MOERLINA SCHOOL

PRIVACY POLICY & PROCEDURES

COLLECTION AND USE OF PERSONAL INFORMATION

Reviewed February 2014
Next Review February 2016
1. **Policy Statement**

The primary purpose for which Moerlina School collects personal information is to conduct the business of the School and its programs efficiently.

On occasions, the School will also need to use this same personal information for secondary purposes that less directly relate to the primary purpose for which the information was collected. This will only occur in ways that the individual might reasonably expect or in ways to which consent has been implied or given. Otherwise, the School will seek the written approval of the individual before using the personal information for the proposed secondary purpose.

The School collects and holds personal information, which may include a minimal amount of sensitive information, about: staff members; members of the School Council; participants in School activities; students and their parents/carers; job applicants; contractors; and other people with whom the School interacts.

2. **Collection of Information**

The collection of information commences on enrolment and to acknowledge the purpose for which information may be used, parents/carers are required to complete a *Privacy Policy: Collection and Use of Personal Information Form* (Appendix A) on enrolment.

This collection of information is primarily to enable the School to:

i) meet national and State government regulatory requirements (including but not restricted to, education, health and child protection compliance requirements);

ii) address individual student’s learning needs; and

iii) address individual student’s physical and mental health and wellbeing.
Where the parent/carer provide the School with the personal information of others, such as emergency contacts, they are requested to inform them that they have disclosed this information to the School and that it will be kept on record in the individual student’s file.

In addition to the information collected from families, there is an ongoing collection of information for each student throughout the term of their enrolment. This may be in the form of work samples, academic results, progress records, observational records, interviews, formal reports, images, individual and group achievements etc.

3. Disclosure of Information
The School will at times disclose student and parent/carer information to individuals or organisations outside of the School for administrative and educational purposes. This may include, but is not restricted to, national or State government authorities (eg. Department of Education, Employment and Workplace Relations, Department of Education Services, Department of Education), the Association for Independent Schools of Western Australia, medical practitioners, specialist visiting teachers, sports coaches and volunteers.

Parent/carer contact details may be distributed in a class list and/or School directory to other families at the School.

Personal information collected on students is regularly disclosed to their parents/carers through formal reports and during formal meetings.

The School uses personal information, usually with the express knowledge of the individual, to keep members of the School community and members of the wider public informed of its achievements and activities and for marketing purposes. Sensitive information will not be used for this purpose without the consent of the individual. This information may be shared through a variety of forums such as: School newsletters, information documents, project reports, website, Facebook and local newspapers.

Should the parent/carer require non-disclosure of any information or images, notification must be made to the School in writing. If this should change during the period of enrolment, the School must be notified in writing.

4. Management of Information
The staff of the School, and individuals who serve on the Council and Committees conducting the business of the School, are required to respect the confidentiality of personal information and the privacy of individuals. Where members of the School community need to access information that may be of a sensitive nature, a Confidentiality Agreement & Disclosure Form (Appendix B) must be completed.

The School has in place procedures to protect the personal information it holds from misuse, loss, unauthorised access, modification or disclosure.

The School will retain information collected on parents/carers and students in accordance with State Government Records Management Systems. All other materials collected, including newspaper articles, photos, work samples etc will be archived in the School’s historical archives and may be used following the departure of the student from the School.

5. Accessing information held by the School
In accordance with the National Privacy Act, an individual has the right to seek to access any personal information the School holds about them and to advise the School of any perceived inaccuracy with that information.
The individual needs to contact the Principal to seek access. In processing such requests, the Principal will be guided by the National Privacy Principles, as explained in the Privacy Compliance Manual available on the AISWA website www.ais.wa.edu.au, using them as the standard for handling personal information.

There may be occasions where access to information will not be granted. This may be where: access would have an unreasonable impact on the privacy of others; access may result in a breach of the School’s duty of care to the students; or, students have provided information in confidence.

6. **Use of images**
The School may use the image of any enrolled student in promotional material and social media such as newspapers, magazine articles, information pamphlets, posters, videos, websites, Facebook and other mediums related to school activities in accordance with the *Collection and Use of Personal Information Form* returned by each family on enrolment and at the commencement of each year.

The School will only use students’ first names when labelling photos however, local newspapers may use both first and surnames.

Where the School receives a request from an outside agency to use an image of a student for publication outside of the School (eg. Nedland’s City Council, UWA), a *Permission to Use Student Images Form* (Appendix C) will be sent to the parent/carer seeking approval for the specific use.

