

Sharing personal information in Communities of Learning | Kāhui Ako

This guidance provides an overview on **how** and **when** you can share information that identifies children, young people and students (personal information) and the important steps you need to take.

Contents of this guide

- Definition of terms used in this guidance
- Purpose, protocol and process for sharing personal information
- Sharing information securely
- Example scenarios for sharing personal information
- Checklist: developing a privacy protocol
- How-to: privacy statement and consent form

Download from education.govt.nz/kahui-ako-info-sharing

- Overview of sharing information in a Kāhui Ako: A3 poster (and alt text version for screen readers)
- Privacy protocol template
- Privacy statement template

Key points about this guide

This guidance is for Kāhui Ako that need to share personal information. You can share personal information if you have:

- a clear and specific purpose that is in the interest of the individual
- a privacy protocol and associated processes in place.



Inform the appropriate agencies immediately if you think a child or young person may be at risk of harm. Agencies include Oranga Tamariki, the Police or a mental health crisis response team.



DO

- Be clear about the purpose for sharing information.
- Use aggregate data or NSNs if you can.
- Agree to a privacy protocol for how your Kāhui Ako will deal with personal information, inform parents about what is happening and seek consent where needed.



DON'T

- Don't share highly sensitive information in your Kāhui Ako group. Seek consent to share with specific people who need to know.
- Don't share personal information solely for convenience – this is not a good enough reason.
- Don't discuss personal information with or within hearing range of people who shouldn't know about it.
- Don't share personal information with your Kāhui Ako if you're not sure that it is in the best interest of the child or young person and can be shared securely.

The information in this document does not replace other guidance available for schools and ECE services me ngā kōhanga reo (services), including from the Office of the Privacy Commissioner, about their obligations under the Privacy Act 1993.

Further information

- [Privacy in schools: A guide to the Privacy Act for principals, teachers and boards of trustees](#)
- [NZSTA guidance on the Privacy Act 1993](#)
- [ERO report on managing privacy responsibilities in early childhood education](#)
- [Privacy Commission Data Safety Toolkit](#)

Email your questions to information.sharing@education.govt.nz.

Definition of terms used in this guidance

A number of terms used in this guidance have specific meanings in relation to sharing personal information in a Kāhui Ako.

Aggregate data	Information about groups of people that does not allow any individual to be identified.
Anonymous data	Aggregate information that has numbers under five suppressed to avoid individuals being identified.
Confidentiality	Teachers' and principals' responsibilities as professionals to protect and hold in confidence personal information.
Consent form	A form accompanying the <i>privacy statement</i> seeking consent to share any sensitive information.
Health and disability information	Information about a person's health or disability requires different rules, which are set out in the Health Information Privacy Code. School counselling services should follow these rules.
Highly sensitive information	Information that if lost or released would cause significant harm, embarrassment, inconvenience or unfairness to an individual.
Identifiable data	Data that identifies individuals.
Personal information	Information that identifies individuals, either by naming them or providing enough information about them that someone could guess who they are.
National Student Number (NSN)	A unique number assigned to each individual enrolled in the education system.
Privacy officer	A person responsible for handling privacy issues (usually someone senior who is familiar with their organisation's obligations under the Privacy Act 1993).
Privacy protocol	An agreement among Kāhui Ako members covering all aspects of how information will be managed in the Kāhui Ako.
Privacy statement	A statement that communicates to parents and caregivers what will happen with an individual's information, including how it will be shared.

Health privacy toolkit for further information

The Privacy Commission's [health privacy toolkit](#) provides useful guidance on protecting the privacy of health information.

Purpose, protocol and process for sharing personal information

What you need to know when sharing personal information

You can share most information if:

- you have a clear and specific **purpose** that is in the interest of the person
- you develop a privacy **protocol**
- you follow the right **process**.

1. **Purpose:** *You need a clear and specific purpose to share personal information*

The purpose must have two components: why you are sharing the information and how it will benefit or be in the interest of the person.

Examples of a clear and specific purpose include:

- providing an iwi mentoring programme to lift achievement for Māori students
- supporting children and young people to transition to a new school or service
- developing a register of learning support needs across the Kāhui Ako to coordinate resources so that children and young people can access the right support.

