



MANAGEMENT OF CONFIDENTIAL INFORMATION IN SCHOOLS POLICY

RATIONALE

St Maria Goretti's Catholic School 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 School also acknowledges that parents/guardians are partners with the school 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 to ensure, 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.

PRINCIPLES

1. Professional social workers and psychologists employed in schools are required to adhere to their respective professional codes of conduct. School Principals should familiarise themselves with these codes.
2. For the purposes of this policy the following definitions apply:
 - 2.1 **Confidential** – information given in trust whereby a relationship not to betray is established.
 - 2.2 **Private** – information belonging to the private forum which is protected by the natural right to privacy which is not part of publicly shared life, or is not already known to others and is not available to be known and does not affect others unjustly to their disadvantage.
 - 2.3 **Natural Secret** – information gained independently of any contract or relationship which may injure another in their natural rights and therefore binds one in justice to refrain from revealing.
 - 2.4 **Professional Secret** – information gained whereby an obligation is established from an agreement entered into prior to the disclosure of the information. Professional staff are bound by an implicit entrusted secret (code of conduct) which is called “professional secret”
 - 2.5 **Public** – information belonging to the public or external forum which is part of publicly shared life, or publicly observable and which does not affect others unjustly to their disadvantage.

3. All school employees must respect information given confidentially from students, guardians and professional colleagues in the course of their work and guard against open discussion of private or secret information. In addition they must be mindful of information gained through hearsay.
4. Private or secret information is revealed only with the consent of the student or guardian. The exception is where there is risk such that protective action is necessary eg suicidal behaviour, abuse or neglect. Such disclosures should only be on a 'need to know' basis.

PROCEDURES

1. It is incumbent on the Principal to draw to the attention of all staff including teaching staff, administrative staff, parents and volunteer workers, to their professional responsibility in not divulging information, gained either confidentially or through hearsay, in any inappropriate forum.

2. There are **two** main categories of student information.

2.1 **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, and results from standardised aptitude or achievement tests, reports on disciplinary action and achievement records.

This data should be accessible to teachers, administrative support staff and others with the specific authority of the Principal.

2.2 **Restricted Access Records** – These include records which are essentially confidential, personal or sensitive in nature. Examples of such records include sensitive family data, information pertaining to children with special needs, and the personal files held by the Principal, social worker, psychologist or special education consultant to which they alone have access unless there are exceptional circumstances.

This data should be accessible only to employees specifically designated by the Principal.

3. All confidential and sensitive information sought from students shall be with the consent of the parents and/or guardians. Principals shall ensure that parents and/or guardians with English language difficulties receive appropriate support to allow them to give informed consent.
4. All confidential or sensitive information disclosed about students shall only be with the consent of the student or parents/guardians. The exception is generally where:
 - 4.1 There is risk such that protective action is necessary; eg risk to self, risk to others, abuse or neglect.
 - 4.2 It is required at law.
5. Professionals such as social workers, psychologists and nurses employed in schools are required to adhere to their respective professional codes of ethics/conduct.

6. 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 given to custody within the school but remain the property of the third party.
7. At St Maria Goretti's Catholic School there are legal requirements and obligations that limit the extent to which a minor may be regarded as mature or autonomous. These include the Principal's and other staff members' duty of care, parental payment of fees and the staff members' responsibility to the school, parent/guardian and student.
8. Written parent/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.
9. Where it becomes apparent during an informal meeting that sensitive or confidential information is being obtained that is not or cannot be covered by the school's standard collection notice, the meeting shall be suspended and written consent is required prior to any further meeting.
10. Restricted Access Records shall be kept separate to General Access Records with indication in the General Access Record that a Restricted Access Record exists.
11. All confidential, personal and sensitive information shall be securely stored in a locked facility with appropriate access determined by the Principal.
12. 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 will remain confidential to the team.
13. When a student moves from one school to another, the content of existing records pertaining to that student should be reviewed. Where confidential/sensitive information is included, this should 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/guardians satisfy written consent. Only copies of appropriate records shall be forwarded (see Handbook for Catholic Schools, Section 3, Administration page 3-E3)
14. 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 also be obtained.
15. Where schools are unsure of the appropriate action to be taken regarding the management of confidential, personal or sensitive information the Catholic Education Office Employee and Community Relations Team or School Psychology Team should be contacted for advice.