

6.2 PRIVACY PROCEDURE



Human Resources and Compliance

Version 6.0

Last Reviewed: 9 February 2018

1 Statement

The college 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.

2 Purpose

St John's Anglican College is bound by the Australian Privacy Principles and the Commonwealth Privacy Act. This procedure outlines the privacy policy of the college and describes how the college uses and manages personal information provided to or collected by it.

3 Scope

This policy applies to board and council members, employees, volunteers, parents/guardians and students, contractors, and people visiting the school site; and describes the type of information the college collects, how the information is handled, how and to whom the information is disclosed, and how the information may be accessed.

4 Principles

The college collects, holds, uses and discloses personal information so that it can exercise its functions and activities and fulfil relevant duties and obligations.

This may include (but is not limited to):

- a) exercising staff welfare responsibilities;
- b) contacting and informing parents about students' education and other matters relating to students' activities at the college;
- c) contacting College Council members and employees;
- d) college administrative purposes, including collecting outstanding fees and arranging for the provision of such services to the college;
- e) supporting a student's educational, social and medical wellbeing;
- f) seeking donations and/or marketing for the college; and
- g) satisfying the legal obligations of the college.

The college collects and holds personal information, sensitive information and health information about students, parents and employees.



6.2 Privacy Procedure

The college generally deals with personal and sensitive information, including health and other sensitive information, about:

- students and parents before, during and after the course of a student's enrolment at the college;
- job applicants, employees, volunteers and contractors; and
- persons who are involved with the college.

The college collects personal information about individuals to satisfy legal obligations and to fulfil its educational purpose. If the college requests information to be provided and the request is not complied with, the college may be unable to enrol a prospective student or continue enrolment of a current student.

5 Student Protection

St John's Anglican College supports the rights of children and young people and is committed to ensure the safety, welfare and wellbeing of students. The College is therefore committed to responding to allegations of student harm resulting from the conduct or actions of any person including that of employees. This commitment includes the provision of a safe and supportive living and learning environment for all students and requires all employees, volunteers and visitors to model and encourage behaviour that upholds the dignity and protection of students from harm.

6 Definitions

Employee:	All employees employed by the college, including applicants and prospective employees.
Employee Record:	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.
Notice:	A notice or order issued by the Corporation of the Synod of the Diocese of Brisbane, or any other statutory body to comply with the requirements of section 6K (or as amended from time to time) of the <i>Royal Commission Act 1902</i> (Cth)
Parent:	Is the parent/guardian/carer of a student.
Personal information:	Information or an opinion, whether true or not, and whether recorded in material form or not, about an identified individual or an individual whose identity is reasonably apparent, or can be determined, from the relevant information or opinion.
Privacy Officer:	Liz Seagrott, Manager Human Resources and Compliance
Student:	Prospective, current or past student of the college.
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.
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7 Collection

7.1 Personal Information

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

The college 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 college collects personal information about a student from the student's parent.

If the college collects any personal information that is unsolicited, the College 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 College is 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.

7.2 Kinds of information that the college collects and holds

The type of information that the college collects and holds will depend on the person's relationship with the college. For example:

- * **Student:** if the person is a student of the college, the college may collect and hold information including the student's name, address, email address, contact telephone number, gender, age, medical history, emergency contact information, parent information and education results.
- * **Employee candidate:** if the person is a candidate seeking employment with the college, the college may collect and hold information about the candidate including the candidate's name, address, email address, contact telephone number, gender, age, employment history, references, resume, medical history, emergency contact information, taxation details, qualifications and payment details.
- * **Supplier:** if the person is a supplier to the college, the college may collect and hold information including the supplier's name, address, email address, contact telephone number, business records, billing information, information about goods and services supplied by the supplier.
- * **Referee:** if the person is a referee of a candidate being considered for employment by the college, the college may collect and hold information including the referee's name, contact details, current employment information and professional opinion of the candidate.

7.3 Sensitive Information

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



7.4 Employee Records

Under the *Privacy Act 1988* (Cth) (the Act), the APPs do not apply to employee records held by the college. This means that the Act does not apply to how the college deals with an employee record that concerns current and former Employees of the college.

The exemption applies to current or former employees. It does not apply to contractors, volunteers or prospective employees.

Despite this exemption, the college may have other obligations regarding employee records, for example under the *Fair Work Act 2009* (Cth) and the *Fair Work Regulations 2009* (Cth).

7.5 Anonymity

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

8 Use and Disclosure

8.1 Primary Purpose

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

8.2 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.

8.3 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.

8.4 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.

8.5 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.



9 Quality of Information and Security

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

The college will take all reasonable steps to:

- a) protect personal information from misuse, interference, loss, unauthorized access, modification or unauthorized disclosure; and
- b) destroy or de-identify information that is no longer needed.

10 Access to Personal Information

Access to personal information records that the college holds or concerns about the accuracy of information held by the college 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 college 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 college requires a request in writing. The college will respond to this request within 14 days from the receipt of the application. Where it is reasonable, the college will provide access in the manner requested. The college 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.

