

# FSAC Ltd

## Compliance Procedure No. 6.2

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# Privacy Procedure

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2017

<b>Document Approval and Version Control</b>	
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Contact Officers: Position: Manager Human Resources Name: Craig Middleton	Next Review: 30.06.2017

**1. POLICY STATEMENT**

**Board Policy No. 6 – Compliance Management**

**2. PROCEDURE STATEMENT**

*The Board is committed to managing personal and sensitive information and the protection of the privacy of students, families, staff, volunteers and other College stakeholders in an appropriate and respectful manner.*

**SPECIAL NOTE: This Policy should be read in concert with Policy No. 2 Student Protection in Anglican Schools Policy and Procedures which deals with matters of harm, sexual abuse or inappropriate behaviour. The Student Protection policy and procedures must be kept at the forefront when considering and implementing the contents of this policy and associated procedures. In the event that reasonable suspicions that harm exists, and/or sexual abuse has occurred or is likely to occur, the Student Protection Policy and Procedures must be followed.**

**2.1. Scope**

This procedure applies to Board members, staff, volunteers, contractors, students and parents.

**2.2. Principles**

The Colleges collect, hold, use and disclose personal information so that they can exercise their functions and activities and fulfil relevant duties and obligations.

That may include (but is not limited to):

- a) Exercising staff welfare responsibilities;
- b) Contacting and informing parents about the student’s education and other matters relating to the student’s activities at the College;
- c) Contacting College Council members and employees;
- d) College administrative purposes, including such as collecting outstanding fees and arranging for the provision of such services to the College;
- e) Supporting a student’s educational, social and medical wellbeing; Seeking donations and/or marketing for the Colleges; and
- f) Satisfying the legal obligations of the Colleges.

The Colleges collect and hold personal information, sensitive information and health information about students, parents and employees.

The Colleges generally deals with personal and sensitive information regarding:

- Students and Parents relating to the enrolment of the Student at the Colleges, and the activities of the Student while at the School;
- job applicants, staff members, volunteers and contractors; and
- persons who are involved with the Colleges.

The Colleges collect personal information about individuals to satisfy legal obligations and to fulfil their educational purpose. If the Colleges request information to be provided and the request is not complied with, the Colleges may be unable to enrol a prospective Student or continue enrolment of a current Student.

**2.3. Affiliated Authorities**

- *Privacy Act (Cwlth) 1988 (as amended 2012).*
- Australian Privacy Principles (APPs) (refer Appendix 1.)

**3. DEFINITIONS**

**Employee** means office holders and persons who work in a paid or voluntary capacity in an FSAC facility.

**Employee Record** means a record as defined in the Act.

**Health information** is a subset 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.

**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.

**Parent** is the parent / guardian / carer of a Student.

**Personal information** includes, but is not limited to sensitive information about students, parents and/or guardians, job applicants, staff members, volunteers and contractors, and other people who come into contact with the Colleges.

**Student** means for the purpose of this policy a person under the age of 18 years of age enrolled in an FSAC Limited College or registered or enrolled in any other educational institution as stated in Section 3 of the Education (General Provisions) Act 1989.

**Sensitive information** is 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 preference or practice, or criminal record. Sensitive information also includes biometric information that is used for the purpose of automated biometric verification, biometric identification or biometric templates.

#### 4. ACCOUNTABILITIES

##### General Accountabilities

**The Board** is the governing body of FSAC Ltd, and is therefore ultimately responsible for ensuring the proper and effective management and operation of the FSAC organisation. The Board is responsible for the overall governance of FSAC Ltd. This includes defining and monitoring the strategic direction, developing and monitoring policies, monitoring the effectiveness of the Board's and the Company's performance, and establishing control and accountability systems.

**The College Councils** are responsible for the administration and implementation of the Strategic Direction, Policies and Procedures and Control and Accountability systems developed by the Board. The College Councils act within the scope of powers delegated to them by the Board and remain accountable to and report regularly to the Board.

