

Using information

Education providers use personal information about learners every day. A learner's information should be used appropriately to support their education journey.



Using the personal information that you hold appropriately is essential to:

- build learner and parent trust and confidence in how you use personal information that you collect and hold
- delivering education services that enable and support attendance and achievement
- identifying and providing effective learning support interventions in a timely manner
- supporting a learner's wellbeing and safety.

Relevant information privacy principles

The Privacy Act 2020 provides clear rules about how personal information that you hold about learners (and other individuals) can be used, and the purposes for which you can use it.

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

Principle 10: Limits on use of personal information

An education provider that holds personal information that was obtained in connection with one purpose may not use that information for any other purpose unless it believes, on reasonable grounds, that an exception applies.



Principle 8: Accuracy of personal information to be checked before use or disclosure

An education provider that holds personal information must not use or disclose that information without taking steps that are reasonable, in the circumstances, to ensure that the information is accurate, up to date, complete, relevant, and not misleading.

When you want to use information that you hold for learner wellbeing or safety purposes you should consider section 66C of the Oranga Tamariki Act before deciding whether an IPP10 exception applies.

When you want to use information that you hold about a victim or perpetrator of family violence you should consider section 20 of the Family Violence Act before deciding whether an IPP10 exception applies.

See: [Using information for wellbeing, safety or family violence purposes](#) section.

Using information for the purpose it was collected

IPP10 requires you to use personal information you hold about your learners for the purposes for which it was originally collected (unless an exception applies).

When you are collecting information from or about your learners, it is important to be clear about why you are collecting it and what you are going to use the information for. This makes it easier to make sure you are only using a learner's personal information for the purposes for which it was collected.

For more information about collecting learners' personal information, including purpose of collection, see: [Chapter 5: Collecting Information](#).



Example – Following up on absence from school



A school collects attendance information of its learners and maintains an attendance register. The school also holds contact information about parents that is collected through the enrolment process.

A teacher notices a pattern of absence of a learner and wants to contact the parents to talk to them about their child's absences from school.

Can the teacher use the attendance and parent contact information for this purpose?

Yes. Attendance information is collected for a number of purposes, one of which is to make sure learners are attending school and to identify learners whose absence may be impacting their learning progress. A teacher using the attendance information to identify absence trends is one of the purposes for which the attendance information was collected.

Parent contact information is collected so that the school can communicate with the parents about their child, including matters that may be impacting their child's learning. Contacting the parents about their child's absence from school is a purpose for which the parent contact information was originally collected.



Example – Reporting on a learner's progress and achievement

During the year, learners submit work for assessment. The teacher marks the assessments and enters the results into the student management system. The teacher wants to use this information to complete end of year progress reports for their learners.

Can the teacher use the assessment information?

Yes. The assessment information is collected to measure a learner's progress and achievement. Using the assessment information to prepare an end of year progress and assessment report is one of the purposes for which the information was collected.



Example – Health information collected for the purposes of school camp

A secondary school runs a school camp for its learners. As part of the consent process information about new health and medical conditions is collected. Parents are informed that this information will be used for the purposes of ensuring designated school camp managers are aware of all possible health risks and medication requirements and are able to respond appropriately should a medical event occur.

Later during the year, a learning support coordinator, who was one of the school camp managers, is developing a learning support needs assessment for a learner. They are aware of the health information provided by the learner's parents for the purposes of attending the school camp in the needs assessment.

Can the learning support coordinator use the information?

No. The health and medical information were not collected for learning support purposes. The intended use of the health and medical information is a secondary use of the information.

For more information about health and learning support information see [Chapter 9: Health and Learning Support information](#).

Example – Secondary use of assessment information

A secondary school has a competitive first XV rugby team that is coached and managed by a couple of teachers. The coach and manager determine the membership of the team through pre-season trials. The quality of the learners trialling for the first XV is high and as a result a number of excellent players will likely miss out on selection. To help determine the final team player, the coach and manager want to consider the academic achievement of the learners as part of the selection process.



Can the learner's achievement information be used for this purpose?

No. While the coach and manager may have access to this information, using that information for the purposes of selecting a first XV rugby team is not one of the purposes for which the achievement information was originally collected. The coach and manager can't use this information unless one of the IPP10 exceptions apply.



IPP10 exceptions

IPP10 contains a number of exceptions that enable the use of personal information for purposes other than the original purpose the information was collected for (secondary purposes).

