

Section F (NELP 1) LEGISLATIVE COMPLIANCE

Policy: Privacy and Disclosure

Date of Review: August 2024

Next Review: August 2027

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

Goal

Waitakere College complies with the requirements of the Privacy Act 2020.

- We look after the privacy of everyone associated with our school. In particular, we acknowledge that children and young people are vulnerable and are given particular emphasis in the Act (Principle 4).
- We ensure that staff understand our school privacy processes, especially in relation to how we manage personal information, and our process for reporting breaches. Staff are made aware of these processes as needed (e.g. through staff induction and professional development, during staff meetings, and after incidents).

Objectives

- To collect, protect, access, and correct personal information according to the information privacy principles of the Privacy Act.
- To only use information for the purposes it was collected, except in certain circumstances (e.g. for statistical purposes where the person's identity is not disclosed).
- We only keep information for as long as it is needed and destroy any documents that contain personal information in accordance with the Public Records Act 2005.

Guidelines

Under the Privacy Act, we are required to have a privacy officer. Our privacy officer is the principal or their delegated person. Their responsibilities include:

- responding to general questions about privacy at our school
- managing requests for personal information
- managing complaints about privacy
- liaising with the Privacy Commissioner in investigations, if required
- informing our school community of serious privacy breaches or risks to the security of personal information the school holds.

Privacy breaches

We follow the Privacy Commissioner's steps for responding to privacy breaches:

1. Contain

- The school acts to contain the breach. We inform our privacy officer as soon as possible if our school (or an individual at our school) intentionally or accidentally provides unauthorised access to personal information, or discloses, alters, loses, or destroys someone's personal information.

2. Assess

- We consider each incident on a case-by-case basis to assess the impact and seriousness of the breach.

3. Notify

- We decide whether to notify any affected people, and if the breach needs to be reported to the board. If there is no risk of harm, it may not be necessary to notify affected people of a breach.
- If the privacy breach has caused or is likely to cause serious harm (e.g. physical, psychological, emotional, or financial), our privacy officer notifies the Office of the Privacy Commissioner within 72 hours of being made aware of the breach. We also notify the person or people involved and the board.
- We notify CERT NZ if the breach is due to a cyberattack, or a flaw in a product or online service that our school uses.
- We may notify other third parties (e.g. police, insurers) if necessary.

4. Prevent

We investigate the incident and take steps to prevent it from happening again.

Chairperson

Principal

Date

PROCEDURES

Personal Information

Our school respects the privacy rights of students, staff, parents/guardians, and other members of the school community under the Privacy Act 2020. We manage **personal information** in accordance with the information privacy principles of the Privacy Act, and follow the processes below for collecting, protecting, accessing and correcting, and sharing personal information.

Collecting Personal Information

Waitākere College only collects personal information when necessary for the operation of the school (Principle 1).

Our purpose for collecting personal information includes:

- confirming the identity of students, staff, parents/guardians/caregivers
- communicating with our school community and celebrating achievement
- protecting the health, safety, and wellbeing of students, staff, and others at school and school activities
- providing a high standard of teaching and learning, programmes, and services
- maintaining financial, employment, and student records
- sharing information with government or other agencies (e.g. for funding, support, or contractual/legislative obligations).

We collect information in a fair and lawful way that respects individual privacy as much as possible, especially the privacy of children or young people. We collect personal information directly from the person concerned, or from an appropriate person if needed (e.g. parent/guardian/caregiver). If a person does not want to disclose information, we may collect it from other sources if necessary (Principles 1 and 2).

If we collect information from another source, we let the person concerned (or their parent/guardian/caregiver) know about this collection as soon as practicable, and we take reasonable steps to ensure whatever information we have collected is accurate before use (Principle 8).

To comply with Principle 3, we let people know, as appropriate:

- why we are collecting the information
- who will have access to the information
- whether it is compulsory or optional for them to provide the information
- what will happen if the information is not supplied
- their rights to access and correct the information.

If it is not practicable at the time then we will inform people as soon as practicable after collection. We are not required to inform people if it is not necessary under the **exceptions** to Principle 3.

Protecting Personal Information

Waitākere College endeavours to protect personal information from loss; and unauthorised access, use, or disclosure (Principle 5). This may include but is not limited to:

- restricting access to personal information (e.g. limiting access to staff who require it as part of their duties, or ensuring discussions of sensitive information are confidential)
- sharing information in keeping with the information privacy principles of the Privacy Act, and other relevant legislation (e.g. Oranga Tamariki Act 1989)
- assigning and/or using unique identifiers only when necessary, and not using the same identifier as other agencies (except for the National Student Number)
- holding physical documents securely (e.g. in a locked cabinet)
- holding electronic information securely (i.e. computer security and cybersecurity)
- destroying any documents with personal information when no longer needed (Principle 9), as required under the Public Records Act 2005.

