

WAITAKERE COLLEGE

Section F (NAG 6) LEGISLATIVE COMPLIANCE

Policy: Privacy and Disclosure

Date of Review: August 2020

Reviewers: Principal, HR/Principal's PA, Student Records Manager

Goal

Waitakere College will promote and protect individual privacy with regard to:

- a) the collection, use and disclosure of information relating to individuals
- b) access by each individual to information relating to that individual held by the College.

Objectives

- 1 To ensure that information collected at the college will be for legitimate business purposes.
- 2 To ensure that the information will be stored securely.

Guidelines

- 1 In complying with the Privacy Act 1993 the BoT will appoint at least one Privacy Officer.
- 2 Procedures will comply with the principles contained in the Privacy Act 1993 which specify requirements in terms of:
 - purpose of collection of personal information
 - source of personal information
 - collection of information from subject
 - manner of collection of personal information
 - storage and security of personal information
 - access to personal information
 - correction of personal information
 - accuracy etc of personal information to be checked before use
 - Agency not to keep personal information for longer than necessary
 - limits on use of personal information
 - limits on disclosure of personal information
 - unique identifiers.
- 3 The College will publicise the role of the Privacy Officer, an individuals' right under the Privacy Act and the way in which information can be checked and corrected.
- 4 Complaints will be dealt with in line with the general complaints procedures but forwarded to the Privacy Officer.

Chairperson

Principal

Date

PROCEDURES

It is necessary to have procedures relating to the Privacy Act because a school, a public body, collects and stores private information about people. A school is defined as a partnership through the Principal and Board of Trustees, between parents, students and staff. Procedures will be explicit and understood by all members of the community.

The College may gather official and personal information. There is interplay between the Official Information Act and the Privacy Act. Essentially all information an official agency such as a state school gathers is official information.

- 1 The Privacy Officer will be appointed by the Board of Trustees. This Officer will make a reasonable effort to become familiar with the principles of the Acts and to develop an understanding of current practice as experienced by school. The specific roles of the officer are to:
 - a) Encourage and ensure compliance with the principles of the Act
 - b) Inform staff via the staff manual and/or staff meetings of their rights and privacy laws
 - c) Handle information requests according to agreed procedures
 - d) Assist the Privacy Commissioner in investigations under the Act
 - e) Audit personal information held by the College
 - f) Audit forms used for collection of information to ensure compliance with the principles of the Act

- 2 Personal information collected by the College about prospective, present and past employees and students will be collected for lawful purposes to assist the functioning of the College. This is defined by the College as 'necessary information' for statistical purposes and to enable the College to determine the best programme and placement of the child. The type of information to be collected is:
 - a) Contact details including emergency contacts
 - b) Birth certificate
 - c) Ethnicity
 - d) Country of birth/residency status
 - e) Relevant background information regarding academic strengths and areas for development, disability or medical condition
 - f) Behavioural history
 - g) Interests

Refusal to supply any 'necessary information' will result in discussion about the purpose of collecting the information. If the person remains unwilling the interview will be stopped to enable the interviewer to consult with the Privacy Officer and/or Principal. In all such situations an amicable resolution is sought while retaining balance between individual rights to privacy and the information required by the College.

- 3 Personal information will be collected directly, i.e., in the form of an application for employment form, or application to enrol directly from the person. Information may also be gathered at particular stages during the year for Ministry of Education purposes. In the course of their job as classroom teachers, sports coaches, careers advisors, Youth Workers etc, staff may also obtain personal information about students. They are expected to take due care with information gained. Written information should be carefully and securely stored. Verbal information should be exchanged carefully and professionally.

- 4 The individual will be made aware of the purpose of the collection of the information either in writing or in person, at the time, for example, the legal requirement for non-teaching staff to obtain a Police clearance prior to employment.

- 5 Where referee information is a requirement of application, the individual will provide permission to collect relevant information from the referee.
- 6 All information gathered will be held in staff or student files and stored securely in such a manner to safeguard against loss, theft or vandalism, unauthorised access, modification or disclosure.
- 7 Authorised persons only will have access to the information (paper/electronic files) and access will be for lawful purposes.
 - a) Current and immediate past student files are kept in Student Records or in the secure Archives Room location.
 - b) Staff personal files are kept in a secure location accessible to the Principal, his PA (HR) and by permission from the Principal, to authorised executive staff providing the reason for access is lawful.

All endeavours to secure electronic information will be made; i.e., positioning of computer screens, access by password, training of authorised persons on privacy issues.

- 8 Individuals will have the right to access information about themselves but not about other people. In practice this means:

The right to access information does not necessarily convey the right to access the documentation/file in which that information is held.

- a) In disciplinary situations a student is entitled to know what has been said about him/her but not about other students.
 - b) In a harassment situation a student is entitled to know what has been done to keep him/her safe but not details about the treatment of other students.
 - c) Disclosure of the specific health or disability of a student requires consent. However, information regarding classroom strategies to be used to meet the student's needs may be acceptable.
- 9 An individual or the College (staff member or student) may correct information held on their personal file, providing that regard is given to the purpose of the collection of the information and to ensure information is accurate and not misleading. This may involve:
 - a) Minor correction of data. If agreement to correct data is reached then the amendment and reason for the alteration will be placed on file.
 - b) Change to the tenor of a report or similar document.
 - c) Removal of information, keeping regard to Point No.2.
 - d) Addition of information, i.e. updating personal information, qualifications etc.

If agreement in (a) is not reached alternatives are:

- e) an explanation for leaving the files as it is may be accepted
 - f) an explanation may be given but not accepted, a protest lodged, leading to a negotiated resolution
 - g) neither the explanation nor resolution is acceptable and a complaint to the privacy Commissioner may result.
- 10 In line with Principle 11 of the Privacy Act, information may be disclosed if it is:
 - a) related to the purposes for which it was collected.
 - b) authorised by the person concerned.
 - c) available in a public document.
 - d) required for maintenance or enforcement of the law or proceedings in court.
 - e) necessary to assure the health and safety of the individual concerned or the public.

or if:

- f) the individual cannot be identified.
- g) the information is used purely for statistical purposes.

Duty of confidentiality would normally be accorded to a student unless safety is compromised. This is of significance especially for staff such as the counsellor, nurse, youth worker and other staff working in the pastoral network. At times disclosure may be in the best interests of the student. This will be determined through a process of careful consultation with relevant staff usually the counsellor, Deputy Principal and /or Principal.

Requests for information about a student or parent from other agencies will be processed in the same way. If there is uncertainty, a decision will be made by the Privacy Officer and/or Principal. Such authorised agencies may be: Ministry of Education, other educational institutions, Immigration Service, medical agencies, Children and Young Persons, police.

The College will usually provide police carrying out their lawful business with specific information about students or staff regarding, as applicable

- a) contact details
- b) whether the individual is present on the premises
- c) a student's attendance record

In the case of a major breach of College policy in relation to drug and alcohol policy, harassment, physical violence etc. the name of a student may be passed to the police.

- 11 In the case of past students and staff, individual files will be retained in a secure location for an indefinite period as it has ongoing relevance or for archival purposes. Before storage, files will be, within reason, purged of information that has no forward application –i.e., class withdrawal reports, fee payments etc. Confidential information is to be destroyed by shredding, or via secure paper waste bins.

In the case of BOT and Accounts information, such material will be kept for seven years and disposed of to ensure its privacy.

- 12 The College may assign unique identifiers – i.e., student ID numbers so that the College is able to carry out its administrative functions efficiently. These unique identifiers will not be used in any communication beyond the College.