

## Rationale

This policy outlines how The Good Shepherd Lutheran Primary School will use and manage personal information provided to or collected by it.

The policy observes the Australian Privacy Principles contained in the Commonwealth Privacy (Private Sector) Act 1988, the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (referred to as the “the Privacy Act”) and the Privacy Amendment (Notifiable Data Breaches) Act 2017. In relation to health records, the School observes the Health Privacy Principles contained in the Health Records Act 2001 (Vic) (referred to as “the Health Records Act”).

The School is committed to managing personal information in an open and transparent way. The School will take all reasonable steps under the circumstances to implement practices, procedures and systems relating to the School’s functions or activities that:

- will ensure compliance with the Australian Privacy Principles; and
- will enable the School to deal with enquiries or complaints about compliance with the Australian Privacy Principles.

The School may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to School operations and practices, and to ensure it remains appropriate to the changing school environment. The School will make every effort to communicate any significant changes to the School community and affected parties.

## Policy Scope

This policy applies to all members of the School community, as well as members of the public who provide information to the School.

## Australian Privacy Principles

- 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

## Details

### *What kind of personal information does the School collect and how is it collected?*

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

- students and parents/carers/guardians (“parents”) before, during and after the course of a student’s enrolment at the School;
- job applicants, staff members, volunteers and contractors; and
- other people who come into contact with the School.

### **Personal information you provide**

The School will generally collect personal information held about an individual by way of forms completed by parents or students, face-to-face meetings and interviews, emails and telephone calls. On occasions, people other than parents and students, provide personal information.

### **Personal information provided by other people**

In some circumstances the 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 report or reference from another school.

### **Exception in relation to employee records**

Under the Privacy Act and the Health Records 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 an employee.

### **Photographs**

The School may take photographs of staff, students and other community members during School activities for internal use and marketing. Photographic consents for students are individually obtained at the commencement of each year. Any requests for a student or staff member to be discounted from any published photos should be in writing to the Principal.

### *How will the School use the personal information provided?*

The 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 consent has been granted.

### **Students and Parents**

In relation to personal information of students and parents, the School’s primary purpose of collection is to enable the School to provide an education for the student. This includes satisfying both the needs of parents, the needs of the student and the needs of the School throughout the period that the student is enrolled at the School.

The purposes for which the School uses personal information of students and parents include:

- to keep parents informed about matters related to their child’s education, through correspondence, newsletters and magazines;

- day-to-day administration of the School;
- attending to students' educational, social and medical wellbeing;
- celebrating the efforts and achievements of students;
- fundraising and marketing for the School;
- satisfying the School's legal obligations; and
- to allow the School to discharge its duty of care.

In some cases where the School requests personal information about a student or parent, if the information requested is not provided, the School 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 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 the School uses personal information of job applicants, staff members and contractors include:

- assessing the suitability for employment;
- administering the individual's employment or contract, as the case may be;
- for insurance purposes, such as public liability or Workcover;
- fundraising and marketing for the School;
- satisfying the School's legal obligations, for example, in relation to child protection legislation; and
- investigating incidents or defending legal claims about the School, its services or staff.

### **Volunteers**

The School also obtains personal information about volunteers who assist the School in its functions or conduct associated activities, such as the Parents, Teachers and Friends Association (PTFA) to enable the School and volunteers to work together.

### **Marketing and fundraising**

Marketing and fundraising for the future growth and development of the School is an important aspect of ensuring that the School continues to be a quality learning environment in which both students and staff thrive. Personal information held by the School may be disclosed to an internal organisation that assists in the School's fundraising, for example, the PTFA.

Parents, staff, contractors and other members of the wider School community may from time to time receive fundraising information. School publications which include personal information may be used for marketing purposes.

### ***Who might the School disclose personal information to?***

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

- another school;
- the Lutheran Church of Australia and/or its affiliates;
- Government departments;

- medical practitioners;
- people providing services to the School, including specialist visiting teachers, counsellors and sports coaches;
- recipients of School publications, such as newsletters and magazines;
- parents;
- anyone you authorise (in writing) the School to disclose information to; and
- anyone to whom we are required to disclose information by law.

### **Sending information overseas**

The School 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 school exchange program, tour or partnership.

The School may not send personal information about an individual outside Australia without:

- obtaining the written 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.

### ***How does the School treat sensitive information?***

In referring to ‘sensitive information’, the 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 preferences or practices, or criminal record that is also personal information; and 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 agreed otherwise, or the use or disclosure of the sensitive information is allowed by law.

The School can disclose sensitive information for another purpose when:

- the person provides written consent;
- it is necessary to lessen or prevent serious or imminent threat to life, health or safety; or
- it is required by law or for law enforcement purposes.

### **Management and security of personal information**

School staff are required to respect the confidentiality of students’ and parents’ personal information and the privacy of individuals.

