

ST BEDE'S CATHOLIC COLLEGE PRIVACY POLICY



APPLICABLE TO	Staff, students and parents
DOCUMENT OWNER	Principal
APPROVAL DATE	29 July 2018
APPROVED BY	Principal/Strategic Programs Advisor, Catholic Schools Office
SCHOOL ACTIONS	School Policy – Staff, students and parents are to ensure practices are consistent with this policy.
LAST REVIEW DATE/S	29 July 2018
NEXT REVIEW DATE	March 2021
RELATED DOCUMENTS	Privacy Management Procedure Collection Notices: Standard, Employment Collection Notice, Enrolment Information Collection Notice, Volunteer/Contractor Collection Notice Data Breach Response Procedure 2018 Complaints & Grievances Resolution Policy 2017 Confidentiality Agreement – Employees Consent to Use Student Materials Disclosure Statement to Students – Counselling Services Photograph/Video Permission Form (Students, Employees) Privacy Management Procedure 2018 Workplace Internet, Email and Network Usage Policy November 2016

Purpose

The purpose of this privacy policy is to:

- describe the types of personal information that we collect, hold, use and disclose;
- outline our personal information handling systems and practices;
- enhance the transparency of our management of personal information;
- explain our authority to collect personal information, why it may be held by us, how it is used and how it is protected;
- notify whether we are likely to disclose personal information to overseas recipients and, if possible, to whom;

- provide information on how you can access your personal information, correct it if necessary and complain if you believe it has been wrongly collected or inappropriately handled.

Policy Statement

This development of this policy has been informed by the *Privacy Act 1988* (Cth) and *Health Records and Information Privacy Act 2002* (NSW) (HRIP).

Personal and health information handling by the CSO and its system of schools is based on the following principles:

- That collection of information is lawful, direct, relevant, open and transparent;
- That information is stored securely, not kept any longer than necessary and disposed of appropriately;
- That information is accurate and accessible to the person to whom it relates; and
- That information collected for a particular purpose, is not used or disclosed for another purpose.

Scope

This policy applies to all personal information and health information held by the CSO and its schools and all forms of data capture and information collection, storage, analysis, use, communication, reporting and disclosure.

This privacy policy is not intended to cover our handling of commercially sensitive information or other information that is not defined in the *Privacy Act* as personal information; for example, the treatment of employee records.

Definitions

Government related identifier means an identification device provided by a government agency, such as a Medicare number, tax file number or driver's licence number.

Health information means information about the health or disability of an individual.

Personal information means information (or an opinion), whether true or not, in any form that can identify a living person.¹

Sensitive information means personal information that is of a sensitive nature, including information about health, genetics, biometrics or disability; racial or ethnic origin; religious, political or philosophical beliefs; professional association or trade union memberships, sexuality; or criminal record.

¹ See section 6 of the *Privacy Act 1988* and the APP Guidelines issued by the Office of the Australian Information Commissioner.

Guiding Principles

1. COLLECTION OF INFORMATION

Personal information may be collected directly by us, or by people or organisations acting on our behalf. It may be collected directly from you, or on your behalf from a representative you have authorised.

We may also obtain personal information collected by third parties; for example, a report provided by a medical professional or a reference from another school, or from publicly available sources. This will only occur where you consent, where it is unreasonable or impractical to collect the information only from you or where we are required or authorised to do so by law.

We are authorised to collect personal information under a range of Acts that we administer. These include taxation legislation and education legislation as examples.

Under the Australian Privacy Principles, we will only collect information for a lawful purpose that is reasonably necessary or directly related to one or more of our functions and activities, or where otherwise required or authorised by law.

When we collect personal information, we are required to notify you of a number of matters. These include the purposes for which we collect the information, whether the collection is required or authorised by law, and any person or body to whom we usually disclose the information, including if those persons or bodies are located overseas. We usually provide this notification by including privacy notices on our paper-based forms and online portals.

Types of information collected by us

We collect and hold a broad range of personal information in records relating to:

- **students and parents and/or guardians** (Parents) before, during and after the course of a student's enrolment at the school:
 - name, contact details (including next of kin), date of birth, previous school and religion
 - medical information (e.g. details of disability and/or allergies, absence notes, medical reports and names of doctors)
 - conduct and complaint records, or other behaviour notes, and school reports
 - information about referrals to government welfare agencies
 - counselling reports
 - health fund details and Medicare number
 - any court orders
 - volunteering information
 - photos and videos at school events

- **job applicants, staff members, volunteers and contractors**, including:
 - name, contact details (including next of kin), date of birth, and religion
 - information on job application
 - professional development history
 - salary and payment information, including superannuation details
 - medical information (e.g. details of disability and/or allergies, and medical certificates)
 - complaint records and investigation reports
 - leave details
 - photos and videos at school events
 - workplace surveillance information
 - work emails and private emails (when using work email address) and Internet browsing history

- **other people who come into contact with the school**, including name and contact details and any other information necessary for the particular contact with the school.