The school also has a security surveillance system installed to deter vandalism and damage, and improve student and staff safety. The school follows guidelines to ensure that all aspects of the surveillance system (i.e. recording, access, storage, and monitoring) comply with the Privacy Act.

Accessing and Correcting Personal Information

Under the Privacy Act, anyone has the right to request access to their personal information, and ask for it to be corrected (Principles 6 and 7). Personal information may be requested by the person the information is about, or someone who represents them or is legally responsible for them (e.g. parents/guardians). They have a right to access this information unless it falls under the exceptions listed in the Privacy Act (s 49–53).

We take reasonable steps to make sure personal information is correct, up to date, relevant, and not misleading (Principle 8). Individuals may request correction of their information. If we have a reason not to correct it, a record of the request is held with the information.

Sharing Personal Information

At times, Waitākere College may need to share personal information (e.g. with parents/guardians, volunteers, third-party service providers, external agencies, the public). We comply with the information privacy principles of the Privacy Act 2020 and other relevant legislation when sharing the personal information of an individual. We only share information if sharing it is directly related to the purpose for which it was collected, if it is authorised by the person concerned, or if sharing is allowed by one of the other exceptions in the Act (Principle 11).

To support teaching, learning, and communication with our school community, we may need to share personal information about individuals within the school community (e.g. an email address or phone number) with third parties. We require third parties to maintain confidentiality.

Where appropriate and practicable, we seek authorisation/consent or to inform before sharing information. We ensure that the person is fully informed about:

- why we are sharing the information
- who we are sharing the information with
- what the information will be used for
- how we protect their information.

If a student is not able to provide authorisation/consent, we seek it from their parent/guardian. We keep a record of any agreements to share information. We consider any request to withdraw authorisation/consent to information sharing.

Information about a person is not given to a third party without the person's authorisation/consent, unless:

- the information was collected for this purpose
- the information is publicly available
- it is allowed by other legislation or legal rulings, including court orders
- it is necessary for the protection of the person or public health and safety
- the information will be used in a way that does not identify the individual.

We consider whether to tell a person as soon as practicable after their personal information is shared with a third party. Our decision is based on the following factors:

- the information being shared
- the reasons for sharing the information and any need for confidentiality
- any request from the third party to keep sharing confidential
- if disclosing that we have shared information might risk or threaten any person's health or safety
- the importance of transparency and openness.

Specific Sharing Provisions

Third Party Providers

Waitākere College only works with third-party service providers if we are satisfied that their privacy policy, settings, and controls are secure and managed appropriately, and that the information we provide will only be used for the purpose it was gathered. We only disclose information to third-party providers outside New Zealand if we are satisfied that they are either subject to the Privacy Act (because they do business in New Zealand) or are subject to comparable privacy laws in their own country and will ensure they adequately protect the information (Principle 12).

We consult with our school community about the introduction and use of services from third-party service providers where this is relevant to personal information and use all reasonable endeavours to accommodate those who wish to opt out of a particular service due to privacy concerns (e.g. IT software).

Sharing Student Personal Information with Parents and Guardians

At Waitākere College, we share personal information about a student with their parent/guardian (including in response to parent/guardian requests) when appropriate and in accordance with legislation.

Education and Training Act 2020

Under the Education and Training Act 2020 (s 103, 165), our school ensures that parents receive information about the performance of their child and are told about matters that are preventing or slowing the progress of their child at school, or harming their relationships with teachers or other students. We report to parents in these circumstances, even if a student requests confidentiality.

Separated parents have equal access to information about their child, unless there is a court order preventing educational information being shared. It is the responsibility of any parent/guardian to inform the school of any such order. Grandparents, step-parents, and

caregivers do not have rights of access to this information unless this has been approved by a Court or all parents/guardians have agreed in writing.

Privacy Act 2020

Parents/Guardians are usually able to access other information about their child if they request it, unless there is a good reason to withhold it. We can share personal information about students with parents and guardians in accordance with the information privacy principles of the Privacy Act 2020.

We take into account the views of the student if appropriate and practicable, and where this will not cause harm to the student. We may advise a student of a request for access to their personal information by a parent, particularly where the student is able to exercise their own rights in seeking access to their personal information.

As required by the Privacy Act, we keep personal information the school holds up to date and correct. Requests for corrections can only be made by the person the information is about or their representative; if a parent/guardian requests a correction and we agree with the correction, we update the personal information of their child.

