

PRIVACY

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

1. POLICY STATEMENT

Catholic Education is bound by the Australian Privacy Principles contained in the Commonwealth *Privacy Act 1988*. In relation to health records, **Catholic Education** is also bound by Queensland legislation, for example the Information Privacy Act 2009 (Qld). 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. DESCRIPTION

To achieve this policy objective, Catholic Education, adopts and applies the Privacy Compliance Manual (January 2018) published by NCEC. The Privacy Compliance Manual (updated January 2018) supersedes the Privacy Compliance Manual which was first published in 2001 and updated in 2004, 2007, 2010, 2013, 2014, 2016 and 2017. It contains some substantial changes which were required by the introduction of the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*, the *Privacy Amendment (Notifiable Data Breaches) Act 2017* (Cth), and also other amendments to reflect changes in other legislation and to improve the Manual generally.

In particular, it now contains a section on how to respond in the case of data breaches and eligible data breaches under the notifiable data breaches scheme. It is essential for schools to be aware there are substantial penalties for serious or repeated interferences with privacy and the Information Commissioner has the power to seek enforceable undertakings. This is quite apart from the reputational damage that a school may suffer if the privacy of an individual is breached. The notifiable data breaches scheme obligations under the *Privacy Amendment (Notifiable Data Breaches) Act 2017* (Cth) commenced on 22 February 2018.

The purpose of the Manual is to provide assistance and guidance to schools corresponding with the new requirements they must observe in relation to the preservation of an individual's privacy.

3. IMPLEMENTATION ISSUES

What kinds of personal information does a school collect and how does a school collect it?

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 before, during and after the course of a pupil's enrolment at the school:
 - name, contact details (including next of kin), date of birth, gender, language background, previous school and religion
 - parents' education, occupation and language background
 - medical information (e.g. details of disability and/or allergies, absence notes, medical reports and names of doctors)
 - conduct and complaint records, or other behaviour notes, and school reports
 - information about referrals to government welfare agencies
 - counselling reports
 - health fund details and Medicare number
 - any court orders
 - volunteering information; and
 - photos and videos at school events
- job applicants, staff members, volunteers and contractors, including:
 - name, contact details (including next of kin), date of birth, and religion
 - information on job application
 - professional development history
 - salary and payment information, including superannuation details
 - medical information (e.g. details of disability and/or allergies, and medical certificates)
 - complaint records and investigation reports
 - leave details
 - photos and videos at school events
 - workplace surveillance information
 - work emails and private emails (when using work email address) and Internet browsing history; and
- other people who come into contact with the school, including name and contact details and any other information necessary for the particular 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, the Australian Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to the Catholic Education's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between Catholic Education and employee

How will a school use the personal information you provide?

A school will use personal information it collects 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 the individual has 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 to pupils enrolled at the school, exercise its duty of care, and perform necessary associated administrative activities, which will enable pupils to take part in all the activities of the school. This includes satisfying the needs of parents, the needs of the pupil and the needs of Catholic Education and school throughout the whole period the pupil is enrolled at the school.

The purposes for which Catholic Education and a 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
- 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 and contractors: In relation to personal information of job applicants and contractors, a school's primary purpose of collection is to assess and (if successful) to engage the applicant or contractor, as the case may be.



The purposes for which a school uses personal information of job applicants and contractors include:

- administering the individual's employment or contract
- for insurance purposes
- seeking funds and marketing for the school
- satisfying 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 [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 [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.

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

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

A school may disclose personal information, including sensitive information, held about an individual for educational, administrative and support purposes. This may include:

- other schools and teachers at those schools;
- government departments (including for policy and funding purposes);
- the Catholic Education Office, the Queensland Catholic Education Commission (QCEC), the school's local diocese and the parish, other related church agencies/entities, and schools within other Dioceses/other Dioceses;
- medical practitioners
- people providing educational, support and health services to the school, including specialist visiting teachers, [sports] coaches, volunteers, and counsellors
- providers of learning and assessment tools



- assessment and educational authorities, including the Australian Curriculum, Assessment and Reporting Authority (ACARA) and NAPLAN Test Administration Authorities (who will disclose it to the entity that manages the online platform for NAPLAN)
- people providing administrative and financial services to the school
- recipients of school publications, such as newsletters and magazines
- parents or guardians
- anyone you authorise the school to disclose information to including authorised licensed agents i.e. debt collectors and Catholic Education's legal representatives; and
- anyone to whom Catholic Education are required or authorised to disclose the information by law, including child protection laws.

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 use online or 'cloud' service providers to store personal information and to provide services to the school that involve the use of personal information, such as services relating to email, instant messaging and education and assessment applications. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may be stored in the 'cloud' which means that it may reside on a cloud service provider's servers which may be situated outside Australia.

Examples of cloud service providers are Google and Microsoft. Google provides the 'Google Apps for Education' (GAFE) including Gmail and Microsoft provide Office 365, both store and process limited personal information for this purpose. School personnel, the CEO, the QCEC and their service providers may have the ability to access, monitor, use or disclose emails, communications (e.g. instant messaging), documents and associated administrative data for the purposes of administering GAFE and ensuring its proper use.

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 you agree otherwise, or the use or disclosure of the sensitive information is allowed by law.



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.

Access and correction of personal information

Under the Commonwealth Privacy Act an individual has the right to seek and obtain access to any personal information which Catholic Education or a school holds about them and to advise the Catholic 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 to update any personal information that Catholic Education or a school holds about you or your child, please contact the school's Principal by telephone or 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

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.

Parents may seek access to personal information held by a school or Catholic Education about them or their child by contacting the principal by telephone or in writing. However, there may 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 warrant it.



Enquiries and complaints

For further information about the way the Catholic Education or a school manages the personal information it holds, or wish to complain that Catholic Education or a school has breached the Australian Privacy Principles, please contact the school's principal by writing or telephone. Catholic Education or the school will investigate any complaint and will notify the complainant of a decision in relation to the complaint as soon as is practicable after it has been made.

4. REFLECTION MATERIAL

WEBSITES

- [National Catholic Education Commission](#) (NCEC)
- [Catholic Education, Diocese of Rockhampton](#)

LEGISLATION

- Privacy Act 1988 (Cth)
- Privacy (Enhancing Privacy Protections) Act 2012 (Cth)
- Information Privacy Act 2009 (Qld)

RESOURCES

- National Catholic Education Commission (NCEC) and National Council of Independent Schools' Associations *Privacy Compliance Manual* January 2018