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# Privacy Policy



HEREWORTH

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## BACKGROUND

The Hereworth School Trust Board (the Board) is responsible for managing the personal information it collects in running the School.

## PURPOSE

The Privacy Policy enables us to promote and protect the privacy of all individuals associated with the School, i.e. students, staff, parents, and others. This policy follows the key principles of the Privacy Act 2020 which describe how we may collect, use, and store personal information. The Act created the position of Privacy Commissioner. Among the functions of the Privacy Commissioner is investigating alleged breaches of the Privacy Act 2020.

Hereworth's Privacy Officer is the Headmaster who deals with requests for personal information, and, if required, liaises with the Privacy Commissioner.

The policy provides information management and confidentiality guidelines about:

- how we collect and store information
- what information we collect
- how we use and disclose information about individuals
- how individuals may access information relating to them that is held by the School
- how to manage the rights of parents regarding information about their child.

It is important staff understand and follow the School's guidelines.

## GUIDELINES

### Personal Information

The School collects personal information to provide educational services. These include recognising and maintaining a strong partnership between the school, families and whānau that nurtures the student's learning and wellbeing. Collecting personal information also allows us to:

- celebrate achievement and diversity
- record and maintain:
  - student records of academic progress, through for example, portfolios, digital learning stories, etc.
  - accounts
- provide:
  - library and information technology services learning
  - behaviour management programmes
  - accurate information to other education providers to ensure proper and safe transfer of students

- information to the School's fundraising group for School liaison and fundraising purposes.
- report/disclose information to government bodies or other agencies for the purposes of funding/support or to meet contractual/legislative obligations, e.g. Ministry of Education, Work and Income, Oranga Tamariki – Ministry for Children, district health boards, etc.
- produce the School newsletter and maintain the School's website and management systems.

To do this, the School collects and holds the following information:

- **Personal** – full name, date of birth, ethnicity (statistical), citizenship/residency status/eligibility criteria, iwi, first language, and religion (optional).
- **Health** – doctor's name, proof of immunisation, medical conditions/health matters/special needs/disabilities about which the School should be aware.
- **Education** – information relevant to the student's learning for example, the student's interests, any aspect of behaviour, performance in class, test results, electronic images including photographs, videos and audio recordings (for teaching and learning, reporting and marketing purposes).
- **Caregivers** – caregiver contact details (address, phone, email), relationship to the student, occupation (optional), and day-to-day care arrangements.
- **Bank details** – direct debit information

The School may require documentation to verify the information (e.g. passport, birth certificate, etc.).

## PRIVACY GUIDELINES

The Privacy Act 2020 is primarily concerned with good information handling practices and is made up of 12 information privacy principles. The following guidelines apply to these principles.

- When we collect personal information about an individual, we make known the purpose of collecting it, who will have access to it, and whether it is compulsory or optional information. We advise that individuals have the right to request access to, and correction of, their personal information.
- We only collect personal information:
  - for purposes connected with the function of the School, and only when it is necessary to have this information
  - directly from the person concerned, or, if a student, their parent or guardian, unless it is publicly available from elsewhere, and the person's interests are not prejudiced when we collect the information from elsewhere
  - in a transparent and respectful manner.
  - by ensuring we have reasonable safeguards in place to protect personal information from loss, unauthorised access, use, or disclosure. These safeguards include the use of individual logins for computers and lockable filing cabinets. We may require volunteers and third party contractors to sign confidentiality agreements.
- If an individual wants access to information we hold about them, we provide it. Individuals may request correction of this information or, when not corrected, that a record of the request is attached to the information.
- We take reasonable steps to make sure personal information is correct, up-to-date, relevant and not misleading.
- We only keep information for as long as it is needed, and for the purposes for which it was obtained. When a student moves to a new school and their records are requested, we forward the relevant information that we hold.
- Information is only used for the purposes for which it was obtained except in certain

circumstances (for example, for statistical purposes where the person's identity is not disclosed).

