

PRIVACY

Rationale

Schools frequently receive requests for information from a variety of sources. The first consideration is always privacy legislation; however there are a number of situations in which information sharing is lawful.

The table below gives general guidance as to how schools should respond to some commonly made requests.

In all cases, before providing information about students, principals and teachers must be satisfied:

- of the identity of the person seeking information
- that the person seeking information is entitled to access the information.

Where there is any uncertainty, advice should be sought from the Legal Services Unit.

Guidelines

When information is requested by

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Authorised Officers - Public Transport

The Transport (Compliance and Miscellaneous) Act 1983 (Vic) permits the disclosure of information to an “authorised officer” for the purpose of enforcing transport infringements. Schools should comply with these requests.

Centrelink

Centrelink Officers have broad powers under the Social Security Administration Act 1999 (Cth) to obtain information to determine whether a person qualifies for income support benefits. This may include information or documentation relating to a child’s enrolment and attendance at school.

Courts or Tribunals

- If a Subpoena, Witness Summons or Court Order requires the production of documents or that staff attend court to give evidence or act as a witness, staff should comply.

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	<ul style="list-style-type: none">▪ If a Location Order or Recovery Order issued by the Family Court or the Federal Magistrates' Court is received by a school, staff should contact Legal Services Unit immediately. See: Responding to Legal Claims, Writs and Subpoenas
Department of Health (Victoria)	The Health (Infectious Diseases) Regulations 2009 (Vic) require schools to provide information to the Department of Health in relation to children suffering from infectious diseases.
Department of Human Services (DHS) Child Protection	An employee of DEECD may disclose any information to DHS that is relevant to the protection or development of a child who has been the subject of a protective intervention report. See: <ul style="list-style-type: none">▪ Child Protection – Mandatory Reporting▪ Police and DHS interviews
Employers	Schools are often asked to provide references to employers and should comply if the student provides consent. The principal: <ul style="list-style-type: none">▪ may write an official reference when the student leaves school addressed "To whom it may concern" to be handed to the student on departure▪ may, with the student's consent, provide a confidential reference.
Explosives inspectors	Schools may provide information of student whereabouts under the provisions of the Dangerous Goods Act 1958. See: Supervision and Access
Lawyers	Where a request is made: <ul style="list-style-type: none">▪ in writing by a lawyer acting on behalf of a student or former student, and a written consent is provided, the information should generally be provided.▪ for school staff to provide a statement or information by a lawyer acting on behalf of one parent in a family law dispute or child protection case, the school should decline to provide any information (other than information normally provided to

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parents) unless subpoenaed.

See:

- [Decision Making Responsibilities for Students](#)
- [Responding to Legal Claims, Writs and Subpoenas](#)

Officers of the Family Court
(Independent Children's
Lawyer or Family Consultant)

These Officers are appointed by the Family Court to assist in family law proceedings. Schools should generally assist such officers and comply with the request for information if:

- authorised by Court Order/Subpoena; or
- the parents' consent to the provision of the information.

Parents

Request for details of school where a child is enrolled

Subject to any Family Court Order, parents have equal 'parental responsibility' in respect of the child, including an entitlement to know where their child is enrolled. Parents who have parental responsibility for "long-term care, welfare and responsibility" have the same entitlement.

If the school is satisfied that:

- either there are no Court Orders in place or there is a court order conferring long-term care, welfare and responsibility for the child on the parent
- and there are no immediate welfare concerns
- and the school is satisfied of the identity of the parent and his/her relationship to the child

then the school may confirm that a child is enrolled at the school. Personal information such as the child's address should not be released.

See: [Decision Making Responsibilities for Students](#)

Requests for school reports and ordinary school communications

Parents, guardians and informal carers are generally entitled to information ordinarily provided to parents unless there is a Court

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Order restricting their right to access this information.

Requests for other documents

Requests from parents for other documents (for example, incident reports, staff diary notes, minutes of meetings etc) should be referred to the FOI & Privacy Unit, who will determine whether the person is entitled to the information.

See: [Department resources](#)

Private agents/investigators

Schools should not provide private agents with any information except with the written consent of the parent/guardian.

Schools

See: [Transfers](#)

Students/Former Students

If a student or former student requests information and documentation, it may be released if:

- the document/information was given to the school by the student
- the document/information was previously given to the student
- the document is publicly available

For other documents, the student should be invited to make a formal FOI request.

See: [Department resources](#)

Victoria Police

Victoria Police have broad powers to investigate and obtain evidence. Where personal information is requested by police it may be disclosed when:

- the student or parent/guardian consents;
- the disclosure is necessary to lessen or prevent:
 - a serious and imminent threat to an individual's life, health, safety or welfare;
 - a serious threat to public health, public safety or public

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welfare

- the disclosure is necessary to assist with the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of a law;
- the disclosure is necessary to assist with the prevention, detection, investigation or remedying or seriously improper conduct

Implementation

- Parents will be informed, each year, about the Chelsea PS Privacy Policy through the newsletter and our school website
- When a request for information is received, the staff member receiving the request will consult with the Principal to ensure adherence to the guidelines in this policy
- When a request for information is received and does not relate to any of the agencies listed in the guidelines of this policy, the Principal will consult with the DET Legal Services and follow the advice provided

Evaluation	<i>To be reviewed as part of the Education Sub Committee 2 year minor/yearly major policy review cycle</i>
Date Ratified	February 2017
Next review date	February 2019
Related Policies	
Related Documents	Responding to Legal Claims, Writs and Subpoenas Child Protection – Mandatory Reporting Responding to Legal Claims, Writs and Subpoenas Decision Making Responsibilities for Students Transfers
Resources	

