

# Collecting information

**The education sector collects large volumes of personal information about learners. Privacy protective collection practices help ensure the privacy of your learners is protected and respected.**



Schools, ECE services and contracted service providers have obligations and responsibilities under the Education and Training Act 2020, ECE regulations, and other child focused laws like the Children’s Act 2014.

Collecting information from and about learners enables schools and ECE services to meet those obligations. Service providers collect learner information to identify, deliver and evaluate the effectiveness of the services they deliver.

In the digital age, the ways in which information can be collected is changing – it’s not just paper forms and documents or conversations with others. Information can now be collected using various technologies, including:

- online enrolment and other online forms (e.g. google forms)
- learner and education management systems (e.g. student management systems)
- parent communication tools (e.g. Storypark, Educa, Hero, Seesaw, Skool Loop, KiwiSchools, SchoolAppsNz)
- devices in classrooms
- technology used to deliver education or services (e.g. google classroom)
- assessment and verification tools
- surveys
- CCTV



- photos and videos
- biometric technologies (e.g. fingerprint scanners).

When collecting information about learners, you need to get your privacy thinking right and ensure your collection practices are privacy protective. Not doing this can cause real harm that can impact learner wellbeing, engagement and achievement and undermine trust in the sector.

Good information collection practices:

- Make sure you are collecting only the information you need and that information collected is accurate and up to date.
- Enable the delivery of effective, learner specific services and supports that improve educational outcomes.
- Create transparency and build trust and confidence in how and why you collect learner information.

Due to a learner's age and ability, information will often be collected from other people such as their parents. Regardless of who the information is collected from, your primary focus should always be respecting and protecting the privacy of a learner's personal information and keeping their best interests front and centre when collecting their information.

## **Relevant information privacy principles**

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The Privacy Act 2020 (the Privacy Act) sets rules about what, when and how an education provider can collect personal information. Particular care needs to be taken when collecting personal information from or about learners.

The relevant information privacy principles (IPPs) for collecting personal information are:



### **Principle 1: Purpose for collection**

An education provider can only collect personal information for a lawful purpose connected with a function or activity of the education provider and the collection of that information must be necessary for that purpose.

If your purpose for collecting personal information about the learner does not require the collection of identifying information, then you should not collect identifying information about the learner as part of that collection.

### **Principle 2: Source of personal information**

When an education provider collects personal information, the information must be collected from the learner (unless an exception applies).

Exceptions include:

- the education provider believes, on reasonable grounds, that non-compliance will not prejudice the learner's interests
- complying with this requirement would prejudice the purposes of the collection
- the learner authorises the collection from someone else (if capable of doing so)
- the information is publicly available
- to prevent or lessen a serious threat to the life or health of the learner or any other individual
- the information will not be used in a form that could identify the learner
- the information will only be used for research or statistical purposes and will not be published in a form that could reasonably identify the learner
- that collecting from the learner is not reasonably practicable in the circumstances.

### **Principle 3: Collection of information from an individual**



When collecting personal information directly from the learner you must take steps that are reasonable in the circumstances to inform them of:

- the fact that information is being collected
- the purpose for which the information is being collected
- the intended recipients of the information
- the name and address of the education provider collecting and holding the information
- if the collection of information is required by law, the particular law under which the information is required, and whether the supply of information is voluntary or mandatory
- the consequences, if any, of not supplying the information
- the rights of access to and correction of the information supplied.

### **Principle 3A: Indirect collection (from 1 May 2026)**

When collecting personal information from someone other than the learner you must take steps that are reasonable in the circumstances to inform the learner (or their parent where appropriate) of the following:

- the fact that information is being collected
- the purpose for which the information is being collected
- the intended recipients of the information
- the name and address of the education provider collecting and holding the information
- if the collection of information is required by law, the particular law under which the information is required, and whether the supply of information is voluntary or mandatory
- the rights of access to and correction of the information supplied.

[For more information about how to inform learners see: Chapter 8 Keeping Learners and Parents/Caregivers Informed.](#)



**You can only collect personal information about a learner indirectly if one of the exceptions in IPP 2 applies, or the collection is authorised by another law e.g. the Oranga Tamariki Act 1989 or the Family Violence Act 2018.**

#### **Principle 4: Manner of collection of personal information**

An education provider can only collect personal information by lawful means and in a manner that is fair and does not intrude to an unreasonable extent upon the personal affairs of the learner – particularly in circumstances where personal information is being collected from learners directly.

### **What is a collection?**

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Under the Privacy Act a collection of personal information occurs when you take any step to seek or obtain the personal information. A collection of personal information does not include the receipt of unsolicited information.

In practice this means:

- When you take steps to seek (request) or obtain information about a learner, personal information you receive **will be a collection** and IPPs 1 – 4 will apply.
- When you receive information about a learner that you have not taken steps to seek or obtain, receipt of the personal information will be unsolicited and **will not be a collection** of information, but IPPs 5 – 13 will apply to the information you now hold about the learner.



