

St Mary

Star of the Sea College

I AM BORN FOR HIGHER THINGS



PRIVACY POLICY

Date approved	July 2011	Date amended	September 2019	Date of next review	September 2020
Approved by	St Mary Star of the Sea College Board				
Author	Frank Pitt, Principal				
Responsible body	College Board College Staff				
Supporting documents, procedures and policies	<ul style="list-style-type: none"> ▪ College Privacy compliance ▪ College Complaints and Grievances Policy 				
Reference and legislation	<ul style="list-style-type: none"> ▪ Privacy and Personal Protection Act 1998 ▪ Privacy Amendment (Enhancing Privacy Protection) Act 2012 ▪ Privacy Amendment (Notifiable Data Breaches) Act 2017 ▪ Health Records and Information Privacy Act 2002 ▪ Commonwealth Privacy Act 2001 ▪ Privacy Act 1988 ▪ Privacy legislation as amended from time-to-time ▪ Privacy Procedures for Staff Employed in Catholic Schools 				
Audience	Public - accessible to anyone				

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1. PURPOSE OF POLICY

This policy statement outlines the purpose and procedure adopted by St Mary Star of the Sea College on how the personal information provided to, or collected by the College is used and managed.

The College must act in compliance with the Privacy Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Act 2012.

A significant aspect of the legislation is the mandatory requirement for the College to comply with the Australian Privacy Principles. The Australian Privacy Principles set minimum standards which relate to the collection, security, storage, use, correction and disclosure of personal information and access to that information.

2. DEFINITIONS

Australian Privacy Principles	Thirteen Australian privacy principles apply to the handling of personal information. They are: <ul style="list-style-type: none">▪ Open and transparent management of personal information▪ Anonymity and pseudonymity▪ Collection of solicited personal information▪ Dealing with unsolicited personal information▪ Notification of the collection of personal information▪ Use or disclosure of personal information▪ Direct marketing▪ Cross-border disclosure of personal information▪ Adoption, use or disclosure of government related identifiers▪ Quality of personal information▪ Security of personal information▪ Access to personal information▪ Correct personal information
Health Records and Information Privacy Act 2002 (Health Records Act)	This Act promotes fair and responsible handling of health information held in the public and private sectors and provides for the enabling of individuals to gain access to their health information.
Personal information	Personal information is information about an individual whose identity is clearly indicated, or can be worked out from that information.
Privacy Acts	<p>The Privacy Act 1988 is an Australian law which regulates the handling of personal information about individuals.</p> <p>The Commonwealth Privacy Act came into effect on 21 December 2001 and amends the Privacy Act of 1988 intending to establish a nationally consistent approach to the handling of personal and sensitive information.</p>

Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Amending Act). This Amending Act came into operation on 12 March 2014. The changes under this Amending Act which affect schools arise out of the introduction of the new Australian Privacy Principles.

Privacy Amendment (Notifiable Data Breaches) Act 2017. This Amending Act came into operation on 23 February 2018. The changes under this Amending Act which affect schools arise from new legal obligations and responsibilities under Australian Privacy Law. The Amendment Act relates specifically to how information is stored online and ensuring that information is protected. This Act aims to ensure that all businesses and entities have sufficient cyber-security to protect information.

Sensitive information	Sensitive information is similar to personal information but which requires a higher level of protection because it gives more details about the beliefs or health of an individual, racial or ethnic origin, marital issues and custody, or religious beliefs.
Standard collection notice	This notice is provided by the College that specifically itemises the reasons for collecting information about students and their families and the way in which that information will be used by the College. It should be located on the College website and distributed with enrolment forms.

3. APPLICATION AND SCOPE

This policy applies to the staff and Board of the College whose role it is to provide for, or support learning and teaching at its highest level. For this to occur the College must collect information about students and families in order to meet their duty of care and other legal responsibilities and to take account of students' and families' individual circumstances.

In practice the implementation of this policy should be based upon the Australian Privacy Principles, Amendment Acts and Health Records Act which underpin the legislation. These principles set minimum standards and relate to the handling of personal information of individuals.

4. POLICY STATEMENT

The College is bound by the Australian Privacy requirements contained in the Commonwealth Privacy Act. In relation to health records, the College is also bound by the New South Wales Health Privacy Principles which are contained in the *Health Records and Information Privacy Act 2002* (Health Records Act).

The College may, from time-to-time, review and update this Privacy Policy to take into account new laws and technology, changes to the College's operations and practices and to make sure it remains appropriate to the changing College environment.