11 Job Applicants and Contractors

In relation to personal information of job applicants and contractors, the college's 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 to:

- administer the individual's employment contract;
- for insurance purposes;
- seek funds and marketing for the college; and
- to satisfy the college's legal, compliance and due diligence obligations.



12 Volunteers

The college obtains personal information about volunteers who assist the college in its functions or who conduct associated activities. This information enables the college and volunteers to work together.

13 Marketing and Fundraising

The college engages 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 college will abide by any direction from an individual not to disclose personal information to third parties for marketing purposes. The college also allows individuals to 'opt out' through selection on the enrolment agreement.

14 Student Photos and Videos

The Act 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.

14.1 Enrolment Agreement

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.

14.2 General Use of Student Images and Videos

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

- included in college magazines and/or year books
- used in college newsletters or electronic media
- taken by an authorised member of the press, e.g. when a local politician visits the college and bring a press photographer along

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

14.3 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.



14.4 Avoiding Unauthorised Use of Student Images

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

15 Employee Privacy

The college keeps an employee file for each employee. Information kept in these files include:

- personal information as provided by the employee
- personal information provided by another person that relates to the employee
- wages information, accident/incident reports, correspondence to and 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 college. Only senior staff members or other employees working under the direction of a senior staff member will have access to the information contained on an employee file. Except where legally permitted or where consent has been obtained, the college will not disclose personal information about an employee to a third party. An employee may request to see information that has been recorded about them. Such a request should be made to the Manager Human Resources and Compliance.

16 Sending and Storing Information Overseas

The college may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school 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 other applicable privacy legislation.

The college may use online or 'cloud' service providers to store personal information and to provide services to the college that involve the use of personal information. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services.

17 Management and Security of Personal Information

The college's employees are required to respect the confidentiality of students' and parents' personal information and the privacy of individuals. The college has in place steps to protect the personal information that the college 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.



18 Notifiable Data Breaches

18.1 What is a Notifiable Data Breach

A Notifiable Data Breach occurs when personal information of an individual held by the college is accessed by, or disclosed to, an unauthorised person, or is lost, and:

- a) a reasonable person would conclude that the unauthorised access or disclosure would like result in serous harm to the relevant individual; or
- b) in the case of loss (i.e. leaving a laptop containing personal information on a bus), unauthorised access or disclosure of personal information is likely to occur, and a reasonable person would conclude that the unauthorised access or disclosure would like result in serious harm to the relevant individual.

18.2 Assessment

If the college suspects that a Notifiable Data Breach has occurred, it will conduct a reasonable and expeditious assessment to determine if there are reasonable grounds to believe that a Notifiable Data Breach has occurred.

The college will take all reasonable steps to ensure that the assessment is completed within 30 days of becoming aware of the suspected Notifiable Data Breach.

18.3 Notification

Subject to any restriction under the Act, in the event a Notifiable Data Breach occurs, the college will, as soon as practicable, prepare a statement outlining details of the breach and:

- a) notify the individual of the unauthorised access, disclosure or breach; and
- b) notify the Office of the Australian Information Commissioner of the unauthorised access, disclosure or breach.

19 Complaints

If an individual believes that the college has breached the APPs a complaint can be lodged with the college.

All complaints should be in writing and directed to the Manager Human Resources and Compliance. The college will investigate complaints in a timely manner and respond in writing.

If an individual is not satisfied with the college's response, a complaint can be lodged with the Office of the Australian Information Commissioner on the following website – www.oaic.gov.au



20 Accountabilities and Responsibilities

The table below outlines the accountabilities and responsibilities for managing personal and sensitive information.

Board:	Is 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.
College Council:	Is responsible for the administration and implementation of the Strategic Direction, Policies and Procedures and Control and Accountability systems developed by the Board. The College Council acts within the scope of powers delegated to them by the Board and remain accountable to and report regularly to the Board.
Principal:	Is held accountable for the effective management of the college including the maintenance of all accreditation compliance requirements. The Principal is responsible to the Board for leading the college to deliver high quality curriculum and educational outcomes, excellence in teaching and learning, strong College communities and driving the agenda for building the college's market growth. The Principal works closely with the College Council in the management of the college. The Principal reports to the Board through the College Council.
Manager Human Resources and Compliance:	Is responsible for ensuring the achievement of College strategic objectives through the development and application of best practice Human Resource Management principles and practices that comply with legislative requirements. The Manager Human Resources and Compliance works closely with and is accountable to the Principal for developing, implementing and evaluating an appropriate policy framework compliant with all statutory requirements.
Employees:	Are required to respect the confidentiality of students' and parents' personal information and the privacy of individuals. All employees are expected to abide by all College policies and procedures.

21 References

- Australian Privacy Principles (APPs) (refer www.oaic.gov.au)
- *Privacy Act 1988* (Cth)
- *Privacy Amendment (Notifiable Data Breaches) Act 2017* (Cth)
- Anglican Schools Commission Student Protection Policy and Procedures

21.1 Other Documents

College Vision, Mission and Values Statement

FSAC Ltd Enterprise Bargaining Agreement



22 Approval

This policy was issued on 19 February 2018 under the authority of the Principal. This document represents the current policy of St John's Anglican College until it is revised or rescinded.

