

Toongabbie Christian College

PRIVACY POLICY

Updated 28 November 2017



This Privacy Policy sets out how the College manages personal information provided to or collected by it.

TCS is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act and the NSW Health Privacy Principles which are contained in the *Health Records & Information Privacy Act 2002* (Health Records Act). The College may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to Colleges' operations and practices and to make sure it remains appropriate to the changing College environment and consistent with our Mission Statement.

Mission

To function as a Christian community in supporting families by providing quality education to develop the whole person in a Christ-centred, caring environment for life and eternity.

What kind of personal information does the College collect & how does the College collect it? (See Appendix 1)

The type of information the College collects and holds includes (but is not limited to) personal information, including sensitive information about:

- Students and Parents/Carers before, during and after the course of a student's enrolment at the College
- Job applicants, staff members, volunteers and contractors
- Other people who come into contact with the College.

Personal Information provided by Parents/Carers or Students

The College will generally collect personal information held about an individual by way of:

- forms filled out by parents/carers or students
- face-to-face meetings
- interviews
- the College counselling service (see appendix 2)
- emails and telephone calls
- On occasions people other than parents/Carers and students provide personal information.

Personal Information provided by other people

In some circumstances the College 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 College.

Exception in relation to employee records

Under the Privacy Act and the NSW Health Privacy Principles and Health Privacy Principles which are contained in the *Health Records & Information Privacy Act 2002* (Health Records Act) the Australian Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to the College's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between the College and employee.

How will the College use the personal information provided?

The College will use the 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 by you, or to which you have consented.

Students and Parents/Carers

In relation to personal information of students and parents/carers, the College's primary purpose of collection is to enable the College to provide schooling for the student. This includes satisfying both the needs of parents/carers and the needs of the student throughout the whole period the student is enrolled at the College.

The purposes for which the College 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
- Looking after students' educational, social and medical wellbeing
- Seeking donations and marketing for the College
- To satisfy the College's legal obligations and allow the College to discharge its duty of care.

In some cases, where the College requests personal information about a student or parent/carer, if the information requested is not provided, the College 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 College'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 the College 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 donations and marketing for the College
- To satisfy the College's legal obligations, for example, in relation to child protection legislation.

Volunteers

The College also obtains personal information about volunteers who assist the College in its functions or conduct associated activities such as the Alumni, to enable the College and the volunteers to work together.

Marketing and Fundraising

The College treats marketing and seeking donations for the future growth and development of the College as an important part of ensuring that the College continues to be a quality learning environment in which both students and staff thrive. Personal information held by the College may be disclosed to an organisation that assists in the College's fundraising, for example, the College's Parents and Friends Association. Parents/carers, staff, contractors and other members of the wider College Community may from time to time receive fundraising information. College publications, like newsletters and magazines, which include personal information, may be used for marketing purposes.

Who might the College disclose Personal Information to?

The College may disclose personal information, including sensitive information, held about an individual to:

- Another College
- Government departments
- College Board
- Medical practitioners
- People providing services to the College, including specialist visiting teachers and sports coaches
- Recipients of College publications, like newsletters and magazines
- Parents/carers; (see "Consent & Rights to Access")
- Anyone authorised by parents/carers to disclose information to
- Anyone to whom the College is required to disclose the information to by law.

Sending Information Overseas

The College may disclose personal information about an individual to overseas recipients, for instance, when storing personal information with 'cloud' service providers which are situated outside Australia or to facilitate a College exchange. However, the College 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)
- Otherwise complying with the Australian Privacy Principles or applicable privacy legislation.

How does the College Treat Sensitive Information?

In referring to 'sensitive information', the College means:

Information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, philosophical belief, sexual preferences or practices or criminal record, that is also personal information, and biometric information about an individual.

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

Management & Security of Personal Information

The College's staff is required to respect the confidentiality of students and parents/carers' personal information and the privacy of individuals. The College has in place steps to protect the personal information the College holds from misuse, loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and passworded access rights to computerised records.

