

Privacy Policy and Procedure



Purpose

1. To promote and protect individual privacy with regard to the collection, use and disclosure of information relating to individuals
2. To guide access by each individual to information relating to that individual held by the school.
3. To ensure that the principles of the Privacy Act 1993 are publicised and observed in all aspects of school life.

Policy

The Board of Trustees of Kilbirnie School is required to comply with the Privacy Act 1993 in all aspects for employees and students in its role as the body with the overall responsibility for the running of the school.

The School has an obligation to meet the requirements of the Privacy Act 1993 in the collection, use and disclosure of information and will respect the privacy of individuals in all its dealings with students, staff, the community and outside agencies.

Scope

This policy applies to the Board of Trustees, Principal, Staff and Parents/Caregivers of Kilbirnie School.

Responsibilities

- The Principal will appoint a Privacy Officer each year.
- The Privacy Officer will ensure that this policy is adhered to and that the school complies with the Privacy Act.
- The school, via the Privacy Officer, will actively promote awareness of privacy issues amongst staff and the community.
- The Board, Senior Management, and the Privacy Officer, will develop procedures to ensure compliance with the Privacy Act, and the 12 Information Privacy Principles.

General Guidelines

1. Information and data will be collected in a manner that is fair and does not intrude to an unreasonable extent upon the personal affairs of the individual concerned.
2. All information collected will be used only for the specific purpose for which it was collected. This purpose will be advised at the time of data collection.
3. Reasonable steps will be taken to ensure that the personal information is accurate, up-to-date, complete and relevant.

4. Individuals have the right to view and change any information held about them if it is shown that the stored information is incorrect. When there is a request for access to personal information, the school will process it within 20 working days in accordance with the Act.
5. Information of a personal nature will be stored in such a way as to guard against loss and unauthorised access. Communication of such information will be done securely.
6. Information will not be kept for longer than is necessary.
7. Personal information about individual students will not be discussed with persons outside the School staff unless that person is a parent or legal guardian, or there are reasonable grounds to believe that the information is necessary to maintain law and order or to protect the well being of the student.

Specific Guidelines

STUDENT INFORMATION

- The school will check and update contact information on a yearly basis. Individuals are encouraged to actively provide updates to contact information.
- Information that is collected for a specific purpose, eg camp forms, will be used only for this purpose and then destroyed afterwards.
- All forms used for the collection of personal information will be noted with the following clause (or one more specific to the purpose), advising individuals about the collection, storage, use and access to information:

“This information is gathered for the purposes of furthering the education of your child. It will be used within the school and as statistical information when required by the Ministry of Education. In completing such official requests individual students are not identified.

You have the right to alter, amend, and view any of these details at any time while your child attends Kilbirnie School.”

- The school will not pass on personal information to another party without the prior permission of the individual concerned. The school acknowledges the exceptions to this principle and will observe the requirements of those laws that over-ride the Privacy Act.
- Access to different types of student information is limited by staff role. Sharing of log-ins and passwords is not permitted.
- Parents are asked at enrolment for permission for their child’s photo to be used in online school material (blogs, website, online newsletter etc). A record is kept of those children for whom permission is not granted and provided to those updating school material.

STAFF INFORMATION

- For positions on the staff when appointment procedures have been concluded, collected information will be destroyed (as in the case of referee reports and CVs).
- Personal information about individual staff members will be disclosed only to those persons reasonably involved in the appointment, promotion or discipline of that staff member.
- When making appointments applicants will be told that information they provide, or that may be collected, will be confidential to the school. Outside sources of information will be advised that any information collected will be treated confidentially.

BOARD MEETINGS

Board meetings are usually open meetings at which observers can attend. There are also minutes from the meetings, which are publicly available documents.

If there is a discussion about an individual at a board meeting, then it is acceptable practice for a resolution to be passed that observers/non board members be excluded from all or part of the meeting in order to protect the privacy of that individual.

The relevant part of the minutes needs to be separated from the public copy of the minutes and identified as a confidential document.

DISCIPLINARY INVESTIGATIONS AND HEARINGS

Under the Education Act, the principal is required to advise the Ministry of Education and a parent of the student of any stand-down, suspension, exclusion, and expulsion.

In conducting a disciplinary hearing, the Board should identify from the outset a proper procedure, including fair and reasonable notice, and written notification of any complaint. The board should also identify what information will be released to the complainant at the end of an investigation, including any penalty imposed on the individual.

REPORTING TO PARENTS/GUARDIANS

The Education Act requires schools to report if there is anything affecting the student's progress or harming the student's relationships. Although this information is usually shared throughout the year in Parent/Teacher/Student Learning conferences, and release of portfolios, this does not mean that parents are automatically entitled to all information relating to their child. There are times when information may remain confidential between the school and a student.

LAWYER FOR CHILD

Lawyer for child is a lawyer who has been appointed by the Court. The lawyer will represent the child in custody and access matters if a dispute has not been resolved through counseling and mediation and it seems unlikely the dispute will go to a court hearing. Lawyer for child reports to the Courts in the child's best interests. The NZLS protocol recommends that lawyers make all enquires in relation to a student through the school principal. Arrangements to interview teachers or school counsellors or to view school records should also be made through the principal.

TRANSFER OF RECORDS BETWEEN SCHOOLS

Under the Education Act, schools are required to share enrolment information and other school records if a student transfers to another school. A principal should consider principle 11 and professional codes of conduct/ethics when making a decision about disclosure to a forwarding school.

CLASSROOM ACTIVITIES/EXERCISES AND PERSONAL INFORMATION

Many classroom activities are centred round students revealing information about themselves and their families in a public classroom. These activities are founded on well-established educational principles.

ENQUIRIES BY POLICE AND OTHER GOVERNMENT AGENCIES

If the Police have a search warrant in which a Court has ordered release of information, then the school should comply with the terms of the search warrant.

If another government agency seeks information under its legislation (eg mandatory disclosure of information to care and protection co-ordinators under Children, Young Persons and Their Families Act), then **the school must be satisfied that it is dealing with that agency and the school is entitled to ask that the agency put the request in writing, setting out the law on which it relies for mandatory release of the information.**

If the request is without a search warrant, and the school is satisfied the request is from the Police or other government agency - and the information is necessary for the maintenance of the law including the prevention, detection, investigation, prosecution and punishment of offences - then the school **may** release the relevant information.

If a school is **not certain** about such release, then **the request may be refused** and the Police or other government agency can obtain a search warrant if the release is necessary.

COMPLAINTS PROCEDURE

Where an individual believes their privacy to have been breached, or where the school takes any action that may possibly be considered a breach of privacy, the school will advise the individual of their right to make a complaint to the Privacy Commissioner.

If someone believes that a school has interfered with their privacy or their child's privacy, they may make a complaint to the Privacy Commissioner. If the Commissioner's office decides to investigate the complaint, it will contact the school. If the problem is not resolved then the Privacy Commissioner may refer the matter to Director of Human Rights Proceedings who may take the complaint to the Human Rights Review Tribunal.

Contact details can be obtained from the school's Privacy Officer.

References:

Privacy Act, 1993; Education Act, 1990; Education Amendment Act, 1993; Archives Act, Privacy in Schools 2009, published by the The Privacy Commissioner, Official Information Act.

Document Control

Version	Status/change	Date
v1.0	Reviewed by Kilbirnie School principal	December 2013
v1.1	Reviewed and separated into general and specific guidelines	September 2017