

1 DEFINITIONS

Parent	includes biological parents and legal guardians.
Use of Information	involves an internal application of information
Disclosure of Information	involves external communication of information
Australian Privacy Principles	are designed to govern the personal information that private companies (including schools) hold, addressing Collection, Use and Disclosure, Data Quality, Data Security, Openness, Access and Correction, Identifiers, Anonymity, Trans-border Data Flow, Sensitive Information.
Personal Information	Personal Information is information or opinion, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. Within this definition there is no distinction as to the source of the information or the form in which it is held. It is personal information whether it is provided by an individual, an organisation or generated by the College.

2 CONTEXT

The College is bound by the Australian Privacy Principles, which apply to staff, students, parents and other members of the College community including temporary contractors, volunteers and others. For this reason, this policy and these guidelines apply to all personal information, except that contained in the employment records of current and former employees.

3 PURPOSE

The purpose of this policy is to ensure that the right to individual privacy is upheld and that the College adheres to the Australian Privacy Principles in regard to personal information.

4 POLICY STATEMENT

The College complies with the Australian Privacy Principles.

5 GUIDELINES

5.1 Collection of Information

The College collects and stores personal information, including sensitive information, about:

- 5.1.1 students and parents before, during and after the course of a student's enrolment at the College;
- 5.1.2 job applicants, staff members, volunteers and contractors; and
- 5.1.3 other people who come into contact with the College.

The College collects personal information from:

- 5.1.4 Individuals - the College will generally collect personal information held about an individual by way of electronic or paper forms, face-to-face meetings or interviews, and telephone calls.
- 5.1.5 Third Parties - the College also receives personal information about individuals from third parties, for example a report provided by a medical professional or a reference from another school.

If the College acquires unsolicited personal information the College will, within a reasonable period after receiving the information, determine whether or it could have solicited the information directly from the individual

- 5.1.6 If the College determines that the information could have been solicited it will use, and potentially disclose the information.
- 5.1.7 If the College determines that the information could not have been solicited and the information is not contained in a Commonwealth record the College will, as soon as practicable, de-identify or destroy the information.

5.2 Types of Personal Information

The types of personal information the College collects and holds are outlined below.

- 5.2.1 Religious affiliations;
- 5.2.2 Employer details;
- 5.2.3 Academic history and qualifications;
- 5.2.4 Family and relationship data;
- 5.2.5 Financial information;
- 5.2.6 Contact and identification, such as name, address, nationality;
- 5.2.7 Attendance data;
- 5.2.8 Welfare and medical/health information;
- 5.2.9 Employment histories; and
- 5.2.10 Records of communications.

5.3 Use of Personal Information

The College will use personal information it collects from individuals for the primary purpose of collection, and for such other secondary purposes that are related to the primary purpose of collection and reasonably expected, or to which the individual has consented. In the occurrence of such use the College will make a written note of the use. The College will not use personal information for the purposes of direct marketing unless the individual has provided permission or could reasonably expect the College to use the information for that purpose.

- 5.3.1 Students and parents - The College collects personal information from parents and students in order to better satisfy the needs of both parents and students throughout their enrolment at the College. In some cases where a request for personal information about a student or parent is not met, the College may not be able to enrol or continue the enrolment of the student. The purposes for which the College uses such personal information include:
 - 5.3.1.1 to keep parents informed about matters related to their child's schooling, through correspondence, newsletters and handbooks;
 - 5.3.1.2 day-to-day administration;
 - 5.3.1.3 looking after student's educational, social and medical wellbeing.
- 5.3.2 Job applicants, staff members and contractors - The College collects personal information from job applicants, staff members and contractors for the purposes of administering their employment relationship with the College. These purposes include:
 - 5.3.2.1 assessing applicants and engaging successful applicants;
 - 5.3.2.2 administering the individual's employment or contract, as the case may be;
 - 5.3.2.3 financial dealings and to seek donations;
 - 5.3.2.4 to satisfy the College's legal obligations, for example, in relation to child protection legislation;
 - 5.3.2.5 insurance and marketing purposes.
- 5.3.3 Volunteers - The College also obtains personal information about volunteers who assist the College in its functions or conduct associated activities, in order to enable the College and the volunteers to work together.
- 5.3.4 Marketing and fundraising - The College considers marketing an important part of its business function. It also seeks donations from time to time to contribute towards the development of the College. Personal information held by the College may be used for these purposes and may be disclosed to any organisation that the College engages to assist in this activity, for example, the alumni organisation, or Parents and Friends Association (P & F), purely for use in activities in relation to the College.