#### **Example – Complaints (collection)**

When you receive a complaint that contains personal information, the personal information you receive will be a collection. While you haven't explicitly sought the information contained in the complaint, you will have processes in place that enable



a learner or their parents to make a complaint or raise a concern i.e. you have taken steps to obtain the information as part of your school or ECE service functions.



### **Example – Learner absence communications (collection)**

When you receive a communication that a learner is absent (e.g. a text, email, or through a parent communication portal), the information will be a collection. As required by law, you will have processes in place to record a learner’s attendance, including absences and the reasons for that absence i.e. you have taken steps to obtain the information.



### **Example - End of year progress report (not a collection)**

The creation of end of year progress reports will not be a collection of personal information as they are created using personal information you already hold about a learner (e.g. progress and achievement information).



### **Example – Report from health care provider (unsolicited)**

A school has received a copy of a psychologist’s report about one of its learners. The report was commissioned privately by the learner’s parents who authorised the disclosure of the report to the school. The learner is not receiving any learning support interventions from the school.

### **Is the receipt of the report unsolicited?**

Yes. The school has not actively sought the report. In this case, IPPs 1 – 4 will not apply. However, as the school now holds the report and must ensure:

- that it is kept secure
- that it is only used or disclosed where an exception to IPP10 or 11 applies



- that the report is still accurate when it is used or shared
- that it is securely disposed of when it is no longer required to be retained.

[For more information about retention and disposal of school records see: Chapter 12 Retaining and Disposing of Information.](#)



## Direct and indirect collection

There are two types of collection:

- **Direct collection:** When you collect personal information about a person directly from them (e.g. personal information about a learner collected directly from that learner, personal information about a learner's parent directly from that parent).
- **Indirect collection:** When you collect personal information from another person (e.g. personal information about a learner collected from someone else, including from the learner's parents).

It is important to understand what information you collect directly, and what information you collect indirectly, because different notification requirements apply.

For guidance on notification requirements see: [Informing learners about collection of their information \(IPP3 and IPP3A\)](#).

## Do I need consent to collect a learner's personal information?

You do not need consent to collect a learner's personal information when you are collecting information directly from learners.



## The Privacy Act 2020 uses the term authorisation rather than consent.

Authorisation (consent) is a consideration, however, when you:

- want to collect a learner's information from someone else (IPP2 exception)
- want to use or share a learner's personal information for a secondary purpose (IPP10 or 11 exception)
- deliver a service to a learner e.g. a learning support intervention.

[For more information about the IPP10 authorisation exception to use a learner's personal information see Chapter 6: Using information.](#)

[For more information about the IPP11 authorisation exception to share a learner's personal information see Chapter 7: Sharing information.](#)

## Purpose of collection (IPP1)

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You can only collect personal information if it is for a lawful purpose connected with the functions or activities of your organisation, **and** collection of that information is necessary for that purpose.

In practice this means you need to be clear about:

- the specific purpose you are collecting the information for
- how that purpose relates to your organisation's functions
- why and how the information is necessary for that purpose.

### Have a clear purpose

Having a clear purpose for collecting information is critical.

A clear purpose will ensure you are only collecting information that you need, and that the information collected is used and shared appropriately. It also demonstrates to learners and their parents that the collection of information has been carefully considered with their privacy and best interest a key consideration.



**Although it is not a requirement of the Privacy Act 2020, it is always good practice to consider whether your collection of personal information is in the learner’s best interests.** Broad purposes such as “delivering education services” or “wellbeing and safety of learners” can sometimes create ambiguity and confusion about how the information will actually be used. Broadly defined purposes also make it harder for learners (or their parents where appropriate) to make informed decisions about whether to provide the information in the first place (where they have the option to do so).

To help ensure your purpose is well-defined and appropriate, you first need to determine the problem the collection is intending to address, or the outcome the collection is trying to achieve. Identifying the underlying problem is not always obvious. Test your assumptions with other people within your organisation so you can be sure the purpose of your collection has been correctly identified and defined.

If you are collecting information directly from your learners, your purpose statements must in age-appropriate language.

### Checklist for creating clear purpose statements

This checklist can be used to work through the process of developing a clear purpose for the collection of personal information.

- What is the problem you are trying to solve or the outcome you are trying to achieve?
- Is the problem or outcome connected to a lawful function of your organisation?
- Do you actually need personal information to solve your problem or achieve the intended outcome— or can you use aggregate or de-identified information to get the same result?
- What personal information do you need to solve your problem or achieve your intended outcome?



- How will the personal information be used to solve the problem or achieve your intended outcome?
- What personal information do you already hold and what are you missing to be able to solve your problem or achieve your intended outcome?



### Examples of clear purpose statements

Our organisation provides several services to children and young people with learning disabilities. The information collected in our Needs Assessment form is used to identify which of our services will be most appropriate for your child and to allocate an appropriate practitioner.

