



Thank you for your email of 12 December 2018 to the Ministry of Education requesting the following information:

- *“any privacy or other policies that relate to sharing children or young persons information (e.g. what school they attend) with a non-custodial parent, where the non-custodial parent has a protection order against them that also protects the child from the non-custodial parent.*

Are there any ways to protect this information from the non-custodial parents who may be stalking the custodial parent or child through the school related information?”

Your request has been considered under the Official Information Act 1982 (the Act).

The Education Act 1989 provides that a principal of a school shall take all reasonable steps to ensure that a student’s parents/guardians are told of matters that in the principal’s opinion:

- are preventing or slowing the student’s progress through the school; or
- are harming the student’s relationship with teachers or other students.

Outside of that, a request for information made by a non-custodial parent would be considered under the Act. In some cases it may be appropriate to withhold information to protect a student’s privacy but the validity of the withholding will depend on the circumstances.

There is no policy that states a non-custodial parent cannot be provided information about their child, nor can there be as each request is considered on its own merits and the relevant legislation applied (Education Act, Privacy Act and the Act). I am therefore refusing your request under section 18(e) of the OIA.

Additional to Chapter 15 of *Schools and the Right to Discipline* produced by Community Law Wellington and Hutt Valley, the following non-Ministry document may be of use:

- The Privacy Commissioner’s Guidelines for Schools
<http://privacy.org.nz/assets/Files/Brochures-and-pamphlets-and-pubs/Privacy-in-Schools-September-2009.pdf>

Please note, the Ministry now proactively publishes Official Information Act 1982 responses on our website. As such, we may publish this response on our website after five working days. Your name and contact details will be removed.

Thank you again for your email. You have the right to ask an Ombudsman to review this decision. You can do this by writing to info@ombudsman.parliament.nz or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



Cathryn Ashley-Jones

Group Manager

Evidence, Data and Knowledge