



SYDNEY ANGLICAN SCHOOLS CORPORATION

Privacy Policy 2014

(approved 11 April 2014 – Board resolution no. 14/70)

1. POLICY

This Privacy Policy applies to schools conducted by the Sydney Anglican Schools Corporation (the '**Corporation**') and to the Corporation itself. A reference to the Corporation includes all the schools within the Corporation. A reference to a school Principal is a reference to the Principal of the applicable school.

The Policy sets out how the Corporation, and each school within the Corporation, will manage personal information provided to or collected by it.

The Corporation is bound by the 13 Australian Privacy Principles contained in the *Privacy Act 1988* (the '**Privacy Act**'), an Australian law which regulates the handling of personal information about individuals. This includes the collection, use, storage and disclosure of personal information, and access to and correction of that information.

The Corporation is also bound by the 15 Health Privacy Principles contained in the *Health Records and Information Privacy Act 2002* (the '**HRIP Act**'), a New South Wales law that governs the handling of health information in both the public and private sectors in NSW. This includes any organisation that holds any type of health information.

The Corporation may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to schools' operations and practices and to make sure it remains appropriate to the changing school environment.

2. PURPOSE

The purpose of this Policy is to ensure that the Corporation complies with the *Privacy Act* and the *HRIP Act*. This Policy outlines how the Corporation will use and manage personal information.

3. OBJECTIVES

The objectives of this Privacy Policy are to:

- 3.1 identify the type of personal information collected and how it will be collected;
- 3.2 outline how the information will be used;
- 3.3 identify to whom the information may be disclosed;
- 3.4 outline how sensitive information will be treated;
- 3.5 communicate how information will be managed and secured;
- 3.6 communicate right of access and consent procedures for parents and students; and
- 3.7 outline a process for enquiries or complaints.

4. STRATEGIES:

4.1 What kinds of personal information does the Corporation collect and how is it collected?

The type of information the Corporation collects and holds includes (but is not limited to) personal information, including health and other sensitive information (see Appendix 1 for definitions) about:

- parents and/or guardians (**'Parents'**) and students before, during and after the course of a student's enrolment at the school;
- job applicants, staff members, contractors and volunteers; and
- other people who come into contact with the school.

Personal Information individuals provide: the Corporation will generally collect the personal information 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 may provide personal information.

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

4.2 How will the Corporation use the personal information provided to it?

The Corporation will use personal information it collects from an individual for the primary purpose of identification, classification and the resultant allocation of resources; and for such other secondary purposes that are related to the primary purpose and are reasonably expected by the individual, or to which the individual has consented.

Parents and students: in relation to the personal information of Parents and students, the Corporation's primary purpose of collection is identification, classification and the resultant allocation of resources that will enable the applicable school to provide schooling for the student. This includes satisfying the needs of Parents, the needs of the student and the needs of Corporation and the school throughout the whole period the student is enrolled at the school.

The purposes for which the Corporation and a school within the Corporation use personal information of Parents and students 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, spiritual and medical wellbeing;

- seeking donations and marketing for the school; and
- to satisfy the Corporation's and the applicable school's legal obligations and to allow the school to discharge its duty of care.

In some cases where the Corporation requests personal information about a Parent or student, if the information requested is not obtained, the applicable school may not be able to enroll the student, or continue the enrolment of the student or permit the student to take part in a particular activity.

Job applicants, staff members and contractors: in relation to personal information of job applicants, the Corporation's primary purpose of collection is identification, classification and the resultant allocation of resources that will enable the applicable school to assess and, if successful, to engage the applicant as a staff member or contractor as the case may be. Subsequently further personal information may be required from successful job applicants for them to be employed as staff members or contractors.

The purposes for which the Corporation 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 funds and marketing for the school; and
- to satisfy the Corporation's and the applicable school's legal obligations, for example, in relation to child protection legislation.

Volunteers: the Corporation also obtains personal information about volunteers who may assist a 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 Corporation treats marketing and the seeking of donations for the future growth and development of a school as an important part of ensuring that the school continues to be a quality learning environment in which both students and staff thrive. Personal information held by the Corporation may be disclosed to an organisation that assists in a 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 also be used for marketing purposes. This may include photographs and videos of a student or students. The school Principal must be advised in writing by Parents who do not wish photographs and videos of their child to be used in this way.

Related schools: it should be noted that the *Privacy Act* allows each school within the Corporation, being legally related to each of the other schools within the Corporation, to share personal information with the other schools within the Corporation. These other Corporation schools may then only use this personal information for the purpose for which it was originally collected by the Corporation. This allows schools to transfer information between them when, for example, a student transfers from one Corporation school to another Corporation school.

