

PRIVACY POLICY

1. Mission and Values

Each Catholic School in the Wilcannia Forbes Diocese is inspired by an intimate relationship with God and is founded on a Christian view of the human person. Animated by a Spirit of communion and community and imbued with a Catholic world view through the curriculum, each school is sustained by witness to the Gospel of Jesus Christ.

Each school will develop a community that respects the dignity of each person.

2. Purpose

To ensure that schools and the Catholic Education Office (CEO) comply with the Privacy Act.

To ensure that personal information held is handled responsibly.

To provide guidance on the responsible handling of personal information.

3. Expectations

It is expected that all personnel to whom this policy applies will:

- abide by the Australian Privacy Principles contained in the Commonwealth Privacy Act
- abide by the Health Privacy Principles contained in the Health Records and Information Privacy Act 2002
- be regularly informed of this policy by the principal or supervisor

4. Definitions

'Document' includes anything on which there is writing, anything from which sounds, images or writings can be reproduced, drawings or photographs.

'Health information' is a subset of sensitive information. It is any information or opinion about the health or disability of an individual, the individual's expressed wishes about the future provision of health services and a health service provided, currently or in the future, to an individual that is also personal information. Health information also includes personal information collected in the course of providing a health service

'Personal information' means information or an opinion (including information or an opinion forming part of a database) whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. It includes all personal information regardless of its source.

Record includes a document or an electronic or other device. The Privacy Act regulates personal information contained in a 'record'. Items which are excluded from the definition of record relevant to a school are a generally available publication (eg a telephone directory) and anything kept in a library, art gallery or museum for the purpose of reference, study or exhibition.

'Sensitive information' includes any information or opinion relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual preferences or criminal record, that is also personal information; and health information about an individual.

5. Guidelines

This policy applies to all personnel employed by the CEO as well as volunteers, religious and contractors.

The CEO may, from time to time, review and update this policy to take account of new laws and technology, changes to schools' operations and practices and to make sure it remains appropriate to the changing school environment.

- **Kinds of personal information collected**

The type of information schools collect and hold includes, but is not limited to, personal information, including health and other sensitive information, about:

- *pupils and parents and/or guardians ('parents') before, during and after the course of a student's enrolment at the school;
- *job applicants, staff members, volunteers and contractors and
- *other people who come into contact with the school and CEO.

- **Personal Information provided by parents and students**

A school or the CEO will generally collect personal information held about an individual by way of:

- *forms filled out by parents or students or staff;
- *face-to-face meetings, interviews emails; and
- *telephone calls.

- **Personal Information provided by a third party**

In some circumstances a school may be provided with personal information about an individual from a third party, for example a report provided by a medical professional or a reference from another school.

- **Exception in relation to employee records**

Under the Privacy Act and Health Records and Information Privacy Act (2002) NSW, the Australian Privacy Principles and Health Privacy Principles do not apply to an employee's record held by an employer. As a result, this Privacy Policy does not apply to the treatment of an employee record, where the treatment is directly related to a current or former employment relationship between the employer and employee.

- **Use of personal information provided**

A school or the CEO will use personal information it collects for the primary purpose of collection, and for such other secondary purposes that are related to the primary purpose of collection and reasonably expected, or to which consent has been given.

- **Pupils and Parents**

In relation to personal information of pupils and parents, a school's primary purpose of collection is to enable the school to provide schooling for the student. This includes satisfying the needs of parents, the needs of the pupil and needs of the CEO and school throughout the whole period the student is enrolled at the school.

The purposes for which the CEO and a school uses personal information of students and parents include:

- *keeping parents informed about matters related to their child's schooling, through correspondence, newsletters and magazines;
- *day-to-day administration;
- *looking after students' educational, social, spiritual and medical well-being;
- *seeking donations and marketing for the school and
- *satisfying the CEO's and the school's legal obligations and allowing the school to discharge its duty of care.

In some cases where a school requests personal information about a student or parent, if the information requested is not obtained, the school may not be able to enrol or continue

the enrolment of the student.

- **Job applicants, staff members and contractors**

In relation to personal information of job applicants, staff members and contractors, a school's primary purpose of collection is to assess and (if successful) to engage the applicant, staff member or contractor. The purposes for which personal information of job applicants, staff members and contractors are used by a school or CEO include:

- *administering an individual's employment or contract;
- *insurance;
- *seeking funds and marketing for the school and
- *fulfilling the CEO's and the school's legal obligations, for example, in relation to child protection child protection legislation.