Once you have a clear and specific purpose, you need to decide whether individuals must be identified for this purpose. If not, use aggregate data or NSNs. Your Kāhui Ako should consider this carefully and record why they think it is necessary to share personal information.

While there could be many benefits to the person, it is also important to think about whether sharing the information could disadvantage them. For example, parents are often concerned that their child will be labelled as 'a trouble-maker' for future schools.

2. **Protocol:** *Develop a Kāhui Ako privacy protocol*

A privacy protocol should set the parameters for how you will use and protect information. To share any kind of information, the Kāhui Ako must have procedures in place. Iwi, community groups and other organisations that are working in partnership with the Kāhui Ako can also sign up to the privacy protocol. Otherwise separate privacy protocols will need to be developed for working with these groups.

The objective of the privacy protocol is to form a common and transparent understanding of the policies and procedures that all members of the Kāhui Ako will follow to protect personal information. The privacy protocol will give parents and whānau, boards of trustees and services' boards or committees the assurance that information will be kept secure.

Many Kāhui Ako will already have a privacy protocol for dealing with aggregate data and information gathered during recruitment processes. This privacy protocol can be updated to include the sharing of personal information. The Kāhui Ako privacy protocol is usually an appendix to the memorandum of agreement.

School boards of trustees and services' boards or committees signing a memorandum of agreement will be agreeing to the privacy protocol as well. You should also consider making the privacy protocol available on an internet site for parents and caregivers to give greater assurance about how the Kāhui Ako will protect personal information.



Download templates for a [privacy protocol and privacy statement and consent form](https://education.govt.nz/kahui-ako-info-sharing) at education.govt.nz/kahui-ako-info-sharing

3. **PROCESS: Consider how sensitive the information is**

The way information is shared depends on how sensitive the information is and if any harm could result to a person if the information was lost or passed on.

The more sensitive the information, the more controls need to be in place, which means following different processes depending on the sensitivity of the information the Kāhui Ako wants to share.

Sensitivity scale and examples of information type

Non-sensitive and sensitive information can be shared within a Kāhui Ako if the right processes are followed.



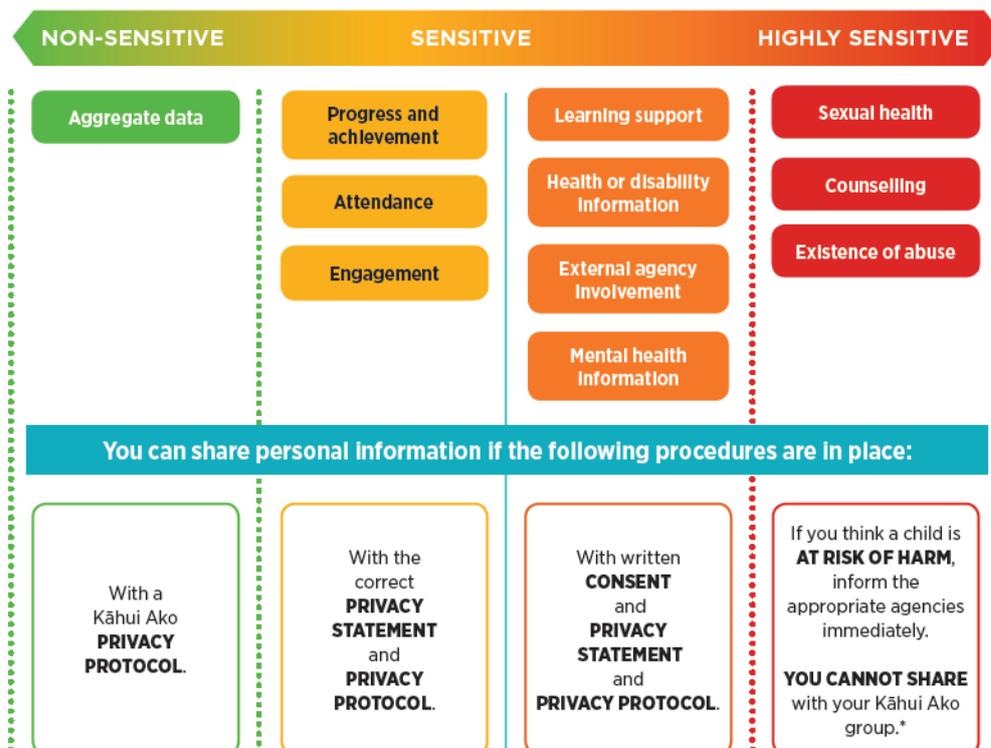
Highly sensitive information such as details relating to sexual health, counselling and existence of abuse CANNOT be shared with your Kāhui Ako group. Seek consent to share only with people who need to know.