The exceptions that commonly apply within the education sector include:

- The purpose for using the information is directly related to one of the purposes for which the information was obtained.
- The learner (or their parent where appropriate) has authorised the other use of their information.
- The information is being used in a way that does not identify the learner.
- Using the information is necessary to prevent or lessen a serious threat to the learner's or another person's life or health, or public health and safety.
- Using the information about the learner is necessary to maintain the law (e.g. enrolment fraud investigations).

What do you need to consider when applying an IPP10 exception?

Deciding whether an IPP10 exception applies will be a judgement call and will depend on the circumstances. To help you decide whether an IPP10 exception applies in the circumstances you should consider:



- Are there reasonable grounds to believe that the exception applies in the circumstances?
- Is use of the information necessary to achieve the purpose of the exception?
- Is the information you are intending to share accurate, up to date, complete, relevant and not misleading?

The following sections look at these considerations in more detail.

You must believe on reasonable grounds that an exception applies

To rely on an IPP10 exception, you **must**:

- believe that the exception applies at the time you are wanting to use the information
- and**
- your belief must be reasonably held.

This means you need to consider whether the exception applies before you use the information for a secondary purpose, and you must have properly considered all the relevant information in the circumstances.

Whether there is a reasonable basis will depend on what you know at the time you want or need to use the learner's information.

If you do not have enough information to decide that the IPP10 exception applies you shouldn't use the learner's personal information (unless section 66C of the Oranga Tamariki Act or section 20 of the Family Violence Act applies).

Some exceptions require you to consider necessity

The IPP10 exceptions for preventing or lessening a serious threat and maintenance of the law also require you to consider whether using the information is necessary in those specific circumstances.

Whether the use of the information for these specific exceptions is necessary is a relatively low threshold - is the use of the information needed or required in the circumstances, or required for a given situation?



To help decide whether the use of information is necessary you should consider whether not using the information could, in the circumstances:

- increase the likelihood of the serious threat occurring (e.g. an infectious disease spreading through the school or ECE service)
- or**
- compromise your ability to maintain the law (e.g. investigate suspected enrolment fraud).

Is the information accurate, up to date, relevant, complete and not misleading?

IPP8 requires that you take reasonable steps to make sure a learner's personal information is accurate, up to date, relevant, complete and not misleading before you use it.

Using inaccurate, out of date, irrelevant, incomplete or misleading information can result in prejudicial information about the learner being used to make decisions about them. This can have significant short- and long-term impacts for the learner.

Take the time to check the information is accurate, up to date, relevant, complete and not misleading before you use it.

Make sure you are using the latest versions of documents or learner records before you use them.

For more information about accuracy requirements see [Chapter 10: Accuracy of Information](#).

Can I use sensitive information?

The Privacy Act does not define or provide rules around the use of sensitive information. However, in practice, special care should be taken when using intimate or particularly sensitive personal information about a learner. Sensitive information is information that has some real significance to the learner, is revealing, or generally relates to matters they might wish to keep private.



However, there may be situations where using sensitive information is necessary – for example, when there is a serious threat to a learner’s life or health. The relative sensitivity of the information, and whether it is in the best interests of the child or young person, will be an important consideration when thinking about using sensitive information.

For more information about sensitive personal information and the Privacy Act see: [Working with sensitive personal information](#).

Do I need consent to use information under an IPP 10 Exception?

One of the IPP10 exceptions is the authorisation (consent) of the individual. This means that you can obtain the authorisation (consent) of the learner (or their parents where appropriate) to use their personal information for a secondary purpose.

When relying on another IPP10 exception, you **do not** need the consent of the learner (or their parent where appropriate) to use their information.

For more information about obtaining consent to use a learner’s personal information see: [Authorisation \(consent\) in practice](#).

Using IPP10 exceptions in practice

This section provides some common examples of using IPP10 exceptions in practice.



Authorisation (consent) exception

IPP10 provides an exception where personal information about a learner can be used for a different purpose to that it was initially collected for if the learner (or their parent where appropriate) provides authorisation (consent).



You will need to consider whether the learner is old enough to be able to authorise the intended use of their information. Where the learner is younger, or not sufficiently able to understand, then you should obtain authorisation from the learner's parents.

For a learner (or parent where appropriate) to make an informed decision about authorising the use their personal information for a different purpose, you will need to ensure that the learner (or their parents where appropriate) has sufficient information to make an informed decision.

