



## PRIVACY POLICY

### Rationale:

The Privacy Act 1993 and all its subsequent amendments regulate the collection, storage, use and disclosure of personal information. Spotswood College is a public agency which collects personal information and is therefore covered by the Act.

This policy ensures the rights to privacy of Spotswood College employees, students and caregivers are respected and protected in accordance with the updated interpretation for schools of the Privacy Act. (Kathryn Dalziel, 2009, *Privacy in Schools: A guide to the Privacy Act for principals, teachers and boards of trustees*, published by the Privacy Commissioner).

### Guidelines:

This policy follows the 12 privacy principles and should be read in conjunction with *Privacy in Schools*, 2009.

#### 1. **Only collect the information you need to have.**

When collecting personal information about students, their parents or caregivers or Whanau, Spotswood College will ensure that the information is being collected for lawful purposes of the school and that the information is necessary for those purposes. (Refer to pgs10-13).

#### 2. **Get the information from the individual concerned.**

Spotswood College will involve the individuals from the outset unless there are special circumstances. This is about building good and honest communication and also leads to the trust and confidence essential to relationships in the education environment (pgs 13-14).

#### 3. **Tell the individual what you are doing.**

This principle is about transparency. Spotswood College will ensure that individuals keep control of their information by knowing it is being collected (e.g. if a video or audio tape is being used), why it is being collected, who has access to it and where it will be stored (pgs14, 15).

#### 4. **Use lawful, fair and reasonable methods to collect the information.**

Spotswood College will not collect information by any unlawful or unfair means. For example, staff will be careful about asking questions in a public area if the answers required are about personal or sensitive matters (pg 15).

#### 5. **Store and transmit information securely.**

Spotswood College will ensure that systems for electronic records as well as paper records are safe. Access is defined in the attached information storage spreadsheet.

#### 6. **Give people access to their information.**

Any person has the right to ask a school if it holds information about him or her, and in most cases, to have access to that information. All requests for information will be made through the Privacy Officer. Unless there are lawful reasons to the contrary, information will be provided using the procedures and checklist (p 50).

There is a note in the enrolment form to advise parents/caregivers of their rights to have access to academic and behaviour records. **For this reason it is**

***imperative that all records are accurate and written in a professional, respectful way.***

The request for access to information checklist is attached to this document.

#### **7. Dealing with incorrect personal information**

Any students or staff member has the right to ask Spotswood College to correct information held about him or her. If the school does not believe the information is wrong, then the person has the right to have a statement of the correction placed with the original information. **It is therefore important to describe such things as behaviour in factual, descriptive terms (unemotional).** (Refer to pg 18).

#### **8. Checking for accuracy before use.**

Spotswood College will try to ensure (before using personal information) that the information is current, relevant, complete, accurate and not misleading. For example, ensuring contact details are up to date, or not using unsolicited complaints (such as after school behaviour) before checking accuracy (p 19).

#### **9. Retaining information as long as necessary**

Once the school no longer needs the information it should not be retained. This principle is subject to legal requirements e.g. tax administration legislation (pg 19). Spotswood College contracts to a document destruction company to deal with sensitive information.

#### **10. Use personal information for its purposes**

Spotswood College will only use personal information for the purpose for which it was collected. For example, if a student consents to be photographed for a class activity, the school may not use the photograph for promotion of the school without consent. Exceptions to this principle are listed on pg 20.

#### **11. Limits on disclosure of personal information.**

Spotswood College will not disclose information to any third party without the informed consent of the individual.

However:

- under the Education Act schools are required to pass essential enrolment information on to a school to which the student transfers
- Under the Children and Young Person's Act information in relation to care and protection issues must be passed to the CYFS co-ordinator if requested
- Other exceptions are listed on pg 21.

#### **12. Use of personal identification numbers.**

Spotswood College will not give an individual a unique identifier (serial number or PIN) unless it will enable Spotswood College to carry on its business more efficiently.

Note that an automatic numbering system by a computer (entering enrolment information or a school library code) is not a breach of this principle if the student name is clearly identified on input of the code number. (pgs 22-23)

**Information and communications technology.** (Refer to pg 33)

**Security cameras** are installed throughout the school to reduce vandalism. Signage regarding their presence exists. (Refer to pg 35).

**Enquiries by Police and other government agencies:** Refer to pg 35.

**Complaints procedure:** Should a complaint be made, supply the contact details for the office of the Privacy Commissioner (Refer to pg 37).

**Police Vetting of Non-teaching Staff:**

All information obtained under the schools Police Vetting of Non-Teaching Staff Policy will be made available only to the person subject to the vetting process and to the school Principal. All copies of such vetting held by the Principal are to be destroyed or handed back to the subject of the vetting at the conclusion of the screening process.

The school will keep a secure record of:

- a) the individual for whom a vet is sought
- b) the date the vet received
- c) the position for which the applicant was vetted
- d) the date the vet was destroyed (by shredding) under the direction of the school Privacy Officer

**The Privacy Officer** will be appointed each year by the Board of Trustees and will specifically not be:

- a) the Principal and
  - b) a Board of Trustees member
- but will be a member of the staff of Spotswood College.

**Role of the Privacy Officer:**

The School Privacy Officer has the following duties:

- Be aware of what personal information is held in the school about staff, students, parents/caregivers of students, where it is held and for what purpose/s.
- Be aware of the steps the school takes to keep information private, and who should have access to what information.
- Monitor the information collection procedures.
- Inform staff of the implications of the Privacy Act and School Policy and Implementation Plan.
- Act in an advisory role in all matters relating to then Privacy Act.

**Conclusion:**

**By adhering to the above, Spotswood College should ensure the right to privacy of our school community is protected.**

**Approval:**

When the Board approved this Policy it agreed that no variations of this Policy or amendments to it could be made, except with the majority approval of the Board.

Approved by the Board of Trustees on 27 May, 2013

Signed on behalf of, and with the authority of the Board

\_\_\_\_\_ on \_\_\_\_\_ (Date)  
Board Chairperson

Due for Review: \_\_\_\_\_ (Date)  
Reviewed Date: \_\_\_\_\_ Signed for B.O.T. \_\_\_\_\_

## REQUEST FOR INFORMATION CHECKLIST

ACTION	CHECK
Identify who is making the request	
Request by person for their own information? (Principle 6 – see below)	
Request by third party (see below)	
<i>Principle 6</i>	
Provide assistance	
Transfer request if necessary	
Decision	
<i>Release to individual</i>	
Information in preferred form	
Charging?	
Advise right to request correction	
<i>Withhold information in whole or in part</i>	
Reasons (see withholding grounds ss27 – 29 Privacy Act)	
Advise right to refer to Privacy Commissioner	
<i>Request by third party</i>	
Agent of individual (duly appointed in writing): treat as Principle 6 request	
Is disclosure required by law? If yes – disclose	
Is request under Official Information Act? (Request to Agency subject to Official Information Act & Information held by Agency) Yes – see below	
Does withholding ground apply eg s9(2)(a) which allows information to be withheld if disclosure would breach a person’s privacy: consider principle 11 and its exceptions. Yes – see below	
Is there a public interest in releasing the information which outweighs privacy interest? Yes: disclose	
Does principle 11 allow disclosure? Yes – see below	
Does professional ethics/policy of agency allow disclosure? Yes – agency’s choice	