You must inform the appropriate agencies immediately if you think a child or young person may be at risk of harm, even if it means sharing highly sensitive information without consent.

The following diagram shows examples of types of information across the sensitivity scale and the processes that need to be in place before sharing that information.

Scale of sensitivity and examples of information type



* Seek consent to share ONLY with specific people who need to know.

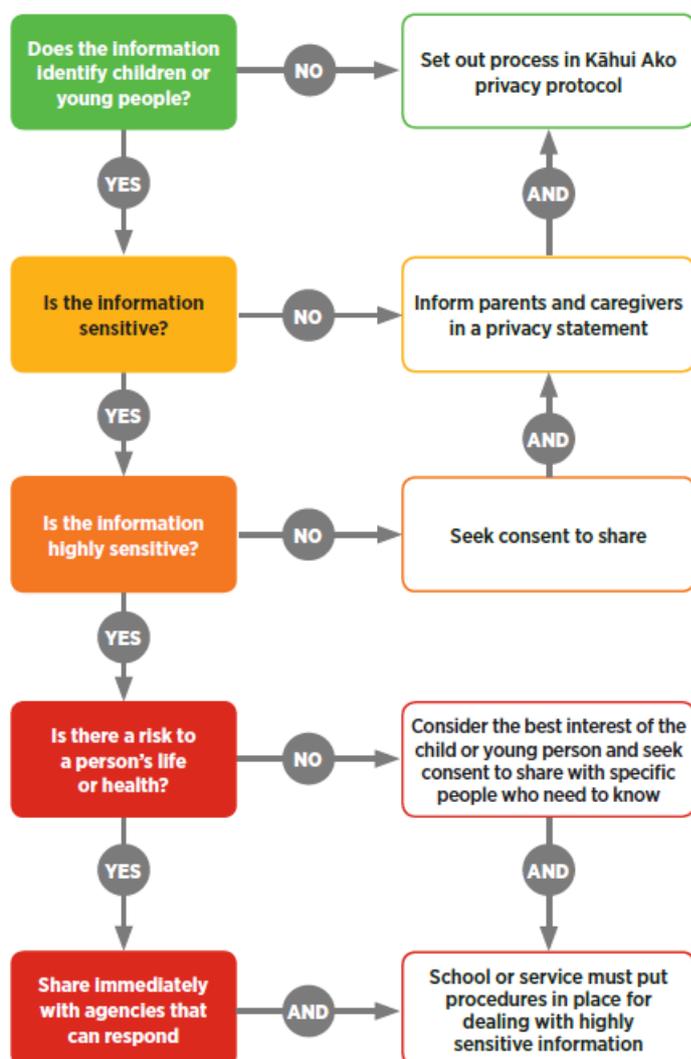
Remember when sharing information



- Include sharing of aggregate data in a privacy protocol.
- Inform parents and caregivers about sharing other information at the less sensitive end of the spectrum (eg achievement, attendance, engagement) in a privacy statement.
- Seek consent to share sensitive information (eg learning support, health or disability information, external agency involvement, mental health).
- Do not share highly sensitive information with your Kāhui Ako group. Seek consent to share with specific people who need to know.

4. Follow this checklist when sharing information

The checklist below summarises the process to follow when sharing personal information.



5. Share highly sensitive information when a child, young person or student is at risk of harm

Highly sensitive information should not be shared across a Kāhui Ako group.

If a child, young person or student is at risk of harm, the school or service must share the information immediately with the agencies who can best respond, eg Oranga Tamariki, the Police or a mental health crisis response team.

In limited cases, the school or service may, with the appropriate consent, share highly sensitive information with specific people who need to know to help or support the child, young person or student, eg pastoral care workers at a school they are transitioning to.

6. *Involve the board or committee in signing off the privacy protocol*



Remember, boards of trustees and services' boards or committees are signing Memorandum of Agreement documents. It is important they understand this information and know how, when and why the Kāhui Ako is sharing information.

