



PRIVACY POLICY

Outcome statement

Sacred Heart Girls' College New Plymouth collects a range of personal and sensitive information from its students and school community. Information collected by the College shall be used only for the purposes for which it is collected. Information will only be used in a way that protects the anonymity and confidentiality of the person who provided the information.

Definitions

Privacy means those principles that are defined by the Privacy Act 2020 and include the collection, access and accuracy of personal data and the holding, sharing and use of personal information with the overarching principle that information collected should be only used for the purposes for which it is collected, and by those persons authorised to use the information and must

Personal information is information about an identifiable individual. Personal information includes information that the college collects, processes, stores or receives. This may be in person or via our website, email, social media, apps, over the phone, or through other channels.

within the boundaries of the law protect the confidentiality and anonymity of the provider of the information.

Overarching Principles

To ensure that personal information given to Sacred Heart Girls' College remains confidential to us, is used for the purposes for which it was collected and is used only by those persons authorised to use it.

Expectations and limitations:

Collection of personal information

1. Personal information collected, stored, used and disclosed by Sacred Heart Girls' College must be necessary for the purpose of the college activity.
2. Where personal information is collected from or about a student aged under 16, consent of the parent or guardian will be sought.
3. Personal information collected, may include demographic and personal contacts data, performance, achievement and assessment information, attendance information, information that supports the school to provide education and other pastoral support, health and medical information, images of students engaging in school activities, and information relating to the use of the schools IT systems.
4. Some of the personal information collected is mandatory, in accordance with our legislative obligations and responsibilities.
5. Individuals have a right to know what information is collected about the student for the purposes above.

Advising of purpose of collection of information

1. Sacred Heart Girls' College uses the information collected for the purposes of school activity and educational services. This includes, but is not limited to providing education, school and extra curricula services; understanding the student demographic, to inform decisions about funding and resources; to support teaching and learning; to set policy and procedure; to assess performance and set targets; to safeguard students welfare and provide services and supports accordingly; to meet legislative responsibilities and statutory reporting; and to promote and market the school.
2. Only information that is necessary will be collected.

Storage and security of personal information

1. All personal information will be kept secure and stored in a manner that will minimise loss and access, use, modification or disclosure by unauthorised persons.
2. Access to student files is limited to the student and to staff. Parents and legal guardians of students under the age of 16 may have access, preferably with the consent of the student. All parents and legal guardians will have access to some of their child's information via the KAMAR portal, through username and password access.
3. Access to staff information is limited to the Principal and their delegates.

Disclosure

1. Personal information must not be disclosed to a third party unless there is a legal obligation to do so, the information is publicly available, disclosure is necessary to prevent a serious and or imminent threat to health or safety, and there is reasonable belief that disclosure is authorised by the individual concerned.
2. Personal information shall not be disclosed to persons or organisations not bound by New Zealand's privacy laws.

Access to and correction of personal information

1. The individual whom the information is held about shall be entitled to access and request correction of their personal information held by us, and to request that there be attached to the information a statement of any correction sought but not made.
2. Requests to access or correct personal information shall be answered/completed within 20 working days of the request being made.
3. Where an individual notifies us that their request to access or correct their personal information is urgent, and provides the reason surrounding the urgency, we will ensure this is considered when determining the priority to be given to responding to the request.
4. Where an individual requests to access or correct their personal information and we do not hold such information we will notify the individual who requested the information.
5. We may refuse to grant access to personal information, or partially withhold information, only in accordance with the provisions of the Privacy Act 2020.
6. Before providing access to any personal information, we must be satisfied of the identity of the requestor, have reasonable grounds to believe the request is not being made under the threat of physical or mental harm, and, if the request is made by an agent of the individual, ensure that agent has the written authority of the individual.

Holding of Information

1. Personal information will not be held for longer than is required for the purposes for which the information may lawfully be used and in line with the requirements of the Public Records Act 2005 and the School Records Retention/Disposal Schedule guidance from the Ministry of Education and Archives New Zealand.

Delegation

The responsibility to uphold the legislative requirements regarding privacy for the College is delegated to the Principal.

The Privacy Officer is responsible for dealing with requests made under the Privacy Act 2020, working with the Privacy Commissioner in the event of any complaints being received and otherwise encouraging compliance with the Privacy Act 2020 by the school.

Legislative Compliance


Protected Disclosures (Protection of Whistle-blowers) Act 2022
Privacy Act 2020
Public Records Act 2005

Related Resources

Privacy Commissioner Guidance
School Records Retention and Disposal Schedule Guidance

Protected Disclosures Procedure

Reviewed: March 2023	Next Review: Oct 2024
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Signed (Presiding Member): 	Date of Board Meeting reviewed and accepted: Wednesday 3 May 2023
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PROTECTIVE DISCLOSURE

All members of the College have the right to lodge a complaint about serious wrongdoing and to know that they have the full protection of the law in such circumstances.