Sensitive information

We also collect sensitive information where authorised to do so for the purposes of human resource management, fraud investigations, taking appropriate action against suspected unlawful activity or serious misconduct, and responding to inquiries by courts, tribunals and other external review bodies.

How we collect personal information

We primarily use forms, online portals and other electronic or paper correspondence to collect your personal information. By signing paper documents or agreeing to the terms and conditions and disclaimers for electronic documents you are consenting to the collection of any personal information you provide to us.

We may also collect your personal information if you:

- communicate with us by telephone, mail, email, fax or SMS;
- attend a face-to-face meeting or event conducted by us;
- use our website;
- interact with us on our social media platforms.

Remaining anonymous or using a pseudonym

We understand that anonymity is an important element of privacy and you may wish to remain anonymous, or use a pseudonym when interacting with us. In many cases you will be able to advise us that you wish to remain anonymous or use a pseudonym during your contact with us; however, in circumstances where it is likely

we would need to collect your personal information, such as to resolve a dispute or provide you with a service, we will notify you accordingly at the time of collection.

2. HOW WE USE PERSONAL INFORMATION

We collect personal information for a variety of different purposes relating to our functions and activities including:

Students and parents

- communicating with parents in relation to their child's schooling, through correspondence, newsletters and magazines,
- day-to-day administration,
- looking after students' educational, social, spiritual and medical wellbeing,
- fundraising, seeking donations and marketing for the school,
- satisfying our legal obligations and allowing the school to discharge its duty of care.

Job applicants, staff members and contractors

- performing our employment and personnel functions in relation to our staff and contractors;
- administering the individual's employment or contract, as the case may be
- for insurance purposes
- seeking funds and marketing for the school
- to satisfy the CSO and the school's legal obligations, for example, in relation to child protection legislation

Volunteers

Personal information about volunteers who assist the school in its functions or associated activities, such as alumni associations, is obtained to enable the school and the volunteers to work together.

Schools within the CSO system of schools

We may share personal (but not sensitive) information with other schools in the Catholic Diocese of Maitland-Newcastle, recognising use of personal information is for the purpose for which it was originally collected. For example, schools will transfer information between them when a student transfers from one CSO school to another.

Use of government related identifiers

We may use government related identifiers but:

- do not adopt GRIs as an identifier to identify an individual unless required or authorised by law.
- do not use or disclose GRI's unless it is reasonably necessary to verify identification of the individual or to fulfil its obligations to an agency or state or territory authority.

NAPLAN

NAPLAN is the national assessment for students in years 3, 5, 7 and 9, in reading, writing, language and numeracy. Specific notices are provided by schools to parents each year before NAPLAN testing commences.

When a student transfers to another school, their NAPLAN results are able to be transferred to that next school. Additionally, a student's NAPLAN results are able to be provided to the student's previous school to enable that school to evaluate their education program.

3. DISCLOSURE OF PERSONAL INFORMATION

We may disclose personal information, including sensitive information, held about you for educational, administrative and support purposes. This may include to:

- other schools and teachers at those schools
- government departments
- the Catholic Schools Office, Catholic Schools NSW, the school's local diocese, other related church agencies/entities, and schools within other dioceses
- the school's local parish
- medical practitioners
- people providing educational, support and health services to the school, including specialist visiting teachers, sports coaches, volunteers, counsellors and providers of learning and assessment tools
- assessment and educational authorities, including the Australian Curriculum, Assessment and Reporting Authority
- people providing administrative and financial services to the school
- recipients of school publications, such as newsletters and magazines
- students' parents or guardians
- anyone you authorise the school to disclose information to
- anyone to whom we are required to disclose the information by law, including child protection laws

Disclosure of information overseas

We will, on occasion, disclose personal information to overseas recipients. The situations in which we may disclose personal information overseas include:

- the publication on the internet of material which may contain personal information, such as school reports and other documents; photographs, video recordings and audio recordings; and posts and comments on our social media platforms;
- to facilitate educational outcomes, e.g. a school exchange;
- the provision of personal information to recipients using a web-based email account where data is stored on an overseas server; and

- the provision of personal information to foreign governments and law enforcement agencies (in limited circumstances and where authorised by law).