What kinds of personal information does the College collect and how does the College collect it?

The type of information the College collects and holds includes (but is not limited to) personal information, including health and other sensitive information, about:

- students and parents / guardians ('Parents') before, during and after the course of a student's enrolment at the College
- job applicants, staff members, volunteers and contractors
- other people who come into contact with the College.

Personal information provided by parents: the College will generally collect personal information held about an individual by way of forms filled out by parents or students, face-to-face meetings and interviews, emails and telephone calls. On occasions people other than parents and students provide personal information.

Personal information provided by other people: in some circumstances the College may be provided with personal information about an individual from a third party, eg a report provided by a medical professional or a reference from another school.

Exception in relation to employee records: under the Privacy Act and Health Records and Information Privacy Act 2002 (NSW), the Australian Privacy Principles (and Health Privacy Principles) do not apply to an employee record. As a result, this Privacy Policy does not apply to the College's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between the College and employee.

How will the College use the personal information provided?

The College will use personal information it collects for the primary purpose of collection, and for such other secondary purposes that are related to the primary purpose of collection and reasonably expected by parents, or to which parents have consented.

Students and Parents: in relation to personal information of students and parents, the College's primary purpose of collection is to enable the College to provide schooling for the student. This includes satisfying the needs of parents, the needs of the student and the needs of the College throughout the whole period the student is enrolled at the College.

The purposes for which the College uses personal information of students and parents include:

- to keep parents informed about matters related to their child's schooling, through correspondence, newsletters and magazines
- day-to-day administration of the College
- looking after students' educational, social and medical well-being
- seeking donations and marketing for the College, and
- to satisfy the College's legal obligations and allow the College to discharge its duty of care.

In some cases where the College requests personal information about a student or parent, if the information requested is not provided, the College may not be able to enrol or continue the enrolment of the student or permit the student to take part in a particular activity.

Job applicants, staff members and contractors: in relation to personal information of job applicants, staff members and contractors, the College's primary purpose of collection is to assess and (if successful) to engage the applicant, staff member or contractor, as the case may be.

The purposes for which the College uses personal information of job applicants, staff members and contractors include:

- in administering the individual's employment or contract, as the case may be
- for insurance purposes
- seeking donations and marketing for the College, and
- to satisfy the College's legal obligations, eg in relation to child protection legislation.

Volunteers: the College also obtains personal information about volunteers who assist the College in its functions or conduct associated activities, such as alumni associations, to enable the College and the volunteers to work together.

Marketing and fundraising: the College treats marketing and seeking donations for the future growth and development of the College as an important strategy to ensure that the College continues to provide a quality learning environment in which both students and staff thrive.

Personal information held by the College may be disclosed to organisations that assist in the College's fundraising, eg the College's foundation or alumni organisations.

Parents, staff, contractors and other members of the wider College community may from time-to-time receive fundraising information. College publications, like newsletters and magazines which include personal information, may be used for marketing purposes.

Who might the College disclose personal information to and store information with?

The College may disclose personal information, including sensitive information, held about an individual to:

- another school
- government departments
- medical practitioners
- people providing services to the College, including specialist visiting teachers, counsellors and sports coaches
- recipients of College publications, such as newsletters and magazines
- parents
- anyone who authorises the College to disclose information, and
- anyone to whom we are required to disclose the information to by law.

Sending and storing information overseas: the College may disclose personal information about an individual to overseas recipients, for instance, to facilitate a College exchange. However, the College will not send personal information about an individual outside Australia without:

- obtaining the consent of the individual (in some cases this consent will be implied)
- otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

The College may also store personal information in the 'cloud' which may mean that it resides on servers which are situated outside Australia. *

How does the College treat sensitive information?

In referring to 'sensitive information', the College means: information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, philosophical beliefs, sexual orientation or practices or criminal record, that is also personal information; health information and biometric information about an individual. Sensitive information will be used and disclosed only for the purpose for which it was provided.

Management and security of personal information

College staff are required to respect the confidentiality of students' and parents' personal information and the privacy of individuals. The College has in place steps to protect the personal information the College holds from misuse, interference and loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and password access rights to computerised records.

Access and correction of personal information

Under the Commonwealth Privacy Act (and the Health Records Act), an individual has the right to obtain access to personal information which the College holds about them and to advise the College of any perceived inaccuracy. Students will generally be able to access and update their personal information through their parents, but older students may seek access and correction themselves. There are some exceptions to these rights set out in the applicable legislation.