Obtaining authorisation can be done through:

- a **consent form** where a learner (or their parent where appropriate) can explicitly authorise the intended use
- or**
- an **opt out form** where information about a learner will be used for a specified purpose unless the learner (or their parents where appropriate) opts out.

You should attach the collection privacy statement to the authorisation (consent) or opt out form. The privacy statement will provide the learner (or their parents where appropriate) with the information they need to make an informed decision to authorise the intended use of the information. You should also provide a link to your privacy policy in your authorisation or opt out form so that learners (or their parents where appropriate) can have confidence in how you collect, use, share and protect personal information more generally.

Detailed guidance on how to inform learners and their parents can be found in [Chapter 8: Keeping Learners and parents informed](#).

Authorisation is not a 'one and done' thing. Where authorisation has been provided, learners (or their parent where appropriate) should be able to withdraw that authorisation at any time. Also, if it has been some time since the learner (or their parent) provided authorisation for their information to be used you should check whether they are still comfortable with the information being used for that purpose.



When a learner (or their parent where appropriate) withdraws authorisation

A learner (or their parent or legal guardian where appropriate) can withdraw authorisation they have **previously provided** for their information to be used for specified purposes.

For example, learners (or their parent where appropriate) may withdraw authorisation for their images to be used for advertising purposes.

When a previously provided authorisation is withdrawn, you must stop using their information for the purpose to which the authorisation applied.

When you are relying on one of the other IPP 10 exceptions, section 66C of the Oranga Tamariki Act or section 20 of the Family Violence Act, to use a learner's personal information for a secondary purpose, the learner (or their parents where appropriate) will not be able to withdraw their authorisation (consent). This is because their authorisation was not the basis relied on for using their information.

Directly related purpose exception

IPP10 provides an exception where personal information about a learner can be used for a directly related purpose to that for which it was originally collected.

In practice, this means that there must be a direct relationship between the purpose for which the information was originally obtained and the purpose for which you now want to use the information.

When determining whether the secondary use of a learner's information is directly related to the original purpose you collected it for you should consider:

- the original purpose of collection
- the relationship between the original and secondary purpose
- whether the learner (or their parent where appropriate) would reasonably expect the original and secondary purposes to be directly related to each



other (i.e. what were they informed when the information was originally collected)

- what information you need to use to achieve the secondary purpose.



Example – Programme or service evaluation (directly related)

An education provider ran a learning support initiative that provided learners with additional learning supports. A number of learners participated in the initiative, and they were informed at the time of signing up to participate that the education provider would be undertaking an evaluation of the initiative once it ended. The education provider wants to use the learners' personal information collected during the initiative in the evaluation.

Can the education provider use the learner's personal information for evaluation purposes?

Yes. There is a direct relationship between delivering the initiative and evaluating its effectiveness. The learners who participated (and their parents) were informed that the education provider would be completing an evaluation of the initiative. Therefore, the learners (and their parents) would reasonably expect their personal information collected through the delivery of the initiative to be used for evaluation purposes.



Example – Using emergency contact information (not directly related)

A school holds emergency contact information so that they can contact appropriate people when an emergency occurs at the school. Learners may have multiple emergency contacts, and emergency contacts can include individuals other than the learner's parents or guardians (e.g. grandparents, caregivers).



Each year the school runs a couple of fundraising initiatives to support the purchase of school equipment. The school administrator wants to use the emergency contact information it holds to send out communications about the schools upcoming fundraising initiative. As the emergency contact information contains a broader range of people than parents and caregivers, the school administrator believes they can reach more potential donor's using this information.

Can the school use the emergency contact information for this secondary purpose?

No. While fundraising activities are an important source of funding for schools and ECE services, using emergency contact details to communicate about fundraising activities would not be a directly related purpose to the original purpose the emergency contact information was collected. The relationship between the two purposes is not immediate, and it is unlikely that the emergency contacts would expect their information to be used for this secondary purpose.



Serious threat exception

If you believe a child or young person is in immediate danger, call the Police on 111.

Where you want to use information that you hold about a learner for wellbeing and safety or family harm purposes check whether section 66C of the Oranga Tamariki Act 1989 or section 20 of the Family Violence Act 2018 apply. If those sections don't apply, then you can consider whether the IPP 10 serious threat exception applies.

To rely on the serious threat exception, you must be satisfied that a serious threat exists **and** believe on reasonable grounds that the information requested is necessary to prevent or lessen that threat.

