

PRIVACY POLICY

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STATEMENT OF POLICY

We consider all personal, sensitive and health information of parents/carers, students, staff, volunteers, contractors and prospective employees (considered “consumers” under the *Privacy Act 1988*) to be private and will only use information collected and recorded to fulfil the educational mission of Catholic Education in the Diocese of Townsville.

INTRODUCTION

In accordance with the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*, Townsville Catholic Education has adopted and is bound by the Australian Privacy Principles established by the Federal Privacy Commission and set out in the Act.

RATIONALE

This policy applies to the Townsville Catholic Education Office and all Catholic Schools and Colleges under the guidance of the Townsville Catholic Education Office and sets out how the Townsville Catholic Education Office and each school manages personal information provided to or collected by it.

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

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

POLICY DIRECTIVE

Purpose of collection of Personal Information

The type of information the organisation collects and holds includes (but is not limited to) personal information, including health and other sensitive information. The types of information collected and held about students and parents/guardians/carers before, during and after the course of a student’s enrolment

- name, contact details (including next of kin), date of birth, gender, language, background, previous school and religion
- parent’s education, occupation and language background
- medical information (e.g. details of disability, allergies, absence notes, medical reports, doctors’ names)
- results of assignments, tests and examinations
- 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
- photographs and videos at school events.

The types of information collected and held about job applicants, staff members, volunteers and contractors:

- name, contact details (including next of kin), date of birth and religion
- information on job application
- professional development history and leave details
- 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
- photos and videos at school events
- workplace surveillance information, and
- work emails and private emails (when using work email address) and Internet browsing history.

Information will also be collected and held about other people who come into contact with the organisation, including name and contact details and any other information necessary for the particular contact with the organisation.

Personal information you provide: The organisation will generally collect personal information held about an individual by way of forms filled out by parents/carers, students, employees or other parties associated with the organisation, face-to-face meetings and interviews, emails and telephone calls.

If an enrolment application is made to two (or more) schools in the same Diocese, the personal information provided during the application stage may be shared between the schools. This personal information may include health information and is used for the purpose of considering and administering the enrolment of the student within the Diocese.

Personal information provided by other people: In some circumstances the organisation 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. If a student transfers to a new school, the new school may collect personal information about the student from the student's previous school to facilitate the transfer of the student.

Use of information held

A school 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.

Students and parents/carers:

In relation to personal information regarding students and parents/carers, the organisation's primary purpose for collection is to provide schooling to students enrolled at the school, exercise its duty of care, and perform necessary associated administrative activities, which will enable students to take part in all the activities of the

school. This includes satisfying the needs of parents/carers, the needs of the student and the needs of the organisation throughout the period that the student is enrolled. The purposes for which the organisation uses personal information of students and parents/carers include:

- to keep parents/carers informed about matters related to their child's schooling, through correspondence, newsletters and magazines
- day-to-day administration, including seeking the payment of fees for schools within the same diocese when a student transfers between such schools
- looking after students' educational, social, spiritual and medical wellbeing
- seeking donations and marketing for the school, and
- to satisfy the organisation's legal obligations and allow the organisation to discharge its duty of care.

In some cases where the organisation requests personal information about a student or parent, if the information requested is not obtained, the organisation may not be able to enrol 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, staff members and contractors, the organisation's primary purpose of collection is to assess and (if successful) to engage the applicant, staff member or contractor. The purposes for which the organisation uses personal information of job applicants and contractors include:

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

Volunteers:

The organisation also obtains personal information about volunteers who assist the organisation in its functions, or conduct associated activities, such as past students' associations, to enable the organisation and the volunteers to work together.

Marketing and fundraising:

The organisation treats marketing and the seeking of donations for the future growth and development of its facilities and communities as an important part of ensuring continued quality learning environments in which students and staff thrive. Personal information held by the organisation may be disclosed to an organisation that assists in fundraising, for example, a school's Foundation or past students' organisation (or, on occasions, external fundraising organisations).

Parents/carers, staff, contractors and other members of the wider school community may from time to time receive fundraising information. School publications, such as 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 Townsville Catholic Education Office to share personal information with other schools conducted by the organisation. Other Townsville Catholic Education schools may then only use this personal information for the purpose for which it

was originally collected by Townsville Catholic Education. This allows schools to transfer information between them, for example, when a student transfers from a TCE school to another school conducted by TCE.

