



West Moreton Anglican College

Policy & Procedures: 12.2 Privacy Policy and Procedures

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1.0 SCOPE

The College is committed to protecting the privacy of personal information it collects and is bound by the Australian Privacy Principles (APPs) and the *Privacy Act 1988*. This policy and its procedures applies to students, parents, College Council members, employees, volunteers, contractors and visitors. It outlines how the College collects, uses and discloses personal information.

2.0 AUSTRALIAN PRIVACY PRINCIPLES (APPs)

Each APP focus is listed below. Refer to the government [fact sheet](#) (linked) for further information.

- APP 1 Open and transparent management of personal information
- APP 2 Anonymity and pseudonymity
- APP 3 Collection of solicited personal information
- APP 4 Dealing with unsolicited personal information
- APP 5 Notification of the collection of personal information
- APP 6 Use or disclosure of personal information
- APP 7 Direct marketing
- APP 8 Cross-border disclosure of personal information
- APP 9 Adoption, use or disclosure of government related identifiers
- APP 10 Quality of personal information
- APP 11 Security of personal information
- APP 12 Access to personal information
- APP 13 Correction of personal information

Schedule 1 of the Anglican Church Southern Queensland Privacy Manual (internal document) provides a brief outline of the APPs, as applicable to a school.

3.0 LEGISLATION AND RELEVANT DOCUMENTS

- *Privacy Act 1988*
- *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Privacy Amendment Act)
- *Privacy Regulation 2013*
- Australian Government, Office of the Australian Information Commissioner:
Privacy fact sheet 17 Australian Privacy Principles (January 2014) itemises the APPs:
http://www.oaic.gov.au/images/documents/privacy/privacy-resources/privacy-fact-sheets/privacy-fact-sheet-17-australian-privacy-principles_2.pdf
- Anglican Church Southern Queensland (ACSQ) Privacy Manual 2014
- Privacy Compliance Manual published by National Catholic Education Commission & Independent Schools Council of Australia 2013
- College Collection of Information Statement (provided as part of the enrolment process)
- College Employment Collection of Information Statement (provided to advertised position applicants and people networking to express their interest in providing services to the College)
- Student Protection in Anglican Schools Policy and Procedures 2015 by ACSQ
- College Enrolment of Domestic Students Policy
- College e-Communications & Social Media Guidelines
- College e-Communications & Social Media Policy
- College Archiving Policy and its associated retention and disposal schedule
- ISQ Retention of Records – A Guide for Independent Schools by Independent Schools QLD
- Complaints Management in Anglican Schools Policy and Procedures 2015 by ACSQ

4.0 DEFINITIONS

4.1 Parent

For the purpose of this policy “parent” includes the parent / guardian / carer of a student.

4.2 Student

The definition of a student includes prospective, current or past student of the College.

4.3 Personal information

Information or an opinion, whether true or not, and whether recorded in material form or not, about an identified individual or an individual whose identity is reasonably apparent, or can be determined, from the relevant information or opinion. Examples include: contact details, date of birth, next of kin, financial information, photographic images and attendance records.

4.4 Sensitive information

A type of personal information, it includes 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 practice, or criminal record. Sensitive information also includes medical, health, genetic and biometric information.

Sensitive information is afforded a higher level of protection and more stringent restrictions apply to the collection, storage and use of sensitive information than that of personal information.

4.5 Health information

A sub set of sensitive information. It is information or an opinion about the health or disability of an individual and information collected to provide, or in providing a health service.

4.6 Health service

Includes an activity performed to assess, record, maintain or improve an individual’s health, to diagnose an illness or disability, to treat an individual, or the dispensing on prescription of a drug or medicinal preparation by a pharmacist.

4.7 Solicited Personal Information

When the College takes active steps to acquire information from an individual, or specifically requests it from another entity. (CCTV footage identifying an individual is solicited personal information).

4.8 Unsolicited Personal Information

Where the College has not taken active steps to acquire the information and did not explicitly request it from an external source, it has not been solicited by the College. The College may become inadvertently aware of personal information via social media platforms.

