



## Privacy Policy

### Rationale:

Balwyn North Primary School values the privacy of every person and is committed to protecting information that schools collect. All staff, service providers (contractors) and agents, (whether paid or unpaid) of the Department of Education and Training, and Balwyn North Primary School (“**BNPS**”, “**us**”, “**our**” or “**we**”) must comply with Victorian privacy law and this policy. In Victorian government schools (such as BNPS) the management of ‘personal information’ and ‘health information’ is governed by the Privacy and Data Protection Act 2014 (Vic) and Health Records Act 2001 (Vic) (collectively, **Victorian privacy law**).

This policy explains how BNPS collects and manages personal and health information, consistent with Victorian privacy law.

### Aims:

To ensure that personal and/or sensitive information is managed in a manner consistent with community expectations, professional standards and legal obligations.

Our staff, contractors and volunteers must comply with this policy in relation to any personal information they handle.

Personal information may be collected from any individual with whom BNPS may have contact, including current and prospective students and their parents/guardians, alumni, job applicants, volunteers, contractors, past Department employees who worked at BNPS and other individuals who come into contact with BNPS.

BNPS may also collect, use and disclose health information in relation to the provision of health services to students while those students are in our care.

### Definitions:

**Personal information** is information or opinion, whether true or not, about a person whose identity is apparent, or can reasonably be ascertained, from the information or opinion – that is recorded in any form. For example, a person's name, address, phone number and date of birth (age). 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 – whether in writing or not. 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 person's racial or ethnic origin, political opinions, religion, philosophical beliefs, sexual preferences or practices, or criminal record.

## **Implementation:**

### **What information do we collect?**

We collect a range of personal information about an individual, including an individual's name, address, telephone number, email address, age and date and place of birth.

Balwyn North Primary School collects the following types of information:

- information about students and their family, provided by students, their family and others
- information about job applicants, staff, volunteers and visitors; provided by job applicants, staff members, volunteers, visitors and others.

In addition to this information, where we provide health services in the course of discharging our duty of care, we may collect information about health services previously provided to an individual, an individual's current health status and an individual's expressed wishes in relation to the provision of health services.

We may also collect information about individuals when individuals access our website for statistical purposes. Information BNPS collects from visits to its website is generally anonymous and we do not use such information to identify individuals. However, due to the nature of internet protocols, such information may contain details which may identify a particular individual, such as the IP address of the computer accessing the website, the internet service provider used by the individual, the web-page directing the individual to the website and the individual's activity on the website.

### **How do we collect this information?**

Balwyn North Primary School collects information in a number of ways, including:

- in person and over the phone: from students and their family, staff, volunteers, visitors, job applicants and others
- from electronic and paper documentation: including job applications, emails, invoices, enrolment forms, letters to our school, consent forms (for example: enrolment, excursion, Student Support Services consent forms), the Balwyn North Primary School website or school-controlled social media
- mail correspondence
- publicly available sources of information
- reference from another school about an individual student
- any reports provided to Balwyn North Primary School by a medical professional in relation to health services previously provided or to be provided by Balwyn North Primary School to an individual
- through online tools: such as apps and other software used by Balwyn North Primary School.

We may collect data from our website using various technologies, including "cookies". A "cookie" is a text file that Balwyn North Primary School's website sends to an individual's browser, which is stored on the individual's computer as an anonymous tag identifying the individual's computer (but not the individual) to Balwyn North Primary School. A browser can be configured to disable cookies; however, parts of Balwyn North Primary School's website may not function properly (or at all) if cookies are disabled.

### **Collection notices**

When Balwyn North Primary School collects personal information, our school takes reasonable steps to advise of the purpose of collection and how to access and update or correct information.

### **Unsolicited information**

Balwyn North Primary School may receive information that we have taken no active steps to collect. If permitted or required by law, our school may keep records of this information. If not, we will destroy or de-identify the information when practicable, lawful and reasonable to do so.

### **Why do we collect this information?**

Generally, we only use personal information for the primary purpose for which the information is collected or a secondary purpose when permitted by law.

