



# Privacy Policy



## Help for non-English speakers

If you need help to understand the information in this policy please contact the school on 9687 1535

All staff of Footscray West Primary School (FWPS) are required by law to protect the personal and health information the school collects and holds.

FWPS adopts the Department of Education and Training (DET) School's privacy policy which can be found at <https://www.education.vic.gov.au/Pages/schoolsprivacypolicy.aspx>

The Victorian privacy laws, the Privacy and Data Protection Act 2014 and the *Health Records Act 2001*, provide for the protection of personal and health information.

The privacy laws do not replace any existing obligations Footscray West Primary School has under other laws. Essentially this policy will apply when other laws do not regulate the use of personal information.

## Definitions

**Personal information** is recorded information or opinion, whether true or not, about a person whose identity is apparent, or can reasonably be ascertained, from the information or opinion. The information or opinion can be recorded in any form. 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. 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 orientation or practices; or criminal record. It also includes health information.

***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 Training (DET). Information provided to a school through job applications is also considered staff information.

## Policy context

Personal information is collected and used by Footscray West Primary School 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 our school to:
  - communicate with parents about students' schooling matters and celebrate the efforts and achievements of students
  - maintain the good order and management of our school
- enable the Department to:
  - ensure the effective management, resourcing and administration of our school
  - fulfil statutory functions and duties
  - plan, fund, monitor, regulate and evaluate the Department's policies, services and functions
  - comply with reporting requirements
  - investigate incidents in schools and/or respond to any legal claims against the Department, including any of its schools.

### . Collection of personal information

The school collects and holds personal information about students, parents and staff.

### Use and disclosure of the personal information provided

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.

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, volunteer placement or contract
- 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 our school/the Department.

FWPS 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 – for example, to enable the school council 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 such as Department of Health and Human Services 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 Departmental research or school statistics purposes
8. to establish or respond to a legal claim.

A unique identifier (a CASES21 code) is assigned to each student to enable the school to carry out its functions effectively.

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 consent from the parent. Footscray West Primary School will generally seek consent of the student's parents and will treat consent given by the parent as consent given on behalf of the student.

### **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. Unless there is a Court Order restricting their right to access this information.

Access to other information maybe 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.

Any requests will be referred to the Department's FOI & Privacy Unit, who will determine whether the person is entitled to the information.

### **Updating personal information**

The school aims to keep personal information it holds accurate, complete and up-to-date. A person should update their personal information by contacting the principal or delegate.

### **Security**

School staff and students have use of digital technologies provided by the school. This use is directed by:

- DET's acceptable use policy for hardware, software, network systems, file sharing, online environments, Internet, email and other electronic communications
- DET's ICT security policy.

### **Web sites**

#### **Information collected**

- Footscray West Primary School's web and web server does not make any records when accessed by visitors.

### **Complaints under privacy**

Should the school receive a complaint about personal information privacy this will be investigated in accordance with the Department's *Information Privacy Complaints Handling Policy*.

### **POLICY REVIEW AND APPROVAL**

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| Policy last reviewed       | June 2020                              |
| Consultation               | Not required.                          |
| Approved by                | Principal and tabled at school council |
| Next scheduled review date | 2024                                   |