It is important that we keep all our learners safe while they are attending the end of year school camp. We ask that you review your child's health information contained in the attached End of Year Camp Health Profile form and update it with any health or medical conditions that are missing, including any medication requirements your child may have while on camp. Your child's health information will be shared with and used by our camp managers to ensure they are aware of health and medical conditions your child may have and enable them to provide timely and appropriate assistance if required.

### What does “necessary” mean?

Whether it is necessary to collect learner information for your specified purpose will depend on the circumstances.

You need to be able to show that:

- Collecting that personal information makes a clear, demonstrable contribution to achieving the specified purpose, and the information is relevant and not excessive or arbitrary.



- Collecting the personal information is a targeted, effective and accurate way to achieve that purpose: if it does not work, then it's unlikely it was necessary to collect the information in the first place.
- There is no less intrusive option that you could have reasonably and practically used in these circumstances to achieve the same result. If a less intrusive option is available and gets you to the same place, it is unlikely it was necessary to adopt the more intrusive option.
- The scope of information collection is also relevant to the degree of intrusion. The more information collected – and the more people affected – the more challenging it might be to show that collecting all that information is necessary to fulfil the purpose of collection. The degree of intrusion is also likely to depend on the privacy safeguards that are in place and whether they are effective.



### **Example – Collecting allergy information**

An ECE service provides meals to its learners including morning and afternoon tea and a lunch meal. At the time of enrolment, the ECE service manager asks parents to provide information about any food allergies that their child may have.

The ECE service has to meet food safety and licencing obligations to ensure that all learners are safe while at the centre, including during mealtimes. In this case, it is necessary for the ECE service manager to collect information about any food allergies learners may have to ensure the safety and wellbeing of those learners during mealtimes.



### **Example – Collecting health information for school camp**

A secondary school runs school camps for its learners. The deputy principal of the school obtains consent from learners' parents for their child to attend camp. As part of the consent process, parents are required to confirm information the school



already holds about their child's health or medical conditions and update that information if required.

The school has obligations to ensure the wellbeing and safety of the learners while they are on camp. In this case, collecting information about any new health or medical conditions, including for example any daily medications that the learner may require while on the school camp, would be necessary to ensure the school camp managers are aware of all possible health risks and medication requirements and are able to respond appropriately should a medical event occur.



### **Example – Collecting unnecessary information to determine eligibility**

A non-government organisation (NGO) provides learning support services to schools and ECE services. When a learner is referred to the NGO from a school or ECE service, relevant information about the learner is provided in the referral form including the learner's name, age, address, name and contact details for the parents, and the reason for the referral. The NGO administrator enters the referral information into the case management system then allocates a practitioner for a service eligibility assessment.

The practitioner contacts the learner's parents and asks them to complete a service eligibility form. The NGO's service eligibility form requires parent to provide information about the learner's siblings.

Given the eligibility assessment is in relation to the learner specifically, it would unlikely be considered necessary for the NGO to collect information about the learner's siblings for the purposes of assessing whether a learner is eligible for their services.



### **Example – Collecting unnecessary enrolment information**



An education provider's enrolment form requires parents to provide information about their occupation. Each section of the enrolment form must be completed before it can be submitted to the school.

In this case, information about a parent's occupation is not likely to be necessary for the specific purpose of assessing and confirming a learner's enrolment with the education provider.

**Parent occupation information may be necessary for other lawful purposes, but these secondary purposes should be clearly documented in the enrolment form so that the parents are fully informed about how that information will be used.**



## Collection should be from the individual (IPP2)

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When you collect information about a learner you are required to collect it directly from them, unless an exception to IPP2 applies.

The requirement to collect information directly from a learner ensures they are aware of the collection of their information, the reasons why their information is being collected, and have the opportunity to consider whether they want to provide the information or not (if the collection is optional).

However, the reality is that education providers collect a significant amount of personal information about learners from parents (or someone else). There are some exceptions to the requirement to collect personal information from the learner that are relevant to the education sector, including:

- the education provider believes, on reasonable grounds, that non-compliance will not prejudice the learner's interests
- compliance would prejudice the purposes of the collection



- the learner authorises to the collection from someone else (if capable of doing so)
- the information is publicly available
- to prevent or lessen a serious threat to the life or health of the learner or any other individual
- the information will not be used in a form that could identify the learner
- the information will only be used for research or statistical purposes and will not be published in a form that could reasonably identify the learner
- that collecting from the learner is not reasonably practicable in the circumstances.

If, in the circumstances, you reasonably believe an IPP 2 exception applies:

- you can collect the information about the learner from someone else  
**and**
- you will need to comply with the IPP3A notification requirements (from 1 May 2026).

For more information about IPP3A see our guidance: [Office of the Privacy Commissioner | IPP3A: notification requirements for indirect collection of personal information](#).