7. **Social Media & Website**
The ever-changing and inherently public nature of online communication presents a range of challenges in safeguarding the School community, its employees and most importantly, the safety and security of the School’s students. The School has developed a *Social Media & Website Policy & Guidelines* to address the dynamic nature of online communication, and has a dedicated Committee to manage the information.

At a School level, social media will be used as a communication forum to publicise achievements, activities, events, educational links etc. to families and to the wider public. This will be through a School Facebook page with the possibility to extend to blogs, wikis and other forums in accordance with the *Moerlina School Social Media & Website Policy & Guidelines*.

At a student level, social media will be used in addressing the Information Technologies requirements of the Australian Curriculum for teaching, pastoral care, information sharing with parents/carers or educational purposes (eg. Wikis, blogs) and in accordance with the *Social Media & Website Policy & Guidelines*. 
Appendix A: MOERLINA SCHOOL
COLLECTION AND USE OF PERSONAL INFORMATION FORM

Permission to use parent/carer and student information
It is a condition of enrolment at Moerlina School that requested parent/carer information and student information is provided to enable the School to:

- meet national and State government regulatory requirements (including but not restricted to, education, health and child protection compliance requirements);
- address our child/children’s learning needs; and
- address our child/children’s physical and mental health and wellbeing.

In addition to this, the School requests permission to use personal information and/or images for the following purposes.

1. To include family contact details in class lists and School contact lists to be distributed to members of the School community.

☐ I/we give permission for our contact details to be included in community lists.

OR

☐ I/we do not give permission for our contact details to be included in community lists.

2. To use images and class or School activity information about the students for a variety of purposes.

☐ I/we give permission for the use of images and class or school activity information about our child/ren to be used for School purposes such as, but not limited to; School publications, School website, School Facebook pages, Class social media (eg. Wikis, blogs with access provided only to families), Education presentations (eg. Conferences, professional workshops) and local newspapers.

OR

☐ I/we give permission for the use of images and class or school activity information about our child/ren to be used only for the following school purposes:

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

Child/ren’s Name/s

______________________________  ______________________________

Parent/Carer Name/s:

______________________________  ______________________________

Parent/Carer Signature/s:

______________________________  ______________________________

Date:

Reference: Moerlina School, Privacy Policy & Guidelines, Collection and Use Of Personal Information
Moerlina School Confidentiality Agreement and Disclosure Form

Whilst individuals who access Moerlina School documents, including student information, may be bound by confidentiality clauses as set out in their respective employment agreements, the Moerlina School requires the highest standards of confidentiality. Accordingly, any person who has access to peruse, distribute or copy any information and/or documents is required to complete this Confidentiality Agreement and Disclosure Register.

1. RECIPIENT'S OBLIGATIONS

1.1 Recipient must keep information confidential by:
   (a) keeping secret and confidential all Confidential Information;
   (b) using all Confidential Information solely for the purpose it is provided for; and
   (c) not copying or recording in any other form any part of the Confidential Information except as it is strictly necessary for performing duties as required of the Recipient.

1.2 Recipient must agree to not identify in any way, including by name, image or supposition, any individual staff member, student or family member of Moerlina School without first obtaining written permission through the school.

1.3 Disclosure required by law
   (a) The Recipient is not bound to keep confidential any Confidential Information if and to the extent that Confidential Information is:
      i. required by law to be disclosed; or
      ii. in the public domain other than because of a breach of this agreement.
   (b) If any Confidential Information is required by law to be disclosed, the Recipient must:
      i. immediately notify the Moerlina School of the particulars of the required disclosure; and
      ii. provide Moerlina School with all assistance reasonably required to enable any steps available to it to be taken to prevent that disclosure or to ensure that it occurs subject to an obligation of confidentiality.

2. RECIPIENT DOES NOT OWN THE INFORMATION

The Recipient acknowledges that this agreement does not:
   (a) transfer to it any intellectual property rights in the Confidential Information; or
   (b) oblige Moerlina School to disclose any Confidential Information to the Recipient.

3. RETURN OF INFORMATION

3.1 Return of information
(a) The Recipient must immediately, at Moerlina School’s option, return, destroy or (in the case of Confidential Information that is stored electronically) delete all Confidential Information in its possession or control.
(b) When the Recipient has complied with its obligations under paragraph 1, it must certify to Moerlina School that all Confidential Information in its possession or control has been returned, destroyed or deleted.