23 Managing this procedure

23.1 Review

This procedure is to be reviewed every two years or earlier if necessary. The Manager Human Resources and Compliance is responsible for reviewing or making approved modifications to the procedure and publishing on the College intranet. Any previous versions of this procedure will become superseded.

23.2 Breach of Procedure

Failure to respect the confidentiality of students' and parents' personal information and the privacy of individuals is considered a breach of this procedure. All employees are expected to abide by College policies and procedures, failure to do so may lead to disciplinary action ranging from counselling to dismissal.

24 Document information

Version Control

Version	Date	Description	Author
6.0	9 February 2018	Updated to reflect changes in legislation	Manager HR and Compliance

25 Authorisation

Suzanne Bain
Principal
Date: 19 February 2018



Appendix 1

STANDARD COLLECTION NOTICE

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

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 college collects, uses, 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 college.
4. Some of the information that the college collects is to satisfy legal obligations and enables the college 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 college 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 college 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 college. Sometimes that information is transferred and managed overseas, for example if the college'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 college 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 college's Privacy Procedure.
10. Parents may seek to have personal information corrected. Correction of personal information is dealt with in accordance with the college's Privacy Policy.

6.2 Privacy Procedure



11. Members of the college communities may make a complaint in accordance with the college's Privacy Procedure if they believe the college has breached the APPs.
12. The college engages in fundraising activities. Personal information collected may be used to make a marketing or fundraising appeal. The college will abide by any direction from an individual not to disclose personal information to third parties for marketing purposes. If you do not want personal information used for direct marketing you should notify the college immediately.
13. A copy of the college's Privacy Procedure can be found on the college's website www.stjohnsanglicancollege.com.au.



Appendix 2

OLD COLLEGIANS COLLECTION NOTICE

1. Old Collegians may collect personal information about you from time to time. The primary purpose of collecting this information is to enable us to inform you about our activities and the activities of St John's Anglican College and to keep Old Collegians members informed about other members.
2. We must have the information referred to above to enable us to continue the membership of the Old Collegians.
3. As you know, from time to time we engage in fundraising activities. The information received from you may be used to make an appeal to you. It may also be used by the college to assist in its fundraising activities. (If you do not agree to this, you should advise the Old Collegians immediately).
4. Old Collegians may publish details about you in our publications and on the college website. (If you do not agree to this, you should advise the Old Collegians immediately).
5. The college's Privacy Policy is available on the college's website and contains details of how you may seek access to and correction of your personal information which the college has collected and holds, and how you may complain about a breach of the Australian Privacy Principles.
6. The college may use online or 'cloud' service providers to store personal information and to provide educational services to the college that involve the use of personal information, such as email services. Further information about the college's use of online or 'cloud' service providers is contained in the Privacy Policy.
7. If you provide us with the personal information of others, we encourage you to inform them that you are disclosing that information the college and why.



Appendix 3

EMPLOYMENT COLLECTION NOTICE

1. In applying for this position, you will be providing the college with personal information.
2. If you provide us with personal information, for example, your name and address or information contained on your resume, we will collect the information in order to assess your application for employment. We may keep this information on file if your application is unsuccessful in case another position becomes available.
3. The college's Privacy Policy, accessible on the college's website, contains details of how you may complain about a breach of the Australian Privacy Principles and how you may seek to access to and correction of your person information which the college has collected and holds. However, access may be refused in certain circumstances such as where access would have an unreasonable impact on the privacy of others. Any refusal will be notified in writing with reason if appropriate.
4. The college will not disclose this information to a third party without your consent unless otherwise permitted.
5. We will collect information in order to conduct appropriate screening checks such as reference checks and safe ministry checks.
6. The college may use online or 'cloud' service providers to store personal information and to provide educational services to the college that involve the use of personal information, such as email services. Further information about the college's use of online or 'cloud' service providers is contained in the Privacy Policy.
7. If you provide us with the personal information of others, we encourage you to inform them that you are disclosing that information the college and why.



Appendix 4

CONTRACTOR/VOLUNTEER COLLECTION NOTICE

1. In offering, applying or agreeing to provide services to the college, you will be providing St John's Anglican College with personal information.
2. If you provide us with personal information, for example, your name and address or information contained on your resume, we will collect the information in order to assess your application. We may also make notes and prepare a confidential report in respect of your application.
3. You agree that we may store this information for at least the duration of your service.
4. The college's Privacy Policy, accessible on the college's website, contains details of how you may complain about a breach of the Australian Privacy Principles and how you may seek access to and correction of your personal information which the college has collected and holds. However, access may be refused in certain circumstances such as where access would have an unreasonable impact on the privacy of others. Any refusal will be notified in writing with reasons if appropriate.
5. We will not disclose this information to a third party without your consent unless otherwise permitted to.
6. The college may use online or 'cloud' service providers to store personal information and to provide educational services to the college that involve the use of personal information, such as email services. Further information about the college's use of online or 'cloud' service providers is contained in the Privacy Policy.
7. If you provide us with the personal information of others, we encourage you to inform them that you are disclosing that information the college and why.