### **Not reasonably practicable exception**

It may not always be reasonably practicable to collect information directly from your learners. This could be for a number of factors, including:

- the age of the learner
- the learner's ability to:
  - understand why the information is being collected
  - provide the information (e.g. write or complete an online form)



- provide accurate information about themselves (e.g. health or medical conditions).

For example, due to their age and ability, learners may not know and might not be able to provide all the information required in an enrolment form – in this case, it isn't reasonably practicable for the learner to provide the information necessary for the purposes of enrolment.

For schools or service providers working with older learners, you will need to consider whether, in the circumstances, you should be collecting personal information directly from those learners. This will be particularly important when you are collecting sensitive information like health, gender identity, or wellbeing and safety information.

Inconvenience, cost, or administrative burden related to collection of the information are factors to consider under this exception, but it is always best practice to collect directly from a learner when you can.

### **Non-compliance won't prejudice the interests of a learner exception**

In some cases, collecting personal information about a learner from a parent or someone else won't prejudice their interests.

In practice, this means that the learner wouldn't suffer any detriment as a result of their information being collected from another person. What is detrimental will often depend on the circumstances of the learner e.g. age and ability.

For example, due to their age and ability, a learner's interests wouldn't be prejudiced by collecting health information (e.g. information about food allergies). It would be in the learner's interests for necessary and accurate health information to be provided.

**Before relying on these two exceptions, you need to consider whether you should collect information (in full or in part) directly from the learner.**



**It is a good idea to document your reasons for using these two exceptions, including why you believed that it was not reasonably practicable to collect the information directly from the learner or why an indirect collection of information about the learner wouldn't prejudice their interests.**

### **Authorisation (consent) to collect from another person exception**

You can collect a learner's personal information from another person when the learner has provided authorisation (consent) for you to do so.

You will need to ensure that the learner is capable of providing authorisation before you rely on this exception. You must also ensure that you only collect the information from the person the learner provided authorisation for.

When collecting information from that person, you should let them know that the learner has authorised the collection and provide evidence of that authorisation.

### **Informing learners (IPP3 and 3A)**

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Being transparent about why and how you collect (and then use and share) a learner's personal information is a requirement of the Privacy Act. Being transparent also helps you to build trust and confidence with your learners (and their parents) in the way you manage their personal information.

Informing learners about collecting their information is not a 'one and done' thing. Each time you collect their personal information you need to determine how to inform them of the collection, and what that communication should look like.

If it has been a while since you last collected information for a specific purpose (e.g. an annual survey), it is a good idea to remind your learners about the collection. If you have made a significant change to an existing collection, you should also tell your learners about those changes.



## IPP3 Notification for direct collection

When you collect information directly from the learner you are required to tell them about the collection unless an IPP 3 exception applies.

## IPP3A Notification for indirect collection (applicable from 1 May 2026)

From 1 May 2026, when you collect information indirectly (e.g. from a parent, or another person or organisation), you will be required to let the learner (or their parent where appropriate) know about the collection unless an IPP3A exception applies.

[For more information about how to inform learners see Chapter 8: Keeping Learners and Parents/Caregivers informed.](#)

For more information about IPP 3A see our guidance: [Office of the Privacy Commissioner | IPP3A: notification requirements for indirect collection of personal information.](#)

## Collection methods must be lawful, fair and not intrusive (IPP4)

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The way you collect personal information matters, especially when you are collecting information from learners themselves.

You must take particular care about how you collect information from your learners. It may not be appropriate to collect information from learners in the same way you collect information from their parents or other people.

When collecting a learner's information, you must ensure that the means by which you use to collect their information is:

- lawful
- fair
- not unreasonably intrusive to a learner's personal affairs.



What is fair and not unreasonably intrusive will depend on the circumstances of the learner concerned, such as age or ability, the sensitivity of the information, and the purpose for which the information is being collected. At all times, the best interests of the learner should be a consideration in your decision making.

## **Fairness considerations**

If learners don't understand the reasons why you are collecting their information and how you are going to use it, the means of collection could be considered unfair.

If you have decided not to inform your learners (or their parents where appropriate) about the collection, you will need to demonstrate that one of the exceptions of Information Privacy Principle (IPP) 3 (or IPP3A after 1 May 2026) apply in the circumstances.

When you are collecting information directly from your learners (e.g. through an in-class learner wellbeing survey or a programme evaluation process) you need to ensure that you are informing them in a way that they will understand. This is the case even if you have informed the learner's parents. Take the time to talk your learner through the collection and ask them questions to determine their level of understanding.

You should also consider whether it would be helpful to develop different communication content and delivery methods for different age categories of learners as well as their parents.

## **Intrusiveness considerations**

If you collect information from or about learners for purposes that are outside the scope of your lawful functions or activities, or you collect more information that is necessary to achieve your lawful functions and activities, there is a risk the collection



of that information could intrude on the personal affairs of your learners or other people such as the learner’s parents or family members.

