

GUIDELINES FOR PRIVACY OFFICERS POLICY 3 GUIDELINE 9

The Board of Trustees is to appoint a Privacy Officer at the start of each year who will be charged with the task of ensuring that the following guidelines are adhered to when the need arises. The Privacy Officer role will typically be delegated to the Principal.

All forms which have been prepared for the purpose of collecting private information should be passed by the Privacy Officer before being circulated.

All forms which will collect private information should advise:

- the purpose for which the information is being collected;
- the intended recipients of the information;
- who will hold the information; and
- individuals' rights of access to, and correction of, the personal information collected.

Examples of the types of forms that this will relate to are applications for appointment, student record cards, enrolment information, information about employees and information about pupils and parents.

In the event of a data or privacy breach, whether it be accidental or intentional, the Key Steps for Agencies in Responding to Privacy Breaches developed by the Privacy Commissioner will be followed (see Appendix 1).

QUESTIONS WHICH PRIVACY OFFICERS NEED TO ADDRESS

1. Does the school need to collect personal information about individuals? In particular:
 - i) What function or activity of the school does the information relate to?
 - ii) What is the purpose for which the information is to be collected?
 - iii) Is it necessary for that purpose?
2. Has the personal information the school holds been collected directly from the persons concerned (where practicable)?
3. Where the school has collected information directly from an individual have we informed them:
 - i) That the school is collecting the personal information?
 - ii) Why the school is collecting it?
 - iii) Who will receive it?
 - iv) Who will hold it?
 - v) That they can access any personal information held about them held by the school, and correct that information, at any time?If not, then has the school collected similar information from the same individual recently, and in so doing complied with requirements (i) to (v)?
4. Has the information been collected by:
 - i) Lawful means?
 - ii) In a way that is fair, and does not intrude to an unreasonable extent on the individual's personal affairs?

5. Is the personal information the school holds stored in a reasonably secure way? In particular:
 - i) Is it stored so that only authorised persons have access to it?
 - ii) Do those authorised persons know of their obligations under the Privacy Act?
 - iii) Is it safe from tampering and theft?
 - iv) Are VDU screens, printers or files positioned so that personal information may not readily be seen by the public or unauthorised staff?
 - v) Are there procedures in place to monitor access to sensitive data?
6. Are there external agencies used to collect, process, hold or dispose of any personal information? If so, what steps are taken to ensure they are complying with the Privacy principles?
7. Has the school taken reasonable steps to ensure that the personal information it holds is accurate, up-to-date, complete, relevant and not misleading? In particular:
 - i) What steps have been taken to ensure this?
 - ii) When personal information has been received from a third party, what steps have been taken to make sure it is accurate, up-to-date, complete, relevant and not misleading?
 - iii) At what point(s) is the personal information checked to ensure accuracy - when first recorded, during storage, before use and periodically?
8. Is the school ensuring that it does not hold personal information longer than is required for the purposes for which that information may lawfully be used?
9. Is the school using any personal information for any purpose other than the one for which it was collected? If yes, which of the following exemptions applies (others may be available – seek legal advice if necessary):
 - i) the source of the information is a publicly available publication?
 - ii) the other use is authorised by the individual concerned?
 - iii) The other use is necessary to prevent or lessen a serious or imminent threat to the life or health of the individual concerned, or of another individual?
 - iv) the other purpose is directly related to the purpose in connection with which the information was obtained?; or
 - v) the information is to be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned?
10. Does the school disclose personal information it holds about individuals to other agencies? If yes, then which of the following exemptions applies (others may be available – seek legal advice if necessary):
 - i) The disclosure is (is or is directly related to) one of the purposes in connection with which the information was collected?;
 - ii) The source of the information is a publicly available publication?;
 - iii) The disclosure is to (or is authorised by) the individual concerned?;
 - iv) The disclosure is necessary to prevent or lessen a serious or imminent threat to the life or health of the individual concerned (or of another individual);
 - v) The information is to be used for statistical or research purposes, and will not be published in a form that could reasonably be expected to identify the individual concerned?