The School has in place steps to protect the personal information the School holds from misuse, interference or loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and password access rights to digital records.

### **Notifiable data breaches**

Under APP 11 (security of information), schools are required to take reasonable measures to protect information from misuse, interference and loss, as well as unauthorised access, modification or disclosure. The Notifiable Data Breach Scheme requires schools to notify the Office of the Australian Information Commissioner (OAIC) and the affected individual(s), in the event of a notifiable data breach.

A data breach occurs when personal information is lost or subject to unauthorised access, modification, disclosure, or other misuse or interference.

Pursuant to section 26WE of the Privacy Amendment (Notifiable Data Breaches) Act 2017, an eligible data breach, which would require notification, 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; or
- 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 such breach occurs, the School undertakes to prepare a statement in accordance with the Privacy Amendment (Notifiable Data Breaches) Act 2017 and notify the Office of the Australian Information Commissioner (OAIC) and affected individuals as soon as practicable after the School becomes aware of the eligible data breach except where exempted under the Act.

### **Requests to access personal information**

Under the Privacy Act and Health Records Act, an individual has the right to obtain access to any personal information which the School holds about them, and to advise the School of any perceived inaccuracy. There are some exceptions to this right, as set out in the Privacy Act.

Students will generally have access to their information through their parents. Requests to access any information the School holds must be in writing.

The School may require verification of identity and specific details of the information required. Depending on the extent of the information required, the School may charge a fee to cover the cost of verifying the request and locating, retrieving, reviewing and copying any information requested. If the information sought is extensive, the School will advise the likely cost in advance. If the School cannot provide access to the information requested, a written notice explaining the reasons for refusal will be provided.

### **Updating personal information**

The School endeavours to ensure that the personal information it holds is accurate, complete and current. A person may seek to update their personal information held by the School by contacting the Administration of the School. The enquiry will be directed to the appropriate staff member responsible.

### **Interacting anonymously or by use of a pseudonym**

It is possible in some circumstances to interact with the School anonymously or by a pseudonym (e.g. an email address that doesn't contain an actual name), such as when making general inquiries about enrolment or employment opportunities. However, the School may need to know the identity of the person requesting information before providing products and services.

## **Consent and rights of access to the personal information of students**

The School respects each parent's right to make decisions concerning their child's education.

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

Parents may seek access to personal information held by the School about them or their child by contacting the School. However, there may be occasions when access is denied. Such occasions 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 student.

## **Online Information**

### **The Good Shepherd Lutheran Primary School website**

The Good Shepherd Lutheran Primary School web server keeps a record of all visits to the School website and may log information on users' online experience for statistical purposes. Information collected does not identify individual users, but does identify the computer used to access the site, including:

- Visitor server IP addresses and domain names;
- The times and dates the site was visited;
- The pages accessed and files downloaded; and
- Visitors' browsers and operating systems.

In the event of an investigation, a law enforcement or government agency may exercise its legal authority to have access to the School's web server logs.

### **Cookies**

The School website may use cookies, which are small text files that are generated by the School web server and stored on the user's computer, to allow recognition of returning users and to register preferences.

A cookie is sent from the School web server and automatically placed on the user's computer without notification. Personal preferences or information may be stored in the cookie, which is then sent back to the server on completion of the session. Cookies may be turned off within the user's browser, however, this may make some sections of the School website unusable.

### **Staff and student internet and email usage**

The School keeps records of all emails coming in to and going out of all school email addresses. The School also keeps records of internet browsing history when accessed from School resources. Staff and students accessing School resources are to be aware of the School's Acceptable Use of Technology Policy.

### **Online payments and financial details**

The use of the School's online payment system requires users to accept the Privacy and Security policies in regard to the collection and use by the School of any information provided for payment purposes.

Identifiable information collected through online payment will be used only for the purpose of processing that individual payment transaction. Non-identifying information may be used for statistical, reporting and research purposes.

The School may store parent credit card or bank account details for the purposes of fee payment for the duration of a student's enrolment at the School. The School may also store bank account details for the purposes of salary payment for the duration of a staff member's employment at the School.

## Enquiries

Requests for further information about the way the School manages the personal information it holds can be directed to the School.

If you wish to make a complaint regarding the handling of your personal information or notify of a breach of the Australian Privacy Principles, please provide the School with full details of your complaint and any supporting documentation.

The School will endeavour to:

- provide an initial response to your query or complaint within 10 business days, and
- investigate and attempt to resolve your query or complaint within 30 business days or such longer period as is necessary and notified to you by the School.

## Review

This policy will be reviewed every three years, or as required by legislation.