The exception provides for two types of threats:



- to public health or safety
- or**
- the life or health of a learner or another person.

When is a threat serious?

There are three factors that need to be considered when deciding whether a threat is serious:

- the likelihood of the threat occurring
- the severity of the consequences if the threat occurs
- the time at which the threat might occur.

All three factors don't need to be present to reach the threshold of serious threat. For example, if there is a high likelihood of the threat occurring and the severity of the consequences are significant (factors 1 and 2), but it is unclear when the threat may eventuate (factor 3), the serious threat threshold will likely be met. The test is what a reasonable person would consider to be serious in the circumstances, having considered all three factors.

A serious threat assessment will be situation specific and should consider all relevant circumstances, including those of the learner or learners concerned. A serious threat can arise for one learner based on the relevant risk factors of that learner but may not meet the threshold in relation to a different learner.

For example, a threat of harm to a learner may more readily meet the threshold of serious harm due to a learner's age and not being able to act independently and make their own decisions.

Is using the information necessary to lessen the threat?

Once you have decided that a serious threat exists, you need to determine whether your proposed use of the learner's personal information is necessary to prevent or lessen the threat. You should ask yourself whether not using the information



requested would increase the likelihood of the serious threat occurring – for example:

- is the information relevant or needed to address and lessen the serious threat
- how will using the information do this
- are you in a position to respond to and lessen the serious threat?



Example – Disease outbreak

An outbreak of measles has been declared by Health NZ in a region of NZ. There are several children and young people who have contracted measles within the regions, all of whom were attending school or an early learning centre.

Can the schools or ECE services use information they hold about their learners to control and manage the outbreak within their environment?

Measles is a highly contagious disease that can cause harm to health of children and young people. When an outbreak is declared by Health NZ it confirms that measles has been circulating in the community creating a serious threat to the health of individuals, particularly children and young people. Therefore, the threat is already occurring (factors 1 and 3), and the severity of the consequences are high (factor 2). In this case, a serious threat exists.

When there is a declared outbreak, schools and ECE services will need to take all reasonable measures they can to protect their learners. In this situation, the serious threat threshold has been met. There are reasonable grounds to believe that using the health and medical information (for ECE services, this may include vaccination records) they hold will assist them to identify vulnerable learners and prevent or lessen the threat of the outbreak for their learners. For example, schools and ECE services could identify learners who could be more vulnerable if they were to contract measles and develop plans to ensure those learners can continue to receive education services safely (e.g. remote learning).





When your use of a learner's information doesn't identify them

IPP10 provides two exceptions where personal information about a learner can be used if you believe on reasonable grounds that the information will be used:

- in a form in which the learner cannot be identified
- or**
- for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the learner.

Checklist for de-identifying a learner's personal information

These two IPP10 exceptions require you to de-identify or anonymise learner data before you use it or publish your research or statistics.

De-identifying a learner's personal information enables you to use that information for secondary purposes while ensuring a learner's privacy is protected and respected. De-identifying requires more than just removing their name from the information.

You can use the following checklist to make sure you have de-identified your learner's personal information properly.

Remove direct identifiers like:

- learner names, including initials and nicknames
- National Student Number (NSN) and other unique identifiers
- year level
- address, contact details, email address, links to social media pages
- photos, videos, audio and voice recordings.

Remove indirect identifiers like:

- unique achievements (e.g. prizes won, scholarships awarded)



- specific family details (e.g. details of parents and siblings)
- community or cultural references specific to a learner or small group of learners
- combination of information (e.g. Year 13 head girl who captains the cricket team).

Generalise or aggregate:

- replace learner names with unique codes if you need to track results over time (e.g. learner A, B, C or Learner 001, 002, 003)
- use totals, ranges or percentages instead of individual scores (e.g. 10 learners scored 80 – 90% on the Year 11 internal maths assessment)
- group by categories instead of specifics.

Be mindful of using digital technologies to de-identify your learners' information. Only digital technologies approved for use by your education provider should be used. This ensures that the digital technologies you are using are privacy protective.

For more information on digital technologies see [Chapter 16: Digital Technologies](#).

Once you have de-identified your information or dataset, sense check it before you use it. Ask yourself:

- Could another person reasonably be expected to identify the learner or learners?
- Does the context in which the information is placed make it obvious who the learner is or learners are?