- We safeguard students' information and we do not release that information to third parties unless we are allowed, or required, to release information by law. This covers disclosure to persons other than those able to legitimately access material about their own children.
- As a general rule, information about any person is not given to a third party without the person's knowledge, unless:
  - the information is already publicly available.
  - it is being passed on in connection with a purpose for which it was obtained, for example, to the student's new school.
  - the right to privacy is over-ridden by other legislation.
  - it is necessary for the protection of individual or public health and safety.

For most purposes, the best guide is to use good sense and to treat information about people with great respect. When in doubt, seek advice from the School's Privacy Officer or the Office of the Privacy Commissioner.

Hereworth staff members must promptly report any privacy breach they become aware to the Headmaster. The Headmaster will assess the breach and work with the Privacy Office where necessary.

The School Nurse\* is bound by the Nursing Council of New Zealand Code of Conduct for Nurses 2012:

- Principle 5: States nurses will "Respect health consumers' privacy and confidentiality"

The School Chaplains\* are bound by the Canons of the Church:

- Canon 1 title D 12.7: Keep information confidential whether imparted in confession or informally in conversation and not improperly disclose it.

\*School Counsellors, School Nurses and School Chaplains each have responsibility within their own professional codes to pass on information where failure to disclose information could result in significant harm.

The health and safety of students is paramount and takes precedence over confidentiality. If a staff member becomes aware of a student self-harming, they must report this immediately to a member of the Executive Staff. Actions and responses will be documented in Pastoral Care notes. Parents/guardians will be informed and followed up verbally and in writing.

Access to students during school hours should be pre-arranged, unless it is an emergency.

All visitors, including parent/guardians, must report to reception on arrival and be met by a staff member.

Depending upon the circumstances, pre-approval must be sought from a student's parent/caregiver for any visitor wishing to meet with a student during school hours.

The School will proactively and voluntarily share information related to the wellbeing or safety of children between professionals and agencies: Section 66C Oranga Tamariki Act 1989. Sharing may include Police, Oranga Tamariki, parenting support, advocacy, mentoring, counselling and additional resources or practical help children and family need for their wellbeing. The best interests, wellbeing and safety of children are always the most important thing to consider.

## **PARENTS AND THE PRIVACY ACT 2020**

Hereworth will comply with the Privacy Act 2020 and the Official Information Act 1982.

Under the Privacy Act 2020, individuals are entitled to access personal information held about them.

There is no age limit to this, children and young people have the same rights as everyone else. This means that parents have no automatic right to access all the information the School holds about their child.

Parents and guardians are entitled to information about the progress of their child under the Official Information Act. They are also 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 1982. 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?

In practice there are very few occasions when the School would be justified in withholding any information from a parent. One example of such a situation might be a child at School who confides in a counsellor who is trying in their professional role to help the child. The child insists that the parents or (e.g., a situation of abuse), a particular parent, are not to be told the child's information by the counsellor. A counsellor is required to respect and consider the wishes of the child.

When in doubt, we will seek advice from the School's Privacy Officer or the Office of the Privacy Commissioner.

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 parent to alert the School of any such Order.

Parents have no automatic right to request correction of information held about their child. The School, however, is bound by the principles of the Privacy Act 2020 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.

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

### **THIRD PARTY PROVIDERS**

We use the information that parents share with us at enrolment to support their child's learning, and to communicate with parents quickly and effectively. We use personal information for a range of purposes, for example:

- sending interim reports and academic progress
- information informing parents if their child is sick or injured
- inviting parents/whānau to interviews or meetings
- keeping parents informed during a disaster or other significant emergency affecting the School
- sending home School-related communications (e.g. newsletters and parent surveys) informing parents about specific activities (e.g. camps, day trips, sporting events)
- providing access to School-related digital spaces of interest (e.g. blogs, Facebook groups).

From time to time, Hereworth may use third-party providers

- to facilitate communication between School and home.
- to provide services to our School to support teaching and learning.

This may involve sharing some information (e.g., an email address or phone number) with the provider.

We only use such services when the School is satisfied that the third party provider's privacy policy, settings, and controls, are secure and managed appropriately, and that the use of the service complies with our privacy policy and the purpose for which any information was gathered in the first place.

