



Mount Eden Normal

PRIMARY SCHOOL

Te Whare Akoranga o Maungawhau

POLICY

PRIVACY

Rationale

The school is required to comply with the provisions of the Privacy Act 2020 in order to promote and protect individual privacy by;

- (a) providing a framework for protecting an individual's right to privacy of personal information, including the right of an individual to access their personal information, while recognising that other rights and interests may at times also need to be taken into account; and
- (b) giving effect to internationally recognised privacy obligations and standards in relation to the privacy of personal information, including the OECD Guidelines and the International Covenant on Civil and Political Rights.

Accordingly, this policy relates to the:

- collection of **Personal Information** (i.e. information about an identifiable individual);
- storage of Personal Information;
- use of Personal Information;
- disclosure of Personal Information; and
- access to and correction of Personal Information

Requirements

1. The School will comply with the Privacy Act 2020 and the Official Information Act, 1982.
2. The Board will develop procedures to assist the Privacy Officer in the task of ensuring the the principles contained in the Privacy Act are complied with in full.
3. The Board will appoint at least one **Privacy Officer**. The Privacy Officer will ensure the staff adhere to the principles contained in the Acts in all aspects of their work and comply with privacy legislation.
4. The duties of the Privacy Officer include:
 - a. Ensuring the Information Privacy Principles (“**IPP**”) are adhered to correctly;
 - b. Handling information requests;
 - c. Assisting the Privacy Commissioner with investigations under the Privacy Act.
5. The Privacy Officer will regularly audit Personal Information held by the School about employees and pupils to ensure the information is necessary to the School, is stored in a secure place, is accurate, and is not held for longer than necessary.
6. The Privacy Officer will regularly audit forms used for the collection of information to ensure the forms explain the purposes for which information is collected, who has access to the information, where the information will be stored, and an individual’s right to correct the information held.
7. The School will have regard to the principles contained in the Privacy Act:
 - a. **Only collect information that you need to have or will need to disclose:** Personal Information will not be collected unless the information is collected for a purpose connected to a function or activity of the School, and the collection of the information is necessary for that purpose.
 - b. **Get the information from the individual concerned:** Unless it is impossible to do so, Personal Information must be collected directly from the individual concerned.
 - c. **Be transparent and tell the individual what you are doing:** The individual concerned must know the purpose for which Personal Information is being collected, and the intended recipients of the information, and of the rights of access to, and correction of, Personal Information. All forms that collect Personal Information should contain details about the purpose, use, and disclosure of the information collected.

- d. **Use personal information for its purposes:** The School will only use Personal Information for the purpose for which it was collected, except in certain circumstances, for example:
 - i. for statistical purposes where a person's identity is not disclosed; or
 - ii. to prevent or lessen a serious and imminent threat to public health or safety or the life or health of the individual concerned.
 - e. **Use lawful, fair and reasonable methods to collect information:** The collection of Personal Information must not be conducted by unlawful means or in circumstances which are unfair or intrude to an unreasonable extent upon the personal affairs of the individual concerned.
 - f. **Deal with incorrect personal information and check for accuracy before use:** Reasonable steps must be taken to ensure that Personal Information held is accurate (i.e. up to date, complete, relevant and not misleading) for its intended use.
 - g. **Retain information only for as long as necessary:** Information shall not be held for longer than is necessary.
 - h. **Store and transmit information securely:** Reasonable safeguards shall be taken to protect Personal Information against loss, or unauthorised access, use, modification, disclosure, or misuse.
 - i. **Give people access to their information:** Parents / legal guardians are entitled to access Personal Information about their children. Personal Information should ordinarily only be disclosed to custodial parents or 'entitled personnel' (see the 'Access to Pupils' Policy). In the case of a family or custodial dispute, all requests for information should be referred to the Senior Leadership team. In difficult cases, the matter will be referred to the Privacy Officer.
8. Use of student images for the purpose of school promotions (including print, social media, digital) requires prior parental consent, which will be included as part of the school enrolment process. If consent is withheld, this will be noted on students records and staff will take reasonable steps to preclude images from publication as requested.
9. When publishing images with prior consent, professional discretion will be used to determine appropriateness of images, and identifying information (such as name, class or room number) will be withheld.
10. Student achievement data that may potentially identify the academic achievement of individuals or identifiable groups of students will be withheld from publication in any form, with the exception of celebrating awards, certificates or notable achievements
11. When dealing with Official Information Act Requests, Privacy requirements to protect the personally identifying information relating individuals will be adhered to.

12. Any complaint regarding a breach of privacy should ordinarily be dealt with by the Privacy Officer or the Board, through the School's policies and procedures. If this does not resolve the issue, a complainant may lodge a complaint with the Privacy Commissioner.

Signed: Virginia Brown
Presiding Member

Policy review details

Version / date: Aug, 2024 (v4.0)
Review cycle: Triennial
Date for next review: Aug, 2027

Guidelines - Suggested Information Request Procedure:

1. Receive a request for personal information.
2. Establish which IPP applies (i.e. is it an individual making the request under IPP 6 or a third party making the request under IPP 11).
3. Check the identity of the person making the request. Check that person is authorised to act.
4. Identify exactly what information is being requested.
5. Establish that the information is held by the school.
6. Provide the information within 20 working days, or;
7. Give a reason for the refusal to disclose the information.

NZSTA Guide to Privacy Act

Privacy Commissioner's Guide to Privacy in Schools