- **Volunteers**

A school also obtains personal information about volunteers who assist the school in its functions or conduct associated activities, such as alumni associations, to enable the school and the volunteers to work together.

- **Marketing and Fundraising**

Schools treat marketing and seeking donations for the future growth and development of the school as an important part of ensuring that the school continues to be a quality learning environment in which both pupils and staff thrive. Personal information held by a school may be disclosed to an organisation that assists in the school's fund-raising for example, the school's Foundation or alumni organisation, or on occasions, external fundraising organisations.

Parents, staff, contractors and other members of the wider school community may from time to time receive fund-raising information. School publications, like newsletters and magazines, which include personal information, may be used for marketing purposes.

- **Exception in relation to related schools**

The Privacy Act allows each school, being legally related to each of the other schools conducted by the CEO to share personal (but not sensitive) information with other schools conducted by the CEO. Other CEO schools may then only use this personal information for the purpose for which it was originally collected by the CEO. This allows schools to transfer information between them, for example, when a pupil transfers from a CEO school to another school conducted by the CEO.

- **Disclosure of personal information**

A school or the CEO, having issued a standard collection notice, may disclose personal information, including sensitive information held about an individual to:

- *another school;
- *government departments involved with schooling;
- *the local school parish;
- *medical practitioners;
- *people providing services to the school, including specialist visiting teachers and sports coaches;
- *recipients of school publications, like newsletters and magazines;
- * parents;
- *anyone parents or students authorise the school to disclose information to; and
- *anyone to whom the school or CEO is required to disclose the information by law.

- **Sending and storing information overseas**

A school may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange. However, a school will not send personal information about an individual outside Australia without:

- *obtaining the consent of the individual (in some cases this consent will be implied); and
- *otherwise complying with the Australian Privacy Principles or other applicable legislation.

The school may also store information in the *cloud* which may mean it resides on servers which are situated outside Australia.

- **Treating sensitive information**

In referring to 'sensitive information', a school means: information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, philosophical beliefs, sexual orientation or practices or criminal record, that is also personal information; health information and biometric information about an individual. Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless parents or students agree otherwise, or the use or disclosure of the sensitive information is allowed by law.

- **Management and security of personal information**

The CEO staff and school staff are required to respect the confidentiality of students' and parents' personal information and the privacy of individuals.

The CEO and each school has in place steps to protect the personal information held from misuse, interference, loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and 'pass-worded' access rights to computerised records.

- **Right to check personal information held**

Under the Commonwealth Privacy Act and Health records Act, an individual has the right to obtain access to any personal information which the CEO or a school holds about them and to advise the CEO or the school of any perceived inaccuracy. There are some exceptions to this right set out in the Act. Pupils will generally be able to access and update their personal information through their parents, but pupils may seek access themselves. There are some exceptions to these rights set out in the applicable legislation.

To make a request to access or update any personal information the school holds about an individual or an individual's child, the individual should make the request to the school's principal in writing. To make a request to access any information the CEO holds about an individual or an individual's child, the individual should make the request to the Executive Director of Schools in writing.

The CEO or school may require the person to verify identity and specify what information is required. A fee may be charged to cover the cost of verification of application and the location, retrieval, review and copying of any material requested. If the information sought is extensive, the person will be advised of the likely cost in advance. If the school or CEO cannot provide the individual with access to that information, the school or CEO will provide them with written notice explaining the reasons for refusal.

- **Consent and rights of access to the personal information of pupils**

The CEO and the schools respect every parent's right to make decisions concerning their child's education.

Generally, a school will refer any requests for consent and notices in relation to the personal information of a student to the pupil's parents. A school will treat consent given by parents as consent given on behalf of the pupil, and notice to parents will act as notice given to the pupil.

Parents may seek access to personal information held by a school or the CEO about them or their child by contacting the school's principal. However, there will be occasions when access is denied. Such occasions would include where release of the information would have an unreasonable impact on the privacy of others, or where the release may result in a breach of the school's duty of care to the pupil.

A school may, at its discretion, on the request of a pupil grant *that* pupil access to information held by the school about them, or allow a pupil to give or withhold consent to the use of their personal information independently of their parents. This would normally be done only when the maturity of the pupil and/or the pupil's personal circumstances so warranted.