Additional Privacy information

1. Who might the organisation disclose personal information to and store information with?

The organisation may disclose personal information, including sensitive information, held about an individual for education, administrative and support purposes to:

- other schools and teachers at those schools, including a new school to which a student transfers to facilitate the transfer of the student, and schools within the same diocese where concurrent application for enrolment are made to those schools
- government departments
- the Townsville Catholic Education Office, the Queensland Catholic Education Commission and National Catholic Education Commission, the Townsville Diocese and the local parish, other related church agencies/entities (e.g. Mary MacKillop Childcare NQ) and schools within other Dioceses/other Dioceses
- medical practitioners
- people providing educational, support and health services to the school, including specialist visiting teachers, coaches, volunteers, counsellors and providers of learning and assessment tools
- providers of specialist advisory services and assistance to the school, including in the area of Human Resources, child protection and students with additional needs
- assessment and educational authorities, including the Australian Curriculum Assessment and Reporting Authority (ACARA), and NAPLAN Testing Administration Authorities (who will disclose it to the entity that manages the online platform for NAPLAN)
- agencies and organisations to whom we are required to disclose personal information for education and research purposes
- people and organisations providing administrative, technology and financial services to the organisation
- a law practice, debt recovery agency and/or location inquiry agent engaged by or on behalf of the school or to a court or tribunal, for the purpose of the school collecting or enforcing any rights of recovery of overdue payments owed:
 - (a) under the Financial Terms of the Enrolment Agreement; or
 - (b) otherwise in respect of the student's enrolment at the school.
- recipients of publications, such as newsletters and magazines
- pupils' parents/carers or guardians;
- anyone you authorise the organisation to disclose information to, and
- anyone to whom we are required or authorised to disclose the information by law, including child protection laws.

Sending and storing information overseas:

The organisation may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange. However, the organisation 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.

Storage and access as part of centralised information systems: The School uses centralised information management and storage systems (Systems). These Systems are provided by the Catholic Education Network (CEnet) and third party service providers. CEnet is owned by the Catholic Dioceses. Personal information is stored with and accessible by CEnet and the third party service providers for the purpose of providing services to the School in connection with the systems and for CEnet, administering the education of students.

Online or 'cloud' service providers: The school may use other online or 'cloud' service providers to store personal information and to provide online 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.

School personnel, TCEO 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 Google, Microsoft and other platforms and ensuring its proper use.

2. *How does the organisation treat sensitive information?*

In referring to 'sensitive information', the organisation 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. Information regarding student protection matters is considered sensitive and is stored securely and may be shared with government departments (e.g. Child Safety or Queensland Police Service) in accordance with our legislative obligations.

3. *Management and security of personal information*

The organisations' staff are required to respect the confidentiality of students' and parents'/carers' personal information and the privacy of individuals. Each entity within the organisation will have in place steps to protect the personal information the organisation 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. *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 organisation holds about them, and to advise the organisation of any perceived inaccuracy. There are some exceptions to this right set out in the Act. Students will generally be able to access and update their personal information through their parents/carers, but older students may seek access and correction themselves (refer to the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*). To make a request to access or update any personal information the organisation holds about an individual or their child/guardian, please contact the organisation in writing. The organisation may require an individual to verify his/her identity and specify what information an individual requires. If the organisation

cannot provide an individual with access to that information, it will provide written notice explaining the reasons for refusal.

5. *Consent and rights of access to the personal information of students*

The organisation respects every parent's right to make decisions concerning their child's education. Generally, the organisation will refer any requests for consent and notices in relation to the personal information of a student to the student's parents/carers. The organisation will treat consent given by parents/carers as consent given on behalf of the student, and notice to parents/carers will act as notice given to the student. As mentioned above, parents/carers may seek access to personal information held by the organisation about them or their child by contacting the organisation. 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 organisation's duty of care to the student. The organisation may, at its discretion, on the request of a student grant that student access to information held by the organisation about them, or allow a student to give or withhold consent to the use of their personal information, independently of their parents/carers. This would normally be done only when the maturity of the student and/or the student's personal circumstances so warranted (refer to the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*).

6. *Enquiries and complaints*

If an individual would like further information about the way the organisation manages the personal information it holds, or wishes to complain that the organisation has breached the Australian Privacy Principles, please contact Townsville Catholic Education Office, who will investigate any complaint and will notify the individual of a decision as soon as is practicable after it has been made.

REFERENCES AND DEFINITIONS

"The organisation" referred to in this document means the organisations administered by the Catholic Education Office of the Diocese of Townsville as well as the Townsville Catholic Education Office.

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

Under the Privacy Act, the National Privacy Principles and Health Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to the organisation's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between the organisation and employee.

Legislation

Privacy Act 1988

Privacy Amendment (Enhancing Privacy Protection) Act 2012

Privacy Amendment (Notifiable Data Breaches) Act 2017

Health Records and Information Privacy Act 2002 (Health Records Act)

Child Protection Act 1999 (Qld).

Working with Children (Risk Management and Screening) Act 2000.

National Catholic Education Commission

Queensland Catholic Education Commission

Privacy Compliance Manual (Nov 2019)

QCEC Privacy Policy (April 2019)