To the extent we collect sensitive information, then we will only use such information for the primary purpose of collection and for any secondary purposes which are directly related to the primary purpose and which you would reasonably expect us to use or disclose the information for the secondary purpose.

However, we may use or disclose personal information (including health information and sensitive information) for a purpose other than the primary purpose of collection if authorised or required by law.

### ***Primary purposes of collecting information about students and their families***

Balwyn North Primary School collects information about students and their families when necessary to:

- educate students
- support students' social and emotional wellbeing, and health and to fulfil our duty of care to our students
- fulfil legal requirements, including to:
  - o take reasonable steps to reduce the risk of reasonably foreseeable harm to students, staff and visitors (duty of care)
  - o make reasonable adjustments for students with disabilities (anti-discrimination law)
  - o provide a safe and secure workplace (occupational health and safety law)
- enable Balwyn North Primary School to:
  - o communicate with parents/guardians (including through correspondence, newsletters, magazines and reports) about students' schooling matters and celebrate the efforts and achievements of students
  - o maintain the good order and management of Balwyn North Primary School
  - o seek and administer donations and bequests made to Balwyn North Primary School
- enable the Department to:
  - o ensure the effective management, resourcing and administration of Balwyn North Primary School
  - o fulfil statutory functions and duties
  - o plan, fund, monitor, regulate and evaluate the Department's policies, services and functions
  - o comply with reporting requirements
  - o investigate incidents in schools and/or respond to any legal claims against the Department, including any of its schools.

From time to time, we may seek the consent of parents/guardians to enable us to use their child's name, image and likeness in materials produced or published by us or on our behalf, including newsletters, magazines, posters and other advertising materials to promote us and our services. Where parents/guardians do not consent to us using their child's name, image or likeness being used in this manner, we will refrain from using their child's name, image and likeness. Additionally, parents/guardians may at any time withdraw their consent and Balwyn North Primary School will promptly remove their child's name, image and likeness from the materials produced or published.

### ***Primary purposes of collecting information about others***

Balwyn North Primary School collects information about staff, volunteers and job applicants:

- to assess applicants' suitability for employment or volunteering
- to administer employment or volunteer placement
- 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 Balwyn North Primary School/the Department.

### **When do we use or disclose information?**

Balwyn North Primary School 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 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, that is imminent
  - 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 Department 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 Balwyn North Primary School to carry out its functions effectively.

### **Use of health information**

We may use health information collected about an individual for the purposes of providing health services to that individual, where required. We may disclose health information to a medical professional or to a health service provider where that medical professional or health service provider is engaged in providing health services to the individual concerned. We will not use or disclose such health information for a purpose other than the primary purpose of collection unless:

- the individual consents to the use or disclosure;
- the secondary purpose is directly related to the primary purpose and the individual would reasonably expect us to use or disclose the information for the secondary purpose;
- the use or disclosure is required, authorised or permitted (whether expressly or impliedly) by or under law; or
- as otherwise authorised, permitted or required under the *Health Records Act 2001* (Vic).

### **Student transfers between schools**

When a student has been accepted at, and is transferring to, another school, Balwyn North Primary School transfers information about the student to that school. This may include copies of the student's school records, including any health information. This enables the next school to continue to provide for the education of the student, to support the student's social and emotional wellbeing and health, and to fulfil legal requirements.

### **Compass Student Management System**

Balwyn North Primary School uses Compass as our primary student management system. This service is used to manage (including, but not limited to) the following: student attendance, timetabling of classes, reporting to parents, first aid, student wellbeing and behaviour information, excursions and events (including camps), communications between home and school and personal and family contact information. Parents have access to a parent Compass portal, where they can update some personal information, receive current school information, provide consent and/or pay for events, programs, pay for school fees, read student progress reports, book appointments and contact teachers. Balwyn North Primary School teachers and parents have secure and private passwords to this service.

### **NAPLAN results**

NAPLAN is the national assessment for students in years 3, 5, 7 and 9, in reading, writing, language and numeracy. When a student transfers to another Victorian government school, their NAPLAN results are able to be transferred to that next school. Additionally, a student's NAPLAN results are able to be provided to the student's previous Victorian government school to enable that school to evaluate their education program.