Unsolicited information includes information provided to the College that is additional to the specific information that the College has solicited. When the College becomes aware of such information:

- 1) The College must consider, as soon as reasonably possible after receiving it, whether or not it could have been solicited.
- 2) If it could not have been collected in compliance with APP 3, the information must be destroyed or de-identified as soon as practicable.
- 3) Before being destroyed, one must consider whether there is a law or legal order preventing it from being destroyed.
- 4) Information that could have been collected in compliance with APP 3 must be treated in the same way as if it had been collected under APP3.

4.9 Consent

Can be express or implied. The four main elements are:

- That the individual voluntarily provided the consent;
- The individual was adequately informed;

- The consent is current and specific; and
- The individual has the capacity to communicate and give their consent.

The College respects every parent's right to make decisions concerning their child's education. Generally, the College will refer any request for consent and notices in relation to the personal information of a student to the student's parents. The College 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. However, in certain circumstances (such as when dealing with sensitive information regarding older students, or for example, if the student was over 16 years of age and living independently) it would be appropriate to obtain consent directly from students. There may be occasions where a student may give or withhold consent (to use their personal information) independently from their parents.

4.10 Steps of the Information Lifecycle

- Collection;
- Use;
- Disclosure;
- Storage;
- Destruction; and
- De-identification.

4.11 Holds

Information the College has possession or control over. Extends to information the College may not necessarily possess but has the power to deal with. Could include personal information held on an external server that the College has the ability and power to access to retrieve the information.

4.12 Use

Accessing or reading information, searching records that contain the information, making a decision based on the information or passing the information from one part of the College to another part.

4.13 Disclose

Disclosure occurs where the information is made known outside of the College.

4.14 Primary Purpose

The College can only use and disclose personal information for the purpose for which it was collected.

4.15 Secondary Purpose

When personal information is used for a purpose for which it was NOT collected: information can be used for a purpose other than the primary purpose for which it was collected in certain circumstances, such as where:

- The individual consents to the use or disclosure;
- The individual could reasonably expect the College to make that disclosure or use information for that secondary purpose and the secondary purpose is related to the primary purpose or, for sensitive information the secondary purpose is *directly* related to the primary purpose. (College must only disclose the minimum amount of information possible);
- The use or disclosure is directed or authorised by law or order by a court or tribunal;
- A permitted health situation exists in relation to the secondary use disclosure, such as conducting research; necessary to prevent a serious threat to life, health or safety; and disclosure to a responsible person for the individual;
- The secondary use or disclosure is necessary for enforcement activities by an enforcement body. The necessity is at the discretion of the College. If personal information is disclosed for this purpose, the College must keep a written record of it and include the date, the information used or disclosed, the enforcement body, and the basis for the College's reasonable belief that the enforcement body needed it.

5.0 WHY IS PERSONAL INFORMATION COLLECTED?

So that the College can fulfil its educational purpose, general functions, activities and duty of care requirements and to satisfy legal obligations.

That may include (but is not limited to):

- recording academic results against a student's profile;
- informing parents about the student's education;
- administrative purposes, including for the provision of such services to the College;
- supporting a student's educational, social, emotional and medical wellbeing;
- identify students for the purpose of disciplinary action;
- seeking donations and/or marketing for the College; and
- fulfilling contractual obligations.

6.0 WHAT TYPE OF PERSONAL INFORMATION IS COLLECTED?

Collection of personal, sensitive and health information about students, parents and employees generally pertains:

- students and parents data relating to enrolment;
- job applicants, staff members, volunteers and contractors; and
- persons who are involved with the College.

Types of information collected include:

Student: Name, birth certificate, contact details, next of kin, medical information and specialist reports, individual health care plans, disabilities, immunisation details, nutrition and dietary requirements, nationality, country of birth, languages spoken, religion, government identifiers, school reports, photographic images and attendance records.

If requested information is not provided, the College may be unable to enrol a student or continue enrolment, or permit a student to take part in a particular activity.

Parents: Name, contact details, marital status, nationality, country of birth, languages spoken, religion, government identifiers, medical information and specialist reports, disabilities, photographic images, professional memberships, family court orders and criminal records.

Employees: Name, contact details, date of birth, next of kin, medical information and reports, immunisation details, nutrition and dietary requirements, nationality, country of birth, languages spoken, religion, government identifiers, financial information, tax file number, education details, professional registration and memberships, police check results, blue card notices and photographic images.

