Privacy of Information Policy and Procedures

Rationale:

The welfare of the student is the school's primary concern regarding the privacy of their information.

Objective:

The school will comply with the Privacy Act (2020), as well as follow good practice advice and guidance from the Office of the Privacy Commissioner and the NZ School Trustees Association.

Guidelines:

1. Parents, custodial and non-custodial, as well as Family Court appointed guardians, are entitled to receive information on their children's progress at school and anything that is preventing that progress. This information includes school reports, attendance data, and other relevant information about a student's educational progress and pastoral care.
2. Any court orders which are in place will be followed.
3. The school will consider the confidentiality obligations of the school counsellors. Information a student has disclosed to a school counsellor is confidential, except in the case of imminent severe risk to themselves or others, or if it is legally required.

4 The school will take all practicable steps to ensure that student and staff information is obtained, stored, and used appropriately.

5 The school will have systems in place to ensure that student and staff information is accessed by appropriate staff members.

Approved by: Melanie Morris

Designation: Board Chair

Date Approved: 30 November 2021

Review Date: November 2023

Privacy of Information – Procedures

Hagley College's Privacy of Student Information Policy and Guidelines for Best Practice are in accordance with the Privacy Act 2020.

The school recognises personal information as being any information it records about an identifiable individual. This information can be mundane or sensitive and can be in different formats, such as emails, notes, video or audio recordings, or information stored on the school management system (Kamar).

The school's guidelines for best practice are based on the Privacy Act's thirteen information privacy principles that govern how the school should collect, handle, and use personal information.

- Principle 1 **Purpose of Collection of Information**

  Hagley College will collect information, which will be used for a lawful purpose and relevant to the school's role.

- Principle 2 **Source of Information**
  Hagley College will generally collect information directly from the student it is about. When appropriate, the information will be collected from other family members, guardians, or relevant outside agencies such as government and non-governmental organisations.

- Principle 3 **What to Tell an Individual**
  Hagley College will take reasonable steps to make sure that a student/guardian/caregiver knows:
  why the information is being collected
  who will receive the information
  whether giving the information is compulsory or voluntary
  what will happen if they do not give the information.

- Principle 4 **Manner of Collection of Information**
  Hagley College will collect information in ways that are lawful, fair and not unreasonably intrusive. Particular care will be taken when collecting personal information of a sensitive nature.

- Principle 5 **Storage and Security**
  Hagley College will make sure that reasonable security safeguards are in place to prevent loss, misuse or disclosure of personal information.
  This involves keeping hardcopy, and digital information on Kamar, secure and having systems in place that ensure staff and students are only privy to information they are legally entitled to.
  This includes limits put in place by the school on staff browsing other people's information, such as hardcopy personal student files or notes on Kamar.

- Principle 6 **Access to Information**

  Students have the right to ask the school for access to their personal information. In most cases, Hagley College will provide the information promptly. The school may, however, have good reason to refuse access to this information. Potential reasons to refuse access to personal information might be when access might:
  endanger a student or anyone else's safety
  breach another student or anyone else's privacy
  prevent the detection or investigation of a crime
  create a significant likelihood of serious harassment.

- Principle 7 **Correction**

  A student has the right to ask the school to correct their information if they think it is wrong. Even if Hagley does not agree that it needs correcting, it will attach a statement of correction to the information to show the student's view.

- Principle 8 **Accuracy of Information**

  Before using or disclosing personal information, Hagley will take reasonable steps to check it is accurate, complete, relevant, up to date and not misleading.

- Principal 9 **Retention of Information**

  Hagley will not keep personal information for longer than is necessary.

- Principal 10 **Use of Information**

  Hagley College will only use the personal information for the purpose it was collected. The school may use it another way if the student gives the school permission, or in other limited circumstances.

- Principal 11 **Disclosure**

  Hagley College will only disclose personal information in limited circumstances. For example:
  maintenance of the law
  if the student concerned authorises disclosure
  the information will be used anonymously
  disclosure is one of the purposes for which the school obtained the information
  disclosure is necessary to avoid endangerment

- Principal 12 **Disclosure Outside Aotearoa New Zealand**

  Hagley College will only send personal information to someone overseas if the information will be adequately protected

- Principle 13 **Unique Identifiers**

  A unique identifier is a number or code that identifies a student at Hagley College in the school's dealings with them.
  Hagley College will use two identifiers for individual students, the NSN number and the school's student identification number. The school's identifier will be different from any other organisation's number. The school will take all steps necessary to ensure the misuse of these numbers will be minimized.

