



Privacy Policy

Policy Classification		
Policy Number:	Date of Origin: January 2018	Modification History: Nil
Date of most recent review: February 2018	By Whom & Position: Policy Review Committee	Commencement Date: 2018
Policy Audience: Public Domain	Policy Status: New	Policy Review Date: 2020
Policy Approval: This policy was approved by the Senior Leadership Team in February 2018.		
This policy supersedes all previous policies relating to matters contained herein.		

1.0 Rationale

- 1.1 The purpose of the policy is to set out how the College manages personal information provided to or collected by it.
- 1.2 The College collects and stores a range of personal information about staff, students and parents including private files, health records, financial details, contact information and any membership data.
- 1.3 The College therefore has an important obligation to ensure this information is protected from unauthorised access or disclosure including a data breach, which is any unauthorised access or disclosure of personal information.

2.0 Guiding Principles

- 2.1 The College regards the privacy of all members of the community as paramount.
- 2.2 The College complies with Commonwealth privacy laws as amended by the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Amending Act).
- 2.3 The handling of personal information of pupils, parents, employers and others is treated in accordance with the 'Privacy Act'.

3.0 Policy

- 3.1 The College is bound by the Australian Privacy Principles (APP) contained in the *Privacy Act 1988*. In relation to health records, the College is also bound by New South Wales Health Privacy Principles which are contained in the *Health Records and Information Privacy Act 2002* (Health Records Act).
- 3.2 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 College environment.

3.3 Collection of Personal Information [APP 1, 3, 4, 5]

3.3.1 *What kind 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:

- 3.3.1.1 Students and parents and/or guardians (hereafter referred to as Parents) before, during and after the course of a student's enrolment at the College, including:
 - name, contact details (including next of kin), date of birth, gender, ethnicity, nationality, language background, previous school and religion
 - parents' education, occupation and language background
 - medical information (e.g. details of disability and/or allergies, absence notes, medical reports and names of doctors)
 - conduct and complaint records, other behaviour notes, and school reports
 - information about referrals to government welfare agencies
 - counselling reports
 - health fund details and Medicare numbers
 - any court orders
 - volunteering information
 - photos and videos at school events.
- 3.3.1.2 Job applicants, staff members, volunteers and contractors including:
 - name, contact details (including next of kin), date of birth, gender, ethnicity, nationality, language background, 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 from College accounts and or devices.

3.3.1.3 Other people who come into contact with the College.

3.3.2 *Personal Information that is provided by a member of the College community:*

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.

3.3.3 *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.

3.3.4 *Exception in relation to employee records:*

Under the *Privacy Act 1988* 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.

3.4 Use of Personal Information [APP 1, 6, 7]

3.4.1 *How will the College use the personal information that is 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, or to which the person who provided the information consents.

3.4.1.1 *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 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.

3.4.1.2 *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, for example, in relation to child protection legislation.

3.4.1.3 Volunteers:

The College 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.

3.4.1.4 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 Foundation or Alumni organisation 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, like newsletters and magazines, which include personal information, may be used for marketing purposes.

3.5 Disclosure of Personal Information [APP 6]

3.5.1 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 typically through the use of Form 16A;
- government departments;
- auditors;
- medical practitioners;
- people providing educational, support and health services to the College, including specialist visiting teachers, itinerant teachers, [sports] coaches, volunteers, counsellors and psychologists;
- providers of specialist advisory services and assistance to the College, including in the area of Human Resources, child protection, and students with additional needs;
- providers of learning and assessment tools;
- NESA
- Assessment and educational authorities, including the Australian Curriculum, Assessment and Reporting Authority (ACARA) and NAPLAN test Administration Authorities, who will disclose it to the managers of NAPLAN online platform;
- organisations providing administrative and financial services to the College;
- recipients of College publications, such as newsletters and magazines;
- Parents;
- anyone who the person authorises for the College to disclose information to; and
- anyone to whom the College is required to disclose the information to by law.

3.5.2 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.

3.5.3 *Cloud Storage*

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

3.6 **Sensitive Information**

3.6.1 *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, any criminal record, 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 agreed otherwise, or the use or disclosure of the sensitive information is allowed by law.