We will not disclose your personal information to an overseas recipient unless one of the following applies:

- the recipient is subject to a law or binding scheme substantially similar to the Australian Privacy Principles, including mechanisms for enforcement;
- you consent to the disclosure after being expressly informed that we will not be taking reasonable steps to ensure that the overseas recipient does not breach the Australian Privacy Principles;
- disclosure is required or authorised by law;
- disclosure is reasonably necessary for an enforcement related activity conducted by, or on behalf of, an enforcement body and the recipient performs similar functions.

It is not practicable to list every country to which we may provide personal information as this will vary depending on the circumstances.

4. STORAGE AND SECURITY

We may hold personal information in a range of paper-based and electronic records, including cloud computing.

Examples of such cloud service providers include Microsoft and Google. Microsoft Office 365 (O365) and Google Apps for Education (GAFE) store and process limited personal information for this purpose. School personnel, the CSO and its service providers may have the ability to access, monitor, use or disclose emails, communications (e.g. instant messaging), documents and associated administrative data for the purposes of administering O365 and GAFE and ensuring proper use.

Storage of personal information (and the disposal of information when no longer required) is managed in accordance with relevant records management standards.

We take all reasonable steps to protect the personal information held in our possession against loss, unauthorised access, use, modification, disclosure or misuse.

Access to your personal information held by us is restricted to authorised persons who are CSO or school-based employees or contractors, on a need to know basis.

We will take seriously and deal promptly with any accidental or unauthorised disclosure of personal information. We follow CSO's Privacy Breach Response Procedure when handling accidental or unauthorised disclosures of personal information, which includes notification to affected individuals and the Information Commissioner about data breaches which fall within the definition of an 'eligible data breach' (EDB).

5. HOW TO SEEK ACCESS TO AND CORRECTION OF PERSONAL INFORMATION

You have a right under the Privacy Act to access personal information we hold about you. We may charge you a fee to access your information to cover expenses of verifying your application and locating, retrieving and copying relevant records. If the information sought is extensive, we will advise the likely cost in advance.

You also have a right under the Privacy Act to request corrections of any personal information that we hold about you if you think the information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

There may be occasions where access is denied. Such occasions would include where release of the information: would have an unreasonable impact on the privacy of others, or breach a school's duty of care to a student for example. If we refuse to give you access or decline to correct your personal information we will provide you with a written notice which, among other things, gives our reasons for refusing your request.

To access or seek correction of personal information we hold about you, contact the school's principal or the CSO using the contact details set out in section 7 of this privacy policy.

Consent and rights of access to the personal information of students

We respect every parent's right to make decisions concerning their child's education. Generally, a school will refer any requests for consent and notices in relation to the personal information of a student to the student's parents. A school will treat consent given by parents as consent given on behalf of the student, and notice to parents will act as notice given to the student.

Parents may seek access to personal information held by a school or the CSO about them or their child by contacting the school's principal. However, there will be occasions when access is denied. Such occasions would include where release of the information would have an unreasonable impact on the privacy of others, or where the release may result in a breach of the school's duty of care to the student.

A school may, at its discretion, on the request of a student grant that student access to information held by the school about them, or allow a student to give or withhold consent to the use of their personal information, independently of their parents. This would normally be done only when the maturity of the student and/or the student's personal circumstances warrant it.

6. COMPLAINTS

If you think we may have breached your privacy you may contact us to make a complaint using the contact details set out at section 7 of this privacy policy. In order to ensure that we fully understand the nature of your complaint and the outcome you are seeking, we prefer that you make your complaint in writing.

Please be aware that it may be difficult to properly investigate or respond to your complaint if you provide insufficient detail or make an anonymous complaint.

We are committed to quick and fair resolution of complaints and will ensure your complaint is taken seriously and investigated appropriately.

For further information about our complaint handling process please read our Complaints Resolution Policy documents on our website.

If you are unsatisfied with our response

If you are not satisfied with the way we have handled your complaint in the first instance, you may contact the Office of the Australian Information Commissioner to refer your complaint for further investigation. Please note that the Information Commissioner may not investigate if you have not first brought your complaint to our attention.

7. CONTACT US

Contact us at St Bede's Catholic College if you wish to:

- query how your personal information is collected, held, used or disclosed by us;
- ask us questions about this privacy policy;
- request access to or seek correction of your personal information; or
- make a privacy complaint.

Review

This policy is managed by the Policy and Compliance Office and will be routinely reviewed to maintain currency and effectiveness.

Legislative/Professional Guidelines

Australian Privacy Principles January 2014

Children and Young Persons (Care and Protection Act) 1998

Data Breach Preparation and Response (OAIC)

Education Act (Cth)

Health Records and Information Privacy Act 2002 (NSW)

National Catholic Education Commission and Independent Schools Council of

Australia Privacy Compliance Manual, January 2018

Privacy Act 1988 (Cth)