

Privacy Policy

Policies & Procedures | CRICOS 00971D

Welcome to our world!



RELEVANT TO:

All Staff

RESPONSIBLE OFFICER:

Deputy Principal

REVIEW DATE:

Term 2, 2012

ENDORSED BY:

SMT Members

DATE: March 2009

PRIVACY IS IMPORTANT:

Within the values of the Kormilda College mission statement, this statement outlines the College's Privacy Policy – how the College uses and manages the personal information that it receives.

RATIONALE:

The Privacy Act 1988 (Commonwealth) applies to Kormilda College, and incorporates the National Privacy Principles which aim to ensure that we deal responsibly with information about people, and that those people have some control over the way the information is used.

AIMS:

To establish a practical, professional and legal privacy policy supported by staff.

IMPLEMENTATION:

The privacy policy has been developed after a process of staff consultation. This policy outlines expectations and requirements regarding privacy and the handling of personal information.

SUMMARY OF KORMILDA OBLIGATIONS UNDER THE NATIONAL PRIVACY PRINCIPLES:

- » If it is lawful and practicable to do so, we will give people the option of interacting anonymously with the College on general information issues. We will only collect personal information that is necessary for Kormilda functions or activities. We use fair and lawful ways to collect personal information. We collect personal information directly from an individual if it is reasonable and practicable to do so. We obtain consent to collect sensitive information unless specified exemptions apply. At the time the College collects personal information or as soon as practicable afterwards, we take reasonable steps to make an individual aware of:
 - why Kormilda is collecting information about them;
 - who else the College might give it to; and
 - other specified matters.
- » We take reasonable steps to ensure the individual is aware of this information even if the College has collected it from someone else. The College only uses or discloses personal information for the primary purpose of collection and for providing a safe and secure schooling and accommodation environment, unless one of the exceptions applies (for example, for a related secondary purpose within the individual's reasonable expectations, if Kormilda has consent or there are specified law enforcement or public health and public safety circumstances). If the information provided to the College is sensitive the uses or disclosures allowed are more limited. A secondary purpose within reasonable expectations must be directly related and the direct marketing provisions of NPP 2.1(c) do not apply. We take reasonable steps to ensure the personal information the College collects, uses or discloses is accurate, complete and up-to-date. This may require the information to be confirmed and corrected. Kormilda takes all reasonable steps to protect the personal information we hold from misuse and loss and from unauthorised access, modification or disclosure. We take reasonable steps to destroy or permanently de-identify personal information if we no longer need it for any purpose for which we may use or disclose the information.

- » If an individual asks, the College takes reasonable steps to let them know, generally, what sort of personal information we hold, what purposes we hold it for and how we collect, use and disclose that information. If an individual asks, the College gives access to the personal information we hold about them, unless particular circumstances apply that require us to limit the extent to which we give access - these include emergency situations, law enforcement and other public interests. Kormilda only transfers personal information overseas if we have checked that we meet the requirements of National Privacy Principles 9.

WHAT KIND OF PERSONAL INFORMATION DOES KORMILDA COLLECT AND HOW DO WE COLLECT IT?

- » The College collects and holds personal information, including sensitive information, about:
 - » students and parents and/or guardians ("Parents") before, during and after the course of a student's enrolment at the College until the student reaches the age of 25 years;
 - » job applicants, staff members, volunteers and contractors; and
 - » other people who come into contact with the College.
 - a) Personal Information provided by students and Parents

The College will generally collect personal information about an individual by way of forms filled out by Parents or students, face-to-face meetings and interviews, and telephone calls. On occasions, people other than Parents and students provide personal information.
 - b) 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 College.
 - c) Exception in relation to employee records

Under the Privacy Act, the National 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 PERSONAL INFORMATION?

- » The College will use personal information it collects for the primary purpose of providing a safe and secure schooling and accommodation environment.
- » We may also use the information for such other secondary purposes that are related to the primary purposes of collection and are reasonably expected, or to which you have consented.
 - a) Students and Parents

In relation to personal information about students and Parents, the College's primary purpose of collection is to enable the College to provide a safe and secure schooling and accommodation environment. This includes satisfying both the needs of Parents and the needs of the student 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;
 - looking after students' educational, social and medical wellbeing;
 - seeking donations and marketing for the College;
 - 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 obtained, the College may not be able to enrol or continue the enrolment of the students.
 - b) Job applicants, staff members and contractors

In relation to personal information about 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;
 - for insurance purposes;
 - seeking funds and marketing for the College;
 - to satisfy the College's legal obligations, for example, in relation to child protection legislation.
 - c) Volunteers

The College also obtains personal information about volunteers who assist the College in its functions or conduct associated activities to enable the College and the volunteers to work together.
 - d) 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 be a quality learning environment in which both students and staff thrive. Personal information (but not sensitive information) held by the College may be disclosed to an organisation that assists in

the College's fundraising, for example, the College's Foundation or alumni organisation.