##### The Principals

The Principal of St John's Anglican College and the Principal of The Springfield Anglican College are held accountable for the effective management of their College including the maintenance of all accreditation compliance requirements. The Principals are responsible to the Board for leading the Colleges to deliver high quality curriculum and educational outcomes, excellence in teaching and learning, strong College communities and driving the agenda for building the Colleges' market growth. The Principals work

closely with the College Councils in the management of the College. The Principals report to the Board through the College Council.

## **5. COLLECTION**

### **5.1. Personal Information**

The Colleges collect personal information about individuals by way of forms, letters, emails, face-to-face meetings, interviews and telephone calls. Wherever practical or reasonable, the Colleges will collect that information directly from the individual.

The Colleges may collect personal information about an individual from a third party where it is reasonably necessary to do so, for example, a medical practitioner providing a report. This is also the case when the Colleges collect personal information about a student from the student's parent.

If the Colleges collect any personal information that is unsolicited, the Colleges will determine as soon as is reasonably practical whether it could have itself collected that information as part of its functions or activities. If the Colleges are not satisfied that they could have lawfully collected that information, they will (if lawful and reasonable to do so) destroy or de-identify that information.

### **5.2. Sensitive Information**

Sensitive information (including health information) will be collected by the Colleges where it is reasonably necessary for one or more of the Colleges' functions or activities. It will only be collected with consent, unless one of the exceptions under the APPs applies.

### **5.3. Employee Records**

Under the Act, the APPs do not apply to Employee records. This means that the Act does not apply to how the Colleges deal with an Employee record that concerns current and former Employees of the Colleges.

### **5.4. Anonymity**

Individuals may choose to deal with the Colleges anonymously or under a pseudonym, where lawful to do so, However, that may mean that the Colleges are unable to provide the required services and if so it may require that the individual identify themselves before providing any services.

## **5. USE AND DISCLOSURE**

### **Primary Purpose**

The Colleges will only use and disclose personal information for the primary purpose of collection or as otherwise specified in this Privacy Procedure.

### **Secondary Purpose**

Personal information may also be used for purposes other than the primary purpose if consent from the individual has been obtained, where the individual would reasonably expect the College to use the personal information in that way (and in the case of sensitive information is directly related to the primary purpose) or if such use or disclosure falls within a permitted exception under the Act.

### **Disclosure to Diocese**

The College may disclose personal information to the Corporation of Synod of the Diocese of Brisbane for administrative and management purposes, including to enable the Diocese to provide insurance services to the School and for child protection and professional standards purposes.

### **Disclosure to Service Providers**

Personal information may also be disclosed to external service providers or third parties engaged by the College, in order for those service providers to fulfil their service obligations to the College.

## **6. QUALITY OF INFORMATION AND SECURITY**

### **Overseas Disclosure**

The College may transfer personal information about an individual to overseas countries in order to perform its functions or activities. This may happen when the College stores personal information on its servers which are managed by third parties who then transfer and manage the data in an overseas location. The location will vary according to which service provider is used by the College. In those circumstances, the College will take reasonable steps to ensure the overseas recipient does not breach the APPs.

The Colleges endeavour to ensure that the personal information they hold is accurate, complete and up to date.

The Colleges 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.

## **7. ACCESS TO PERSONAL INFORMATION**

Access to records of personal information that the Colleges hold or concerns about the accuracy of information held by the Colleges should be directed to the Principal or their delegate.

Under the Act, an individual has the right to obtain access to personal information which the Colleges holds about them; there are exceptions to this, for example, where access may impact the privacy of others or pose as a threat to the individual.

To make a request to access personal information the Colleges requires a request in writing. The Colleges will respond to this request within a reasonable 14 days from the receipt of the application. Where it is reasonable, the Colleges will provide access in the manner requested. The Colleges may charge a fee to provide access to the personal information, however, will not charge for the request for access.

If the College does not agree to make any correction or amendment to personal information, an individual may give a statement to the College about the requested corrections and the College will ensure the statement is apparent to any users of that relevant personal information.

If the College does not agree to give access to an individual's personal information or to correct it, it will give written reasons and what the steps are to complain about that refusal.

