

6.3 Privacy

Statement of Intent

Onslow College will promote and protect the privacy of all individuals associated with the school, i.e., students, staff, parents and any others.

The policy follows the key principles of the Privacy Act, 1993, which describe how we may collect, use, and store personal information. The Act also created the position of Privacy Commissioner to administer it.

Note: the word "parent" throughout this section to refer to parents, caregivers and guardians.

Board's Expectations

1. The College will appoint a Privacy Officer.
2. Personal information will only be collected and used for purposes connected with the function of the College.
3. Individuals will be informed of the purposes for which the information is being collected and held.
4. Reasonable safeguards are in place to protect information from loss, unauthorized access, improper use or improper disclosure.
5. The College takes reasonable steps to make sure personal information is correct, up-to-date, relevant and not misleading.
6. Individuals have access to information held about themselves, and may request correction of information held, or when not corrected, may require that there be attached to the information a statement of the correction requested.
7. Information may be disposed of in accordance with General Disposal Authority (GDA) under the Public Records Act.

Guidelines

The Act is primarily concerned with good information handling practices, and is made up of information privacy principles. These principles are summarised in the following guidelines. The number in brackets after each guideline refers to the relevant information privacy principle.

When personal information about an individual is collected the purpose for collection should be known, and that information only collected:

1. Information should be collected directly from the person concerned or, if a student, their parent or guardian, unless it is publicly available from elsewhere or the person's interests are not prejudiced when that information is collected from elsewhere.
2. Safeguards will be in place to protect personal information from loss, unauthorised access, use, or disclosure. These safeguards include the use of individual logins for computers, and lockable filing cabinets.
3. If an individual wants access to the information the school holds about them, that information will be provided. Individuals may request correction of this information.
4. Reasonable steps will be taken to make sure personal information is correct, up to date, relevant and not misleading.
5. Information will only be kept for as long as it is needed, and for the purposes for which it was obtained. When a student moves to a new school and their records are requested, the relevant information will be provided.
6. Information is only used for the purposes for which it was obtained except in certain circumstances (for example, for statistical purposes where the person's identity is not disclosed).
7. As a general rule, information about any person is not given to a third party without the person's knowledge, unless:
 - the information is already publicly available
 - it is being passed on in connection with a purpose for which it was obtained, for example, to the student's new school.
 - the right to privacy is over-ridden by other legislation
 - it is necessary for the protection of individual or public health and safety.

Parents and the Privacy Act.

All schools must observe the Privacy Act, and also the Official Information Act, and the Education Act. Under the Privacy Act, individuals are entitled to access personal information held about them.

There is no age limit to this, children and young people have the same rights as everyone else. This means that parents have no automatic right to access all of the information the school may hold about their child.

Parents and guardians are entitled to access educational information, and are usually able to access other information if they request it, through the provisions of the Official Information Act. This act overrides the Privacy Act in most circumstances.

In considering a request from a parent, the school must consider the following:

- Is it information that the parent has a right to, for instance, about their child's academic progress, or is it information the child has a right to keep private?
- Is the parent acting as the child's representative, or acting without the child's consent?
- Is the child of an age or maturity that allows them to decide to give consent or not?
- Is disclosure of the information a breach of the child's confidentiality?

- Is it in the child's best interest?
- Does other legislation affect the decision? For example, the Education Act, 1989, requires principals to tell parents about matters which are preventing or slowing a student's progress at school, or harming the student's relationships with teachers or other students.

In practice there are very few occasions when a school would be justified in withholding any information from a parent.

Note: in the case of separated parents, each parent is entitled to educational information about their child, for example, school reports, and matters which are preventing or slowing a student's progress at school or harming the student's relationships with teachers or other students. These should be provided unless there is a Court Order preventing it.

It is the responsibility of the custodial parent to alert the school of any such Order.

Parents have no automatic right to request corrections of information held about their child. The school, however, is bound by the principles of the Privacy Act and one of them is to endeavour to keep information about a person up-to-date and correct.

If a parent points out that information is incorrect, the school should correct it.

Parents are not entitled to information about other parents, or students who are not their own children.

Delegation

The implementation of this policy is delegated to the Principal and Privacy Officer.

Review date 2018

Date for next review 2021

Relevant Legislation: <http://www.legislation.govt.nz/>

- Privacy Act, 1993
- Official Information Act, 1982
- Education Act, 1989
- Children, Young Persons and their Families Act, 1989

Resources:

Office of the Privacy Commissioner <http://privacy.org.nz/> Privacy in Schools:

A guide to the Privacy Act for principals, teachers, and boards of trustees.

<http://www.privacy.org.nz/privacy-in-schools-a-guide-to-the-privacy-act-for-principals-teachers-and-boardsof-trustees/>