## **CROSS BORDER DISCLOSURE**

Hereworth will only disclose personal information to another organisation outside of New Zealand if the receiving organisation:

- is subject to the Privacy Act 2020 because they do business in New Zealand.
- is subject to privacy laws that provide comparable safeguards to the Privacy Act 2020 – or they agree to protect the information in such a way, e.g. by using model contract clauses.
- is covered by a binding scheme or is subject to the privacy laws of a country prescribed by the New Zealand Government.

Hereworth may send information to an overseas organisation to hold or process on our behalf as our 'agent' e.g., an overseas company providing cloud-based services for Hereworth. This is not treated as a disclosure under the new Privacy Act 2020. Hereworth will be responsible for ensuring that our agent – the overseas company – handles the information in accordance with the Privacy Act 2020.

Hereworth may need to make a cross-border disclosure in certain, urgent circumstances where it would not otherwise be allowed. This will only be done when it is necessary to maintain public health or safety, to prevent a serious threat to someone's life or health, or for the maintenance of the law.

Hereworth will only disclose personal information to an overseas agency if that agency has a similar level of protection to New Zealand, or the individual and/or parent is fully informed and authorises the disclosure.

## **PUBLISHING STUDENT INFORMATION**

Images of our students (photographs, video clips, etc.), and examples of their School work, are sometimes published in our newsletters, yearbook, on our school website, and other online channels such as the school/class blogs, Facebook and Instagram pages, etc.

The School has an obligation to:

- protect students' privacy and safety in relation to information about them, or images of them, published by the School, and
- protect students' copyright in relation to the material they create.

Images of students and their work are published to recognise student achievement, report on learning to the School and wider community, and to promote the School.

If the School is aware of a special circumstance regarding a student's presence at the School, such as a Court Order preventing access to the student, any information that could identify the student is kept out of the website and newsletters.

### **Protecting students' privacy**

Hereworth:

- publishes images and students' work that positively depict the student and School.
- seeks parents' written consent before their child's image or work is published online.
- Parents give this consent at enrolment, or as needed if their child is already enrolled, by completing accepting the Photo Usage Consent question in the enrolment process. Parents may withdraw their consent at any time.
- seeks students' consent before publishing their work.
- takes special care with personal information about students.

Personal information refers to information that identifies an individual.

### **Protecting copyright**

As the author of a copyright work, a student has the right to be identified when their work is exhibited in public, such as on the internet. At Hereworth, we prefer to identify the student by their first name and year at School only to protect their privacy. The School's Privacy Officer considers requests for a student's full name to be published.

### **Sharing Images of Students**

Hereworth follows guidelines to protect students' privacy and safety at School when we publish student information. This includes sharing photos of our students. We encourage parents to also consider privacy issues when sharing photos and videos taken at School events.

Parents are welcome to take photos/videos of their children at sports days, cultural days, or other School events. If copyright issues apply, such as at a School play, which forbid photos or videos to be taken, the School will notify this.

If parents want to share photos/videos on social media, they should consider the following:

- Show the images to your children and discuss them before posting them on social media. This will help your children understand that they should always think about what goes out to the public on the internet.
- If the images have pictures of other students, the School may ask you to remove them if we receive a complaint.
- Make sure that other students are not named in any online posts.

Parents should remember that posting photos of other people can amount to a breach of privacy and they should take care to ensure photos are fair to other people. This ensures everyone can enjoy School events without worrying what may end up on social media.

### **PRIVACY BREACH**

In the event of a privacy breach that has caused or is likely to cause serious harm, the Headmaster will notify the Privacy Commissioner in accordance with the Privacy Act 2020 as soon as possible. If a notifiable privacy breach occurs, the School will also notify people affected. This will also happen as soon as possible after becoming aware of the breach.

**REVIEW**

This policy was approved by the Hereworth School Trust Board and is to be reviewed every two years or more by agreement.



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Chairperson, Hereworth School Trust Board



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Headmaster

Dated: October 2023

To be reviewed on or before October 2025