The Right to check what Personal Information the College holds about individuals

Under the Commonwealth Privacy Act and the NSW Health Privacy Principles and Health Privacy Principles which are contained in the *Health Records & Information Privacy Act 2002* (Health Records Act), an individual has the right to obtain access to any personal information that the College holds about them and to advise the College of any perceived inaccuracy. There are some exceptions to this right set out in the applicable legislation. Students will generally have access to their personal information through their parents/carers, but older students may seek access themselves.

To make a request to access any information the College holds about you or your child, please contact the College Principal in writing. The College may require you to verify your identity and specify what information you require. The College may charge a fee to cover the cost of verifying your application and locating, retrieving and copying any material requested. If the information sought is extensive, the College will advise the likely cost in advance. If the College cannot provide you with access to that information, we will provide you with written notice explaining the reason for the refusal.

Consent & Rights of Access to the Personal Information of Students

The College respects every parent/carer's right to make decisions concerning their child's education.

Generally, the College will refer any requests for consent and notices in relation to the personal information of a student to the student's parents/carers. The College 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.

Parent Access

Parents/carers may seek access to personal information held by the College about them or their child by contacting the College Principal in writing. 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 College's duty of care to the student.

Student Access

The College may, at its discretion, on the request of a student, grant that student access to information held by the College 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.

Enquiries & Complaints

Any individual who would like further information about the way the College manages the personal information it holds, or wish to complain that as there is a belief that the College has breached the Australian Privacy Principles please contact the College Principal. The College will investigate any complaint and will notify the complainant of the making of a decision in relation to the complaint as soon as is practicable after it has been made.

On 22 February 2018, the Notifiable Data Breach (NDB) Scheme is in force. The College is required to notify the Office of the Australian Information Commissioner (OAIC) and the affected individual(s), in the event of a notifiable data breach. This occurs in circumstances where:

- there is an unauthorised access or unauthorised disclosure of information and a reasonable person would conclude that access or disclosure would be **likely to result in serious harm** to any of the individuals to whom the information relates
- Information is lost in circumstances where such unauthorised access or disclosure is likely to occur and a reasonable person would conclude that, assuming such access or disclosure did occur, it would be **likely to result in serious harm** to any individuals to whom that information relates.

Where an eligible data breach is suspected or believed to have occurred, the College must:

- Carry out a risk assessment in the event that an eligible data breach is suspected
- Prepare a statement of prescribed information regarding an eligible data breach that is believed to have occurred.
- Submit the statement to the OAIC
- Contact all affected individuals directly or indirectly by publishing information about the eligible data breach on publicly accessible forums.

The current WHS Committee members are also members of the Data Breach Response Team.

Response Plan to Data Breaches – DBR Plan

STEP 1 Identify Potential Breach

The College identifies that there are reasonable grounds to suspect that there may have been a data breach.

STEP 2 Assess Potential Breach

Is the data breach, if it has occurred, likely to result in serious harm to one or more individuals?

If YES

The College must:

- Carry out a reasonable and expeditious assessment to determine whether there are reasonable grounds to believe that a breach has occurred.
- Take reasonable steps to complete the assessment in 30 days.

If NO

The Trustee will endeavour to carry out an assessment as if the potential breach was a notifiable breach.

STEP 3 Determine Breach

Following the assessment, are there reasonable grounds to believe that a breach has occurred?

If YES

Respond to the breach using Step 4.

If NO

Take no further action.

STEP 4 Respond to the Breach

4.1 Contain the Breach

Contain the breach, based on assessment, to reduce the scope and severity.

4.2 Evaluate the Risks

Determine likelihood of harm to individuals, including:

- The nature and sensitivity of the data
- The initial and ongoing existence of security systems protecting the data
- The parties who have obtained or could obtain the data
- The nature of the potential harm that could be caused.

4.3 Consider Breach Notification

Is the breach, after containment steps taken, likely to result in serious harm to one or more individuals?

If YES

The College must:

- Lodge a statement with the OAIC
- Notify individuals at risk of serious harm

If NO

The Trustee will consider whether to notify individuals or the OAIC.