4.3 Who might the Corporation disclose personal information to?

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

- another school registered by the NSW Board of Studies or other applicable State jurisdiction;
- government departments;
- medical practitioners;
- people providing services to a school within the Corporation, including specialist visiting teachers, counselors and sports coaches;
- recipients of school publications, such as newsletters and magazines;
- the Parents of the individual;
- anyone who an individual authorises the Corporation to disclose their, or their child's, information to; and
- anyone to whom the Corporation is required to disclose the information by law.

Sending information overseas: the Corporation 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, a 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.

4.4 How does the Corporation treat sensitive information?

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

4.5 Management and security of personal information

All Corporation staff are required to respect the confidentiality of students' and Parents' personal information and the privacy of individuals.

The Corporation and each school within it has in place steps to protect the personal information it 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.

4.6 Access and correction of personal information

Under the *Privacy Act* and the *HRIP Act*, an individual has the right to obtain access to any personal information which the Corporation holds about them and to advise the Corporation or the school of any perceived inaccuracy.

Students will generally be able to access and update their personal information through their Parents, but older students may seek access and correction themselves.

There are some exceptions to these rights set out in the applicable legislation.

The applicable school's Principal should be contacted in writing to make a request to access or update any personal information the Corporation holds about an individual.

The Corporation or the applicable school may require the person making the enquiry to verify their identity and to specify what information is required. A fee may be charged to cover the cost of verifying an application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the likely cost will be advised in advance. If the Corporation or the applicable school cannot provide the person making the enquiry with access to the information requested, it will maintain a record and provide the person making the enquiry with a written notice explaining the reasons for refusal.

4.7 Consent and rights of access to the personal information of students

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

Generally, the applicable school Principal or their delegate will refer any requests for consent and notices in relation to the personal information of a student to the student's Parents. The Corporation 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.

As mentioned above, Parents may seek access to personal information held by the Corporation about them or their child by contacting the applicable school's Principal or their delegate. 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 Corporation's and the school's duty of care to the student.

A school may, at its discretion, on the request of a student grant that student access to information held by the school 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. (See Appendix 2 for further clarification)

4.8 Enquiries and complaints

If an individual would like further information about the way the Corporation manages the personal information it holds, or wish to complain that they believe that the Corporation, or a school within the Corporation, has breached the Australian Privacy Principles, they should contact the applicable school's Principal. The Corporation will investigate any complaint and will notify the individual of a decision in relation to the complaint as soon as is practicable after it has been made.

If a breach of the Australian Privacy Principles is identified by a school then the Corporate Secretary at Group Office should be notified immediately by the school Principal or their delegate.

4.9 Standard Collection Notice

The Corporation's Standard Collection Notice can be found at Appendix 3.

5. RELATED LEGISLATION / ORDINANCE

- 5.1 The (Commonwealth) *Privacy Act 1988* www.privacy.gov.au
- 5.2 The *Privacy Amendment (Private Sector) Act 2000* www.privacy.gov.au
- 5.3 The *Privacy Amendment (Enhancing Privacy Protection) Act 2012*
www.privacy.gov.au
- 5.4 The *Health Records and Information Privacy Act 2002*
www.austlii.edu.au/au/legis/nsw/consol_act/hraipa2002370/
- 5.5 The *Education Act 1990*
http://www.austlii.edu.au/au/legis/nsw/consol_act/ea1990104/

6. RELATED DOCUMENTS / POLICY / FORMS / REPORTS:

- 6.1 Application for Enrolment Form – Conditions of Enrolment
- 6.2 Standard Collection Notice
- 6.3 Student General and Medical Information Form
- 6.4 Data Standards Manual: Student Background Characteristics
http://www.acara.edu.au/verve/resources/DSM_1.pdf
- 6.5 Interstate Student Data Transfer Note – MCEECDYA
<http://www.mceetya.edu.au/mceecdya/default.asp?id=13073>
- 6.6 Privacy Compliance Manual – AIS NSW Sept 2013 Version

7. POLICY REVIEW:

The policy shall be reviewed every three years or in the event of any information, incident legislative changes or organisational practice that would demonstrate the need for a review.

Board approval date:	11 April 2014
Board resolution no.:	14/70 (<i>circular resolution</i>)

Appendix 1

DEFINITIONS

What is 'personal information'?

Personal information means information or an opinion about an identified individual or an individual who is reasonably identifiable whether the information is true or not, and whether the information is recorded in a material form or not. It includes all personal information regardless of its source.