Understanding the circumstances about a learner’s home life may often be relevant to understanding the risk of harm to a learner and responding appropriately to suspected or actual child abuse or neglect. Such circumstances could include:

- where a learner has indicated (directly or indirectly) that they need help
- where you have observed a change in behaviour in the classroom or during the delivery of an education support service (e.g. a usually vibrant learner has become withdrawn, or for school counsellors where a learner has disclosed family issues through a counselling session)
- where you have been advised by another person or agency that the learner may be experiencing difficulties and may be at risk of abuse or neglect (e.g. via the School Alerts Programme for learners subject to family harm).

However, there may be other ways to collect this information from a learner to ensure their needs are met appropriately (e.g. from the learner or their parents directly, from other people that know or could help the learner) that don’t involve large scale collections of information from multiple learners for whom there may be no wellbeing or safety concerns.



### **Example – Learner wellbeing surveys**

A primary school wants to implement a weekly learner wellbeing at school survey for learners. The purpose of the survey to ask the learner questions about how they are feeling that day about a range of topics enabling the school to identify students that may need additional wellbeing support. The survey will also provide the learner the option to “ask for help” if they need it.



The school leadership team is working through the process of what questions to include in the survey. While the majority of the questions relate to the school environment, the leadership team has also included questions about the learner's home life such as:

- the size of their house
- whether they have a place to do homework
- whether their house is warm
- whether the family has enough money for necessities
- whether they have siblings that attend the school
- alcohol or drug use
- gang affiliations.

A member of the leadership team has raised concerns that the homelife questions could be unreasonably intrusive and breach IPP4.

Depending on the circumstances, collecting information about a learner's home life (such as those listed above) may be considered an intrusion into the personal affairs of the learners and other people living in the home. The school will need to be able to justify it has a lawful purpose for collecting this information, and that the information about the learner's home life is necessary for that purpose. Without such a justification, the collection of information about a learner's homelife as part of a whole of school survey will be considered an intrusion into a learner's personal affairs.

There is also a fairness issue connected to the collection of information about a learner's home life. Depending on the age of the learner, they may not understand why they are being asked questions about their home life or the meaning of the questions that are being asked. As such, a learner could feel pressured to provide an answer. A learner may be annoyed at their parent or caregiver for saying no to the



purchase of a certain item, for example, which may then lead them to answer questions in a different way.

When designing questions, the school will also need to think about whose personal information they are collecting. Questions about a learner's homelife may include the collection of information about family members. The school needs to consider how IPP2 would apply to this collection and who needs to be notified under IPPs 3 and 3A.



### **Example – CCTV in bathrooms/locker rooms**

A High School has installed CCTV cameras in all bathrooms and locker rooms to combat an increase in smoking, vaping and bullying incidents. The school has completed a Privacy Impact Assessment, has communicated to all its learners and their parents that CCTV has been installed and why, and has clear signage at the entrance to all locations that the CCTV cameras are present and recording.

A learner has complained to the school's privacy officer that the CCTV cameras in the bathrooms are positioned in a way that captures the toilets in the bathrooms, and showers in the locker rooms. The learner believes that the position of the CCTV cameras is breaching their privacy by collecting information in a way that unreasonably intrudes on their personal affairs – going to the toilet and taking a shower.

In this case, the CCTV cameras are collecting information that relates to the personal affairs of the learner (toileting and showering). While the school may have a lawful purpose for installing the cameras (safety of learners, and identifying misconduct), the collection of information that includes intimate activities would unreasonably intrude on the personal affairs of the learners. The school should reposition the CCTV cameras to ensure they focus away from personal affairs such as toileting and showering.



For more information on CCTV and school bathrooms see: [Office of the Privacy Commissioner | CCTV and school bathrooms.](#)



### **Example – Video recording of a learner support session**

A speech language therapist works for an organisation that provides speech language therapy to children and young people. The organisation often receives referrals from local schools and ECE services for learners who have learning support needs. The speech language therapist works with a number of these learners and their families virtually as they can't attend the sessions in person.

After getting authorisation (consent) from the learner and their parents, the speech language therapist records some of the therapy sessions. The purpose of recording the sessions to enable them to review the progress of the learner over time, identify where additional therapy protocols may be useful, and show the learner and their parents the progress being made.

Before the recording of any sessions, the speech language therapist asks the learner and their parents to check whether there is anything in the background that they may not want captured in the recording. Where it is appropriate to do so and doesn't impact the effectiveness of the therapy, the learner is advised that they can blur their background if they want to.

In the circumstances, the collection of personal information through recording the virtual therapy session would not unreasonably intrude on the personal affairs of the learner or their parents as the learner and their parents have been informed:

- that the session is being recorded and why
- they can ask for the recording to stop at anytime
- they can check the background to check that nothing personal and irrelevant to the therapy session will be in the recording
- where appropriate, they can blur the background.



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### **Example – Recording an interview with a learner**

The principal of a secondary school is preparing to interview a learner as part of a disciplinary process. The learner’s parents will be present for the interview. The principal wants to audio record the interview to ensure they create an accurate record of the interview.