4.4 Prevent Future Breaches

Steps are taken to identify the root cause of the breach and prevent future recurrences

Privacy Act - Collection Notice to Parents/Carers

1. The College collects personal information, including sensitive information about students and parents/carers before and during the course of a student's enrolment at the College. The primary purpose of collecting this information is to enable the College to provide schooling for your child/children and to enable them to take part in all the activities of the College.
2. Some of the information we collect is to satisfy the College's legal obligations, particularly to enable the College to discharge its duty of care.
3. Laws governing or relating to the operation of a College require certain information to be collected and disclosed. These include relevant Education Acts, Public Health and Child Protection laws.
4. Health information about students is sensitive information within the terms of the Australian Privacy Principles under the Privacy Act. We ask you to provide medical reports about students from time to time.
5. The College from time to time discloses personal and sensitive information to others for administrative and educational purposes, including facilitating the transfer of a student to another College. This includes to other Colleges, government departments, the College Board, medical practitioners, and people providing services to the College (including specialist visiting teachers, [sports] coaches, volunteers and counsellors) and anyone authorised by parents/carers to disclose information to and anyone to whom the College is required to disclose the information by law.
6. Personal information collected from students is regularly disclosed to their parents/carers.
7. The College may store personal information in the 'cloud' which may mean that it resides on servers which are situated outside Australia.
8. The College's Privacy Policy sets out how parents/carers or students may seek access to personal information collected about them. However, there will be occasions when access is denied. Such occasions would include where access would have an unreasonable impact on the privacy of others, where access may result in a breach of the College's duty of care to the student, or where students have provided information in confidence.
9. The College's Privacy Policy also sets out how you may complain about a breach of privacy and how the College will deal with such a complaint.
10. As you may know the College from time to time engages in fundraising activities. Information received from you may be used to make an appeal to you. It may also be disclosed to organisations that assist in the College's fundraising activities solely for that purpose. We will not disclose your personal information to third parties for their own marketing purposes without your consent.
11. On occasions information such as academic and sporting achievements, student activities and similar news is published in College newsletters and magazines [and on our website]. Photographs of student activities such as sporting events, College camps and College excursions may be taken for publication in College newsletters and magazines [and on our website].
12. If you provide the College with the personal information of others, such as doctors or emergency contacts, we encourage you to inform them that you are disclosing that information to the College and why, that they can access that information if they wish and that the College does not usually disclose this information to third parties.
13. If we do not obtain the information referred to above, we may not be able to enrol or continue the enrolment of your child.

Please indicate below, by signing in the appropriate area, whether or not you are willing to give your permission for the College to use and publish the names, photographs and academic work of your child within and outside the College Community for College promotional purposes.

I / we give permission

(Father/Carer signature) (Mother/Carer signature) (Family name printed) (Date)

OR

I / we do not give permission.

(Father/Carer signature) (Mother/Carer signature) (Family name printed) (Date)

Counselling Service at the College

Things you should know

The College provides counselling services for its students as part of its pastoral care program. These are provided through counsellors employed by the College.

Students are encouraged to make use of these services if they need assistance. There are, however, a number of things that students and their parents/carers should know before using the counselling service.

1. Records will be made of counselling sessions and because the counsellor is an employee, those records belong to the College, not the counsellor.
2. The College is very conscious of the need for confidentiality between counsellor and student. However, at times it may be necessary for the Counsellor to divulge the contents of discussions or records to the Principal or senior staff member (Deputy Principal Primary, Deputy Principal Secondary, Primary Heads and Heads of Stages Secondary) if the Principal or the Counsellor considers it necessary for the students' welfare to discharge the College's duty of care to the student. (See "Consent & Rights to Access").
3. It is also possible that the Principal may need to disclose aspects of discussions with counsellors to others in order to assist the student.
4. Where a disclosure is made it would be limited to those who need to know, unless the students consent to some wider disclosure.
5. Disclosure will occur when it is legally required.

We emphasise that disclosures (if any) would be very limited. However, if a student is not prepared to use counselling services on the basis set out above the student will need to obtain counselling services from outside the College at their own expense.