**Date of Endorsement:** July 2018

**Document to be Reviewed:** July 2021

## Appendices

- Appendix 1: Disclosure Statement to Students
- Appendix 2: Collection Notice

## Companion Documents

- Data Breach Response Plan
- Acceptable Use of Technology Policy
- Photography of Students – Guidelines for Parents and Students
- Photography Guidelines for Third Parties

## **APPENDIX 1 – Disclosure Statement to Students**

### ***Student Counselling provided by The Good Shepherd Lutheran Primary School***

The Good Shepherd Lutheran Primary School provides counselling services for its students as part of its Pastoral Care Program. These are provided through the Coordinator of Counselling and Wellbeing employed by the School.

Students are encouraged to make use of these services if they need assistance. However, it is important that students and their parents are aware of the following before using the counselling service.

1. Records will be made of counselling sessions and because the Counsellor is an employee, these records belong to the School, not the Counsellor.
2. The School is 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 delegate) if the Counsellor considers it necessary for the student's welfare to discharge the School's duty of care to the student.
3. The Principal (or delegate) may find it necessary to disclose aspects of discussions with Counsellor(s) to others in order to assist the student.
4. Where a disclosure is made it will be limited to those who need to know, unless the student consents to some wider disclosure.
5. Whilst the School is prepared to provide counselling services to students, if a student (or parent) is not satisfied with the above it is suggested counselling is sought outside the School.



## APPENDIX 2 – Collection Notice

### **Standard Collection Notice**

The Good Shepherd Lutheran Primary School is bound by the Australian Privacy Principles contained in the Commonwealth Privacy (Private Sector) Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Act 2012. In relation to health records, the School is also bound by the Health Privacy Principles contained in the Health Records Act 2001 (Vic).

The School is committed to managing personal information in an open and transparent way. This statement specifically itemises the reasons for collecting information about students and their families, and the ways in which information will be used by the School. For further information, please refer to the School's Privacy Policy.

1. The School collects personal information, including sensitive information about students and parents/carers/guardians ("parents") before and during the course of a student's enrolment at the School. This may be in writing or in the course of conversations. The primary purpose of collecting this information is to enable the School to provide an education to the student and to enable them to take part in all the activities of the School.
2. Some of the information collected is to satisfy the School's legal obligations, particularly to enable the School to discharge its duty of care.
3. Laws governing or relating to the operation of a school require certain information to be collected and disclosed. These include relevant Education Acts, and 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, in addition to the Health Privacy Principles under the Health Records Act. Parents may be asked to provide medical reports about their children from time to time.
5. The School, from time to time, discloses personal and sensitive information to others for administrative and educational purposes, including to facilitate the transfer of a student to another school. This may include other schools, government departments, Lutheran Education Australia, medical practitioners, and people providing services to the School, including specialist visiting teachers, sports coaches, volunteers and counsellors.
6. Failure to obtain such information referred to in the above may impede the ability of the School to be able to enrol or continue the enrolment of a student.
7. Personal information collected from students is regularly disclosed to their parents.
8. The School may from time to time store personal information in the 'cloud' which may mean that it resides on servers which are situated outside Australia.
9. The School's Privacy Policy sets out how parents or students may seek access to personal information collected about them. However, there may 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 School's duty of care to the student, or where students have provided information in confidence.
10. The Good Shepherd Lutheran Primary School Privacy Policy also sets out how you may make a complaint about a breach of privacy and how the School will deal with such a complaint.
11. The School, from time to time, engages in fundraising activities. Information received may be used to make an appeal for donation. It may also be disclosed to internal organisations that assist in the School's fundraising activities solely for that purpose. The School will not disclose personal information to third parties for their own marketing purposes without consent.

12. On occasions, information such as academic and sporting achievements, student activities and similar news is published in School publications, newsletters, magazines and on the School website.
13. Photographs of student activities such as sporting events, school camps and school excursions may be taken for publication in School newsletters, magazines and on the School website. The School will obtain both annual and separate consent from the students' parents or guardians prior to publication, as the case warrants.
14. The School may include contact details in a class list, school roll or on the School's information database. Such information is used solely to make contact with parents or guardians for the purposes of reporting emergencies, making other necessary contact or the fulfilment of the purposes of educational, financial and clerical administration.
15. If you provide the School with the personal information of others, such as doctors or emergency contacts, we encourage you to inform these people that such information has been disclosed to the School; why the information has been disclosed; and that they are able to access that information. However, the School does not usually disclose any information to third parties without appropriate consent.

### ***Specific Information***

For the purposes of making arrangements for designated school activities, including but not limited to, excursions, camps, tours or trips, the School may collect personal and sensitive information of students engaged in these activities. This may include passport details and medical information. By supplying this information, consent is deemed to be given for the purposes of that activity. This personal information will be disclosed to travel agents and event organisers accordingly. Failure to obtain such information may result in the student being unable to attend the activity.