#### **Can the principal record the interview without the learner’s knowledge?**

The principal should not record the interview without the learner or their parent’s knowledge. Covert or secret recording is intrinsically intrusive. In a disciplinary interview situation, the principal should explain to the learner and their parents why they want to record the interview, how the recording will be used, who it may be shared with, and the learner’s right to request access to and correction of the recording. It would also be best practice to make the learner and their parents aware that the recording will be deleted after the disciplinary process is completed as it is required to be retained by the school as a school record.

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### **Just because you can, doesn’t always mean you should**

When collecting personal information about learners, it is always best practice to consider any ethical issues that the collection may raise. Taking a moment to consider any ethical issues helps to ensure the best interests of the learner, or groups or learners, are forefront of your collection practices.

The Data Protection and Use Policy (DPUP) is a useful tool that sets out expectations for respectful, trustworthy and transparent collection and use of personal information. DPUP is made up of a set of principles and guidelines that focus on values, behaviours and relationships.



DPUP complements the Privacy Act and other legislation governing the collection, use and sharing of personal information, and can help you work through the “*I can, but should I?*” question when you are collecting personal information about learners.

For more information about DPUP see: [Data Protection and Use Policy \(DPUP\) | NZ Digital government](#).

## Collecting information in practice

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**This section provides some additional examples of collecting learners’ personal information in the education sector.**



### Conversations and Meetings

We often don’t realise how much personal information we collect about a learner through our everyday conversations and meetings with other people.

Not all information shared with you during conversations or meetings will be considered a collection of personal information under the Privacy Act.

For example:

- When, during a conversation or meeting, you directly seek (request) information about a learner, the personal information you receive **will be a collection**.
- When you obtain information verbally rather than through an established written process connected to your organisation’s function (e.g. a complaints process, or a general enquiry email address for enrolments), the personal information you receive **will likely be a collection**.



- When, during a conversation or meeting, you receive information about a learner that you have not taken steps to seek or obtain (i.e. there is not a process in place for that information to be provided), the receipt of the personal information will be unsolicited and **will not be a collection** of information.

### Collection Examples

Where personal information is **sought** (requested):

- seeking information from a parent about any challenges their child may be experiencing at home which is impacting their learning
- information shared with you in response to you requesting information about a specific learner
- a principal receiving information they have requested about a learner who is wanting to enrol at their school
- interviewing people as part of an investigation or disciplinary process.

Where personal information is **obtained**:

- a parent talking to you about their child and challenges they are experiencing at home which may impact their learning
- an email from a child welfare and protection agency proactively sharing information about a learner who is receiving care and protection services
- a meeting with a parent where the parent shares information about their concerns of bullying by other learners
- information shared with you at a staff meeting (in person or online) about a learner.



When you collect (request or obtain) information from another person, it is important to remember:

- that the person sharing the information will need to ensure they have an appropriate legal authority to share the information with you ([see Chapter 7: Sharing Information](#))
- to collect information in a way is privacy protective – make sure other people can't overhear your conversation
- when you are collecting personal information directly from the learner (or their parent where appropriate), the notification requirements of IPP 3 will apply
- when you are collecting personal information about learners from other people, it will be an indirect collection of personal information and the notification requirements under IPP 3A will apply (from 1 May 2026)
- to manage information collected or obtained through conversations and meetings the same way you would if they information was collected or obtained through an email, a letter, or an online form.

### Verbal Conversations

Verbal conversations can be a quick and effective way to help resolve a problem or seek ideas about how to manage challenges with a particular learner.

However, before requesting personal information in a conversation with another person about a learner, you should think about the following:

- Do you really need personal information about the learner, or can you resolve your problem with more general information?
- If you do need personal information what personal information might you need from the other person?
- If you have to identify the learner, what is the minimum amount of information that you need to share to enable the other party to conversation to provide the requested information about the learner?



- Where do you plan to have the conversation – can other people overhear your conversation?
- Do you have the ability to document the information you are provided – you may not document the information accurately if you make notes later
- Is now the right time to have the conversation with the other person – would it be better to set up a meeting to discuss the issue?

When you collect personal information verbally from another person, it is always best practice to securely document the information you received including who you received it from and when, as soon as you can.

**Information collected verbally is subject to the Official Information Act 1982 and the Privacy Act 2020.**

### Internal meetings

Staff meetings are a regular occurrence – in most cases there isn't a day where you aren't involved a meeting of some kind. Staff meetings are important as they provide a safe and collaborative environment for staff to discuss their thoughts, ideas and concerns on a variety of matters.

Meetings may involve a number of different staff and involve discussions about different learners. As a general rule, personal information about learners should not be requested or shared in general staff meetings – not everyone in the meeting will need to know that information about the learner. Where possible matters about learners should be discussed in a non-identifiable way.