### **Effect of non-provision of personal information; anonymity**

From time to time you may be able to deal with us anonymously. For example, without limitation, if you have a general inquiry about us, and/or our services, we may be able to respond to your inquiry on an anonymous basis.

However, if you do not provide the personal information we request, or you provide the information anonymously, then we may be unable to fulfil our functions as an educational institution to you or to your child or discharge our duty of care to you or to your child.

Further, in some situations, we may need to verify your identity as part of our response to a request to access to and/or correction of personal information or health information we hold about an individual, or as part of our complaints handling procedure. If we cannot verify your identity, or you continue to engage with us in an anonymous manner, then we may be unable to complete your request or pursue our complaints-handling process.

### **Responding to complaints**

On occasion Balwyn North Primary School, and the Department's central and regional offices, receive complaints from parents and others. Balwyn North Primary School and/or the Department's central or regional offices will use and disclose information as considered appropriate to respond to these complaints (including responding to complaints made to external organisations or agencies).

### **Accessing your information**

All individuals, or their authorised representative(s), have a right to access, update and correct information that Balwyn North Primary School holds about them.

### **Access to student information**

Balwyn North Primary School only provides school reports and ordinary school communications to parents who have a legal right to that information. Requests for access to other student information must be made by making a Freedom of Information (FOI) application through the Department's Freedom of Information Unit (see below). In some circumstances, an authorised representative may not be entitled to information about the student. These circumstances include when granting access would not be in the student's best interests or would breach our duty of care to the student, would be contrary to a mature minor student's wishes or would unreasonably impact on the privacy of another person.

### **Access to staff information**

School staff may first seek access to their personnel file by contacting the principal. If direct access is not granted, the staff member may request access through the Department's Freedom of Information Unit.

### **Storing and securing information**

Balwyn North Primary School takes reasonable steps to protect information from misuse and loss, and from unauthorised access, modification and disclosure. Balwyn North Primary School stores all paper and electronic records securely, consistent with the Department's records management policy and information security standards. All school records are disposed of, or transferred to the Public Records Office Victoria, as required by the relevant Public Records Office Standard.

### **Cross-border transfer of information**

We may transfer an individual's personal information to any entity outside Victoria from time to time. Such transfers will be in accordance with the requirements of the *Privacy and Data Protection Act 2014* (Vic) and will only occur in the following situations:

- where we reasonably believe that the recipient of the information is subject to a law, binding scheme or contract which effectively uphold principles for fair handling of the information that are substantially similar to the Information Privacy Principles;
- where the individual consents to the transfer; or
- as otherwise contemplated in the Information Privacy Principles.

For example, we may use and allow students to use software and related services in the course of the delivery of education to the students that require personal information to be hosted outside Victoria, necessitating the transfer of such personal information to location(s) outside Victoria.

We may transfer health information about an individual to an entity other than us or the individual and which is located outside Victoria only where we believe that the recipient is subject to a law, binding scheme or contract which effectively upholds the principles for fair handling of the information that are substantially similar to the requirements under the *Health Records Act 2001* (Vic),

if the individual consents to the transfer or otherwise as permitted under the *Health Records Act 2001* (Vic).

### **Updating your information**

We endeavour to ensure that information about students, their families and staff is accurate, complete and up to date. To update your information, please contact Balwyn North Primary School's general office.

### **FOI and Privacy**

To make a FOI application contact:  
Freedom of Information Unit  
Department of Education and Training  
2 Treasury Place, East Melbourne VIC 3002  
(03) 9637 3961  
[foi@edumail.vic.gov.au](mailto:foi@edumail.vic.gov.au)

**Queries or complaints about privacy can be forwarded to:**

**Information Strategy, Policy and Governance**  
Department of Education and Training  
2 Treasury Place, East Melbourne VIC 3002  
[privacy@edumail.vic.gov.au](mailto:privacy@edumail.vic.gov.au)

**Evaluation:** This policy will be reviewed as part of the school's three-year review cycle.

**Date Ratified:**