In other words, if the information or opinion identifies an individual or allows an individual to be identified it will be 'personal information' within the meaning of the *Privacy Act*. It can range from very detailed information, such as medical records, to other less obvious types of identifying information, such as an email address. This definition is wider than the definition in place prior to the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*, which amended the *Privacy Act*, but is unlikely to practically change the approach schools have taken in the past.

Personal information does not include information that has been de-identified so that an individual is no longer identifiable either from the information or from the information when combined with other information reasonably available to the school. Examples of de-identification techniques include removing identifiers, using pseudonyms and using aggregated data. Where practicable, schools should use de-identified information.

The Australian Privacy Principles apply to the collection of personal information by a school for inclusion in a record or a generally available publication, but apart from this, the Australian Privacy Principles only apply to personal information a school has collected and that it holds in a record.

What is 'sensitive information'?

Sensitive information is a type of personal information that is given extra protection and must be treated with additional care. It includes any information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, and criminal record. It also includes health information and biometric information about an individual.

What is 'health information'?

Health information is a subset of sensitive information. It is any information or opinion about the health or disability of an individual, the individual's expressed wishes about the future provision of health services and a health service provided, currently or in the future, to an individual that is also personal information. Health information also includes personal information collected in the course of providing a health service.

Appendix 2

DECISION MAKING BY AND FOR INDIVIDUALS UNDER THE AGE OF 18

The *Privacy Act* sets no minimum age at which an individual can make decisions regarding his or her personal information. The *Guidelines to the National Privacy Principles* suggest that each case must be considered on an individual basis, and give guidance as to when a young person may have the capacity to make a decision on his or her own behalf.

As a general principle, a young person is able to give consent when he or she has sufficient understanding and maturity to understand what is being proposed. In some circumstances, it may be appropriate for a parent or guardian to consent on behalf of a young person; for example if the child is very young or lacks the maturity of understanding to do so themselves.

The *Guidelines on Privacy in the Public Health Sector* stress that where a young person is capable of making his or her own decisions regarding personal information, he or she should be allowed to do so. These *Guidelines* further suggest that, even if the young person is not competent to make a decision, his or her views should still be considered.

At present, there is no structure in the *Privacy Act* for making decisions on behalf of an individual unable to make a decision concerning the privacy of his or her personal information. It is assumed that parents are responsible for making decisions on behalf of children or young people incapable of making the decision themselves.

Appendix 3

Sydney Anglican Schools Corporation – Standard Collection Notice

1. Sydney Anglican Schools Corporation (both on its own initiative and through its Schools) collects personal information, including sensitive information about pupils and parents or guardians before and during the course of a pupil's enrolment at the School. This may be in writing or in the course of conversations. The primary purpose of collecting this information is to enable the School to provide schooling for your child or 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. Certain laws governing or relating to the operation of schools require that certain information is collected. These include Public Health and Child Protection laws.
4. Health information about pupils is sensitive information within the terms of the National Privacy Principles under the Privacy Act. We may ask you to provide medical reports about pupils from time to time.
5. If we do not obtain the information referred to above we may not be able to enrol or continue the enrolment of your child or children.
6. The School from time to time discloses personal and sensitive information to others for administrative and educational purposes. This includes to other schools, government departments and agencies, medical practitioners, and people providing services to the School, including specialist visiting teachers, coaches, volunteers and counsellors.
7. In addition to the agencies and purposes cited at 6 above personal information relating to students and parents may also be made available, in accordance with Australian Government requirements, to ACARA for the purpose of publishing certain school information relating to the circumstances of parents and students on the MySchool website.
8. The School from time to time may also collect and disclose personal information about current or prospective students in accordance with the Education Act or child protection legislation.
9. Personal information collected from pupils is regularly disclosed to their parents or guardians. On occasions, information such as academic and sporting achievements, pupil activities and other news is published in School newsletters, magazines and on our website.
10. The Corporation's Privacy Policy sets out how parents or pupils may seek access to personal information collected about them. Pupils may also seek access to personal information 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 pupil, or where pupils have provided information in confidence.
11. The Corporation'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.
12. 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.
13. On occasions information such as academic and sporting achievements, pupil activities and similar news is published in School newsletters and magazines and on our website.
14. We may include pupils' and pupils' parents' contact details in a class list and School directory.
15. 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 the information to third parties.
16. The School may utilise service providers to provide certain services including data storage to the school and its staff and students. The School may provide your personal information to such service providers in connection with the provision of these services. The School's email service provider may store and process emails outside Australia. The School's service provider may also store data outside Australia.