- **Enquiries and Complaints**

If an individual would like further information about the way the CEO or a school manages the personal information it holds, or wish to complain that they believe that the CEO or a school has breached the Australian Privacy Principles, they should contact the school's principal. The CEO or the school will investigate any complaint and will notify the individual of a decision in relation to their complaint as soon as is practicable after it has been made.

6.Procedures

Principals should

*ensure that the purpose for all information collected from parents is the provision of schooling to the students eg enrolment forms, excursion forms, medical forms etc;

*regularly remind staff of the need to show great care about the way information is used (don't leave information on desks, don't give out information about students without permission, especially sensitive information, only share information with those who need to know, be CONFIDENTIAL.);

*go through this Privacy Policy with new staff so that they are made fully aware of the legislation and requirements and keep a log of this training;

*inform parents and teachers that the Catholic Education Office Wilcannia Forbes has issued a Privacy Policy and that it may be accessed via a request to the principal or the CEO, or via the CEO website;

*issue the Collection Notice at point of information gathering;

Parent Collection Notice (Appendix 1):

This must be issued to parents at the beginning of each year. Collection Notices must be issued with enrolment forms. Record the issue date on the form. The Collection Notice is not returned but kept by the person to whom it was sent. In addition, seek direct consent from parents to use sensitive information. At the time of issuing the Collection Notice, include a paragraph that explains its purpose in the school's newsletter (see Appendix 5) and place an additional notice in the newsletter regarding the publishing of student photos (see Appendix 5). Document when Collection Notices have been issued e.g. '1/2/2003 all parents have been sent Collection Notices';

Employee Collection Notice (Appendix 2):

A copy of this Notice is sent to individuals who apply for a position at the school or CEO. An issue date must be recorded on the form. The applicant doesn't need to send the Notice back. NOTE: The Collection Notice does not give the school or the CEO the right to speak to people, other than the nominated referees, about an individual's application. To do this, consent of the applicant must be given.

Alumni Collection Notice (Appendix 3):

At some schools, pupils' personal information will be sent to the school's alumni or similar association when the pupil leaves the school. When this occurs the school should obtain the pupil's (or, if appropriate, the parent's) consent to this and should insert an appropriate Collection Notice in a relevant form (e.g. Application for Membership of Alumni Association Form).

Contractor/Volunteer Collection Notice (Appendix 4):

All new contractors and volunteers should be given a modified version of the 'Employment Collection Notice'.

*information regarding the obligations of school counsellors is contained in Appendix 6;

7. Legislative Framework

The Privacy Act (Commonwealth) 1988

The Privacy Amendment (Private Sector) Act 2000

Health Privacy Principles contained in the Health Records and Information Privacy Act 2002

8. Related Policies and Guidelines

Harassment and Bullying in the Workplace

Guidelines and Procedures for the Management of Complaints

Code of Conduct

Use of Social Media

Guidelines for the Use of Digital Technology

Information Technology

Use of Personal Mobile Devices

The Catholic Education Commission's Privacy Manual can be accessed via its website

<http://www.cecsw.catholic.edu.au>.

9. Policy Administration

This policy has been ratified by the Executive Director of Schools and will be reviewed periodically, or in the event of any information or incident that indicates the need for a review, or following relevant legislative or organisational change.

It is the responsibility of anyone accessing this document to ensure that the current version is downloaded from the CEO website.

