

## **PRIVACY**

### **Policy Reference/Version 404-3**

#### **Purpose**

This Privacy Policy sets out how the College manages personal information provided to or collected by it.

The College is bound by the Australian Privacy Principles 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 account of new laws and technology, changes to the College's operations and practices and to make sure it remains appropriate to the changing school 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 and/or guardians ('Parents') before, during and after the course of a student's enrolment at the College;
- job applicants, staff members, volunteers and contractors; and
- other people who come into contact with the College.

**Personal Information you provide:** 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, for example a report provided by a medical professional or a reference from another school.

**Exception in relation to employee records:** Under the Privacy Act and the *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 you provide?**

The College will use personal information it collects from you for the primary purpose of education, and for such other secondary purposes as are related to the primary purpose of collection and reasonably expected by you, or to which you 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, publications and magazines;
- day-to-day administration of the College;
- looking after students' educational, social and medical wellbeing;
- 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:

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

**Volunteers:** The College also obtains personal information about volunteers who assist the College in its functions or conduct associated activities, such as alumni or P&F functions, 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 part of ensuring 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, for example, the College's fundraising committee or alumni committee [or, on occasions, external fundraising organisations].

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

### **Who might the College disclose personal information to and store your 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, carers and guardians;
- anyone you authorise the College to disclose information to; 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 school 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); or
- 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 or a directly related secondary purpose, unless you agree otherwise, or the use or disclosure of the sensitive information is allowed by law.

### **Responding to data breaches**

In the event of a data breach, the College community will be made aware that information has been accessed and potentially compromised immediately upon confirmation that this has occurred. The Principal or the Director Community Engagement will be responsible.

A data breach concerns the security of personal information and involves the actual unauthorised access or disclosure of personal information, or the loss of personal information where the loss is likely to result in unauthorised access or disclosure (Data Breach).

Data breaches are not limited to the malicious acts of third parties, such as theft or 'hacking', but may also arise from human error, a systems failure or a failure to follow information handling or data security policies resulting in accidental loss, access or disclosure.

The following are examples of when a Data Breach may occur:

- loss of smartphone or other school device or equipment containing personal information;
- cyber-attacks on the school's systems, resulting in unknown third parties accessing or stealing personal information;
- accidental transmission of personal information such as student's reports to unintended recipients via e-mail;
- loss or theft of hard copy documents; and

- misuse of personal information of students or parents/guardians by school personnel.

In the event where a data breach is likely to result in serious harm to one or more individuals and the school is not able to quickly remediate the breach to minimise the risk of serious harm, the data breach is classified as an Eligible Data Breach (EDB). The College has no obligation to notify any individuals or the Australian Information Commissioner where a data breach is not classified as an EDB, but may elect to do so voluntarily.

In the event of an Eligible Data Breach (EDB), the School will notify the Australian Information Commissioner of the breach. Depending of the nature of the EDB, the School will also either:

- Notify individuals whose personal information is involved in the data breach or publicly publish the notification; or
- Notify only the individuals who are at likely risk of serious harm; or
- Publish the notification and publicise it with the aim of bringing it to the attention of all individuals at likely risk of serious harm.

### **Management and security of personal information**

The College's staff are required to respect the confidentiality of students' and Parents' personal information and the privacy of individuals.

The College endeavours to ensure that the personal information it holds is accurate, complete and up-to-date.

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 any 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 you or your child, please contact the College Principal in writing. The College may require you to verify your identity and specify what information you require. The College may charge a fee to cover

the cost of verifying your application 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 you with access to that information, we will provide you with written notice explaining the reasons for refusal.

### **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 for consent 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 College Principal. However, there may

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.

### **Student Counselling Files**

The presumption of confidentiality is overridden in circumstances where there is a legal requirement to disclose information or where one or more individuals may experience serious harm if someone with the power to act is not informed.

### **Enquiries and complaints**

If an individual would like further information about the way the College manages the personal information it holds or wish to complain that you believe that the College has breached the Australian Privacy Principles please contact the College Principal or Director Community Engagement. The College will investigate any complaint and will notify the individual of a decision in relation to their complaint as soon as is practicable after it has been made.

### **Person Responsible**

Director Community Engagement

Approved by:	Director Community Engagement
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Next Review:	