

## THE NEW ZEALAND CURRICULUM NATIONAL STANDARDS

# Reporting Aggregated Information: Balancing Transparency and Individual Student Privacy

### INTRODUCTION

Under National Education Guidelines, boards of trustees, with principal and teaching staff, are required to report student progress and achievement information in relation to National Standards. This includes information about numbers and proportions of students generally, as well as by specific category.

Some schools will have information which cannot be included in annual reporting because of small student numbers in a particular reporting category. Once reported this information will be in the public domain. The inclusion of small numbers will lead to a breach of individual student privacy. This in turn has implications for school and system-based decision-making.

### REQUIREMENT

The National Administration Guidelines (NAG 2A) indicates that, where a school has students enrolled in years 1-8, the board of trustees, with the principal and teaching staff, is required to use National Standards to:

*“(b) report school-level data in the board’s annual report on National Standards under three headings:*

- i. school strengths and identified areas for improvement;*
- ii. the basis for identifying areas for improvement; and*
- iii. planned actions for lifting achievement.*

*(c) report in the board’s annual report on:*

- i. the numbers and proportions of students at, above, below or well below the standards, including by Māori, Pasifika and by gender (where this does not breach an individual’s privacy); and*
- ii. how students are progressing against the standards as well as how they are achieving”.*

Information presented in annual board reports is aggregated data. Individual students should not be identifiable.

### INTENT

The intent of this requirement is to ensure:

- schools/boards have student progress and achievement data to contribute to school review and school-based decision-making – for example, setting appropriate goals and targeting school-based resources to support student learning;
- the Ministry has student progress and achievement data to contribute to decision-making – for example, targeting additional support and resources effectively.

### SMALL STUDENT NUMBERS - ISSUES ARISING

#### Balancing Transparency and Privacy

NAG 2A (c) (i) requires schools to report student achievement and progress information in relation to National Standards both generally and by specific category providing that it does not breach individual student privacy. Some schools will have student information which cannot be included because, even though it is aggregated information, small numbers mean that individuals will be readily identifiable leading

to a breach of privacy. This also has implications for school/board responses under the *Official Information Act 1982*. Under this Act aggregated student information held by schools is public information.

The *Official Information Act 1982* is largely concerned with transparency of Government and enabling access to official information. However, it balances this with the need to protect official information where it is in the public interest to do so and when it is necessary for the preservation of personal privacy. The Act defines personal information as “*any official information held about an identifiable person*”. This is consistent with the *Privacy Act 2020*, the main purpose of which is the promotion and protection of individual privacy. The Privacy Act defines personal information as *information about identifiable living people*.

The tension between transparency and privacy which arises in relation to small cell counts for specific categories of student, has raised a number of questions:

- When is a number too small to report or release into the public domain?
- What are the implications of small cell counts for school-based decision-making?
- What are the implications of small cell counts for system-wide decision-making?

### **When is a number too small to report or release into the public domain?**

This question is concerned with where you draw the line between when a number of students is small enough that individual information can be reasonably inferred from it and, therefore, an individual’s privacy breached and when is it large enough not to breach individual privacy.

As a general rule of thumb, small numbers will be too small to report when the number could reasonably be expected to lead to the identification of an individual. When in doubt, it would be reasonable for schools to err on the side of caution.

For example, if a small rural school has only 2 students for whom ‘*at the end of year 7*’ is the standard of reference it would be inappropriate to include this information because it would not be difficult to determine who these students are and the release of this information would breach the privacy of each of these students. Similarly, in a large school which has, for example, only 2 Māori students for whom ‘*at the end of year 5*’ is the standard of reference.

It is difficult to give more precise guidance on this because it depends on context.

### **What are the Implications for School-Based Decision-Making?**

This question is concerned with how schools/boards can have the discussions they need to have about a specific but small group while also ensuring that information which could breach individual privacy does not end up in the public domain? In terms of NAG 2 (c) (i), this information would not need to be reported in the annual report. Schools would need to be careful in relation to other information they publish for their school community as well.

In the context of school review and charter writing, boards/schools need to be able to discuss and make decisions about next steps, goals, targets etc. for the benefit of student learning in their school. To ensure that decision-making takes into account the interests of all students in the school, boards/schools need to be able to talk freely about all the information available to them, including information which would lead to a breach of individual privacy if in the public domain.

Where there are categories of students in small numbers, school/boards need to be able to have discussion, make and record decisions, in a way which will not lead to a breach of individual privacy. Where it is usual practice for a board to hold ‘open’ meetings attended by others in the school community, it would be appropriate to hold discussion “in committee” in circumstances where more open discussion is likely to lead to a breach of individual privacy.

Information held by Boards of Trustees is official information within the scope of the Official Information Act. A key principle of this Act is that, if requested, information be made available unless there is good reason (as set out in the Act) for withholding it. Section 9 (2) (a) does provide for information to be withheld where necessary to “protect the privacy of natural persons, including that of deceased natural persons”.

## **What are the Implications for System-Wide Decision-making?**

The Ministry will allocate additional support and resources where most needed so that resources can be targeted for best effect. Information about achievement and progress of students provided by each school/board will contribute to this decision-making along with any other information the Ministry has available to it, such as information from the Education Review Office. However, if information about specific categories of student is not included, the Ministry will be making decisions without full access to all the information it needs.

Where schools have small cell counts in relation to specific groups of students, it is suggested that boards include a statement in their reporting to alert the Ministry to the need to inquire further within the context of its decision-making. For example, the board could include a statement along the lines of:  
x% of the school population identify themselves as y (e.g. Māori, Pasifika) but details of achievement and progress has not been included in relation to this group because it would result in a breach of individual privacy given the small numbers.