3.2 Obligations of confidentiality under this agreement continue to apply to the Recipient even if:
(a) the purpose for the Agreement is completed or terminated; or
(b) the Recipient has returned, destroyed or deleted the Confidential Information in accordance with clause 3.1 (Return of information).

4. INDEMNITY

4.1 The Recipient acknowledges that any breach of this agreement may cause damage to Moerlina School.

4.2 The Recipient indemnifies Moerlina School and its officers, employees and agents against any claim, liability, action, damage, loss, cost or expense sustained by any of them arising directly or indirectly from any breach by the Recipient of its obligations under this agreement.

4.3 Continuing indemnities and survival of indemnities
(a) Each indemnity contained in this agreement is a continuing obligation despite a settlement of account or the occurrence of any other thing, and remains fully effective until all money owing, contingently or otherwise, under an indemnity has been paid in full.
(b) Each indemnity contained in this agreement:
   I. is an additional, separate and independent obligation and no one indemnity limits the generality of another indemnity; and
   II. survives the termination of this agreement.

5. GENERAL

5.1 The laws of Western Australia govern this agreement and each party irrevocably and unconditionally submits to the exclusive jurisdiction of the courts of Western Australia.

5.2 The rights and remedies of a party under this agreement do not exclude any other right or remedy provided by law.

6. DISCLOSURE OF INTEREST AND RELATIONSHIPS

6.1 The Recipient is requested to declare any conflict of interest they may have by registering in this document all close relationships between themselves and anyone who may be seen to benefit from the Recipient’s access to confidential Moerlina School information.

An individual should err on the side of caution and, if in doubt, ensure they are suitably distanced from potential conflicts so as to be beyond reproach.

Please include all relevant information for each person who is declared. Attach additional listings if required.

Name: ________________________________________________________________
Relationship: __________________________________________________________
School or Organisation: _________________________________________________
6.2 Should any additional conflicts of interest arise during the term of this Agreement the Recipient is required to inform the Moerlina School immediately in writing.

7. DEFINITIONS

7.1 Confidential Information means (whether or not in a material form and whether disclosed before or after the date of this agreement) any information of whatever kind disclosed or revealed by Moerlina School to the Recipient that is by its nature confidential, is designated by Moerlina School as confidential or which the Recipient knows or ought reasonably to know is confidential.

7.2 Conflict of Interest means a situation in which the Recipient has competing professional obligations and personal interests. Such competing interests can be perceived as making it difficult to fulfil his or her duties impartially. A conflict of interest exists even if no unethical or improper act results from it. A conflict of interest can create an appearance of impropriety that can undermine confidence in the person, profession, organisation or program as covered in this Agreement.

I ____________________  agree to the terms of this Confidentiality Agreement
(Print name)
and have disclosed all potential Conflicts of Interest as required.

Confidential Information received:

_____________________________________________________________

Signature: ___________________________________________ Date: __/__/ 

Provider: ________________________________________________
(Print name)

Signature: ___________________________________________ Date: __/__/ 

Confidential Information returned to: ___________________________________________
on Date: __/__/ 
(Print name)

Receiver: ___________________________________________ Date: __/__/ 

Appendix C:

MOERLINA SCHOOL
PERMISSION TO USE STUDENT IMAGES BY EXTERNAL ORGANISATIONS

PERMISSION TO USE STUDENT IMAGES FORM

At Moerlina we love to use the images of our students to help relate the atmosphere and dynamics of our school. This may be in promotional material such as newspaper or magazine articles, information pamphlets to endorse Moerlina, or other mediums recording school activities such as videos, newsletters, photo displays, etc. Your consent to use images for School purposes is collected early each year and may be removed at any time by advising the school in writing of your wishes.

At different times we have school activities take place that involve people from other organizations wishing to use images of our children in the educational setting. Your consent for these images to be used outside of the school will be sought in respect to each individual case.

Please return slip below by return date.

PERMISSION TO USE STUDENT IMAGES FORM
(EXAMPLE)

School Zone Speed Signs
Photo with Bill Marmion, MLA, Member for Nedlands

Request for permission for Bill Marmion’s office to use still images of your child in a group shot similar to the one included here, for the purpose of promoting the solar powered speed signs outside schools.

I do/do not give permission for my child’s/children’s image(s) to be used by Bill Marmion’s Office.

Student Name: __________________________________________

Parent/Carer: __________________________________________
(Please print full name)

Parent/Carer Signature: _________________________________ Date: ________________