

Royal Oak Intermediate School
NAG 6 – Legislation
PRIVACY PROCEDURES



Privacy

The Privacy policy enables us to 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. Among the many functions of the Privacy Commissioner's Office is that of investigating any alleged breaches of the Privacy Act.

Note: we've used the word "parent" throughout this section to refer to parents and guardians.

Each school has a privacy officer who deals with requests for personal information, and who, if required, liaises with the Privacy Commissioner in any investigations. At this school the role belongs to the deputy principal.

The policy gives us *guidelines* about:

- how we collect and store information
- what information we collect
- how we use and disclose information about individuals
- how individuals may access information relating to them that is held by the school
- how to manage the *rights of parents* (see "*Parents and the Privacy Act*" on page **Error! Bookmark not defined.**) regarding information about their child.

Privacy 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.

Guidelines for collecting, using and storing personal information:

When we collect personal information about an individual we make the purpose known, and only collect it:

- for purposes connected with the function of the school, and only when it is necessary to have this information
 - directly from the person concerned, or, if a student, their parent or guardian, unless it is publicly available from elsewhere
 - in as unobtrusive a manner as possible. [1,3,4]
1. In general, we collect information 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 we collect the information from elsewhere. [2]
 2. We have reasonable safeguards 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. [5]
 3. If an individual wants access to information we hold about them, we provide it. Individuals may request correction of this information or, when not corrected, that a record of the request is attached to the information. [6,7]
 4. We take reasonable steps to make sure personal information is correct, up to date, relevant and not misleading. [8]
 5. We only keep information 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, we forward the remaining relevant information. [9]
 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). [10]
 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-riden by other legislation
 - it is necessary for the protection of individual or public health and safety. [11]

Parents and the Privacy Act

State and integrated 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. One example of such a situation might be a child at school who finally has confidence to confide in a counsellor who is trying to help the child and the child insists that the parents or (perhaps in a situation of abuse), a particular parent, are not to be told the child's information by the counsellor. A counsellor is required to respect and consider the wishes of the child.

When in doubt, seek advice from the school's privacy officer or the **Office of the Privacy Commissioner** <http://privacy.org.nz/>.

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. See *The Rights of the Guardian and the School* Procedures.

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.

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-boards-of-trustees/> Kathryn Dalziel wrote, and the Privacy Commission published, this excellent guide to the Act.

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

Next Review: March 2018

Review History:

2/03/2009	29/03/2012	30/03/2015				
-----------	------------	------------	--	--	--	--