

**POLICY
NAG 6**

<p align="center">BLOMFIELD SPECIAL SCHOOL & RESOURCE CENTRE PRIVACY ACT POLICY</p>
--

RATIONALE:

The Board of Trustees is required to ensure compliance with the principles of the Privacy Act 2020 in its role as the body corporate with the overall responsibility of governing the school.

PURPOSE:

To promote and protect individual privacy with regard to:

- the collection, use and disclosure of information relating to individuals.
- access by each individual to information relating to that individual held by the school.
- Correction by each individual of any information relating to that individual held by the school

GUIDELINES:

General

In complying with the provisions of the Act the Board appoints the Principal as Privacy Officer. The Principal, as the Board's chief executive in relation to the school's control and management and day-to-day administration, may delegate all or part of the role of Privacy Officer to other senior management staff.

The following procedures for the collection, use and disclosure of personal information will be followed by the Privacy Officer.

All forms which collect personal information will contain information about the purpose, use and disclosure of the information collected.

Student Information

On enrolment, parents/carers will be requested to sign consent forms related to the sharing of the personal information gathered to identified professional agencies.

Private or sensitive information about staff and pupils on display within the school must be positioned in such a way that it may not be seen by visitors or unauthorised staff. Permission will be sought annually for the use of students' images or work to appear on the school's official social media platforms including Facebook, SeeSaw and the school

website. Such information which is used to support student learning programmes and celebrate student progress and achievement will be presented with due care and consideration for the privacy and dignity of any individual involved.

All students' hard copy or digital files will be reviewed regularly and have information that the school is no longer legally required to retain, removed and destroyed under the guidance of the Privacy Officer.

Information access for Parents

Under the Privacy Act, 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. Under the Privacy Act 2020 the Privacy Commissioner has the power to issue binding access directions for failure to give individuals access to their information.

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, 2020 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.

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.

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.

In accordance with the Privacy Act 2020 personal information may only be disclosed overseas if either:

-The organisation receiving the information can provide a similar level of protection as New Zealand

OR

People are informed about how their information is being disclosed and provide authorisation for this.

Parents are not entitled to information about other parents, or students who are not their own children.

In the case of notifiable data breaches these will be reported to the Privacy Commissioner as well as the affected parties as soon as possible.

Staff Information

Both newly appointed staff and current staff will be required to sign a consent form with respect to personal information gathered regarding that individual. The personal file containing information about each individual staff member will be kept in a secure cabinet. Staff information will also be stored on the school's online approved Student Management System. Access will only be through the Privacy Officer or delegated representative. Staff requesting to have access to their personal file must make their request in writing to the Privacy Officer who will make the requested personal individual file available only to the named individual or their duly authorised representative or agent.

Any requests for a copy of information held on personal files will be provided at no expense to the staff member.

In collecting any information on employees the school must ensure that the information is used for the specific purpose it was intended and is collected from the individuals concerned. When the information is no longer relevant it will be destroyed.

All personal, employee information collected will be held in a secure place where only authorised personnel have access to it and all reasonable measures to prevent its theft or unauthorised disclosure will be made.

In the case of notifiable data breaches these will be reported to the Privacy Commissioner as well as the affected parties as soon as possible.

No personal information held by the school will be disclosed to other agencies without first gaining the specific consent of the individual to whom the information is about. In the case of students, specific consent must be obtained from the parents/carers if the organisation is not specifically named in the previously signed consent form. The

exception to this would be where any such disclosure of information is requested through the application of other applicable legislation.

RESOURCES:

<https://privacy.org.nz/privacy-act-2020/privacy-principles/>

Approved by Board of Trustees 10.10.94

Reviewed Board of Trustees 30.10.2014

Reviewed Board of Trustees May 2018

Adopted Board of Trustees 17.05.2018

Reviewed and Approved by the Board of Trustees 19.08.21