

Information for Delegates

Section 242(1)(d) School Education Act 1999

Information relating to the disclosure of information

This section of the Act relates to the disclosure of information. In exercising the delegated authority provided by this section, the delegate should properly substantiate the reason for disclosing the information.

In doing this, the delegate should carefully consider and balance the matters detailed below, and document his/her decision-making process:

- Is it personal information i.e., information that identifies an individual's information that is not readily available to others e.g., date of birth, phone number or medical conditions?
- Was the personal information collected through a process where the individual provided the information with an expectation the information would be kept confidential?
- Was the personal information required to be provided for a specific purpose by the school or Department – the purpose of which was supplied by the individual?
- Would the person who supplied their information have reasonable grounds to object to the information being disclosed?
- Could the information be obtained elsewhere?
- Could the information be used in detrimental manner (remember information can be collated and cross referenced)?
- How difficult would it be for the requester to request the information directly or obtain consent from the individual to provide the information.
- Who or what entity is the information being disclosed to – is it a government organisation with a legitimate reason for requiring the information as opposed to a commercial or private entity?
- What safeguards on protecting the confidentiality of the personal information is the request offering, agreeing to or guaranteeing?

Personal information can be differentiated from aggregate information that is generated by the Department that would not easily identify an individual and their personal details.

When providing the information, the delegate should stipulate to the request the expectation for confidentiality and request confirmation this will be provided.

A comprehensive risk assessment for the disclosure of information should be undertaken. If the information is to be disclosed, what is the public purpose, interest, and benefit facilitated by the disclosure.

Contact

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