Date of Implementation	
Date of Last Review	
Date for Next Review	

Faith, Learning and Transformation in Jesus Christ

Standard Collection Notice

1. The School and the Catholic Education Office (both independently and through its Schools) collects personal information, including sensitive information about pupils and parents or guardians before and during the course of a pupil's enrolment at the School. This may be in writing or in the course of conversations. The primary purpose of collecting this information is to enable the School to provide schooling for your son/daughter and to enable them to take part in all the activities.
2. Some of the information collected is to satisfy the School's legal obligations, particularly to enable the School to discharge its duty of care.
3. Certain laws governing or relating to the operation of schools require that certain information is collected and disclosed. These include relevant Education Acts, Public Health and Child Protection* laws.
4. Health information about pupils is sensitive information within the terms of the Australian Privacy Principles under the Privacy Act. The school may ask you to provide medical reports about pupils from time to time.
5. If we do not obtain the information referred to above we may not be able to enrol or continue the enrolment of your son/daughter.
6. The school from time to time discloses personal and sensitive information to others for administrative and educational purposes, including to facilitate the transfer of a pupil to another school. This includes to other schools, government departments, CEO, Catholic Education Commission, the school's local diocese and parish, schools within other dioceses, medical practitioners, people providing services to the school including specialist visiting teachers, coaches, volunteers and counsellors.
7. The school may store personal information in the 'cloud' which may mean that it resides on servers which are situated *outside Australia*.
8. The School, from time to time, may also collect and disclose personal information about current or prospective students in accordance with the Education Act or child protection legislation. Information may also be collected and exchanged for the purposes of the NSW Board of Studies and ACARA. Information provided to the NSW Board of Studies and ACARA may be published in accordance with government requirements on the MySchool website.
9. Personal information collected from pupils is regularly disclosed to their parents or guardians.
10. On occasions information such as academic and sporting achievements, pupil activities and similar news is published in school newsletters and magazines and on our website. Photographs of pupil activities such as sporting events, school camps and school excursions may be taken for publication in school newsletters and magazines, newspapers and on our intranet. The school will obtain separate permission from the pupil's parent or guardian prior to publication if we would like to include photographs or other identifying material in promotional material for the school or otherwise make it available to the public. We may include pupils' and pupils' parents' contact details in a class list and school directory.
11. The School's Privacy Policy sets out how parents or pupils may seek access to personal information collected about them. However, there will be occasions when access is denied. Such occasions would include where access would have an unreasonable impact on the privacy of others, where access may result in a breach of the School's duty of care to the pupil, or where pupils have provided information in confidence.
12. The School's Privacy Policy also sets out how you may complain about a breach of privacy and how the school will deal with such a complaint.
13. The School from time to time engages in fundraising activities. Information received from you may be used to make an appeal to you. It may also be disclosed to organisations that assist in the School's fundraising activities solely for that purpose. The School will not disclose your personal information to third parties for their own marketing purposes without your consent.
14. If you provide the School with the personal information of others, such as doctors or emergency contacts, you are encouraged to inform them that you are disclosing that information to the School and why, that they can access that information if they wish and that the School does not usually disclose the information to third parties.



Appendix 2: Employment Collection Notice - Diocese of Wilcannia Forbes

1. In applying for this position you will be providing the Wilcannia Catholic Education Office with personal information. We can be contacted at 15 Johnson Street Forbes 2870. Email: directorspa@wf.catholic.edu.au Phone: 02 68539300
2. If you provide us with personal information, for example your name and address or information contained on your resume, we will collect the information in order to assess your application. We may keep this information on file if your application is unsuccessful in case another position becomes available.
3. The school's Privacy Policy contains details of how you may complain about a breach of the Australian Privacy Principles or how you may seek access to personal information collected about you. However, there may be occasions when access is denied. Such occasions would include where access would have an unreasonable impact on the privacy of others.
4. We will not disclose this information to a third party without your consent. We usually disclose this kind of information to the following types of organisations: other schools, State and Federal government departments, the Catholic Commission for Employment Relations, the NSW Catholic Education Commission, the Diocese of Wilcannia-Forbes and parishes, schools within other dioceses, our insurers and medical practitioners.
5. We are required to collect information regarding whether you are or have been the subject of an Apprehended Violence Order and certain criminal offences under Child Protection laws. We may also elect to collect personal information about you in accordance with these laws.
6. The school may store personal information in the cloud which may mean it resides on servers which are situated outside Australia.
7. If you provide us with the personal information of others, we encourage you to inform them that you are disclosing that information to the School or CEO and why, that they can access that information if they wish, that the School or CEO does not usually disclose the information to third parties.

Issue Date:

Anthony Morgan
Director of Schools



Appendix 3: Alumni Collection Notice - Diocese of Wilcannia Forbes

The following Collection Notice describes personal information that the Alumni Association requires for its operations. It is also a requirement of the National Privacy Act that such notices be provided to individuals in order to gather and use personal information.

1.(The Alumni Association/We) may collect personal information about you from time to time. The primary purpose of collecting this information is to enable us to inform you about our activities and the activities of(name of School) and to keep alumni members informed about other members.

