

The Privacy Act 2020 and personal information

Education providers play an important role in how children and young people experience privacy on a day-to-day basis.



Information collected about learners creates and builds a story about their educational journey, including their health, wellbeing and family circumstances. A learner's educational story is part of who they are, and something they carry for the rest of their lives.

Getting privacy right builds trust and empowers learners to understand and exercise their privacy rights effectively. Getting privacy wrong can have a significant long-term impact on a learner and their family.

The Privacy Act 2020

The Privacy Act 2020 (the Privacy Act) governs how organisations collect, use, store and share **personal** information.

The Privacy Act ensures that:

- people know when their personal information is being collected
- personal information is used and shared appropriately
- personal information is kept safe and secure
- people can access and correct their personal information.



The Privacy Act applies to **all** education providers and their staff, including members of a board that governs your organisation (for example, members of a school board or board of directors).

What is personal information?

Personal information is any information that tells us something about an identifiable individual.

Personal information doesn't need to include someone's name. It only needs to include enough information to tell you or someone else who they are.

Personal information in the education sector

What constitutes personal information in the education sector is broader than you may think.

Examples of personal information include:

Enrolment information

- Names and contact information for the learner, family, siblings and key contact people.
- NSN and other unique identifiers.
- Demographic information; sex and gender, ethnicity, age.
- Medical and health information including immunisation records, medical conditions, allergies and disabilities.

Attendance and wellbeing information

- Attendance records.
- Absence responses and regular attendance plans.
- Health and wellbeing related information including pastoral care records.
- Disciplinary actions.



- Information about a learner's homelife.

Learning information

- Individual education plans.
- Timetables.
- Progress and achievement records.
- Career and pathway planning information.
- Internet usage and device login information.
- Photos, videos and audio recordings.

What form can personal information take?

Personal information can take any form – it can be written, digital or hardcopy, or contained in images.

Information you receive from a learner or another person during a conversation can also be personal information. For example:

- a staff member talking to you during lunchtime about a learner and issues with their home life
- information shared at a staff meeting
- a principal of another school calling you to discuss a learner that is looking to enrol at that school
- a meeting with a parent where the parent shares information about their concerns of bullying by other learners
- interviewing other people as part of an investigation or disciplinary process.

Personal information can also be contained within your organisation's documents such as written correspondence, meeting minutes (staff, parent and board meetings), reports, newsletters, emails, voice messages, photos and videos, and text messages.



When you receive personal information verbally from another person that you may need to use or refer to later (e.g. used to inform a decision about a learner) then you should make a record of it.

Personal information received verbally is subject to the Privacy Act 2020.

Other information received verbally is subject to the Official Information Act 1982 (OIA) if your organisation is subject to the OIA.

Information privacy principles (IPPs)

There are 13 information privacy principles (IPPs) in the Privacy Act that govern the collection, use, storage and sharing of personal information.

This guidance works through the application of these IPPs to help you make good privacy decisions and ensure your learner's privacy is protected and respected.

General information about the 13 IPPs can be found here: [Office of the Privacy Commissioner | Privacy Act 2020 and the Privacy Principles](#).

Information used solely for personal, family or domestic purposes

In most cases, the Privacy Act does not apply to the domestic affairs of individuals unless the collection, use or sharing of the personal information involved is highly offensive.

This means that activities by a parent such as taking photos or videos of their child (that may also include images of other learners) at a school or ECE service event and posting them online are not subject to the Privacy Act.