3.7 **Management and Security of Personal Information [APP 1, 10, 11]**

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

3.7.2 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. [Please refer to the College Information Security Policy]

3.7.3 The College also stores personal information on centralised digital information management and storage platforms. Access to personal information may be granted to students and parents to allow them to update personal information online. Students and parent's privacy and information access rights remain the same regardless of where or how the information is stored.

3.7.3 Personal Information is held at the College in accordance with State and Federal record storage and retention laws and regulations. Details regarding retention of personal information can be found in the College Record Storage and Retention Policy.

3.8 **Access to and correction of personal information [APP 12, 13]**

3.8.1 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, however older students may seek access and make corrections themselves (Please refer to 3.9.3).

There are some exceptions to these rights set out in the applicable legislation e.g. Privacy Act 1988.

3.8.2 Requests to access or update any personal information the College holds about a parent or a child are to be made in writing addressed to the College Principal. The College will require verification of identity and details of what information is required and for what purpose. The College may charge a fee to cover the cost of reviewing the application, verification, location, retrieval and copying any material requested. If the information sought is extensive,

the College will advise the likely cost in advance. If the College cannot provide access to that information, it will provide a written notice explaining the reasons for refusal.

3.9 Consent and rights of access to the personal information of students [APP12]

3.9.1 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.

3.9.2 There will be occasions when access to personal information of the student is denied in accordance with the Australian Privacy Principles. Such occasions would include:

- where release of the information would have an unreasonable impact on the safety and or privacy of others, or
- where release of the information would have an unreasonable impact on the safety and or privacy of the student, or
- where release of the information may result in a breach of the College's duty of care to the student and/or others in its care.

3.9.3 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.

3.10 Enquiries and Complaints

3.10.1 Enquiries or complaints about the way the College manages the personal information it holds, that are believed to be in breach of the Australian Privacy Principles, are to be made in writing, addressed to the College Principal. The College will investigate any complaint and will notify the outcomes of a decision in relation to the complaint as soon as is practicable (within 30 days if possible).

3.11 Data Breach Notification

3.11.1 The College under the Privacy Act 1988 is required to notify affected individuals and the Australian Information Commissioner about data breaches which fall within the definition of an 'eligible data breach' (EDBs) under the Notifiable Data Breaches (NDB) scheme.

3.11.2 A data breach is an EDB if it is likely to result in serious harm to an individual or individuals whose information is involved in the data breach.

3.11.3 Not all data breaches are EDBs. For example, if the College acts quickly to remediate a data breach and - as a result of this action - the data breach is not likely to result in serious harm, there is no obligation to notify any individuals or the Information Commissioner

4 Procedures

4.1 Oakhill College will appoint a Privacy Officer to guide and monitor privacy issues at the College.

4.2 Oakhill College Director of IT will develop and implement an Information Security Management System (ISMS) to ensure compliance with information security in accordance with all laws and regulations. Please refer to ISMS for details.

- 4.3 Oakhill College Bursar and Operations Manager will develop, guide and monitor the College Record Storage and Retention Policy.
- 4.4 Access will not be given to unauthorised requests such as:
- phone and/or contact information of staff, students or parents
 - collecting a student from school

In situations such as above staff will collect the caller's details and will pass the information to the staff member, student or parent to contact. When collecting students, the person's identity must first be obtained and authority to collect the students confirmed – the adult and student must sign out.

5 Supporting Documents, Procedures and Guidelines

Privacy Act 1988

Privacy Act 1988 - Privacy Amendment (Notifiable Data Breaches) Act 2017

Privacy Regulation 2013

Health Records and Information Privacy Act 2002

Health Records and Information Privacy Regulation 2012

Australian Privacy Principles

Oakhill College Code of Conduct

Oakhill College Employment Collection Notice

Oakhill College Standard Collection Notice

Oakhill College Information Security Policy

Oakhill College Enrolment Policy

Oakhill College Record Storage and Retention Policy (Archiving)

Independent Schools Council of Australia and National Catholic Education Commission:

Privacy Compliance Manual (Aug 2017)

