

PRIVACY POLICY

MARCH 2014

DOCUMENT SUMMARY	
Document Number	
Responsible Officer	Head of Employee Services
Effective Date	March 2014
Superseded Docs	Privacy Policy 2002
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School Actions	School Policy – Each school is to develop its own policy consistent with and aligned to the principles and practices outlined in the systemic policy.
Associated Docs	<p>Collection Notices: Employment, Enrolment Information, Volunteer/ Contractor</p> <p>Permission Forms: Student Materials, Student Images</p> <p>Disclosure Statement to Students</p> <p>Complaints & Grievances Resolution Policy 2013</p> <p>Complaints Management Policy 2006</p> <p>Workplace Internet, Email and Network Usage Policy May 2013</p>

NATURE AND PURPOSE OF THE CATHOLIC SCHOOL

Inspired by the message and example of Jesus Christ, Catholic schools live out a distinctive educational vision. Supported by the Catholic community of which they are a vital part, they invite students and their families into a faith-filled educational experience.

As a key ministry of parishes and the diocese, Catholic schools encourage and support parents in their responsibility for the faith formation of their children. This formation is supported by prayer and opportunities to participate in the life, mission and liturgy of the broader Catholic community.

Our schools commit to:

- nurturing each individual's growth in faith and unique potential
- offering outstanding educational experiences founded on Catholic values
- fostering partnership between parents and staff in the education of their children
- creating communities of respect for each other, the wider society and the earth
- encouraging active engagement in social justice issues, the service of others and the promotion of peace.

Catholic schools are part of a long tradition of Catholic education provided by religious and lay teachers in Australia and this diocese for over 180 years. They fulfil parents' rights to choose the schooling for their children which reflects their own values, beliefs and hopes.

Privacy Policy

CONTENTS

1. Rationale	4
2. Aims.....	4
3. Implementation.....	4
4. Budget	8
5. Evaluation.....	8

1. RATIONALE

This Privacy Policy applies to the Diocese of Maitland-Newcastle Catholic Schools Office (CSO) and schools conducted by the CSO and sets out how personal information provided to or collected by the CSO and its schools is managed.

The CSO is bound by the Australian Privacy Principles (APPS) contained in the Commonwealth *Privacy Act 1988*. In relation to health records, the CSO is also bound by the Health Privacy Principles contained in the *Health Records and Information Privacy Act 2002*.

The CSO 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. AIMS

This policy aims to:

2.1 Ensure that the CSO and schools conducted by the CSO comply at all times with their obligations under the *Privacy Act 1988* (Cth) as amended by the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*.

3. IMPLEMENTATION

3.1 The Privacy Policy is to be implemented immediately.

The following information details implementation procedures:

3.2 What kind of personal information is collected and how is it collected?

The type of information schools collect and hold includes (but is not limited to) personal information, including health and other sensitive information, about:

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

Personal information you provide: A 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 a 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 a 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.

3.3. How will the CSO use the personal information you provide?

The CSO 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, or to which you have consented.

Pupils and Parents: In relation to personal information of pupils and Parents, a 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 CSO and school throughout the whole period the pupil is enrolled at the school.

The purposes for which the CSO and a school use personal information of pupils and Parents include:

- keeping Parents informed about matters related to their child's schooling, through correspondence, newsletters and magazines;
- day-to-day administration;
- looking after pupils' educational, social, spiritual and medical wellbeing;
- seeking donations and marketing for the school; and
- satisfying the CSO and the school's legal obligations and allowing the school to discharge its duty of care.

In some cases where a school requests personal information about a pupil or Parent, if the information requested is not obtained, 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, a 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 a 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 funds and marketing for the school; and
- to satisfy the CSO and the school's legal obligations, for example, in relation to child protection legislation.

Volunteers: 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: Schools treat marketing and seeking donations for the future growth and development of the school as an important part of ensuring that the school continues to be a quality learning environment in which both pupils and staff thrive. Personal information held by a school may be disclosed to an organisation that assists in the school's fundraising, for example, the school's Foundation or alumni organisation.

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.

Exception in relation to related schools: The Privacy Act allows each school, being legally related to each of the other schools conducted by the CSO, to share personal (but not sensitive) information with other schools conducted by the CSO. Other CSO schools may then only use this personal information for the purpose for which it was originally collected by the CSO. This allows schools to transfer information between them, for example, when a pupil transfers from one CSO school to another.

Who might a workplace disclose personal information to and store your information with?

Personal information, including sensitive information, held about an individual can be disclosed to:

- another school;
- government departments;
- the local parish;
- 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 by law.

Sending and storing information overseas: A school may disclose personal information about an individual to overseas recipients, for example, 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.

The school may also store personal information in the 'cloud', which may mean that it resides on servers which are situated outside Australia.

3.5 How does the CSO treat sensitive information?

In referring to 'sensitive information', the CSO 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.

3.6 Management and security of personal information

Staff are required to respect the confidentiality of personal information and the privacy of individuals.

Each workplace 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.

3.7 Access and correction of personal information

Under the Commonwealth *Privacy Act* and *Health Records Act*, an individual has the right to obtain access to any personal information which the CSO or a school holds about them and to advise the CSO or the school of any perceived inaccuracy. There are some exceptions to this right set out in the Act. Pupils will generally be able to access and update their personal information through their Parents, but older pupils 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 update any personal information the CSO or a school holds about you or your child, please contact the CSO or school in writing.

The CSO or 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.

3.8 Consent and rights of access to the personal information of pupils

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

Generally, a school will refer any requests for consent and notices in relation to the personal information of a pupil to the pupil's Parents. A 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 a school or the CSO about them or their child by contacting the school's 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.

A 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.

4. BUDGET

4.1 Each year an appropriate school budget is to be allocated for complaints management reflecting this policy and the priorities of the school system strategic plan.

4.2 Diocesan and local budgets should support the appropriate training and professional development of staff.

5. EVALUATION

5.1 This policy will be evaluated in 2017, giving due consideration to legislative requirements.

Enquiries and complaints

If you would like further information about the way the CSO or a school manages the personal information it holds, or wish to complain that you believe that the CSO or a school has breached the Australian Privacy Principles, please contact the school's principal or the CSO. The CSO or the school will investigate any complaint and will notify you of a decision in relation to your complaint as soon as is practicable after it has been made.

References

Australian Privacy Principles January 2014

National Catholic Education Commission & National Council of Independent Schools' Associations

Privacy Compliance Manual 9th April 2014

Privacy Amendment (Enhancing Privacy Protection) Act 2012