The memorandum of agreement is signed on the establishment of a Kāhui Ako and may require adjustment to add a privacy protocol. The board of trustees, as the legal entity, must approve and sign the new memorandum of agreement

School boards of trustees and services' boards and committees will be involved if there is a privacy breach that affects the children, young people, students or staff at their school. They need to be assured that processes are in place to minimise the risk of a privacy breach. Because of their legal role, they need to know they are protected by the appropriate privacy protocols and associated processes (as outlined in this guidance).

Sharing information securely

Sharing information securely is critical to protect information from being lost or passed on. How the Kāhui Ako will protect the information it shares must be included in the privacy protocol to ensure there is a clear understanding about how the information is transferred, stored, accessed and used.

A secure channel is the best way of transferring information so that it is resistant to overhearing, tampering and being accidentally sent to an unauthorised person. Sharing information via 'non-secure' electronic channels such as email, GoogleDocs, DropBox or USB sticks can expose the Kāhui Ako if the information is compromised, lost or forwarded inappropriately.

In some instances, these channels can be made more secure by password-protecting information, restricting access and using a different channel to provide passwords to access files.

Hints and tips for sharing information securely



- Nominate people within the Kāhui Ako to be the guardians of personal information. They are responsible for storing the information safely and destroying it when it is no longer needed.
- Add a password to protect files (Microsoft) that include personal information or only give nominated people access to online information (Google). Password-protect all files emailed or uploaded to OneDrive, GoogleDrive, DropBox etc.
- Provide the password for protected files separately (over the phone, via text message or in person).
- Use a password-protected (encrypted) USB stick if you are transporting personal information.
- Don't talk about personal information with or within hearing range of people who shouldn't know about it.
- Don't leave printed material or laptops with personal information in a car unattended.
- Don't share personal information if you're not sure that the channel you're using is secure. Check passwords and permissions.

Example scenarios for sharing personal information

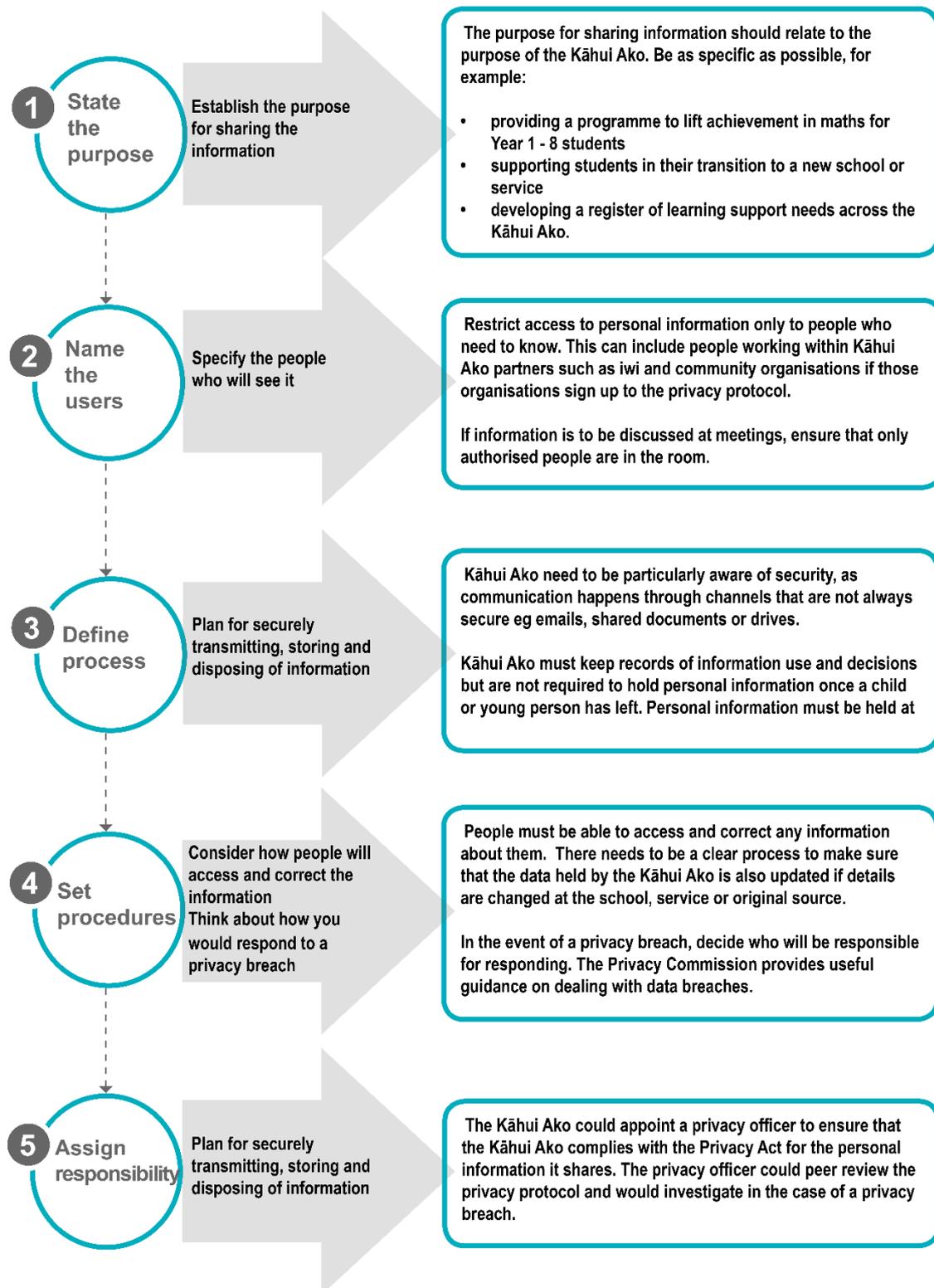
Some Kāhui Ako have sought guidance about what personal information they can share in specific situations. The example scenarios will be expanded as Kāhui Ako develop or any future law changes affect what can be shared.