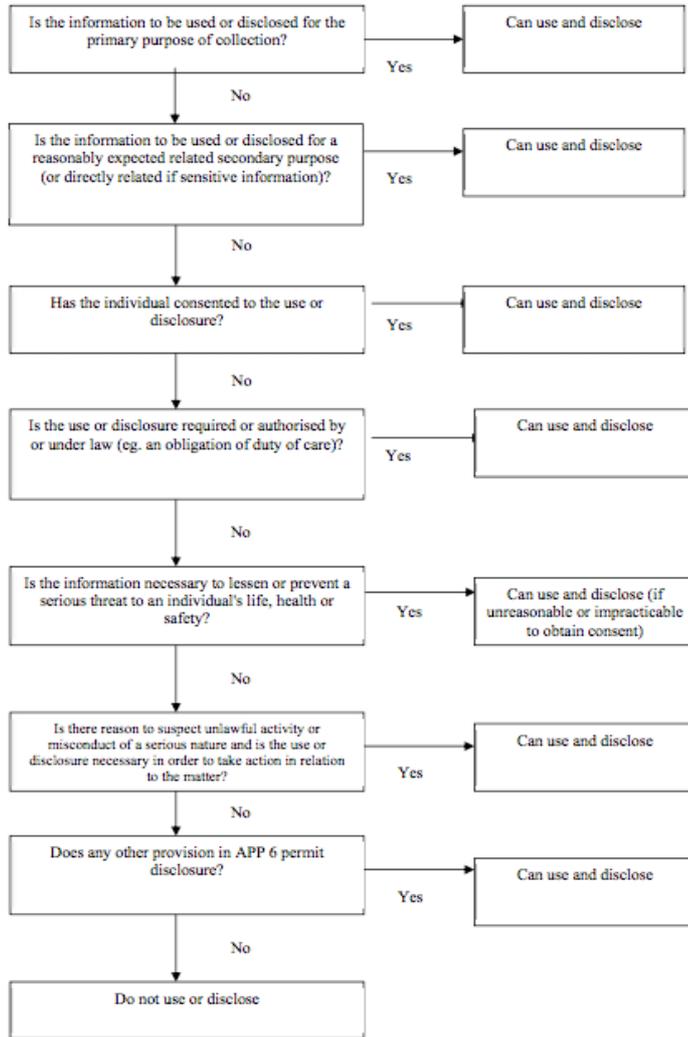
6 Policy Review

The College, via the Principal is to ensure that this Policy is monitored.

The College, via the Principal is to ensure that this Policy is reviewed in 2020.

7 Explanatory Notes and Definitions

9.9 Use & Disclosure Compliance Steps - Table 6



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8. Appendix

Oakhill College Standard Collection Notice

This Notice is provided to you by Oakhill College and specifically itemises the reason for collecting information about students and their families and the way in which information will be used by the school in accordance with the Privacy Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Act 2012.