## **8. JOB APPLICANTS AND CONTRACTORS**

In relation to personal information of job applicants and contractors, The Colleges' primary purpose for collection is to assess and (if successful) to engage the applicant or contractor. The purpose for which the College 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 Colleges, and
- To satisfy the Colleges' legal, compliance and due diligence obligations.

## 9. VOLUNTEERS

The Colleges obtain personal information about volunteers who assist the Colleges in their functions or who conduct associated activities. This information enables the Colleges and volunteers to work together.

## 10. MARKETING AND FUNDRAISING

The Colleges engage in marketing and fundraising as a means to promote future growth and sustain and improve the educational environment for Students.

Personal information collected may be used to make a marketing or fundraising appeal. The Colleges will abide by any direction from an individual not to disclose personal information to third parties for marketing purposes.

The Colleges also allows individuals to “opt out” through selection on the enrolment agreement.

## 11. STUDENT PHOTOS AND VIDEOS

The Information Privacy Act 1988 covers the collection and use of personal Information. Personal Information is information which identifies a person. A photograph or video image of a student is personal information and must be treated in accordance with the above.

### **Enrolment Agreement**

Clause 2 b) of the College Enrolment Agreement provides for a general permission for the student’s photograph being used in College publications. This clause in effect is a condition of enrolment unless specifically excluded.

### **General use of Student images and videos**

The Colleges will generally not obtain permission (subject to the reference to the Enrolment Agreement above) for the use of student images for:

- Included in College magazines and/or year books
- College newsletters or electronic media
- Photos taken by an authorised member of the press, eg when a local politician visits the Colleges and brings a press photographer along

These situations are generally for the purpose of praising or promoting the efforts of the students or the Colleges and are reasonable expected use of the student images as identified when enrolling at the Colleges.

### **Use of Student images for Direct Marketing Purposes**

Situations where a photo or video is to be used for direct marketing or the photo or video is to be placed in the public domain, such as the print or electronic media, specific permission will be obtained from the parent/guardian.

### **Avoiding Unauthorised Use of Student Images**

Parents/Guardians should notify the Principal immediately if any circumstances arise that would prevent the Colleges from using their child’s photo or video images being used as outlined above.

## 12. STAFF PRIVACY

The Colleges keep a personal file for each employee. Information kept in these files includes:

- Personal information as provide by the employee
- Personal information provided by another person that relates to the employee
- Wages information; accident/incident reports; memos to/from the employee; leave information and other payroll related information

- Information that relates to the performance and development of the employee

The primary purpose of recording personal information relating to employees is to facilitate correspondence with the employee on matters related to their employment with the Colleges. Only senior staff members or other staff working under the direction of a senior staff member will have access to the information contained on an employee's personal file. Except where legally permitted or where consent has been obtained, the Colleges will not disclose personal information about an employee to a third party. An employee may request to see information that has recorded about them. Such as request should be made to the Manager HR & Compliance.

**13. 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 school exchange.

**14. UPDATING PERSONAL INFORMATION**

The Colleges endeavor to ensure that the personal information they hold is correct, complete and up-to-date. A person may seek to update their personal information held by the Colleges by contacting the Principal at any time.

**15. ACCESS AND CORRECTION OF PERSONAL INFORMATION**

An individual has the right to obtain access to any personal information the Colleges hold about them and to advise the Colleges of any perceived inaccuracies. There are some exceptions to this right set out in the legislation. Students will generally have access to their personal information through their parents, but older students may seek access themselves.

**16. COMPLAINTS**

If an individual believes that the Colleges have breached the APPs a complaint can be made to the College.

All complaints should be in writing and directed to the Manager HR & Compliance. The Colleges will investigate complaints in a timely manner and respond in writing.

If an individual is not satisfied with the Colleges' response, a complaint can be lodged with the Office of the Australian Information Commissioner on the following website <http://www.oaic.gov.au/privacy/making-a-privacy-complaint>.

**17. PROCEDURE ADMINISTRATION**

In accordance with procedure development and review protocol this procedure will be recorded as an authorised procedure approved by the Board at its meeting of the date shown on the front of this procedure document.