<p>Scenario #1</p> <p>Sharing information so it can be aggregated</p>	<p>The Kāhui Ako Lead wants to share personal information with an outside person so that they can aggregate data for the members. The data will be used to monitor progress in achievement across the Kāhui Ako.</p> <p>You can share the information because the aggregate data will be anonymous.</p> <p>The Privacy Act 1993 allows sharing of identifiable data if the purpose is to create a dataset that does not identify individuals. This sharing should be covered in the Kāhui Ako privacy protocol in the memorandum of agreement.</p>
<p>Scenario #2</p> <p>Sharing progress and achievement data</p>	<p>A Kāhui Ako is partnering with the local iwi. Across school teachers in the Kāhui Ako want to share progress and achievement data for Māori students with the iwi education officer for a joint mentoring programme across the Kāhui Ako.</p> <p>You can share the information if the iwi and the Kāhui Ako develop a joint privacy protocol and inform parents and caregivers through a privacy statement.</p>
<p>Scenario #3</p> <p>Sharing learning support information</p>	<p>The Kāhui Ako is compiling a register of children and young people who require extra support to plan and deliver coordinated learning support across the Kāhui Ako.</p> <p>You can share the information if you:</p> <ul style="list-style-type: none"> • include it in your privacy protocol • inform parents and caregivers what will happen with the information through a privacy statement • seek consent to share sensitive information.
<p>Scenario #4</p> <p>Sharing highly sensitive information about suspected abuse</p>	<p>A principal has found out that a child has come to school with a broken arm and he suspects family violence. The Kāhui Ako is meeting in the next room that morning. He's not sure whether other principals have siblings of the injured child in their schools.</p> <p>He must inform Oranga Tamariki and/or the New Zealand Police immediately.</p>

	<p>He must not discuss the details with the Kāhui Ako group. Oranga Tamariki and the New Zealand Police will ensure the safety of any siblings.</p>
<p>Scenario #5</p> <p>Sharing information for the across school teacher role</p>	<p>An across school teacher is spending time in classrooms supporting teachers in other schools or ECE services within the Kāhui Ako and is sometimes privy to personal information about students as part of their role.</p> <p>You can share the information because it is supporting the student's education within the school. This is no different from other situations where an outside person (such as a professional learning and development facilitator) comes into a school to support teachers.</p> <p>The Kāhui Ako does not need to take any further action. The across school teacher will need to be aware of privacy considerations and not pass the information on further. All teachers should adhere to professional standards and keep personal information confidential.</p>
<p>Scenario #6</p> <p>Sharing information to allow students to attend a class or activity at another school in the Kāhui Ako</p>	<p>The Kāhui Ako wants to allow students at one school to access a subject or activity (such as a language class) at another school, which requires some details about them to be shared</p> <p>You can share the information. It is directly related to the purpose for which it was collected – to support their education. It is no different to current situations where students attend another school, eg for technology classes. The Kāhui Ako does not need to take any further action, but the school will need to seek consent from parents and caregivers for their child to go offsite.</p>
<p>Scenario #7</p> <p>Sharing transience information in the Kāhui Ako</p>	<p>The Kāhui Ako wants to identify children and young people with high levels of transience to find ways of better supporting their learning. This means requesting the information from the Ministry of Education and then discussing the findings and the response in the Kāhui Ako.</p> <p>You can share the information if you:</p> <ul style="list-style-type: none"> • include it in your Kāhui Ako privacy protocol • let parents and caregivers know what will happen with the information through a privacy statement.

CHECKLIST | Developing a privacy protocol

 Download a template for a [privacy protocol](https://www.education.govt.nz/kaahui-ako-info-sharing) that you can fill in for your Kāhui Ako at [education.govt.nz/kaahui-ako-info-sharing](https://www.education.govt.nz/kaahui-ako-info-sharing)



HOW-TO | Privacy statement and consent form

The privacy statement communicates how the Kāhui Ako will use the information and who will access it. The Kāhui Ako can draft a common privacy statement and consent form, which each school or service will send out to existing families or include in its enrolment processes for new families.



Download a template for a [privacy statement and consent form](#) that you can fill in at education.govt.nz/kaahui-ako-info-sharing

How to write your privacy statement and seek consent for sharing sensitive information

Kāhui Ako need to inform parents and caregivers about how they will share information through a privacy statement. Seek consent at the same time to share any sensitive information.

Draw on your privacy protocol to write the privacy statement

The privacy statement should explain to parents and caregivers exactly what will happen with the information. You can draw this information from the privacy protocol:

- Why will you share the information?
- Who will it be shared with?
- Who will see it?
- How will it be stored?
- Do they have to agree?
- What will happen if they don't agree?
- How can they access and correct the information?

Explain who is in the Kāhui Ako

Explain who the members of the Kāhui Ako are when describing who will see the information. List current members, but introduce the membership list with “may include”. Then, you will not need to change your privacy statement for future changes in membership of the Kāhui Ako.

Include this privacy statement in the enrolment process

Each school or service in the Kāhui Ako should include the new privacy statement and consent form as part of the overall privacy statement in the enrolment form.

The Ministry of Education provides an enrolment form for early learning services, so services wanting to share personal information within a Kāhui Ako will need to provide the privacy statement and consent form with the existing enrolment form.

Further information

[The school roll return guidelines](#) include how to explain to parents how information will be shared, including an example privacy statement.

Email your questions to information.sharing@education.govt.nz.

TEMPLATE | Privacy statement and consent form

Note that the Kāhui Ako can develop a common statement, but each school or service will send the privacy statement to their existing families and whānau or include it in their enrolment packs for new families and whānau.

The template ends with an example privacy statement/consent form based on a fictional Kāhui Ako.

Who the school will be sharing information with

[If parents have not received much information about the Kāhui Ako, you may wish to send out a separate notice telling them about the Kāhui Ako and what it is working to achieve.]

_____ *[name of school or service]* will share information with members of _____ Community of Learning | Kāhui Ako.

Kāhui Ako members may include _____ *[list all current members]*.

NB: The sections below should be filled out for each separate purpose. Different wording is provided depending on whether or not parents/caregivers need to consent to information being shared. See [LINK TO WEB GUIDE] to clarify whether consent is required or not.

For information where a Privacy Statement is sufficient

We will share information for _____ *[purpose]*.

This will mean sharing _____ *[types of information that will be shared e.g. names, achievement data]*.

_____ will have access to the _____ information for the purpose of _____ *[repeat this section if different people will have access to different aspects of the information]*.

For sensitive information where consent is required:

We are seeking to share information for _____ *[purpose]*.

This would mean sharing _____ *[specify types of information that will be shared e.g. names, health and disability information]*.

_____ would have access to the _____ information for the purpose of _____ *[repeat this section if different people will have access to different aspects of the information]*.

If you do not consent, then _____ *[what would happen if parents/caregivers do not consent to information being shared? For example, what would the school do to ensure that students still receive the support they need?]*.

I consent to _____ information about _____ *[name of child/young person or student]* being shared with _____ Kāhui Ako for the purpose of _____.

General information about how the Kāhui Ako will deal with information:

Any information will be transmitted and stored securely. Information about children and young people no longer enrolled with a member of the Kāhui Ako will be destroyed _____ [when].

Children and young people or their parents/caregivers can request access to the information through _____ [school office or early learning service manager] and may correct any inaccuracies.

Optional:

You can access the Kāhui Ako privacy protocol at _____ [link to privacy protocol on Kāhui Ako website].

Example Privacy Statement

Swampton School will share information with members of Kōreporepo Kāhui Ako to lift progress and achievement. Members of the Kāhui Ako include Swampton Kindergarten, Pūkeko-iti Early Learning Centre, Toetoe Kindergarten, Toetoe Primary School, Wetland School, Hukihuki Primary, Oioi School, Rushdown Primary School, Moorhouse Intermediate and Moorhouse College.

We will share information for a peer mentoring programme to improve achievement in mathematics and writing across the Kāhui Ako. This will mean sharing children's names, year levels, ethnicity and achievement information. Only principals and across school teachers will have access to ethnicity and achievement information for the purpose of matching mentors and mentees. Mentors and mentees will only have the name and year level of their buddy for the purpose of participating in the programme. Further information will be provided in school newsletters about how the peer mentoring programme will work.

We are also seeking to share information to develop a register of children and young people across the Kāhui Ako who need extra support for their learning to pool resources and provide better services. This may mean sharing information about a health condition or disability that relates to learning support needs. Principals, staff with responsibility for learning support and teachers will have access to the information. The information may also be shared with the Ministry of Education's learning support staff, but your consent will be sought separately for your child to participate in any health or disability service (such as speech language therapy).

If you don't consent, Swampton School will provide support for your child's needs within the school. We will seek your consent before referring your child to any external service provider. Please note that if you do not consent, your child may not gain access to some resources provided across the Kāhui Ako.

I consent to health and disability-related information about _____ [child's name] being shared with the Kōreporepo Kāhui Ako for the purpose of identifying learning support needs and providing extra resources and support.

Any information will be transmitted and stored securely. Information about children and young people no longer enrolled with a member of the Kāhui Ako will be destroyed at the end of each school year. You can request access to the information through the school office and may correct any inaccuracies.

You can read the full Kāreporepo Kāhui Ako privacy protocol at: kareporepocol.school.nz/privacy

Signed _____ Date _____

TEMPLATE | Privacy protocol

Privacy protocol for [Enter name of Community of Learning | Kāhui Ako]

Who is responsible for overseeing privacy and security in the Kāhui Ako?

[Click here to enter the outcome of the discussion about whether you will nominate a privacy officer for the Kāhui Ako, or whether it will be the responsibility of the Kāhui Ako lead or the leadership group etc. Nominating one person may allow faster action to be taken in the case of a privacy breach.]

How we will share and protect information in our Kāhui Ako

See example table at the back of this document as guidance for populating this table. Add a new row for each separate *purpose*.

Purpose	The information we will share	Who will have access to the information and why	The process we will follow to inform/gain consent from parents/caregivers	How we will transmit, store and dispose of the information
[Click here to enter purpose]	[Click here to enter information type]	[Click here to enter who has access]	[Click here to enter the process]	[Click here to enter transmission, storage or disposal of information]
[Click here to enter purpose]	[Click here to enter information type]	[Click here to enter who has access]	[Click here to enter the process]	[Click here to enter transmission, storage or disposal of information]

Disposal of information

An individual holding personal information leaves the Kāhui Ako or no longer has a role that authorises them to hold it

[Describe how you will ensure they no longer have access to the information.]

A child or young person whose information is shared leaves the Kāhui Ako

[Describe how you will ensure their information has been disposed of once they have left.

You could set a date, like the end of the school year, to look at your shared information and remove those who have left.]

Personal information is no longer required

[Describe how you will ensure you no longer have access to any shared personal information no longer required]

Access to information and corrections

Children, young people, students and parents/caregivers may access and correct personal information.

[Describe your process of how you will ensure they can access and correct their information. Updates can be managed through the school or service, which will then ensure that the Kāhui Ako information is updated]

Steps we will take in the event of a privacy breach

[Discuss the steps you will take to respond in the case of a privacy breach. Your privacy officer or other nominated person would play a role in the immediate response, but someone else may investigate the breach if it is not appropriate for them to do so. The steps below are suggested based on the Privacy Commission guidance on responding to data breaches – you may wish to change them to suit the circumstances of your Kāhui Ako.]

- 1 Contain the breach and assess
- 2 Evaluate the risks
- 3 Notify affected people if necessary
- 4 Prevent a repeat

Step 1: Contain the breach and make a first assessment

Immediately on discovery of a privacy breach, [Name of person responsible] will be responsible for taking the first steps to stop further information from being lost or disclosed.

- They will find a suitable person to lead the initial investigation and make recommendations.
- The person investigating will notify the police if the breach appears to be due to theft or other criminal activity.
- The Kāhui Ako will preserve any evidence that may be needed to find out what happened or allow it to be fixed.

Step 2: Evaluate the risks

The investigating person will attempt to answer the following questions to assess the risks of the release:

- How sensitive is the information that is involved?
- Is the information easy to access? (eg, is it in a password protected file?)
- What caused the breach?
- What is the extent of the breach:
 - How many people are affected?
 - How many people have gained access to the information and/or could gain access if it was passed on further?
 - Is it due to a systemic issue or is it an isolated incident?
- Could harm result from the disclosure:
 - Is there a risk of identity theft or fraud?
 - Is there a risk of physical harm?
 - Is there a risk of humiliation or loss of dignity, damage to the individual's reputation or relationships?
 - What is the person's ability to avoid or minimise possible harm?
- Who has gained access to the information through the breach? Are they likely to misuse it?

Step 3: Notify affected people if necessary

If there is a risk of harm, the child or young person whose information is involved, their parents and/or caregivers will be informed directly by the school or early learning service they are enrolled with. They will be fully informed of:

- what happened and when
- the information that has been disclosed
- what is being done to control and reduce the harm
- contact information for enquiries and complaints
- whether the Office of the Privacy Commissioner has been notified (informing the Office of the Privacy Commissioner will ensure that it is aware of the breach and can handle any related enquiries or complaints)
- contact information for the Privacy Commissioner.

Step 4: Prevent a repeat

A full report will be made to the [Kāhui Ako leadership group]. The boards/management committees of schools or services with children and young people affected by the breach will also receive the report. If the investigation has identified misconduct on the part of a staff member, the matter will be referred to their own board/management committee for action.

The privacy protocol will be fully reviewed following any breach and actions taken to prevent any repeat.

Appendix

Purpose	The information we will share	Who will have access to the information and why	The process we will follow to inform/gain consent from parents/caregivers	How we will transmit, store and dispose of the information
<ul style="list-style-type: none"> Is it specific? Will it benefit the individuals? Can aggregate data or NSNs be used instead? <p>Example Lifting achievement in mathematics for Year 1-8 students by developing a peer mentoring programme.</p>	<p>List all types of information you will share.</p> <p>Example</p> <ul style="list-style-type: none"> name year level achievement, ethnicity 	<p>Specify who will have access to what level of information and for what purpose.</p> <p>Note that different people may have access to different parts of the information).</p> <p>Example</p> <ul style="list-style-type: none"> Kāhui Ako leads, principals, across school teachers – all information – to plan the programme and match students Mentors and mentees – name and year level only – to support their participation in the programme. 	<p>The process you follow will depend on the sensitivity of the information – privacy statement for non-sensitive or low sensitivity, consent form for more sensitive information (see guidance)</p> <p>Example Each Kāhui Ako member will inform parents and caregivers in writing at enrolment or by letter for existing families and whānau.</p>	<p>See information security dos and don'ts [insert hyperlink]</p> <p>Example</p> <ul style="list-style-type: none"> Any personal information is to be held and sent via email in a password protected file (Only authorised people will hold the password handed out at previous meeting). Only authorised people will be in the room when personal information is discussed in meetings. Authorised people are responsible for keeping information secure by not leaving laptops in a car unattended, having strong passwords and not sharing them with others.