Your de-identified information or dataset should be store securely and separate from the original identifiable information



Example – Research project for tertiary study

A teacher at a primary school is undertaking tertiary study which requires the completion of an education related research project. The teacher wants to look at the impacts of maths anxiety in Year 6 learners. The teacher would like to use the maths progression and achievement information of the learners at the school to inform part of her research.

Can the teacher use the Year 6 learners' information?

No. The teacher is completing the research project in their personal capacity not as part of their role as a teacher at the school.

The teacher would need to make a request to the school to share the learners' information. The school would then need to consider whether an IPP 11 exception applied that would enable the information requested to be shared with the teacher (e.g. the research and statistics exception).

While the school wouldn't require the learners' (or their parents where appropriate) authorisation (consent) to share their information, it would be good practice to let them know that their information is being shared with the teacher for research purposes.

Example – Exemplars used for training and professional development purposes

Learners at an intermediate school submit essays for assessment. The school principal wants to use some of the graded essays as examples of how to correctly complete an assessment of essays (as a secondary purpose). The graded essay exemplars will be used to help other teachers undertake marking of essays to the standard expected and ensure consistency of marking across the school.



Can the principal use the learner's marked essays?

The school principal can use a learners' marked essays for this secondary purpose so long as the essays are used in a form which does not identify the learner. All identifying information must be removed from the essay e.g. the learner's name, national student number.

If parts of the essay content can identify the individual, then any information that can be used to identify the learner should be removed. If removal of that information would make the essay unusable for the secondary purpose, then the essay should not be used.



Using information for wellbeing, safety, or family harm purposes

The following sections provide guidance on how to use information under the Oranga Tamariki Act 1989 and the Family Violence Act 2018.

If you believe a child or young person is in immediate danger, call the Police on 111.

Oranga Tamariki Act 1989

Section 66C of the Oranga Tamariki Act permits Child Welfare and Protection Agencies (CWPAs) or Independent Person to use information they hold about learners for specified purposes related to their wellbeing and safety.

Schools and ECE services are CWPAs under the Oranga Tamariki Act. Other agencies, organisations or individuals working within the education sector may also be a CWPA or Independent Person, but you should check to ensure you meet the



definition of CPWA or Independent Person under the Act before you use a learner's information for the purposes set out in section 66C.

Section 66C enables you to use information you hold about a learner for specified purposes, including:

- preventing harm or neglect to a child or young person
- Family Group Conferences and other care and protection work
- making, carrying out, or reviewing a risk assessment, needs assessment, prevention plan or support plan for a child or young person
- external services facilitated by Oranga Tamariki for a child or young person and their family or whānau.

You do not need consent of the learner (or their parent where appropriate) to use the information you hold about them for one of the purposes set out in section 66C.

You should always consider the best interests of the learner when using their information for section 66C purposes – in some cases it may be in their best interests to let them know, in other cases it could expose them to additional risk and harm.

For more detailed guidance on **sharing** information under the Oranga Tamariki Act 1989 see:

- [Chapter 7: Sharing Information.](#)
- [Sharing information for the wellbeing and safety of children and young people guidance.](#)

Family Violence Act 2018

Section 20 of the Family Violence Act 2018 permits the use of personal information between Family Violence Agencies (FVAs) and Social Sector Practitioners (SSPs).



School boards and ECE services are FVAs under the Family Violence Act. Other agencies, organisations or individuals working within the education sector may also be a FVA or SSP, but you should check to ensure you meet the definition of a FVA or SSP under the Act before you share information under section 20.

A Charter School does not meet the definition of a Family Violence Agency under the Family Violence Act 2018. For the purposes of section 20, a registered teacher working at a Charter School is a Social Sector Practitioner.

Section 20 enables you to use information you hold about a learner for specified purposes, including:

- to help ensure that a victim is protected from family violence
- to make or contribute to a family violence risk or needs assessment
- to make, or contribute to the making or carrying out of, a decision or plan relating or responding to family violence.

You do not need to obtain consent of, or consult with, the learner (or their parents where appropriate) to use their information for one of the purposes set out in section 20.

You should always consider the best interests of the learner when using their information for section 20 purposes – in some cases it may be in their best interests to let them know, in other cases it could expose them to additional risk and harm.

For more detailed guidance on **sharing** information under the Family Violence Act 2018 see:

- [Chapter 7: Sharing Information.](#)
- [Sharing information for the wellbeing and safety of children and young people guidance.](#)

