



**CATHOLIC EDUCATION**  
COMMISSION OF WESTERN AUSTRALIA

Policy:	<b>The Management of Confidential Information in Schools</b>
Sub-Committee:	<b>Audit and Risk Sub-Committee</b>
Originally Released:	<b>1993</b>
Date for Review:	<b>2014</b>

## 1. Rationale

The Catholic Education Commission of Western Australia (CECWA) acknowledges that all children are unique, and that Catholic schools have a responsibility in the development of the whole child in a way that respects and protects that uniqueness.

The CECWA also acknowledges that parents and/or guardians are partners with schools in the education of children, and that trust and respect for the dignity of the child and family require that standards are observed in the management of any information revealed about the child or family.

Schools are required under the Privacy Act legislation to ensure that where confidential information is collected, that it is managed in such a way as to preserve the dignity of those involved and to maintain confidentiality.

## 2. Definitions

*Information, data or experience*, whether it be received or stored in hard copy, electronic or any other form, is classified as:

- confidential - information given in trust whereby a relationship not to betray is established
- personal – information which can identify an individual
- sensitive – information about a person's religious and political beliefs, racial or ethnic origin, membership of political associations, philosophical beliefs, sexual preferences or practices, criminal record or health information

There are two main categories of student information:

### *General Access Records*

These include objective and verifiable data which are necessary for the ongoing administrative functioning of the school. Examples of such records include student identification, enrolment details, attendance records, results from standardised aptitude or achievement tests, reports of disciplinary action and achievement records. This data should be accessible to teachers, administrative support staff and others only with the specific authority of the Principal.

### *Restricted Access Records*

These include records which are essentially confidential, personal or sensitive in nature. This data should be accessible to or held by identified individuals only with the specific authority of the Principal. Examples of such records include information pertaining to children with special needs, sensitive family data and the personal files held by the Principal, Social Worker, Psychologist, Special Education Consultant or others to which they alone would usually have access unless there are exceptional circumstances.

## 3. Scope

This policy applies to all Catholic schools in Western Australia.

## 4. Principles

- 4.1 All school employees shall respect information given confidentially from students, parents and/or guardians and professional colleagues in the course of their work and guard against open discussion of confidential or sensitive information. In addition they must be mindful of information gained through hearsay.
- 4.2 Written parental/guardian consent shall be required when confidential and/or sensitive information is to be obtained whether sought or not by school personnel including psychologists and social workers. Discussions with teaching staff and other non health care staff would normally be covered by the school's standard collection notice. This does not apply in instances covered under Mandatory Reporting legislation (CECWA Child Protection policy).
- 4.3 Where it becomes apparent during an informal meeting with a student that sensitive or confidential information is being obtained that is not or cannot be covered by the school's standard collection notice, then the meeting shall be suspended and written consent be obtained prior to any further meeting. This does not apply in instances covered under Mandatory Reporting legislation (CECWA Child Protection policy).
- 4.4 Parental and/or guardian consent is required prior to seeking confidential and sensitive information from students. Principals shall ensure that parents and/or guardians with English language or other communication difficulties receive appropriate support to allow them to give informed consent.
- 4.5 All confidential or sensitive information disclosed about students shall only be with the consent of the student or parents and/or guardians. The exception is generally where:
  - there is risk such that protective action is necessary; eg. risk to self, risk to others, abuse or neglect
  - it is required at law
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- 4.6 Professional codes of conduct exist for allied health professionals such as social workers, psychologists and nurses. These codes shall be examined and potential conflicts resolved within the Catholic school setting and CECWA policy parameters. CECWA policy shall take precedence over professional codes of conduct.
- 4.7 All records are the property of the employer. These include psychologists, social workers and other allied health professionals' records. Records received from a third party may be retained by the school but remain the property of the third party.
- 4.8 In schools, there are legal requirements and obligations that limit the extent to which a minor may be regarded as mature or independent. These include the Principal's and other staff members' duty of care, parental contract of enrolment and the staff members' responsibility to the school, parent and student.

## 5. Procedures

- 5.1 Restricted Access Records shall be kept separate to General Access Records with indication in the General Access Record that a Restricted Access Record exists.
- 5.2 All confidential, personal and sensitive information shall be securely stored in a locked facility with appropriate access determined by the Principal.
- 5.3 Where an employee works as a member of a team it may become necessary for that employee to share information with other team members in the course of planning for a student's needs. This shared information shall remain confidential to the team.

- 5.4 When a student moves from one school to another, the content of existing records pertaining to that student shall be reviewed. Where confidential/sensitive information is included, this shall not be transferred without the written consent of the source of the information. All forms containing collection notices (identifying possible third parties) and signed by parents and/or guardians satisfy written consent. Only copies of appropriate records shall be forwarded.
- 5.5 When records are requested by an outside agency/consultant, before copies are forwarded to this outside agency or consultant, written consent of the author, parent and/or guardian shall be obtained.
- 5.6 Where schools are unsure of the appropriate action to be taken regarding the management of confidential, personal or sensitive information the CEWA Employment and Community Relations Team or Psychology Team shall be contacted for advice.

**6. References**

CECWA Child Protection policy.

**7. Related Documents**

Nil.

**8. Related Proformas and other Forms**

Nil.

**9. Review History**

<b>Year of Review:</b>	<b>Reviewed by:</b>	<b>Amendments/Review</b>
1993	SPC	Originally Released
1998	SPC	Reviewed
2003	SPC	Reviewed
2006	SPC	Reviewed
2009	SPC	Reviewed
2010	CEOWA	Reformatted
2017	CEWA Policy Group	Reformatted

**10. Next Review**

<b>Year:</b>	<b>Sub-Committee Responsible</b>
2014	Audit and Risk Sub-Committee