5.4 Disclosure of Personal Information

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

- 5.4.1 another school;
- 5.4.2 government departments;
- 5.4.3 medical practitioners;
- 5.4.4 people providing services to the College, including specialist visiting teachers and sports coaches;
- 5.4.5 recipients of College publications, like newsletters and magazines;
- 5.4.6 parent volunteers; and

5.4.7 anyone the parents authorise the College to disclose information to.

The College will not disclose such information if:

5.4.8 it believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or

5.4.9 giving access would have an unreasonable impact on the privacy of other individuals; or

5.4.10 the request for access is frivolous or vexatious; or

5.4.11 the information relates to existing or anticipated legal proceedings between the entity and the individual, and would not be accessible by the process of discovery in those proceedings; or

5.4.12 giving access would reveal the intentions of the entity in relation to negotiations with the individual in such a way as to prejudice those negotiations; or

5.4.13 giving access would be unlawful; or

5.4.14 denying access is required or authorised by or under an Australian law or a court/ tribunal order.

The College will not send personal information about an entity outside Australia without:

5.4.15 obtaining the consent of the individual (in some cases this consent will be implied); or

5.4.16 otherwise complying with the Australian Privacy Principles including ensuring that the recipient takes steps to ensure they do not breach the Australian Privacy Principles (other than APP 1) in relation to the information.

In the occurrence of such disclosure the College will make a written note of the disclosure. The College will not disclose personal information for the purposes of direct marketing unless the individual has provided permission or could reasonably expect the College to disclose the information for that purpose.

5.5 Sensitive Information

Sensitive information relates to a person's racial or ethnic origin, political opinions, religion, professional or trade association membership, sexual preference, criminal record, and/or health.

Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless permission is granted, or the use or disclosure of the sensitive information is allowed by law such as in child protection matters.

5.6 Private Communication

Private communication between parents and the College are to be kept confidential by both parties and not shared with other members of the College community. To do so represents a breach of trust and undermines the working relationship between parents and College staff. This principle applies to:

5.6.1 Specific contractual arrangements and enrolment conditions;

5.6.2 Specific educational adjustments;

5.6.3 Specific financial arrangements;

5.6.4 Interpersonal matters; and

5.6.5 Behavioural matters and any specific consequences issued.

5.7 Photographic and Video Data

Photographs and videos, where a person's identity is clear or can be implied from the image, are treated as personal information. Consent is not required to collect images of individuals unless the image records sensitive information about the individual. The College will take reasonable steps as outlined in the Privacy Act to ensure the individual is aware of details regarding data collection prior to its occurrence.

Upon enrolment, parents agree to the Conditions of Enrolment, both current and any that might replace them in the future. This agreement provides consent to the College for the collection, recording, storage and use of photographic images of students which may be included in College publications online and/or in print.

Nonetheless, the College seeks specific consent from parents if the student's identity will be used within the design framework.

Parents may nominate to have their children's names placed on the Prohibited Use of Identity Register by the College Enrolment Manager. This register will be checked before any images are used in College publications. Should an individual's circumstances change in the duration of their enrolment, it is the parent's responsibility to contact the College Enrolment Manager to have their child/ren's name/s added or removed from the register.

5.8 Storing and Security of Personal Information

The College stores physical copies of documents that contain personal information in filing cabinets that are either

locked or in a locked room. The College has firewalls, data encryption and anti-intrusion devices installed to secure personal information stored digitally. Staff access to this data is managed by the Principal and/or the Business Manager and is accompanied by the appropriate level of training.

The College hosts some personal information electronically on:

- 5.8.1 Edumate servers, owned by Hobsons in Australia, in the form of its school management database; and
- 5.8.2 Google Apps for Education in the form of emails, documents and websites, on Google servers in a variety of Australian and overseas locations.

These organisations also use sophisticated security measures with guarantees provided to the College regarding the security of its data.

5.9 Management of Personal Information

The College aims to manage personal information in an open and transparent way.

College staff respect the confidentiality of students' and parents' personal information and the privacy of individuals.

The College has procedures in place to protect the personal information the College holds from misuse, loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and password protected access rights to computerised records.

Volunteers may be required to access student and parent information under the direction of a staff member and are required to follow all College guidelines.

5.10 Destruction of Personal Information

The College has procedures in place to destroy personal information it is not required or permitted by law to retain. The College uses an authorised provider to destroy any printed personal information as required. This information is stored in a secure bin on site until it is full and collected by the provider. Staff are routinely reminded to delete any personal information (and empty their digital rubbish bin) obtained and stored digitally (e.g. emails and their attachments).

5.11 Updating Personal Information

The College endeavours to ensure that the personal information it holds is accurate, up to date and complete. A person may seek to update the personal information held about them by the College by contacting the Office at any time. Most of the personal information held about families can be edited by parents via their Edumate login. The College will encourage parents to check, update and confirm the accuracy of their information annually.