Preventing and addressing privacy breaches

It may occur that a staff member knows or suspects that they have breached an individual's privacy. If this is the case, the school needs to consider whether they need to notify, who to notify and when, and what should be disclosed when notifying.

Do we need to notify?

Has there been a privacy breach – such as unauthorised access, disclosure, alteration, loss, or destruction of personal information?

In the likelihood of serious harm being caused or likely – consider action taken to minimise harm, sensitivity of the information, the nature of harm, who has obtained the information and is the information encrypted?

If the answer is **YES,** the school should notify as soon as is practicable.

Who do we notify?

- The Privacy Commissioner
- The affected individuals, unless an exception applies (must give public notice if not reasonably practicable to notify each affected individual)
- When? – As soon as is practicable.

If a breach of the Act is deemed to have occurred, the Privacy Commissioner:

- Might issue a compliance notice
- May publish details of compliance notices issued to the school.

- The school can appeal to the Tribunal, or enforcement proceedings taken before the Tribunal
- Compliance orders from the Tribunal can incur a fine of up to $10,000.

New Criminal Offences under the Act include:

- Failing to comply with requirements of the Privacy Commissioner
- Making a false or misleading statement to the Commissioner
- Misleading an agency in relation to a privacy request, impersonation
- Knowingly destroying documents.

Introducing fines of up to $10,000.

Hagley staff responsibility

Understanding the principles of the Privacy Act is essential for the staff at Hagley College. The school stores, both electronically and in hard-copy format, private personal information for over 2000 people. It is essential, therefore, that staff only have access to information which is relevant to their role in the school and that the information is used appropriately.

Education is required for staff to understand the requirements of the principles of the Act and how daily routines pertaining to privacy can function practicably for all staff in their area of the school. Some staff will require access to a lot of private personal information to perform their duties while other staff will require limited access.

Our responsibility to the privacy of other people's information is clearly laid out. Each staff member, however, need look no further than the school's guiding values of respect, personal responsibility, trust, and integrity, also, as guiding principles.

Guidelines for the Privacy of Information for All Staff at Hagley College

Hagley College's guidelines for staff are based on the assumption that staff have read and understood the Privacy Policy procedures and apply them to their everyday practice.

Guidelines

A staff member will not share any information they are privy to, relating to the private personal information of students, whānau and members of staff, unless they have the right to, or have permission from the appropriate person. Examples of this might be:

- Discussing private personal information about someone in the Hagley College community to people outside of school – the exception is sharing information with someone who has the right to know and who needs to know the information, such as an NGO or the Ministry of Education.

Staff will take all practicable steps to ensure that personal private information of students, whānau and members of staff is not visible, either digitally or in written form, for others to see. Examples of this might be:

- laptops being connected to projectors and inadvertently revealing information to an audience
- Emails being sent with information in the subject header which, may be visible to others
- Information being left on a desk which might be seen by students, staff, or members of the public
- Any written material containing private personal information that might be left in a place outside the normal school hours and seen by outside contractors, outside groups using the school or Hagley staff.
- Any personal private information that is taken off site and might be visible in the home setting for family members and visitors to see, or any other setting in which school material might be included in your school gear – such as conferences and meetings.

An exception to this is when the information is being shared with a person or persons who have rights and need to see the information and have been given permission by the owner of the private personal information.

Staff will take all practicable steps to ensure that personal private information of students, whānau and members of staff is not discussed in a setting in which people without rights to the personal private information, are able to hear the discussion. This might include the questioning of students and whānau about their private personal information within hearing of others. Examples of these settings might be:

- Counselling rooms
- Enrolment Centre
- School reception
- Year advisors' office
- Senior management and reception area
- Teacher/caregiver/parent/whānau meetings
- Department staffrooms
- Main staff room
- School camps
- Enrolment events

Miscellaneous considerations

No staff member has the right to read a student's, colleague's, or whānau member's private information. You might have the opportunity to hear or read something you do not need to hear or read; resist the temptation.

Sometimes you might feel that it is beneficial for you to know something that you do not have the right to know. Reverse the situation and ask if you would like someone else to know your personal private information.

Always ask permission before sharing anyone's information. It might seem insignificant to you but might be very significant to the person who the information is about.