg etc.)
- the request type (e.g. GET, POST etc).
- server response (indicates success or identifies type of error).

This type of information is used for statistical purposes and/or for troubleshooting in the event of technical problems and does not reveal the visitors' identities or other personal details.

Related Documents.

- *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)
- *Information Privacy Act 2000* (Vic)
- *Social Security (Administration) Act 1999* (Cth)
- *Transport Accident Act 1986* (Vic)
- *Transport (Compliance and Miscellaneous) Act 1983* (Vic)
- *Appendix 1*

APPENDIX 1

PLEASE NOTE: *If a parent chooses not to give permission, their child will not have their work published nor will their name be published for sporting, artistic or other achievements in the school's weekly newsletter or the Webpage. Non return of a consent form is deemed to be the parent has not given approval.*

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Please detach and return as soon as possible. All responses will go on a school data base to be applicable whilst your child is a student at Lalor Secondary College

PUBLICATION OF STUDENT WORK AND PHOTOGRAPHS POLICY

I **do** **do not** give consent for my child's schoolwork (with their first name only and home group) and inclusion in a group or individual photo to go in the newsletter and on the Webpage.

Name of Student:

Name of Parent (***Please print***):

Signature of Parent:

Date: