****

**Privacy statement**

The Department of Education (DoE) is collecting the information on this form in order to assess your request for information for the purposes of investigating a breach of the *Code of conduct for school students travelling on buses*. Personal information collected on this form will only be accessed by authorised employees of DoE and will not be disclosed to any other person or agency unless you have given DoE permission or the disclosure is authorised or required by law.

**SBO-1: Request from a school bus operator (SBO) to the Director-General (or delegate) to release student personal information where the disclosure is in the public interest**

in accordance with s.426(4)(e)(ii) of the *Education (General Provisions) Act 2006* (EGPA)

**Section A – To be completed by the school bus operator**

|  |
| --- |
| **SBO requesting officer** |
| Name:       |  Position:       |  |
| School name:       |  Bus Company name:       |  |
| Email:       |  Phone:       |   |
| I certify that disclosure of the information requested:[ ]  is necessary to investigate a breach of the [Code of conduct for school students travelling on buses](https://translink.com.au/sites/default/files/assets/resources/travel-information/school-travel/Code%20of%20Conduct%20for%20School%20Students%20Travelling%20on%20Buses%20Jan%202021.pdf) (the Code); **and**[ ]  is in the public interest under s.426(4)(e)(ii) of the [EGPA](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039). |
| **SBO requesting officer signature: Date: / /** |

|  |
| --- |
| **Information and reason for request** |
| Precisely what information is required?      Why is disclosure of the information **necessary** and in the **public interest**?(outline the circumstances of the student incident, including specific detail of dates, times, place and persons involved)      |

|  |
| --- |
| **Send to relevant DoE officer (Director-General or** [**delegate**](https://ppr.mpe.qed.qld.gov.au/delegation/education-general-provisions-act-2006-director-general-delegations.pdf)**)** |
| Name:       |
| Position:       |
| **Contact details** See relevant school website at <https://schoolsdirectory.eq.edu.au/> or refer to the departmental website at <http://education.qld.gov.au/>. |
| Email:       | Phone:       |

**Section B – To be completed by a DoE officer (Director-General or delegate) only**

|  |
| --- |
| Under s.426(4)(e)(ii) of the [EGPA](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039), the Director-General (or a [delegate of the Director-General](https://ppr.mpe.qed.qld.gov.au/delegation/education-general-provisions-act-2006-director-general-delegations.pdf) - including state school principals) may **only** disclose student personal information to a school bus operator if reasonably satisfied that – 1. the school bus operator needs the information for the purposes of investigating a breach of the [Code](https://translink.com.au/sites/default/files/assets/resources/travel-information/school-travel/Code%20of%20Conduct%20for%20School%20Students%20Travelling%20on%20Buses%20Jan%202021.pdf); **and**
2. it is in the public interest to disclose the information to the school bus operator; **and**
3. for delegates of the Director-General, the request concerns a student (or prospective or former student) of a school within the delegate’s area of administrative responsibility.

 Student personal information must **not** be disclosed to a school bus operator unless the exception in s.426(4)(e)(ii) of the EGPA applies. Approved DoE delegates will assess on a case-by-case basis whether the exception applies. Refer to ‘Instructions for DoE officers’ below for further information. |

|  |
| --- |
| **Details of request received**  |
| DoE receiving officer:       Position:       |
| Date request received:       |
| For DoE officers other than the Director-General - [ ]  I am a [delegated officer](https://ppr.mpe.qed.qld.gov.au/delegation/education-general-provisions-act-2006-director-general-delegations.pdf) (including school principal) for the purposes of disclosing student personal information to school bus operators in accordance with s.426(4)(e)(ii) of the EGPA. |
| **DoE decision maker signature:** **Position:**       | Date:       |

|  |
| --- |
| **Record of decision** |
| **Decision:**[ ]  The requested student personal information **will** be disclosed (copy of information disclosed to be attached to this form) as I **am** reasonably satisfied that the exception under s.426(4)(e)(ii) of the [EGPA](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039) applies in this circumstance. **OR**[ ]  The requested student personal information **will not** be disclosed as I am **not** reasonably satisfied that the exception under s.426(4)(e)(ii) of the [EGPA](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039) applies in this circumstance.  |

|  |
| --- |
| **Information disclosed** |
|       |

**Instructions for school bus operators**

1. The information in section A of the request form must be sufficiently detailed to allow the DoE delegate to make in an informed decision and be reasonably satisfied that:

* the disclosure is in the public interest; **and**
* the school bus operator needs the student personal information for the purpose of investigating a breach of the [Code](https://translink.com.au/sites/default/files/assets/resources/travel-information/school-travel/Code%20of%20Conduct%20for%20School%20Students%20Travelling%20on%20Buses%20Jan%202021.pdf).

2. The request must be signed by the requesting bus company representative

3. Only send pages one to three of this document.

The EGPA can be found at: <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039>

**Instructions for DoE officers**

**Delegation**

Only nominated DoE officers are delegates of the Director-General and may exercise the powers under s.426(4)(e)(ii) of the EGPA to disclose student personal information to school bus operators (subject to any limitations imposed in the delegation).

A list of the Director-General’s delegations and authorisations under the EGPA is available on the Department’s website at: [https://ppr.qed.qld.gov.au/delegations-and-authorisations](https://ppr.mpe.qed.qld.gov.au/delegations-and-authorisations).

**Guidelines for assessment of the ‘public interest’**

The term ‘public interest’ has no fixed meaning. What is ‘in the public interest’ will vary according to the circumstances. For example, sometimes the public interest in the freedom of the media will be informative, such as in the case of political discussion. However, sometimes the public interest in the freedom of the media will need to be weighed up against the public interest in protecting privacy, such as publishing details about children who may have been victims of abuse.

Public interest considerations should be weighed up and considered in light of the student’s right to have the confidentiality of her/his personal information protected. Privacy is recognised as an important human right and social value. In determining the public interest, the decision maker must keep in mind that the primary object of s.426 of the EGPA is to protect the disclosure of personal information. ‘The scales’ are effectively in favour of protecting the confidentiality of personal information about a student. Further, the decision maker must bear in mind that DoE is committed to protecting privacy and the confidentiality and security of information.

‘Public interest’ may be an interest common to the public at large or a section of the public.

This means that the person requesting disclosure must provide detailed information justifying their request so the decision maker is in a position to weigh the competing interests. Failure to provide this information may result in preserving the student’s confidentiality.

Also, to establish the meaning of ‘public interest’ for the purposes of s.426 of the EGPA, the objects of the EGPA should be taken into consideration, such as the object to make available a high quality education that will help maximise each child’s educational potential and enable them to become effective and informed members of the community.

**Who is a member of a school bus service provider?**

Under s.426(4)(e)(ii) of the EGPA disclosure of personal information to a school bus operator is permitted by delegated and/or authorised officers if the information is necessary for investigating a breach of the [Code](https://translink.com.au/sites/default/files/assets/resources/travel-information/school-travel/Code%20of%20Conduct%20for%20School%20Students%20Travelling%20on%20Buses%20Jan%202021.pdf). For the purpose of this form this includes the school bus operators and the bus driver.

**Satisfied on reasonable grounds that the use or disclosure is necessary**

You must be satisfied on reasonable grounds that the personal information is necessary for the purposes listed in s.426(4)(e)(ii) of the EGPA. This requires you to consider whether the use or disclosure will actually assist in the purpose listed in s.426(4)(e)(ii) of the EGPA.

Under s.426(4)(e)(ii) of the EGPA you are not authorised to simply hand over the information. A judgement must be made as to whether the disclosure is necessary in the circumstances.

Generally you must:

* be satisfied that there is a link between the proposed disclosure and the activities
* establish that the link is sufficient to make the disclosure of the personal information reasonably necessary.

The personal information need not be essential or critical to the activity, but it must be more than just helpful or expedient.

You must be satisfied on reasonable grounds. This means you must consider the circumstances and the information in question to decide whether the disclosure is necessary.

Relevant considerations are:

* whether the requesting school bus operator has been identified as a legitimate requestor, and has provided appropriate details including the bus company, staff members name and position
* the reason for the request – you should establish what is being investigated, at least in broad terms, and why the information is necessary
* whether you have the contact details of the school bus operator, who can verify that the investigation is legitimate, especially where the request involves a large amount of personal information or personal information of a potentially sensitive nature
* ensure the request concerns a student (or prospective or former student) of a school within the delegate’s area of administrative responsibility.

**Sample response - Request from school bus operator under s.426(4)(e)(ii) of the Education (General Provisions) Act 2006**

**Scenario**

The operator of a school bus company contacts the school principal in respect of an incident that occurred on the bus. One of the operator’s drivers was allegedly assaulted by a student of the principal’s school. The operator would like the student’s personal information for the purposes of communicating with the student’s parents/carers for the purposes of the [Code of conduct for school students travelling on buses](https://translink.com.au/sites/default/files/assets/resources/travel-information/school-travel/Code%20of%20Conduct%20for%20School%20Students%20Travelling%20on%20Buses%20Jan%202021.pdf) (the Code).

**Response**

The principal asks the operator to complete Section A of the SBO-1 form.

The principal’s delegation to release student personal information to school bus operators in the public interest may be exercised only within the principal’s area of administrative responsibility (i.e. in relation to enrolled students, formerly enrolled students or prospective students of his/her school or in relation to his/her school premises). The principal is to use the information provided by the operator in section A of the SBO-1 form to determine the identity and status of the student.

The principal considers whether the request meets the criteria for disclosure in the public interest. In this case the operator’s request is consistent with the department’s expectations outlined in procedure [Disclosing student personal information to operators of school bus services](https://ppr.mpe.qed.qld.gov.au/pp/disclosing-student-personal-information-to-operators-of-school-bus-services-procedure), as the operator is investigating misconduct on a school bus for the purposes of the Code and the operator has indicated that it cannot locate the student to continue its investigation without the assistance of the school. If satisfied disclosure is in the public interest, the principal completes section B of the SBO-1 form, including the rationale as to why the information has been disclosed and detailing exactly what information has been disclosed.

The principal is to file the form and a copy of the information provided in a secure location.