Withholding Information

Good reasons for withholding information include:

- we do not hold the information requested
- the parent is not a guardian (in such situations we treat the request as a request under the Official Information Act 1982)
- disclosing the information would be a breach of privacy for the student or another person
- disclosure would prejudice the maintenance of the law
- the request is frivolous or vexatious
- the student is able to exercise their own rights in seeking access to their personal information and they do not consent to their personal information being disclosed to the parent requesting access to the information (in such situations we treat the request as a request under the Official Information Act 1982)

We have reasonable grounds to believe:

- the disclosure is likely to pose a serious threat to the life, health, or safety of an individual or lead to serious harassment of an individual
- the disclosure of the information would be contrary to the interests of a student who is under the age of 16.

In situations where we've decided to withhold personal information about a child, we inform their parent/guardian that they can refer the decision to the Privacy Commissioner (personal information) or the Ombudsman (official information).

Sharing Student Personal Information with External Agencies

Waitākere College is legally authorised to share student personal information with external agencies when that information concerns student safety, wellbeing, or learning support, or maintaining the law and others' health and safety. External agencies may also request information about students.

When sharing information with external agencies, Waitākere College with all relevant legislation, including the Oranga Tamariki Act 1989, Family Violence Act 2018, and Search and Surveillance Act 2012, and follows the Ministry of Education's learning support guidelines. We are also guided by the information privacy principles of the Privacy Act.

Before sharing information with external agencies, the designated child protection person discusses any safety and wellbeing concerns with relevant staff. At Waitākere College, our designated child protection person is the principal. We proactively share information with certain external agencies when needed (e.g. social, family, and community services) and if we determine that it is in the best interests of the student. In all situations, we only share information that is accurate, up-to-date, and relevant to the safety and wellbeing of the student.

In most cases, we seek consent from the student before sharing information. Consent to share information covered by the Oranga Tamariki Act or the Family Violence Act may not be required if there is risk of harm to an individual's safety or wellbeing. There may also be different consent requirements when sharing information with the police.

Sharing information under the Oranga Tamariki Act

Our board is classified as a child welfare and protection agency (CWPA) under the Oranga Tamariki Act 1989. This means we may proactively share information with, and request information from, other professionals, or may receive a request for information under section 66C of the Act from another CWPA or an independent person (as defined in the Act). No civil, criminal, or disciplinary proceedings can be brought against someone acting in good faith under this Act.

The Oranga Tamariki Act states that information may be shared to:

- prevent or reduce the risk of harm, ill-treatment, abuse, neglect, or deprivation
- make or contribute to an assessment of the risks or needs of a child
- make, contribute to, or monitor any support plan created under the Oranga Tamariki Act
- prepare, implement, or review any prevention plan or strategy made by Oranga Tamariki
- arrange, provide, or review services facilitated by Oranga Tamariki
- carry out any function in relation to a family group conference, children in care, or anything else related to the care or protection of children.

Sharing information under the Family Violence Act

Our board is classified as a family violence agency under the Family Violence Act 2018, and teachers with current practising certificates or limited authority to teach are classified as social services practitioners. The school considers sharing information if we:

- receive a request for information from another family violence agency or social services practitioner
- believe sharing information within the family violence sector may protect someone from family violence.

Sharing learning support information

Waitākere College follows the Ministry of Education's guidance for sharing learning support information under the learning support delivery model, which includes considerations and template protocols for sharing personal information, sharing aggregate information, and sharing information about an individual without identifying them.

Sharing information with the police

We are required to provide information to the police if the police have a search warrant or production order. Otherwise, we may disclose personal information to the police if we believe on reasonable grounds that:

- such disclosure is lawful
- we are authorised to disclose the information
- the disclosure is necessary to avoid prejudice to the maintenance of the law (e.g. a police investigation or enforcement of a judgement)
- we need to disclose the information to prevent or lessen a serious threat to public health or safety, or individual health or safety.

If information is requested by the police, we ask the police to explain why they need the information for any of the above purposes. We determine if we are satisfied the information should be released, taking into account our privacy and confidentiality obligations.

Public Sharing of Personal Information

At Waitākere College, we comply with the information privacy principles of the Privacy Act 2020 when sharing personal information publicly. Student information that is publicly shared will be positive information about the student and the sharing will reflect our school values. We expect our school community to consider their privacy responsibilities when sharing personal information publicly. Responsibilities around copyright are also considered.

School Responsibilities

At Waitākere College, we may share personal information publicly, including people's names, images, and other identifying information.