- » 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?

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

- » another school;
- » government departments;
- » medical practitioners and other health service providers;
- » people providing services to the College, including specialist visiting teachers and sports coaches;
- » Parents and Guardians;
- » and anyone the College is authorised to disclose information to.

The College may also send personal information that is not sensitive information, to recipients of College publications, like newsletters and magazines.

SENDING INFORMATION OVERSEAS:

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 such as for I.B. students); or
- » otherwise complying with the National Privacy Principles.

ADDITIONAL CIRCUMSTANCES IN WHICH THE COLLEGE MAY DISCLOSE PERSONAL INFORMATION TO OUTSIDE PARTIES:

In addition to the College disclosing personal information, including sensitive information to people and organisations outside the College for the purpose for which the information was obtained, namely providing a safe schooling environment, such information may also be disclosed in the following additional circumstances:

- » the student or Parent consents to the disclosure
- » the person is reasonably likely to be aware or been made aware that the College usually discloses that type of information to people outside the College
- » the disclosure is necessary to protect against a serious and imminent threat to a person's life or health (this is only used in emergencies)
- » if unlawful activity is suspected and Kormilda uses or discloses the personal information as a necessary part of its investigations of the matter or in reporting its concerns to the relevant authorities
- » the disclosure is required or authorised by law.

THE USE OF PERSONAL INFORMATION WITHIN THE COLLEGE:

The College employs, contracts with or has access to a number of different professionals including teachers, health service providers, counsellors, chaplains, school based police officers, house-parents, administrators etc. all of whom may come into contact with the students and may need to have access to personal information to act in the interests of the College and the students.

Personal information about students or Parents will be exchanged between the professional people and the para-professional at Kormilda in the course of their employment or presence at the College and for the purposes of the College – to provide a safe schooling and accommodation environment.

These people are also bound by the Kormilda privacy policy not to disclose to outside persons personal information about students or Parents except in accordance with this policy.

HOW DOES THE COLLEGE TREAT SENSITIVE INFORMATION?

The Privacy Act defines sensitive information to mean information relating to a person's racial or ethnic origin, political opinions, religion, trade union membership, sexual preferences or criminal record, and health information.

At Kormilda College, this also includes emotional, spiritual and pastoral information.

Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless the person agrees otherwise, or the use or disclosure of the sensitive information is allowed by law.

HEALTH INFORMATION:

The Privacy Act defines health information to mean:

- » Information or an opinion about:

- » the health or a disability (at any time) of an individual; or
- » an individual's expressed wishes about the future provision of health services to him or her; or
- » a health service provided, or to be provided, to an individual;
- » that is also personal information; or
- » other personal information collected to provide, or in providing, a health service; or
- » other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances.

The College needs to obtain health information about its students so that it may comply with:

- » its primary purpose of providing a safe schooling and accommodation environment;
- » its Duty of Care; and
- » its public health and other legislative requirements.

The College asks that parents and students (where sufficiently mature), both sign an authorisation allowing the College to collect, store and where appropriate disclose health information about the student. The use of this information will be restricted to relating to the health of that student or the health of other people with whom that student may associate.

The Community Welfare Act obliges the College staff to report any suspected maltreatment of a child to the police, and such a report is not a breach of confidence or privacy (see protocol below).

MANAGEMENT AND SECURITY OF PERSONAL INFORMATION:

The College and 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 that it holds from misuse; loss; unauthorised access, modification or disclosure; by use of various methods including locked storage of paper records and pass worded access rights to computerised records.

UPDATING PERSONAL INFORMATION:

The College endeavours to ensure that the personal information it holds is accurate, complete and up-to-date. A person may seek to update their personal information held by the College by contacting the College Reception at any time.

The National Privacy Principles require the College not to store personal information longer than necessary.

THE RIGHT TO CHECK WHAT PERSONAL INFORMATION THE COLLEGE HOLDS:

Under the Privacy 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. There are some exceptions to this right set out in the Act. Students will generally have access to their personal information through their Parents, but older students may seek access themselves.

To make a request to access any information the College holds about a child or Parent, the Principal should be contacted in writing.

The College may require the applicant to verify their identity and specify the information required. The College may charge a fee to cover the cost of verifying the applicant and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the College will advise the applicant of the likely cost in advance.

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 Principal. However, there will be occasions when access is denied. Such occasions may 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 access to and 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:

Issues relating to the privacy policy will be managed by the Deputy Principal. Therefore, if further information is needed about the way the College manages the personal information it holds, the Principal or Deputy Principal should be contacted in the first instance.

EVALUATION:

This policy will be reviewed as part of the school's three-year review cycle, or at times when the Deputy Principal believes that privacy policy issues warrant a review.

This Policy was ratified by the Kormilda College Senior Management Team in March 2009.