1. The School collects personal information, including sensitive information about students and parents or guardians before and during the course of a student's enrolment at the School. This may be in writing or in the course of conversations.
2. The primary purpose of collecting this information is to enable the School to provide schooling to the students enrolled at the school, to satisfy its legal obligations, particularly to exercise its duty of care, and perform necessary associated administrative activities, which will enable students to take part in all the activities of the School.
3. We are required by legislation to collect and/or disclose certain information. For example, under relevant Education, Public Health, Safety and Child Protection legislation.
4. We may ask you to provide medical reports about students from time to time. Health information about students is 'sensitive information' within the terms of the Australian Privacy Principles (CAPPs), under the Privacy Act 1988.
5. The School may use online or 'cloud' service providers to store personal information and to provide services to the School that involve the use of personal information, such as services relating to email, instant messaging and education and assessment applications. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may reside on a 'cloud' service provider's servers which may be situated outside Australia. Further information about the School's use of online or 'cloud' service providers is contained in the School's Privacy Policy and related policies.
6. The School may disclose personal and sensitive information for educational, administrative and support purposes. This may include to:
 - another school and/or teachers at that school typically through the use of Form 16A;
 - government departments;
 - medical practitioners;
 - people providing educational, support and health services to the College, including specialist visiting teachers, itinerant teachers, [sports] coaches, volunteers, counsellors and psychologists;
 - providers of specialist advisory services and assistance to the College, including in the area of Human Resources, child protection, and students with additional needs;
 - providers of learning and assessment tools;
 - Assessment and educational authorities, including the Australian Curriculum, Assessment and Reporting Authority (ACARA) and NAPLAN test Administration Authorities, who will disclose it to the managers of NAPLAN online platform;
 - organisations providing administrative and financial services to the College;
 - recipients of College publications, such as newsletters and magazines;
 - Parents;
 - anyone who the person authorises for the College to disclose information to; and
 - anyone to whom the College is required to disclose the information to by law including child protection laws.
7. We will disclose information collected from students to their parents or guardians.
8. The School may engage in fundraising and marketing activities. From time to time we may contact you about fundraising and marketing activities. We may disclose personal information to organisations that assist in the School's fundraising and marketing activities solely for that purpose. Information received from you may be used to make an appeal to you. We will not disclose your personal information to third parties for their own marketing purposes without your consent.
9. From time to time we will publish information such as academic and sporting achievements, student activities and similar news in School newsletters and magazines, on our intranet and on our website. Where consent has been provided, this may include photographs and videos of student activities such as sporting events, school camps and school excursions. The School will obtain permissions from the student's parent or guardian (and from the student if appropriate) if we would like to include such photographs or videos or other identifying material in our promotional material, or otherwise make this material available to the public such as on the internet.
10. We may include students' and student parents' contact details in a class list and School directory where consent has been provided.
11. If you provide the School with the personal information of others, such as doctors or emergency contacts, we encourage you to inform them that you are disclosing that information to the School. We will treat any personal information that you provide us with, including personal information of others, in accordance with our Privacy Policy and legal obligations.
12. The Privacy Policy, accessible on the Oakhill College website at www.oakhill.nsw.edu.au sets out how parents or students may seek access to and correction of personal information which the School has collected and holds. Please note, access may be refused in certain circumstances, such as where access would have an unreasonable impact on the privacy of others, where access may result in a breach of the School's duty of care to the student, or where students have provided information in confidence. Any refusal will be notified in writing with reasons, if appropriate.
13. The Privacy Policy sets out how parents and students can make a complaint about a breach of the APPs and how the complaint will be handled.
14. The Standard Collection Notice may be updated to ensure compliance with legislative and regulatory changes, and to incorporate changes to Oakhill College policies. The most recent version of the Standard Collection Notice is available as Appendix to the Oakhill College Privacy Policy on the College website www.oakhill.nsw.edu.au



Oakhill College Employment Collection Notice

*The Privacy Act 1988, Privacy Amendment (Enhancing Privacy Protection) Act 2012,
Privacy Amendment (Notifiable Data Breaches) Act 2017*

This Notice provided to you by the Oakhill College specifically itemises the reasons for collecting information about employees, and the way in which the information will be used by the School.

1. In applying for this position, you will be providing the school with personal information.
2. If you provide us with personal information, for example, your name and address, or information contained on your resume, we will collect the information in order to assess your application for employment. We may keep this information on file if your application is unsuccessful, in case another position becomes available.
3. We will collect information relating to your suitability to work with the College, including a Working with Children Check clearance, and/or criminal record check. We may also collect other personal information about you in accordance with Child Protection legislation.
4. We will treat any personal information you provide us with, including personal information of others, in accordance with our Privacy Policy and legal obligations. If you provide the College with the personal information of others, we encourage you to inform them that you are disclosing that information to the College.
5. The College may use online or 'cloud' service providers to store personal information, and to provide services to the College that involve the use of personal information, such as email services. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may reside on a cloud service provider's server, which may be situated outside Australia. Further information about the College's use of online or 'cloud' service providers is contained in the College's Information Security Policy, Privacy Policy and related policies.
6. The College will not disclose personal information to a third party without your consent unless we are otherwise permitted or required to. From time to time we will disclose this kind of information to the following types of organisations, government departments, regulatory authorities, and suppliers of support services for administration systems.
7. The College's Privacy Policy, accessible on the College's website (www.oakhill.nsw.edu.au), contains details of how you may seek access to and correction of your personal information which the School has collected and holds, or make a complaint about a breach of the Australian Privacy Principles. Please note, access may be refused in certain circumstances, such as where access would have an unreasonable impact on the privacy of others. Any refusal will be notified in writing, with reasons if appropriate.