Where the purpose of the meeting is to discuss a learner, or group of learners, only staff members that need to know or can help with resolving the issue should be present. Make sure you have a clear purpose for the meeting, and only collect personal information from meeting participants that you need. Use the [checklist](#) above to help you create a clear purpose for your meeting.



Invites sent to meeting participants should not contain personal information about the learner other than what is necessary for people to decide to attend and prepare. Where meetings are held in an online environment, avoid putting information about learners in the chat function, or using the meeting transcription functionality.

When you collect or obtain personal information from another person in a meeting, it is always best practice to record the information you receive in a secure location, including who you received it from and when, as soon as you can.

**If your organisation is subject to the Official Information Act 1981, information collected verbally is subject to both the Official Information Act 1981 and the Privacy Act 2020.**

Be mindful when taking meeting minutes. It may not be appropriate to record personal information, particularly that of a more sensitive nature, in meeting minutes, especially if the meeting minutes are distributed. It may be more appropriate to record the information in a location where access to the information is adequately protected from unauthorised access, use or sharing.

Also be aware of AI online meeting assistance or transcription functionality. While such functionality may appear useful or save time taking minutes, it can create significant privacy risks for learners and meeting participants.

[For more detailed information about using digital tools, including AI, see Chapter 16: Technology in Education.](#)

### Multi-agency meetings

A multi-agency meeting is a meeting where different agencies and organisations come together for a common purpose. These meetings can be one-off events or occur regularly.

To provide services and deliver effective outcomes, you often need to collect information (both verbally and in written form) about learners from other agencies or organisations. Collecting and sharing information at multi-agency meetings enable



those attending to understand and quantify the extent of a problem, providing relevant information about the learner, and then identify appropriate and effective supports, interventions, and services.

If you seek (request) or obtain personal information about a learner during a multi-agency meeting, this will be a collection of information.

For more detailed information about requesting and sharing personal information at multi-agency meetings see: [Sharing information at multi-agency meetings](#).

## Surveys

Surveys can sometimes be a good tool to collect information about a specific issue from a large number of learners. Surveys are also a useful way for learners to contribute to decision-making or provide feedback on a proposal or initiative that impacts them.

However, the use of surveys can create additional privacy risks that you need to consider. Information collected through a survey can include personal information, for example – a learner’s thoughts and opinions about how something may impact them personally, or personal information about other learners or staff. Surveys can also collect information that might unreasonably intrude on a learner’s personal life (for example, learner wellbeing surveys).

Therefore, the privacy of learners must be a primary consideration when using surveys to collect personal information.

### Things to think about when designing a survey

You must have a clear purpose for your survey. Use the creating a clear purpose [checklist](#) above to help you determine your purpose and whether you need to collect personal information through your survey.

To ensure your survey is protective of learner’s privacy you should also consider:



- whether there are other ways, including existing processes and communication channels, to collect the information you need
- whether learners could inadvertently provide personal information even though you haven't asked for it and do you have process for managing that information
- whether the method of collection and the information requested could identify the learner
- whether you are required to inform the learners (or their parents where appropriate) about the survey and what that you need to tell them
- whether you can actually do anything with the information you receive
- where will you store the survey results and how you will protect them from unauthorised use and sharing
- whether you plan on combining the survey information with other information you hold about the learner
- how long you may need to keep the survey information.

### Use of survey tools

There are a number of survey tools that education providers may use. When using a survey tool, typically a third-party provider collects the information on your behalf and then provides you with the survey results.

It's important to remember that you are responsible for ensuring that your collection of information complies with the Privacy Act, whether you are collecting personal information using a survey directly or using the services of a third-party provider. You still need to ensure that your collection of learners' information has a clear purpose and the information being collected is necessary. Any survey tool is just the mechanism by which you collect the information.

You should also inform your learners (and their parents where appropriate) that you are using a third-party survey tool and provide a link to the third-party provider's



privacy statement, as well as your own. This way, learners (and their parents where appropriate) can make informed decisions about the use of the survey tool.

Before using any survey tool, you also need to consider:

- how personal information is kept secure
- how long the third-party provider may retain the information
- whether the third-party provider sells or uses the information for its own purposes or for other commercial purposes
- whether the third-party provider uses AI to process the information being collected.

Free versions of survey tools often come with more privacy risks, so extra care should be taken before using free survey tools to collect a learner's personal information.

[For more detailed information about using digital tools, including AI, see Chapter 16: Technology in Education.](#)

### **Consider completing a Privacy Impact Assessment for your proposed survey**

A privacy impact assessment is a tool you can use to assess the potential privacy impacts of a new project (e.g. a new collection of personal information, or the use of a third-party survey tool to collect personal information) or changes to an existing project or system.

Undertaking a privacy impact assessment is a good way to assess your survey (or any other collection of personal information) against all the information privacy principles, not just those that relate to the collection of personal information.

Completing a privacy impact assessment demonstrates to learners (or their parents) that you have carefully considered the collection and taken measures to identify and mitigate any privacy risks.



