



# PRIVACY

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**Scope:** This policy applies to all staff employed in Catholic kindergartens, schools and colleges and outside school hours care centres conducted by Catholic Education - Diocese of Rockhampton (referred to as Catholic Education in the document).

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## 1. POLICY STATEMENT

Catholic Education Diocese of Rockhampton (hereafter referred to as Catholic Education) is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act 2012.

The Privacy Act allows each school, college and service being legally related to each of the other schools, colleges and services conducted by Catholic Education to share personal (but not sensitive) information with other schools, colleges and services conducted by Catholic Education. Other Catholic Education schools, colleges and services may then only use this personal information for the purpose for which it was originally collected by Catholic Education. This allows schools, colleges and services to transfer information between them, for example, when a pupil transfers from a school. College or service to another school, college or service conducted by the same system.

In relation to health records Catholic Education is also bound by Queensland legislation, for instance: [Health Privacy Principles contained in the Health Records and Information Privacy Act 2002 (Health Records Act)].

Under the Privacy 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 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.

Catholic Education 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. DEFINITIONS

The following types of information are covered by the Privacy Act:

- (a) personal information;
- (b) sensitive information; and
- (c) health information.

See The National Catholic Education Commission's (NCEC) *Privacy Compliance Manual* p 13 at this site for definitions of these terms:

[http://www.ncec.catholic.edu.au/index.php?option=com\\_docman&task=cat\\_view&gid=74&Itemid=53](http://www.ncec.catholic.edu.au/index.php?option=com_docman&task=cat_view&gid=74&Itemid=53)

The Privacy Act regulates personal information contained in a 'record'. A 'record' includes a 'document' or an 'electronic or other device'.

See The NCEC's *Privacy Compliance Manual* p 14 at the above site for further information about these terms.

## 3. DESCRIPTION

### **What kinds of personal information does a school (hereafter 'School' refers to school, college & services) collect?**

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 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.

### **How does a school collect information?**

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.



#### 4. RATIONALE

##### **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 school and Catholic Education throughout the whole period the pupil is enrolled at the school.

The purposes for which the school and Catholic Education 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;
- looking after pupils' educational, social, spiritual and medical wellbeing;
- seeking donations and marketing for the school; and
- to satisfy Catholic Education's and the school's legal obligations and allow 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 Catholic Education's and the school's legal obligations, for example, in relation to child protection legislation.

##### **Volunteers:**

A school also obtains personal information about volunteers who assist the school in its functions or conduct associated activities, such as past students' 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 past students' 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.

## 5. IMPLEMENTATION

### 1. Who might a school disclose personal information to and store information with?

A school may disclose personal information, including sensitive information, held about an individual to:

- Catholic Education;
- another school;
- government departments;
- the School's local parish;
- medical practitioners;
- people providing services to the school, including specialist visiting teachers,
- counselors and coaches;
- recipients of school publications, such as newsletters and magazines;
- parents;
- anyone authorized by that individual to disclose information to; and
- anyone to whom the school is required to disclose the information by law.

### 2. Sending and storing information overseas:

A school may disclose personal information about an individual to overseas recipients, for instance, 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. How does a school treat sensitive information?

In referring to 'sensitive information', a 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 the individual agrees otherwise, or the use or disclosure of the sensitive information is allowed by law.

### 4. Management and security of personal information

Catholic Education and the schools' staff are required to respect the confidentiality of pupils' and parents' personal information and the privacy of individuals.



Each 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.

#### **5. 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 Catholic Education or a school holds about them and to advise Catholic Education 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 Catholic Education or a school holds about an individual or his/her child the person making the request is to contact the school's Principal in writing.

The school may require an individual to verify his/her identity and specify what information an individual requires. If the school cannot provide an individual with access to that information, it will provide an individual with written notice explaining the reasons for refusal.

#### **6. Consent and rights of access to the personal information of pupils**

Catholic Education 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 Catholic Education 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.

#### **7. Enquiries and complaints**

If an individual would like further information about the way Catholic Education or a school manages the personal information it holds, or wishes to complain that he/she believes that Catholic Education or a school has breached the Australian Privacy Principles, that person is to contact Catholic



Education or the school's Principal.

Catholic Education or the school will investigate any complaint and will notify the individual of a decision in relation to his/her complaint as soon as is practicable after it has been made.

## 6. REFLECTION MATERIAL

### WEBSITES

- <http://www.ncec.catholic.edu.au/resources/publications>

### LEGISLATION

- Privacy (Enhancing Privacy Protections) Act 2012 (Cth) (the Amendments)

### RESOURCES

- National Catholic Education Commission (NCEC) and National Council Of Independent Schools' Associations *Privacy Compliance Manual* 9 April 2014