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ST THOMAS AQUINAS COLLEGE

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PP610 PRIVACY POLICY AND PROCEDURE

SCOPE

This policy applies to all staff of St Thomas Aquinas College (STAC).

POLICY STATEMENT

This policy outlines the way that the St Thomas Aquinas College manages personal information provided to or collected by the College. The College shall act in accordance with the legislative requirements provided for in the Privacy Act 1988(Cth), Health Records Act 2001, Information Privacy Act 2000 (Vic) and Freedom of Information Act 1982 (Cth).

PROCEDURES / GUIDELINES

Introduction:

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 1988. In relation to health records, the College is also bound by the Health Privacy Principles which are contained in the Health Records Act 2001 (Vic).

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.

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, including:
 - name, contact details (including next of kin), date of birth, previous College 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 College reports;
 - information about referrals to government welfare agencies;
 - counselling reports;
 - health fund details and Medicare number;
 - any court orders;
 - volunteering information; and
 - photos and videos at College 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 College events;
 - workplace surveillance information, such as images and recordings from College security cameras;
 - work emails and private emails (when using work email address) and Internet browsing history; and
- other people who come into contact with the College, including name and contact details and any other information necessary for the particular contact with the College.

Personal Information provided:

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.

PROCEDURES / GUIDELINES (Cont...)

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, the Australian 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. The College handles staff health records in accordance with the Health Privacy Principles in the Health Records Act.

How will the College use the personal information provided?

The College will use personal information it collects from you 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 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 to students enrolled at the College, exercise its duty of care, and perform necessary associated administrative activities, which will enable students to take part in all the activities of the College. 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.

Job applicants and contractors:

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

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

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

PROCEDURES / GUIDELINES (Cont...)

Volunteers:

The College also obtains personal information about volunteers who assist the College in its functions or conduct associated activities, such as the College Parents and Friends association (the P & F), 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 P & F. 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 your information with?

The College may disclose personal information, including sensitive information, held about an individual for educational, administrative and support purposes. This may include to:

- other schools and teachers at those schools;
- government departments;
- medical practitioners;
- people providing educational, support and health services to the College, 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 College;
- recipients of College publications, such as newsletters and magazines;
- students' parents or guardians;
- anyone you authorise the College to disclose information to; and
- anyone to whom we are required or authorised to disclose the information to by law, including child protection laws.

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); or
- otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

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 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 be stored in the 'cloud' which means that it may reside on a cloud service provider's servers which may be situated outside Australia.

PROCEDURES / GUIDELINES (Cont...)

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.

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.

Professional confidentiality and utmost prudent discretion are highly expected and demanded for all College staff and volunteers, in relation to information acquired in their specific roles connected to students (past or present), to their parents and relations, to other staff members (past or present) and to all sensitive matters of the College not released to the public.

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.

The Principal is the sole media contact for the College. All media requests or enquiries are to be referred to the Principal and no staff are to provide the media with a comment or opinion unless specifically authorised to do so by the Principal. If media representatives arrive at the College without prior notification they are to be referred to the Principal without comment or opinion.

Access and correction of personal information

Under the Commonwealth Privacy Act and the Health Records Act, an individual has the right to seek and 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 of at least 18 years of age 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 to update any personal information parents may contact the College Reception by telephone or in writing. The applicant may need to specify what information is required and the College may need to verify identity before proceeding. The College may charge a fee to cover the cost of verifying the 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 the College cannot provide access to that information, the applicant will be provided with written notice explaining the reasons for refusal.

PROCEDURES / GUIDELINES (Cont...)

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. Parents may seek access to personal information held by the College about them or their child by contacting the College Reception by telephone or in writing. 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 warrant it.

Student Photographs

The *Privacy Act 1988 (Cth.)* covers the use of personal information, i.e. information that identifies a person. A photograph or digital image of a student is personal information about that student. Therefore the College will handle the use of student photographs with regard to the privacy of the student and their family.

The *Privacy Act 1988 (Cth.)* aims to strike a balance between the free flow of information and the individual's right to privacy. Information privacy gives an individual the right to control how their 'personal information' is collected and used and to limit who gets to know of this information.

This means that, in some circumstances, students and parents have the right to consent to the disclosure of student images.

In general, student images are used to:

- record student participation at College and in College events
- celebrate student effort and achievement
- promote the College and events held by the College.

These uses are a vital part of a school environment and the *Privacy Act 1988 (Cth.)* does not dramatically change these activities.

However, given the different modes of recording and delivery and increased concern over the widespread availability of student images, the College will:

- Notify parents and students of the current practices when using student images and give them an opportunity to request limitations on how photographs of their child or themselves may be used. This applies to all images, including postings on the internet, films and video recordings.
- Allow for separate consent for sensitive uses of student images, i.e. for publication on a website or in the press.
- Negotiate an agreement with the local press that student photographs will not be put on a newspaper website.
- Obtain consent for the use of student photographs at the time of enrolment.
- A general consent will be obtained for the usual uses followed by specific consent to intranet/internet use of student images.

Separate consent may still be required when using student-created work to obtain release from copyright obligations.

PROCEDURES / GUIDELINES (Cont...)

Enquiries and complaints

If you 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 reception by writing or telephone at PO Box 500 Tynong Vic. 3813, or 5629 2500. The College will investigate any complaint and will notify you of the making of a decision in relation to your complaint as soon as is practicable after it has been made.

LEGISLATIVE CONTEXT

- Privacy Act 1988 (Cth)

RESPONSIBILITIES

Principal and/or Board

- Ensure the Privacy Policy is enforced throughout the College.
- Ensure the maintenance of adequate filing systems in the College.

Teachers will:

- Ensure they act within the requirements of the College's Privacy Policy.

Students and Parents will:

- Ensure they act within the requirements of the College's Privacy Policy. Particularly as it relates to the capture and distribution of other student's images/voice/details.

MONITORING AND EVALUATION

The Principal will be responsible for ensuring that this policy is monitored and evaluated throughout the College.

VERSION

Authorised by	STAC College Board
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