7.0 WHAT ARE THE CONDITIONS AND HOW IS PERSONAL INFORMATION COLLECTED?

7.1 *Personal Information*

The College is obliged to only collect personal information that is **reasonably necessary** for, or **directly related** to, one or more of its **functions or activities, primarily the education of the student and the employment of staff.**

Collection of most solicited personal information will occur at enrolment or recruitment. Further information may be collected for safety procedures and pastoral care of students or staff.

The College collects information about an individual by way of forms and in person, interviews and telephone calls. On occasion, other individuals may provide personal information about a person in dealings with the College.

The College may collect personal information about an individual from a third party, for example, a medical practitioner providing a report or a reference from another school.

7.2 Sensitive Information

Sensitive information will be collected where it is **reasonably necessary** for, or **directly related** to, one or more of the **College's functions or activities**. It will only be collected **with consent**, unless it is required or authorised by law or order (by a court or tribunal), a permitted health situation exists or one of the other exceptions under the APPs applies.

Sensitive information about an individual will only be collected from the individual unless:

- They consent to collection from someone other than themselves (such as a parent/guardian on behalf of a student);
- It is required by law or court/tribunal order to collect information elsewhere;
- It is unreasonable or impractical to do so (for example, in the case of a minor who is clearly incapable of giving consent).

The Act does not indicate the age a child must be in order to consent, however the Privacy Commissioner takes the view that, when dealing with minors, consideration must be given to whether they have the mental capacity to understand and give consent. Often students under the age of 18 will have this mental capacity but discretion should be applied on a case-by-case basis. Because it is unreasonable and impractical to require the College to collect sensitive information directly from young students, the College may argue consent was implied, by virtue of the parents submitting the enrolment application.

8.0 HOW IS PERSONAL INFORMATION USED AND DISCLOSED?

Personal information will only be used and disclosed for the primary purpose of its collection or as otherwise specified in this policy. It will only be used and disclosed for a secondary purpose if consent has been obtained, where it is reasonably expected, or if such use or disclosure falls within a permitted exception.

Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless the person agrees otherwise; or if the use or disclosure is sanctioned by law.

The College may disclose personal information to the Corporation of Synod of the Diocese of Brisbane and the Anglican Church Southern Queensland for administrative and management purposes including insurance, child protection and professional standards.

The College may disclose personal information to the West Moreton Hospital and Health Service as part of the Queensland school health programs for immunisation and dental services.

The College may disclose personal information, including sensitive information, to:

- another school;
- government departments;
- medical practitioners;
- counsellors;
- service providers, including specialist visiting teachers and sports coaches;
- recipients of College publications, like newsletters and magazines;
- parents;
- anyone the person authorised the College to disclose information to; or
- as required by law or court/tribunal order.

8.1 Students and Parents

Primary use of personal information may include:

- providing education, pastoral care, extra-curricular and health services;
- keeping parents informed about matters relating to their children's schooling, through correspondence, newsletters and magazines;
- day to day administration;
- financial administration including insurance purposes;
- marketing, promotional and fundraising activities; and
- satisfying legal and compliance obligations and fulfilling the College's duty of care.

8.2 Job Applicants, Staff Members and Contractors

The primary purpose of collection is to assess and (if successful) engage the applicant, staff member or contractor. Use of personal information may include:

- administering the individual's employment or contract;
- insurance purposes;
- seeking funds and marketing for the College; and
- to satisfy the College's legal obligations, for example, in relation to child protection legislation.

8.3 Volunteers

The College obtains personal information about volunteers who are unpaid employees assisting the College in its functions or conducting associated activities. Practises are the same as for staff above.

8.4 Marketing and Fundraising

The College treats marketing and fundraising for the future growth and development of the College as an important part of ensuring that WestMAC continues to be a quality learning environment, in which both students and staff thrive. Personal information held by the College may be disclosed to organisations that assist in marketing, communications and development fundraising. The College may use personal information (and/or photos) within College publications (newsletter and yearbook), social media and the website. The website, publications and advertising materials which include personal information (and/or photos) may also be used for marketing and fundraising purposes.

Parents/guardians, staff, contractors and other members of the wider College community may from time to time receive marketing and fundraising information. A 'model release' can be approved by parents/guardians or selected person of the images. Parents are required to complete annual permissions via the Parent Lounge at the beginning of each school year. Written notification is required if your child's information (and/or photos) is not to be used in this manner and your notification falls outside of the annual permissions process. The College will abide by any direction from an individual not to disclose personal information to third parties for these purposes.