- We recognise that everyone has the right to decide whether their personal information is shared publicly, including students.
- We seek consent to share student personal information publicly. Consent is sought at enrolment, and as appropriate. We ask what kinds of personal information the school has permission to share (e.g. first and/or last name, photo, schoolwork), and in what formats (e.g. the school newsletter, website, social media). Consent can be withdrawn by notifying the school in writing. The school makes reasonable efforts to remove personal information from public display if requested.
- We do not publish student personal information if there are special circumstances that prohibit this, such as a court order.
- We seek consent for sharing the personal information of staff and other school community members as needed.

School Community Responsibilities

Massey High School expects our school community to consider privacy when sharing someone else's personal information. This includes taking recordings at school or school-related events or activities, and sharing this content.

Anyone can report concerns about privacy breaches, or harm caused by publicly shared information.

Recording Photos, Video, and Sound

At Waitākere College, we record and share photos, video, and sound in a safe and respectful way to ensure we do not breach the Privacy Act 2020, the Copyright Act 1994, the Harmful Digital Communications Act 2015, the Crimes Act 1961, and our codes of conduct and bullying policies. These conditions apply to recording and sharing photos, video, and sound on school grounds, at school-related events or activities, and online.

Key requirements

No one may:

- take photos/video that amount to an intimate visual recording under section 216G of the Crimes Act 1961
- record photos/video/audio in circumstances where any individual could reasonably expect privacy
- use or share photos/video/audio in ways that breach any of our codes of conduct and/or bullying and harassment policies.

We recognise that anyone can take photos/videos/audio recordings at school events that are in public areas (e.g. sporting events on public fields). This does not include performances of musical concerts, shows, and plays due to copyright, and events where we have notified people attending that they may not take photos/videos/audio recordings.

School Processes

Using a hidden device to record photos, video, or sound is not allowed at school or school-related activities or events. If a school meeting or phone call is recorded, all participants are informed in advance and told how the recording will be used.

Waitākere College has a camera surveillance system that complies with the Privacy Act 2020.

Our staff inform students before taking photos or making a recording of them, or discuss this with parents/caregivers if needed. Students can choose not to be included in photos or recordings, or parents/caregivers can supply this preference.

Before sharing recorded material, the school seeks permission from parents/caregivers, students, and staff members who appear in the images or recordings. We also expect our

school community to consider privacy before sharing recordings that contain other people's personal information.

We expect everyone to use personal digital devices responsibly. Students wanting to record photos, video, or sound in class to support their learning need permission from the class teacher and must ensure they consider the privacy of others. Recordings may only be used for personal study, must not be duplicated or shared, and must be deleted when no longer needed.

Camera Surveillance Policy

At Waitākere College our camera surveillance practices comply with the Privacy Act 2020. Waitākere College has undertaken a privacy impact assessment that informs the placement and use of cameras at our school. We have a set purpose for camera surveillance, inform people about the surveillance, and ensure the data collected is stored and secured safely, and only accessed by authorized people. Our privacy officer is responsible for the camera surveillance system. Our privacy officer is the principal or their delegated person.

Privacy Impact Assessment

Before introducing cameras into any area of the school, we consider the impact on privacy as a result of using camera surveillance, including potential breaches of the Privacy Act. In particular, we consider:

- the vulnerability of children and young people (Privacy Acts 22, Principle 4)
- the availability of other strategies to address security, behaviour, and safety issues (e.g. behaviour management plan, smoke/vape detectors)
- whether the camera is positioned in a place where people would have a reasonable expectation of privacy (e.g. bathrooms, including entrances)
- the risk that this surveillance breaches other legislation such as the Human Rights Act 1993.

Purpose of Camera Surveillance

We only collect information for a necessary and lawful purpose (Principle 1).

Our purpose for using camera surveillance is to deter and identify anyone:

- entering the school grounds illegally
- engaging in criminal activity, misconduct, or behaviour risking harm to health and safety.

Camera surveillance is not used to routinely monitor students or staff as this breaches the information privacy principles of the Privacy Act (Principles 4 and 10).

Informing People about Camera Surveillance

We make individuals aware we are collecting their information and our reason for collecting it (Principle 3). We use signage to inform people accessing our school grounds of the use of camera surveillance.

This Camera Surveillance Policy also acts as a privacy notice, which is made available to our school community on School Docs.

Storing and Securing Camera Surveillance Data

We follow our privacy policies and information storage procedures to ensure camera surveillance data is protected from loss, unauthorised access, use, modification, disclosure, and other misuse (Principle 5). All data (e.g. hard drives) is destroyed or stored to comply with approved data protection standards. .