2. We must have the information referred to above, to enable us to continue your membership of(the Alumni Association).

3. As you know, from time to time we engage in fundraising activities. The information received from you may be used to make an appeal to you. (It may also be used by(name of school) to assist in its fundraising activities). *(If you do not agree to this, please advise us now).*

4.(The Alumni Association/We) may publish details about you in our(name of publication) (and our/the School's website). *(If you do not agree to this, please advise us now).*

5. The School's Privacy Policy contains details of how you may seek access to personal information collected about you or how you may complain about a Breach of the APPs.

6. The school may store personal information in the *cloud* which may mean that it resides on servers which are situated outside Australia.

7. If you provide personal information to us about other people, we encourage you to inform them of the above matters.

Issue Date:



Appendix 4: Contractor/Volunteer Collection Notice - Diocese of Wilcannia Forbes

1. In applying to provide your services you will be providing (name of school) with personal information. We can be contacted (insert address, email and phone number)
2. If you provide us with personal information, for example your name and address or information contained on your resume, we will collect the information in order to assess your application. We may also make notes and prepare a confidential report in respect of your application.
3. You agree that we may store this information for (insert amount of time).
4. The School's Privacy Policy sets out how you may seek access to your personal information and how you may complain about a breach of the APPs.
5. We will not disclose this information to a third party without your consent / We usually disclose this kind of information to the following types of organizations (insert list).
6. [We are required to (conduct a criminal record check) collect information (regarding whether you are or have been the subject of an AVO and certain criminal offences) under Child Protection Law.
7. The school may store personal information in the *cloud* which may mean that it resides on servers which are situated outside Australia.
8. If you provide us with the personal information of others, we encourage you inform them that you are disclosing that information to the School and why, that they can access that information if they wish and that the School does not usually disclose the information to third parties.

Issue Date:

Appendix 5

A. Sample newsletter notice re student photographs

On the application for enrolment and each year you have authorised the school to place photos of your child in the newspaper, newsletter, school magazine and associated publications to mark their successes in various aspects of school life. If you need to rescind this permission please inform the school.

B. Sample newsletter notice regarding Collection Notices

The Commonwealth Privacy Act requires schools to issue Collection Notices to parents each year so that the school may obtain and use information to assist in providing schooling for your child. However be assured that the type of information your school requires and the use the school makes of it, will be the same as it always has been. The Collection Notice will be (issued with your school fees / is attached to this Newsletter). In addition the school is regulated by a Catholic Education Office Privacy Policy which is available on request from the principal.

Appendix 6: Privacy and School Counsellors

Introduction

From time to time issues arise in relation to the role of school counsellors and their obligations to pupils, the schools at which pupils are enrolled and the parents of those pupils. Other issues arise relating to the operation of the Privacy Act in relation to the record of personal information which is collected by counsellors. These notes address these issues in the context of the Catholic Education Commission Privacy Manual for Schools.

When reading these notes it is important to remember that:

- Counsellors do not enjoy any general 'legal professional privilege'
- Counsellors must respond to summons and subpoenas
- Counsellors have to maintain the confidence of their clients in the context of an ethical (not just a legal) relationship.

The Criminal Procedure Act 1986 ("the Act") has been amended by the Criminal Procedure Amendment (Sexual Assault Communications Privilege) Acts 1999 and 2002. In broad terms, communications in confidence between counsellors and victims of sexual assault, referred to in the new act as "protected confidences", are exempt from production under subpoena subject to certain exceptions.

- The court can order the production of the material if satisfied of the following:
 - the documents have substantive probative value, i.e. they will provide significant assistance in establishing particular facts.
 - other evidence of the protected confidence is not available.

- the public interest in disclosing the documents outweighs the public interest in keeping them confidential. In assessing the public interest of disclosing the documents, the court must take into account the likelihood and nature or extent of harm that would be caused to the alleged victim. Also, the definition of counselling means that it is possible that communications between victims of sexual assault and school personnel, in addition to specialist counsellors, may be subject to the protected confidence provisions.

Professional Associations

It is not correct to say that the codes of various professional bodies override obligations that a school counsellor may have as an employee of a school or any contractual obligations to which the counsellor may be subject. Neither do they override the provisions of the Privacy Act. Most codes promulgated by professional associations appear to recognise this in varying degrees.

Having said this, it is recognised that it is essential that counsellors build a rapport with pupils who they counsel, and failure to maintain a confidence can damage this. The same principle applies to teachers. Often, necessary information can be conveyed to a person (i.e. school principal) who has a legal obligation to receive it without betraying a confidence. However, there will be some occasions where it is necessary to directly pass on material which relates to the well being of a pupil of the school.