8.5 Employee Records

Under the Act, APPs do not apply to employee records. How the College handles employee records in relation to current and former employment relationships is a matter of Workplace Relations.

9.0 IS PERSONAL INFORMATION STORED ABROAD?

Cloud computing, that is, the virtual storage of information by a storage provider may result in disclosure of personal information over international borders, and obligations to take reasonable steps to ensure the overseas provider does not breach the APPs are applicable. However, the College does not store personal information offshore in the cloud. The majority of the College's cloud data is stored locally in TASS and Sharepoint systems, which are hosted by the College onsite. Office365 (tied to Australian datacentres) is also subscribed. Personal/sensitive data is stored in these systems.

10.0 HOW IS THE QUALITY AND SECURITY OF PERSONAL INFORMATION GUARANTEED?

The College endeavours to ensure personal information it holds is accurate, complete and up to date.

The College will take all reasonable steps to:

- a) protect personal information from misuse, interference, loss, unauthorised access, modification or unauthorised disclosure; and
- b) destroy or de-identify information that is no longer needed or no longer required by law or record retention guidelines.

This is achieved by methods such as locked storage of paper records and password access rights or restricted access to computerised records. Documents are disposed of via shredding or secure recycling services.

11.0 WHAT PROCEDURES REQUIRE COMPLIANCE?

College procedures are implemented for addressing the following privacy matters:

- To regulate each step in the information lifecycle for the collection, use, disclosure, storage, destruction and de-identification of personal information;
- Security systems for protecting access to the information and protecting these information records (including audit trails, backing up of computer systems, access control);
- Requirements to conduct an assessment of any new project where privacy information will be handled or disclosed;
- Procedures for identifying and reporting privacy breaches and receiving and responding to privacy related complaints and inquiries;
- Procedures giving individuals the option of not identifying themselves or using a pseudonym (APP 2) when dealing with the College;
- Overarching requirements to ensure APP compliance such as regular privacy reporting to the Risk Management Group, Risk and Compliance Committee or College Council;
- Regular staff training;
- Periodic reviews of the College's ongoing compliance with its Privacy Policy and implemented requirements and procedures, whereby the management of personal information processes are open and transparent.

12.0 HOW CAN PERSONAL INFORMATION BE ACCESSED AND CORRECTED?

Access to records of personal information or concerns about the accuracy of information held by the College should be directed to the appropriate person:

Student and parent personal information:	Enrolments Officer
Student and parent sensitive information:	Head of School
Employee, volunteer & contractor personal information:	Deputy Principal

Under the Act, an individual has the right to obtain access to personal information; there are exceptions to this, for example, where access may impact the privacy of others, pose as a threat to the individual (and therefore may result in a breach of the College's duty of care to the student) or be unlawful. Access may be denied if the request is frivolous or vexatious or relates to existing or anticipated legal proceedings between the College and the person (and the information would not otherwise be discoverable in those proceedings).

To make a request to access personal information or to advise the College of any perceived inaccuracy, the College requires a request in writing. The College will respond to this request within a reasonable period of time (for example up to 14 days). Where it is reasonable, the College will provide access in the manner requested. Students will generally have access to their personal information through their parents, but older students may seek access themselves.

The College may require a person requesting their information to verify their identity and specify what information is required. The College will not charge for the request to access personal information, but may charge a fee to cover the cost of verifying an application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the College will advise the likely cost in advance.

If a request for access is refused the College will provide written reasons on why the request was refused. Details on how to make a complaint will also be included in this response.

13.0 HOW CAN A COMPLAINT BE MADE?

If an individual believes the College has breached the APPs a complaint can be made writing to the Principal. Complaints will be investigated in a timely manner and a written response provided within a reasonable timeframe of up to 30 days. The Principal may delegate these responsibilities.

CONTACT DETAILS: The Principal, West Moreton Anglican College
Locked Bag 8004, Ipswich Queensland 4305
T: 07 3813 4555 F: 07 3813 4566

If an individual is not satisfied with the College's response, a complaint can be lodged with the Office of the Australian Information Commissioner (OAIC) on the following website.

<http://www.oaic.gov.au/privacy/making-a-privacy-complaint>