To make a request to access or update any personal information the College holds about parents or their daughter/s, contacting the Principal in writing is required. The College may require identity verification and specify what information is needed. The College may charge a fee to cover the cost of verifying applications and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the College will advise the likely cost in advance. If we cannot provide access to that information, written information will be provided.

Consent and rights of access to the personal information of students

The College respects every parent's right to make decisions concerning their child's education.

Generally, the College will refer any requests and notices in relation to the personal information of a student to the student's parents. The College 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.

As mentioned above, parents may seek access to personal information held by the College about them or their child by contacting the 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 College's duty of care to the student.

The College may, at its discretion, on the request of a student grant that student access to information held by the College 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 so warranted.

Enquiries and complaints

If parents require further information about the way the College manages the personal information it holds, or wish to complain if parents believe the College has breached the Australian Privacy Principles please contact the Principal who will then be guided by the Complaints and Grievance Policy. The College will investigate any complaint and will notify the parent of the decision made in relation to the complaint as soon as is practicable after it has been made.

Privacy Obligations

As the College does hold personal information it must take all reasonable steps to protect the information from misuse, interference and loss and from unauthorised access, modification or disclosure. In the event of a breach, the College is required to notify the Office of Australian Information Commission (OAIC) of any breaches.

* If applicable

5. RESPONSIBILITY OF THE BOARD

The Board has responsibility to ensure the requirements of the Privacy Amendment Act 2012, which amends the Privacy Act 1988 and 2001, are met.

6. RESPONSIBILITY OF THE PRINCIPAL

Good Samaritan Education, through the College Board, delegates to the Principal the responsibility to ensure the requirements of the Privacy Amendment Act 2012, which amends the Privacy Act 1988 and 2001, are met. Further, it is required of the Principal that they ensure that information held about people is managed responsibly.

7. RESPONSIBILITY OF THE COLLEGE ADMINISTRATION

The College administration will use personal information it collects to enable it, in partnership with Good Samaritan Education and the College Board, to provide learning, teaching and wellbeing programs appropriate to the needs of the students. This includes satisfying, where possible, both the needs of parents and the needs of the student throughout the whole period the student is enrolled at the College.

College management and staff are required to respect the confidentiality of students' and parents' personal information and the privacy of individuals. Breaches of student privacy will be addressed and reporting by the Privacy Officer.

8. RESPONSIBILITIES OF EMPLOYEES

All employees are required to work with the College administration to implement and maintain the College Privacy Policy. They are responsible for taking the necessary steps to ensure that an individual's privacy is respected.

Employees must also be aware that under the Privacy Act the Australian Privacy Principles do not apply to an employee's record.

Regarding students, employees should recognise that young people do have rights under the Privacy Act. In some circumstances it would be appropriate to seek consents from them, particularly when they are older.

9. RESPONSIBILITY OF PARENTS AND CARERS

Parents / Carers are required to provide the College with accurate information requested in enrolment forms. Parents need to inform the College when changes occur to the original information. They are required to respond to College communications promptly.

10. RESPONSIBILITY OF STUDENTS

The responsibility of each student is to cooperate with and actively support structures put in place to ensure the individual's right to privacy. This may mean assisting the College to have records that reflect a family's changing circumstances, eg change of address or telephone numbers, or other matters that might impact upon the student's approach to learning.

It is important that students deliver College communications promptly and comply with requests in them.

11. REPORTING OF BREACHES OF PRIVACY

Having regard to the Response team's recommendation, the Privacy Officer will determine whether there are reasonable grounds to suspect that an NDB has occurred. If there are reasonable grounds, the Privacy Officer must prepare a prescribed statement and provide a copy to the OAIC as soon as practicable (and no later than 30 days after becoming aware of the breach or suspected breach).

The College must also notify each individual to whom the relevant personal information relates. Where impracticable St Mary's, must take reasonable steps to publicise the statement (including publishing on the website). The prescribed statement will be logged by the Privacy Officer.

VERSION CONTROL AND CHANGE HISTORY

Version control	Date effective	Approved by	Amendment
1.0	July 2011	Board	Initial adoption
2.0	March 2013	Board	Updated with reference to the Privacy Amendment Act 2012
3.0	September 2014	Board	Review of policy
4.0	February 2017	Board	Review of policy
5.0	October 2018	Board	Review of policy. Timeframe for reporting breaches to be included.
6.0	October 2019	Board	Review of policy
7.0	November 2020	Board	Review of policy. Delete reference to Privacy and Personal Protection Act 1998. Delete Privacy Procedures for Staff Employed in Catholic Schools. Policy to be merged with Data Breach Policy.