The purpose of this policy is to provide information and guidance to employees of the school who wish to report serious wrongdoing within the school.

This policy is issued in compliance with the Protected Disclosures (Protection of Whistle-blowers) Act 2022

These procedures consist of:

1. A definition of a protected disclosure
2. A definition of serious wrongdoing that can be the basis for a protected disclosure by an employee
3. Conditions for disclosure
4. Information on who can make a disclosure
5. Protections for employees making disclosures
6. A procedure by which an employee can make a disclosure

What is a Protected Disclosure

A protected disclosure is a declaration made by an employee where they believe serious wrongdoing has occurred. Employees making disclosures will be protected against retaliatory or disciplinary action and will not be liable for civil or criminal proceedings related to the disclosure.

Definition of Serious Wrongdoing

Serious wrongdoing for the purposes of this policy includes any of the following:

- Unlawful, corrupt, or irregular use of public funds or resources
- An act or omission or course of conduct:
 - which seriously risks public health or safety or the environment; or
 - that constitutes an offence; or
 - that is oppressive, improperly discriminatory, grossly negligent or constitutes gross mismanagement; or
 - constitutes serious risk to the maintenance of law.

Conditions for Disclosure

Before making a disclosure the employee should be sure the following conditions are met:

- the information is about serious wrongdoing in or by the school; and
- the employee believes on reasonable grounds the information to be true; and
- the employee wishes the wrongdoing to be investigated; and
- the employee wishes the disclosure to be protected.

Who can make a disclosure

Any employee of the school can make a disclosure. For the purposes of this policy an employee includes:

- Current employees and Principal
- Former employees and Principals
- Contractors supplying services to the school.

Protection of employees making disclosures

An employee who makes a disclosure and who has acted in accordance with the procedure outlined in this policy:

- May bring a personal grievance in respect of retaliatory action from their employer;
- May access the anti-discrimination provisions of the Human Rights Act in respect of retaliatory action from their employers;
- Are not liable for any civil or criminal proceedings, or to a disciplinary hearing by reason of having made or referred to a disclosure;
- Will, subject to Clause 5 of the Procedure, have their disclosure treated with the utmost confidentiality.

The protections provided in this section will not be available to employees making allegations they know to be false or where they have acted in bad faith.

Procedure

An employee of Sacred Heart Girls' College who wishes to make a protected disclosure should do so using the following procedure:

1. **How to submit the disclosure**

The employee should submit the disclosure in writing.

2. **Information to be contained**

The disclosure should contain detailed information including the following:

- The nature of the serious wrongdoing
- The name or names of the people involved
- Surrounding facts including details relating to the time and/or place of the wrongdoing if known or relevant.

3. **Where to send disclosures**

A disclosure must be sent in writing to the Principal who has been nominated by the Board of Sacred Heart Girls' College for this purpose

OR

If you believe that the Principal is involved in the wrongdoing or has an association with the person committing the wrongdoing that would make it inappropriate to disclose to them, then you can make the disclosure to the Chairperson of the Board of Trustees

4. **Decision to investigate**

On receipt of a disclosure, the Principal and the Board must within 20 working days examine seriously the allegations of wrongdoing made and decide whether a full investigation is warranted. If warranted a full investigation will be undertaken by the Principal and the Board or by a delegated party as quickly as practically possible.

5. **Protection of disclosing employees**

All disclosures will be treated with the utmost confidence. When undertaking an investigation, and when writing the report, the investigator will make every endeavour possible not to reveal information that can identify the disclosing person, unless the person consents in writing or if the person receiving the protected disclosure reasonably believes that disclosure of identifying information is essential:

- To ensure an effective investigation
- To prevent serious risk to public health or public safety or the environment
- To have regard to the principles of natural justice.

6. **Report of investigation**

A disclosure may be made to an appropriate authority (including those listed below) if the employee making the disclosure has reasonable grounds to believe:

- The person responsible for handling the complaint is or may be involved in the wrongdoing; or
- Immediate reference to another authority is justified by urgency or exceptional circumstances; or
- There has been no action or recommended action within 20 working days of the date of disclosure.

Appropriate Authorities include (but are not limited to)

- Commissioner of Police
- Controller and Auditor General
- Director of the Serious Fraud Office
- Inspector General of Intelligence and Security
- Ombudsman
- Parliamentary Commissioner for the Environment
- Police Complaints Authority
- Solicitor General
- State Service Commissioner
- Health and Disability Commissioner
- The head of any public sector organisation

8. **Disclosure to Ministers and Ombudsman**

A disclosure may be made to Minister or an Ombudsman if the employee making the disclosure reasonably believes that the person or authority to whom the disclosure was made;

- has decided not to investigate; or
- has decided to investigate but not made progress with the investigation within reasonable time; or
- has investigated but has not taken or recommended any action; and
- continues to believe on reasonable grounds that the information disclosed is true or is likely to be true.