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## Introduction

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

The School is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act. In relation to health records, the School 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 School may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to the School's operations and practices and to make sure it remains appropriate to the changing school environment.

## What Kinds of Personal Information Does the School Collect and How Does the School collect it?

The type of information the School collects and holds includes (but is not limited to) personal information, including health and other sensitive information, about:

- Pupils and parents and/or guardians ('Parents') before, during and after the course of a pupil's enrolment at the School;
- Job applicants, staff members, volunteers and contractors; and
- Other people who come into contact with the School.

***Personal Information you provide.*** The School will generally collect personal information held about an individual by way of forms filled out by Parents or pupils, face-to-face meetings and interviews, emails and telephone calls. On occasions people other than Parents and pupils provide personal information.

***Personal Information provided by other people.*** In some circumstances the School 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 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 School's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between the School and employee.

## How Will the School Use the Personal Information You Provide?

The School 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.

***Pupils and Parents:*** In relation to personal information of pupils and Parents, the School's primary purpose of collection is to enable the School to provide schooling for the pupil. This includes satisfying the needs of Parents, the needs of the pupil and the needs of the School throughout the whole period the pupil is enrolled at the School.

The purposes for which the School uses personal information of pupils 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 School;
- Looking after pupils' educational, social and medical wellbeing;
- Seeking donations and marketing for the School; and
- To satisfy the School's legal obligations and allow the School to discharge its duty of care.

In some cases where the School requests personal information about a pupil or Parent, if the information requested is not provided, the School may not be able to enrol or continue the enrolment of the pupil or permit the pupil 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 School'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 School 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 School; and
- To satisfy the School's legal obligations, for example, in relation to child protection legislation.

***Volunteers:*** The School also obtains personal information about volunteers who assist the School in its functions or conduct associated activities, such as [alumni associations], to enable the School and the volunteers to work together.

***Marketing and fundraising.*** The School treats marketing and seeking donations for the future growth and development of the School as an important part of ensuring that the School continues to provide a quality learning environment in which both pupils and staff thrive. Personal information held by the School may be disclosed to organisations that assist in the School's fundraising, for example, the School's Foundation or alumni organisation or, on occasions, external fundraising organisations.

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

### **To Whom Might the School Disclose Personal Information?**

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

- Other Ministry Partners such as Wyong Baptist Church
- Another school;
- Government departments;
- Medical practitioners;

- People providing services to the School, including specialist visiting teachers, counsellors and sports coaches;
- Recipients of School publications, such as newsletters and magazines;
- Parents;
- Anyone you authorise the School to disclose information to; and
- Anyone to whom we are required to disclose the information to by law.

***Sending information overseas:*** The School may disclose personal information about an individual to overseas recipients, for instance, when storing personal information with 'cloud' service providers which are situated outside Australia or to facilitate a school exchange. However, the School 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.

### **How Does the School Treat Sensitive Information?**

In referring to 'sensitive information', the School 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 School's staff are required to respect the confidentiality of pupils' and Parents' personal information and the privacy of individuals.

The School has in place steps to protect the personal information the School 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 School holds about them and to advise the School of any perceived inaccuracy. Pupils will generally be able to access and update their personal information through their Parents, but older pupils may seek, access and correct 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 School holds about you or your child, please contact the School Principal in writing. The School may require you to verify your identity and specify what information you require. The School 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 School 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 Pupils

The School respects every Parent's right to make decisions concerning their child's education.

Generally, the School will refer any requests for consent and notices in relation to the personal information of a pupil to the pupil's Parents. The School will treat consent given by Parents as consent given on behalf of the pupil, and notice to Parents will act as notice given to the pupil.

As mentioned above, parents may seek access to personal information held by the School about them or their child by contacting the School Principal. However, there will 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 School's duty of care to the pupil.

The School may, at its discretion, on the request of a pupil grant that pupil access to information held by the School about them, or allow a pupil 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 pupil and/or the pupil's personal circumstances so warranted.

### Enquiries and Complaints

If you would like further information about the way the School manages the personal information it holds, or wish to complain that you believe that the School has breached the Australian Privacy Principles please contact the School Principal. The School will investigate any complaint and will notify you upon making a decision in relation to your complaint as soon as is practicable after the complaint has been lodged.

From 22<sup>nd</sup> February 2018, the Notifiable Data Breach (NDB) Scheme came into effect. The School is required to notify the Office of the Australian Information Commissioner (OAIC) and the affected individual(s), in the event of a notifiable data breach. This occurs in circumstances where:

- There is an unauthorised access or unauthorised disclosure of information and a responsible person would conclude that access or disclosure would be **likely to result in serious harm** to any of the individuals to whom it relates.
- Information is lost in circumstances where such unauthorised access or disclosure is likely to occur and a reasonable person would conclude that, assuming such access or disclosure did occur, it would be **likely to result in serious harm** to any individuals to who that information relates.