5.12 Rights of Access to Personal Information

An individual, except an employee, has the right to obtain access to any personal information which the College holds about them and to advise of any perceived inaccuracy. Students under the age of 18 will generally gain access to their personal information through their parents. The College may however, at its discretion, on the request of a student, and when the maturity of the student and/or their personal circumstances so warranted, 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.

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.

To make a request to access any information the College holds a written application must be made to the Principal, specifying the information required. The College must require an individual to verify their identity before it provides the information. The College will charge a fee to cover the cost of verifying an application and locating, retrieving, reviewing and copying any material requested. The College will advise the likely cost in advance and require payment of this amount up front. If the search process takes longer than expected a further fee may be charged before completing the request.

There may be occasions when access to information 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 a student.

5.13 Searching a Student or their Property

Searching a student or their property (eg bag, locker, USB drives) will require parent or student permission, either express or implied in a contract between the College and the parent.

The College's signed Enrolment Contract grants consent for the College to search bags in reasonable circumstances. However, the College will first invite students to empty the contents of their bag themselves.

The College's signed Locker Contract grants consent for the College to search lockers in reasonable circumstances. The College's will not search a student's person under any circumstances, although students may be requested to empty pockets voluntarily.

5.14 Enquiries and Complaints

Any request for further information about the way the College manages personal information will be managed according to the following hierarchy. They will be directed to:

5.14.1 the College Information Guide that contains a summary of the policy;

5.14.2 write to the Principal to request a PDF copy of the written policy.

Any complaints about the way the College manages personal information should also be addressed to the Principal in writing, who will treat the complaint very seriously. Where such a complaint reveals a breach of the Australian Privacy Principles the Principal will apply the data breach procedures, outlined below.

6 NOTIFIABLE DATA BREACHES

The College is required to notify affected individuals and the Australian Information Commissioner in the event of an eligible data breach. A data breach is eligible if it is likely to result in serious harm to any of the individuals to whom the information relates.

6.1 Eligible Data Breaches

An eligible data breach arises when the following three criteria are satisfied:

6.1.1 There is unauthorised access to or unauthorised disclosure of personal information;

6.1.2 The access or disclosure of personal information is likely to result in serious harm to one or more individuals;

6.1.3 The College has not been able to prevent the likely risk of serious harm with remedial action.

Whether a data breach is likely to result in serious harm requires an objective assessment, determined from the viewpoint of a reasonable person in the entity's position.

6.2 Managing a Data Breach

Where an eligible data breach is suspected or believed to have occurred, the College must:

6.2.1 Carry out a risk assessment in the event that an eligible data breach is suspected;

6.2.2 Prepare a statement of prescribed information regarding an eligible data breach that is believed to have occurred;

6.2.3 Submit the statement to the Office of the Australian Information Commission;

6.2.4 Contact all affected individuals directly or indirectly by publishing information about the eligible data breach on publicly accessible forums.

6.3 Preventing Further Breaches

Where a data breach has occurred, the College will review the situation to determine the cause and apply strategies to avoid potential future breaches from occurring.

7 DOCUMENT GUARDIAN RESPONSIBILITIES

7.1 Implementation & Practice

Responsible for initial implementation of this policy and any version changes, and for ensuring that its spirit and content are embedded and maintained in practice.

7.2 Evaluation & Review

Responsible for monitoring legislation, regulations and industry best-practice to regularly evaluate this policy and its guidelines. They will coordinate a review as necessary or at the date specified.

7.3 Communication & Training

Ensures training is provided and relevant elements are communicated to:

Students each term

Parents via the Information Guide

Staff each term

7.4 Accessibility

Community Policy & Summary on web/Info Guide.

Staff Policy & Guidelines on Canvas.

8 REQUIREMENTS, SOURCES, CONSULTATION AND ACKNOWLEDGEMENTS

Regulations Commonwealth Privacy Act 1988 (as amended) and the Privacy Amendment (Enhancing Privacy Protection) Act 2012 incorporating in Schedule 1 thirteen Australian Privacy Principles

Documentation	Commonwealth of Australia (2008) Private Sector Information Sheet 1A – Australian Privacy Principles. Australian Government: Office of the Privacy Commissioner. ACT.
Policies	Cedars Christian School Privacy Policy

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Responsible for monitoring legislation, regulations and industry best-practice to regularly evaluate this policy and its guidelines. They will coordinate a review as necessary or at the date specified.

9.3 Communication & Training

Ensures training is provided and relevant elements are communicated to:

Students	as needed
Parents	as needed
Staff	Biennial

9.4 Accessibility

Community	Policy on website.
Community	Summary on website/Info Guide.
Staff	Policy & Guidelines on Canvas.