The procedure will be reviewed twelve (12) months from the date of the approval shown herein.

Notwithstanding the schedule review, should any circumstance change significantly before the twelve (12) month review period, the policy will be immediately reviewed in order to maintain appropriate accuracy, relevance and authority.

## **Privacy Act (Cth) 1988 (as amended 2012)**

### **Australian Privacy Principles (APPs)**

#### **APP 1 – Open and transparent management of personal information**

This principle requires organisations to have ongoing practices and policies in place to ensure that they manage personal information in an open and transparent way. It also introduces a positive obligation for organisations to implement practices, procedures and systems that will ensure compliance with the APPs and any registered APP codes, including a system in place to deal with complaints from individuals concerning compliance.

#### **APP 2 – Anonymity and pseudonymity**

This principle sets out a requirement that an organisation provide individuals with the option of dealing with it using a pseudonym. This obligation is in addition to the existing requirement that organisations provide individuals with the option of dealing with them anonymously. Both requirements are subject to certain limited exceptions, including where it is impracticable for the organisation to deal with an individual who has not identified themselves, or where the law or a court/tribunal order requires or authorises the organisation to deal with individuals who have identified themselves.

#### **APP 3 – Collection of solicited personal information**

This principle outlines when and how an organisation may collect personal and sensitive information that it solicits from an individual or another entity. An organisation must not collect personal information (other than sensitive information) unless the information is reasonably necessary for one or more of the organisation's functions or activities. It clarifies that, unless an exception applies, sensitive information must only be collected with an individual's consent if the collection is also reasonably necessary for one or more of the organisation's functions or activities. Sensitive information can be collected without consent if a "general permitted situation" or "general health situation" exists. An organisation must only collect personal information from the individual, unless it is unreasonable or impracticable to do so.

#### **APP 4 – Dealing with unsolicited personal information**

This principle creates obligations in relation to the receipt of personal information which is not solicited. Where an organisation receives unsolicited personal information, it must determine whether it would have been permitted to collect the information under APP 3. If an organisation finds that it is not permitted to hold the personal information then they must destroy or de-identify the information, unless it is not lawful or reasonable to do so.

#### **APP 5 – Notification of the collection of personal information**

This principle requires that an organisation notify an individual when they collect personal information. This is generally addressed by issuing a standard collection notice. However, an organisation will have to provide further notice when:

- (a) they receive information about an individual from a third party; and
- (b) they collect information that is required or authorised by Australian law, court, or tribunal order.

#### **APP 6 – Use and disclosure of personal information**

This principle provides that an organisation must only hold and use information for a primary purpose, and must not use and disclose for a secondary purpose unless an exception applies. The exceptions are:

- (a) the individual has consented to the use or disclosure of the information;
- (b) the individual would reasonably expect the school to disclose the information for the secondary purpose;
- (c) use or disclosure of the information is required or authorised by Australian law, court, or tribunal order;
- (d) a permitted general situation exists;
- (e) a permitted health situation exists; or



- (f) the organisation reasonably believes that the use or disclosure of information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

#### **APP 7 – Direct marketing**

Generally, organisations may only use or disclose personal information for direct marketing purposes where the individual has either consented to their personal information being used for direct marketing, or has a reasonable expectation that their personal information will be used for this purpose, and conditions relating to opt-out mechanisms are met. The organisation must provide an “opt-out” option (this would ordinarily be provided in the standard collection notice).

#### **APP 8 – Cross-border disclosures**

This principle introduces an accountability approach to organisations’ cross-border disclosures of personal information.

#### **APP 9 – Adoption, use or disclosure of government related identifiers**

This principle prohibits an organisation from adopting, using or disclosing a government related identifier unless an exception applies.

#### **APP 10 – Quality of personal information**

Under this principle an organisation must take reasonable steps to ensure the personal information it collects is accurate, up-to-date and complete. For uses and disclosures, the personal information must be relevant, as well as, accurate, up-to-date and complete, having regard to the purpose of the use or disclosure.