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

- Carry out a risk assessment in the event that an eligible data breach is suspected.
- Prepare a statement of prescribed information regarding an eligible data breach that is believed to have occurred.
- Submit the statement to the OAIC
- Contact all affected individuals directly or indirectly by publishing information about the eligible data breach on publicly accessible forums.

The current WH&S Committee members are also members of the data breach response team

## Response Plan to Data Breaches- DBR Plan

- Step 1 Identify Potential Breach**  
The School identifies that there are reasonable grounds to suspect that there may have been a data breach.
- Step 2 Access Potential Breach**  
Is the data breach, if it occurred, likely to result in serious harm to one or more individuals?  
**If Yes**  
The School must:
- Carry out a reasonable and expeditious assessment to determine whether there are reasonable grounds to believe that a breach has occurred.
  - Take reasonable steps to complete the assessment in 30 days
- If No**  
The Trustee will endeavour to carry out an assessment as if the potential breach was a notifiable breach.
- Step 3 Determine Breach**  
Following the assessment, are there reasonable grounds to believe that a breach has occurred?  
**If Yes**  
Respond to the breach using step 4.  
**If No**  
Take no further action.
- Step 4 Respond to the Breach**
- 4.1 Contain the Breach**  
Contain the Breach, based on assessment, to reduce the scope and severity.
- 4.2 Evaluate the Risks**  
Determine the likelihood of harm to individuals, including:
- The nature and sensitivity of the data.
  - The initial and ongoing existence of security systems protecting the data.
  - The parties who have obtained or could obtain the data.
  - The nature of the potential harm that could be caused.
- 4.3 Consider Breach Notification**  
Is the breach, after containment steps taken, likely to result in serious harm to one or more individuals?  
**If Yes**  
The School must:
- Lodge a statement with the OAIC
  - Notify the individuals at risk of serious harm
- If No**
- The Trustee will consider whether to notify individuals or the OAIC.
- 4.4 Prevent Future Breaches**  
Steps are taken to identify the root cause of the breach and prevent future recurrences

## APPENDIX 1

### Privacy Act - Collection Notice to Parents/Carers

1. The School collects personal information, including sensitive information about students and parents/carers before and during the course of a student's enrolment at the School. The primary purpose of collecting this information is to enable the School to provide schooling for your child/children and to enable them to take part in all the activities of the School.
2. Some of the information we collect is to satisfy the School's legal obligations, particularly to enable the School to discharge its duty of care.
3. Laws governing or relating to the operation of a School require certain information to be collected and disclosed. These include relevant Education Acts, Public Health and Child Protection laws.
4. Health information about students is sensitive information within the terms of the Australian Privacy Principles under the Privacy Act. We ask you to provide medical reports about students from time to time.
5. The School from time to time discloses personal and sensitive information to others for administrative and educational purposes, including facilitating the transfer of a student to another School. This includes to other Schools, government departments, the School Board, medical practitioners, and people providing services to the School (including specialist visiting teachers, [sports] coaches, volunteers and counsellors) and anyone authorised by parents/carers to disclose information to and anyone to whom the School is required to disclose the information by law.
6. Personal information collected from students is regularly disclosed to their parents/carers.
7. The School may store personal information in the 'cloud' which may mean that it resides on servers which are situated outside Australia.
8. The School's Privacy Policy sets out how parents/carers or students may seek access to personal information collected about them. However, there will be occasions when access is denied. Such occasions would include 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.
9. The School's Privacy Policy also sets out how you may complain about a breach of privacy and how the School will deal with such a complaint.
10. As you may know the School from time to time engages in fundraising activities. Information received from you may be used to make an appeal to you. It may also be disclosed to organisations that assist in the School's fundraising activities solely for that purpose. We will not disclose your personal information to third parties for their own marketing purposes without your consent.
11. On occasions information such as academic and sporting achievements, student activities and similar news is published in School newsletters and magazines [and on our website]. Photographs of student activities such as sporting events, School camps and School excursions may be taken for publication in School newsletters and magazines [and on our website].
12. 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 and why, that they can access that information if they wish and that the School does not usually disclose this information to third parties.

13. If we do not obtain the information referred to above, we may not be able to enrol or continue the enrolment of your child.

Please indicate below, by signing in the appropriate area, whether or not you are willing to give your permission for the School to use and publish the names, photographs and academic work of your child within and outside the School Community for School promotional purposes.

**I / we give permission**

\_\_\_\_\_  
(Father/Carer signature)      (Mother/Carer signature)      (Family name printed)      (Date)

**OR**

**I / we do not give permission.**

\_\_\_\_\_  
(Father/Carer signature)      (Mother/Carer signature)      (Family name printed)      (Date)