In this context reference should also be made to Section 8 of the CEC Privacy Manual which deals with "Use and Disclosure".

Effect of Employment Status of Counsellors

Employee

Where a counsellor is employed by a school any records of personal information collected or made by the counsellor will become records of the employer. The school principal is able to call for those records which directly pertain to a pupil of the school in the same way as he or she may call for the records made by any other school employee which relate to school matters.

Those records may also be accessed by the pupil in accordance with the provisions of the Privacy Act unless they fall into an exception contained in the National Privacy Principles. The question of access is discussed at section 12 of the Privacy Manual.

Contractors

Where a contractor provides counselling services to the school, whether directly or through a third party agency, the question of who 'owns' any records will depend upon the relationship between parties. However, as schools from time to time will require reports from the counsellor about pupils it will be necessary for a 'collection notice' to encompass this collection, thus relieving the contractor of the obligation to provide a separate collection notice. It is suggested this notice could form part of the general collection notice given by the school. Thus the collection notice may include a paragraph to the effect:

'The school contracts with an external service provider (or name) to provide counselling services for pupils. The principal may require the counsellor to inform him or her or other teachers of any issues the counsellor believes may be necessary for the school to know for the well-being or development of the pupil who is counselled or other pupils at the school.'

In addition to privacy issues, from the standpoint of exercising its duty of care a school may also wish to include a provision in its agreement (contract) with the counsellor to the following effect:

'The principal may require you to provide him/her with the names of pupils to whom you are providing counselling services. In providing counselling services you must give detailed consideration as to whether the school may be able to give assistance to the pupil or pupils concerned or take action to prevent harm to the pupil. If the school may be able to give assistance or take action you must provide the principal with sufficient particulars to enable the principal to consider the relevant issues.'

Under the Privacy Act, records of the counsellor may be able to be accessed by the pupil.

Records held by the school which came from the counsellor would be liable to be provided by the school to the pupil on request, subject of course to any exemptions contained in the National Privacy Principles as mentioned earlier. (See Catholic Education Commission Manual Section 8 "Use and Disclosure")

Counsellors in Private Practice

Counsellors in private practice will generally be engaged by the parents of the child. In this case the relationship is between the child, the parents and the counsellor. The school has no role to play except as requested by the counsellor with the authority of the parents or pupil, or as requested by the parents.

Does it matter who referred the pupil to the Counsellor?

Generally, this makes no difference to the position set out above. However, it is likely that the person making the referral may seek a report from the counsellor. Where the counsellor is a private practitioner the consent of the pupil would be required before that report could be provided. Where the counsellor is an employee of the school or a contractor to the school, the school would not need the consent of the pupil before providing a report to the parents, provided that it could be established that the report was a related secondary purpose (or directly related, if health information) to providing schooling to the pupil and disclosure would be reasonably expected. This expectation would be dealt with through the 'collection notice'. Even if this were not the case disclosure to the parent may be necessary for the school to fulfil its duty of care, as discussed below.

Duty of Care

It is important for counsellors to be aware that they need to work in conjunction with teachers at the school as a team so that both the counsellor and the school can properly meet their obligations in relation to their duty of care. Where a counsellor who is an employee, (and possibly a contractor depending on the terms and conditions of the particular contractual arrangement) fails to pass on relevant information and the pupil suffers injury as a result, the School may be found to be vicariously liable for the activity of that counsellor. If a pupil fails to achieve the academic standards he or she may otherwise have achieved, had the school been aware of relevant material, the school may be found to be in breach of its contract to provide schooling with due care and skill.

Failure by a counsellor to consult with relevant school staff, therefore, may have serious consequences for the school.

In the context of duty of care, it is important to remember that the personal information is the personal information of the student, regardless of the age of the student. It can only be disclosed to parents if:

- disclosure is for the primary purpose of collection or for a related secondary purpose which is reasonably expected
- it is necessary to fulfil the school's duty of care to the pupil.

However, on occasions, even though disclosure to parents may be permitted, for example, as a reasonably expected secondary purpose, the school principal may decide not to do so because he/she has formed the view that disclosure may result in the child suffering harm.

There may also be occasions where disclosure is prohibited because of the school's obligation under Child Protection legislation.

This is a draft document