For more information about how to complete a privacy impact assessment see our guidance: [Office of the Privacy Commissioner | Privacy Impact Assessments](#).

## Enrolment forms

Enrolment forms are used to collect information about a learner to support an education provider to make decisions about enrolling the learner in an ECE service, school or education-related service.

### Information necessary for enrolling a learner

Only information necessary for the **purposes of enrolling a learner** should be collected through your enrolment form.

What information is necessary will depend on your circumstances. Some education providers may require specific information to assess and complete an enrolment, for example:

- An ECE service may require specific information to be provided to ensure it meets its funding and licencing requirements.
- A school or early learning service that provides lunches may require specific information about a learner's food related medical conditions.
- A private school may require specific information to enable relevant enrolment assessments to be undertaken.
- A specialist school may require specific information to determine whether the learner is eligible and what their needs are.
- A school may require specific information from a learner where the Ministry of Education has directed an enrolment under the Education and Training Act 2020.
- A service provider providing speech language therapy may require specific health information about the learner to determine whether the learner is eligible for enrolment and services provided.



## Ministry of Education information requirements

The Ministry of Education requires schools and ECE services to collect certain information about a learner as part of the enrolment process. Schools and ECE services are required to collect this information from learners and share it with the Ministry.

For more information about the Ministry of Education information requirements see:

Schools: [School Enrolment Form Guidelines | Education Counts](#)

ECE services: [Chapter 14: Collection of information - Ministry of Education](#) and [Early Learning Information and Privacy](#).

## Informing learners and their parents

Every enrolment form should include a privacy statement informing learners (and their parents) about why the information is being collected, what the information will be used for, and what information may be shared with other organisations. This privacy statement should be specific to the information being collected through the enrolment form. Learners and their parents should also be informed about how they can access and correct the enrolment information.

[For guidance on what to include in your enrolment form privacy statement see: Chapter 8: Keeping Learners and their parents informed.](#)

## Collection of information to verify identity or eligibility

If you are required to verify identity or eligibility to complete a learner's enrolment (for example, a learner's age or citizenship status) you may need to collect identity documents to complete the verification process.

Where you collect identity documentation (for example, a copy of a birth certificate or passport) for verification purposes that information should only be used for the specific purpose of verification. Once the verification process is complete, the identity documentation may or may not need to be securely retained.



[For more information on retention and deletion of personal information see Chapter 12: Retaining and Deleting information.](#)

**Extra care should be taken when collecting identity documentation. Some of the larger privacy breaches have involved identity documentation held by organisations that did not securely delete these documents after verifying an individual's identity or eligibility for services.**

### Review your enrolment forms

It is good practice to review your enrolment forms to ensure they remain up to date and fit for purpose, especially your enrolment form privacy statements.

For example, legislative requirements may have changed, or you may disclose personal information to new agencies or organisations. These changes to the way you collect, use and share a learner's enrolment information need to be communicated to learners (and their parents).

An easy way to make sure these reviews happen, is to add the review to your privacy officers work plan.

### Photography and Filming

Many schools and ECE services utilise social media and other online platforms to celebrate their learners' achievements with parents and the broader school or ECE community. Technology such as videoconferencing and online classrooms also assists education providers to provide services to learners that may not be able to attend class or sessions in person.

While there are many benefits to taking photos or videos there are also risks. When you take photos or videos of learners you will be collecting personal information about them. It is important to be aware of the risks and do what is necessary to protect your learner's privacy and keep them safe.



For more information about the collection, use and sharing of images of children and young people see our Photography and Filming guidance: [Office of the Privacy Commissioner | Children and young people: photography and filming guidance](#)

For more general information about the use of CCTV see our CCTV guidance: [Office of the Privacy Commissioner | CCTV](#).

For information about responding to requests for CCTV footage see our guidance: [Office of the Privacy Commissioner | Responding to access requests for CCTV footage](#) and also [Chapter 13: Managing Requests for Information](#).

## Learner wellbeing and safety

There may be times when you need to collect information about the wellbeing or safety of a learner. It is always best practice to collect this information directly from the learner (or their parents where appropriate). However, this may not always be possible or appropriate.

The Oranga Tamariki Act 1989 and the Family Violence Act 2018 enable you to request information about learners in certain circumstances:

- The Oranga Tamariki Act permits specified agencies and organisations request information about learners for wellbeing and safety purposes.
- The Family Violence Act permits specified agencies and organisation to request information about learners for purposes of protecting them from family violence.

For more detailed information about requesting information using the Oranga Tamariki Act and the Family Violence Act see:

- Information Sharing: [Office of the Privacy Commissioner | Sharing information to protect the wellbeing and safety of children and young people](#).
- [Chapter 7: Sharing Information](#)



- Oranga Tamariki Act [Guidance for sharing information | Oranga Tamariki — Ministry for Children.](#)
- Family Violence Act [Sharing-Information-Safely.pdf](#)