#### **APP 11 – Security of personal information**

This principle requires an organisation to take reasonable steps to protect the personal information it holds from interference, in addition to misuse and loss, and unauthorised access, modification and disclosure. Under this principle there are two exceptions to this requirement:

- the personal information is contained in a Commonwealth record, or
- the organisation is required by or under an Australian law or a court/tribunal order to retain the information.

#### **APP 12 – Access to personal information**

The APPs separate the access and correction requirements into two separate principles. This principle requires an organisation to give an individual access to the personal information that it holds about that individual, unless an exception applies. There is a new requirement for organisations to respond to requests for access within a reasonable period. In addition, organisations must give access in the manner requested by the individual if it is reasonable to do so. If an organisation decides not to give an individual access, it must generally provide written reasons for the refusal and the mechanisms available to complain about the refusal.

#### **APP 13 – Correction of personal information**

This principle requires an organisation to take reasonable steps to correct personal information to ensure that, having regard to a purpose for which it is held, it is accurate, up-to-date, complete, relevant and not misleading, if either:

- the organisation is satisfied that it needs to be corrected, or
- an individual request that their personal information be corrected.

An organisation must also respond to a correction request or a request to associate a statement by the individual within a reasonable period after the request is made, and must not charge the individual for making the request, for correcting the personal information, or for associating the statement with the personal information. When refusing an individual’s correction request, an organisation must generally provide the individual with written reasons for the refusal and notify them of available complaint mechanisms.

## STANDARD COLLECTION NOTICE

FSAC Ltd trading as St John's Anglican College and The Springfield Anglican College (the Colleges) collects personal information, including sensitive information, about students and parents before and during the course of the student's enrolment at the Colleges.

1. The primary purpose of collecting information is to allow the School to exercise its functions and activities and ultimately provide schooling to its students.
2. The Colleges collect, use, holds and discloses personal information in accordance with the Privacy Act 1988 (Cth) and the Australian Privacy Principles (APPs).
3. Legislation that governs public health and child safety requires that certain types of information be collected by the Colleges.
4. Some of the information that the Colleges collect is to satisfy legal obligations and enables the Colleges to discharge their duty of care. This includes health information about students. Health information is a subset of sensitive information; it is defined in the Privacy Act 1988 (Cth) and is dealt with in accordance with the APPs.
5. If the Colleges does not obtain the information referred to above, it may not be able to enrol or continue the enrolment of the student.
6. Personal and sensitive information collected by the Colleges may be disclosed to others for administrative and educational purposes. This would include disclosure to other schools, government departments, the Corporation of the Synod of the Diocese of Brisbane the Anglican Church Southern Queensland and other persons providing services to the Colleges. Sometimes that information is transferred and managed overseas, for example if the School's records are stored off site by third party providers.
7. Personal information collected from students is generally disclosed to parents. Personal information and images (for example, sporting and academic achievements) are published in the College newsletters and magazines and may be used for other College related purposes. Please inform the College in writing if information in relation to the student is not to be used in this manner.
8. Personal information collected may be disclosed by the Colleges to debt collection agencies for the purpose of recovering outstanding tuition fees.
9. Parents may seek to access information collected about their child by contacting the College. Access to personal information is dealt with in accordance with the Colleges' Privacy Procedure.
10. Parents may seek to have personal information corrected. Correction of personal information is dealt with in accordance with the Colleges' Privacy Policy.
11. Members of the College communities may make a complaint in accordance with the Colleges' Privacy Procedure if they believe the College has breached the APPs.
12. The Colleges engage in fundraising activities. Personal information collected may be used to make a marketing or fundraising appeal. The School will abide by any direction from an individual not to disclose personal information to third parties for marketing purposes. I do not want this student's information used for direct marketing.

13. A copy of the Colleges' Privacy Procedure can be found at [www.tsac.qld.edu.au](http://www.tsac.qld.edu.au) or [www.stjohnsanglicancollege.com.au](http://www.stjohnsanglicancollege.com.au). The Procedure may be updated as required so you should check the Colleges' website.