

# Information privacy - policy

Department of Education

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# 1. Policy statement

The Department of Education (department) values privacy and is committed to protecting personal information held by the department. The department only collects personal information which is necessary, or related to, its functions and activities.

This policy outlines how the department and schools collect information, how the information is used and disclosed and how individuals can request access or correction.

## 2. Scope

This policy applies to all personal information and sensitive information held by the department and as defined by the Northern Territory (NT) *Information Act 2002* and other associated legislation. It should be read in conjunction with the Department of Education Information statement and the Northern Territory Government Records Management Standards.

## 3. Collection

When personal information of an individual is collected, reasonable steps are taken to ensure that the individual is aware of:

- the identity of the department that holds the information and how to contact
- how to gain access to their own information
- purpose for which the information is being collected
- any law that requires the information to be collected
- consequences, if any, for the individual if information is not provided.

### 3.1. How we collect

The department and schools collect information in several ways including:

- in person and over the phone
- from electronic and paper documentation
- through school websites and school controlled social media
- through use of digital applications and other online tools and software
- through photographs, film recordings, and closed-circuit television (CCTV) cameras located at schools
- through authorised information sharing arrangements with other services.

### 3.2. Collection notices

When the department collects information about individuals it takes reasonable steps to advise a person of the purpose of the collection, how the information is to be used and how to access and correct information held about individuals.

### 3.3. Unsolicited information

The department and schools may receive information about a person where no active steps have been taken to collect that information. If permitted or required by law, the information may be retained, if not the records will be destroyed or de-identified when practicable, lawful, and reasonable to do so.

## 4. Use and disclose

The department will use and disclose personal information for the purposes for which it was collected, including:

- educational services
- providing students support
- legal and insurance purposes
- providing a safe and secure workplace
- employment and volunteering applications
- ensure effective management, resourcing, and administration of the department and schools
- all other information reasonably necessary to, or related to, the department's functions and activities.

Information may be disclosed as required or permitted by law, for example:

- as part of intra agency data sharing
- for the safety or wellbeing of an individual
- under court orders or subpoenas
- as required under the *Care and Protection of Children Act 2007*
- to investigate or report suspected unlawful activity or improper conduct.

## 5. Data security

The department is guided by NT Government (NTG) information management principles and the records management standards and take all reasonable steps to protect personal information against loss, unauthorised access, or interference. This is completed by use of technical and physical security measures, including restricting access to electronic records through technical access restrictions and maintaining manual records in locked rooms.

Staff must also comply with all internal confidentiality and privacy policies and procedures.

Disposal of electronic and hard copy records is carried out in accordance with the NTG authorised Record Retention and Disposal Schedules.

## 6. Access and Correction

Individuals have a right to request access to and correct, their personal information held by the department and schools. The department will comply with its obligations under the *Information Act 2002* in processing the application, noting that it may need to verify an applicant's identity before allowing access to their personal information.

## 6.1. Access to student information

The department and schools only provide information about students such as reports and other ordinary communications to students, parents or others who have a legal right to that information, or as per the list in section 4.

In some circumstances requests for access to other student information by others must be made by lodging a Freedom of Information request. For further information see <https://nt.gov.au/law/rights/freedom-of-information/what-you-need-to-lodge-a-request>

## 6.2. Access to staff information

School staff can request access to their personal file through their principal. Department staff can request access to their personal file from DCDD Human Resources Services.

# 7. Student transfers

## 7.1. NT schools

When a student has been accepted at or is transferring to another NT government school or educational facility, the current school is responsible for organising the transfer of the complete student record file to the destination school. Parental consent is not required for this action.

## 7.2. NT non-government schools or interstate schools

For students transferring to non-government schools within the NT or transferring to an interstate school, a copy of the student record file is created and sent. Include other student information held in electronic systems such as enrolment and attendance, assessments, and behavioural reports. The original file will continue to be held by the department in line with the Record Retention and Disposal Schedule School Management 2018/10.

# 8. NAPLAN results

NAPLAN is the national assessment for students in years 3, 5, 7 and 9 in reading, writing, language, and numeracy. Schools use NAPLAN data to evaluate their educational programs. When a student transfers between or to another school, previous results can be provided. For further information go to the Department of Education website at <https://education.nt.gov.au>.

# 9. Consent

Consent is when someone voluntarily agrees for their information to be collected, used and/or shared within or outside the school or the department. In certain situations, privacy law requires that an organisations such as a schools need consent to collect personal information and to use or disclose it. Consent is generally required for the collection of a person's sensitive information, or to use or disclose your personal information for a purpose other than the purpose it was collected for.

Consent can be asked for or managed in a variety of ways, such as:

- on enrolment or annually for example the yearly photography or social media consent processes

- through different phases of learning for example use of digital applications, specific to year levels for example, year 4-6 inclusive
- specific purpose or event
- consent on behalf of children is given by the student's parent, or person authorised to do so
- consent by students – where a student is of 18 years of age, or it has been established that they are of sufficient understanding and maturity to provide their own consent, or the student has been assessed as living independently and is above the age of 14 years
- consent on behalf of a person with a disability can be given by a person authorised to do so such as a legal guardian.

## 10. Roles and responsibilities

All staff including schools must:

- adhere to this policy
- ensure they are aware of the Information Privacy Principles and their obligations under the NT *Information Act* in regard to the collection, use and disclosure of personal and sensitive information.
- not release information without consent by individuals unless required by law or for the purpose of law enforcement.
- consult with the Information Privacy team, refer to contacts, before considering releasing any personal information without consent.

### Quality Assurance Services - Information Privacy Team

- provide advice in accordance with the *Information Act 2002*.

## 11. Complaints

If you suspect there has been a privacy breach of your personal information and wish to lodge a complaint, refer to the contact details below.

If you wish to access or change your personal information in the first instance, contact your school or relevant department business division.

## 12. Further information and contacts

If you have a query on how your personal information is collected managed, used, or disclosed, discuss with your school in the first instance, or contact the Privacy Officer in the department:

Department of Education  
Quality Assurance Services  
GPO BOX 4821  
Darwin NT 0801  
Email: [rfi.doe@education.ntt.gov.au](mailto:rfi.doe@education.ntt.gov.au)  
Phone: (08) 899 95960

Further information on the Information Privacy Principles can be located on the website of the Office of the Information Commissioner:

### 13. Related documents

- [Northern Territory Information Act 2002](#)
- [Northern Territory Education Act 2015](#)
- [Northern Territory Care and Protection of Children Act 2007](#)
- [Records Management Standards for public sector organisations in the NT](#)
- [Northern Territory Public Sector Employment and Management Act 1993](#)
- [Employment instruction 12 – Code of conduct](#)

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Acronyms	Full form
CCTV	Closed-circuit television
IPP	Information Privacy Principles
NT	Northern Territory
NTG	Northern Territory Government