

# Privacy Policy Summary



2013

## Policy document information

Policy Name	Privacy Policy - Summary
Privacy Officer	School Bursar
Other Policy Relationships	<ul style="list-style-type: none"><li>• Privacy Policy-Internet</li><li>• Use of Photographs and Student Images</li><li>• Child Abduction Response</li><li>• Social media Policy</li><li>• Computer Use</li><li>• Cyberspace Agreement</li><li>• Criminal History Checks</li><li>• Disability Discrimination</li><li>• Disputes and Complaints</li><li>• Duty of Care</li><li>• Mobile Phones, E-mails and Internet</li><li>• Records Management</li><li>• Enrolment Application form</li></ul>
Audience	All Staff/Parents of Emmanuel Christian Community School

## Key Dates

Date of issue	November, 2013
Date Submitted to the School Board	6 <sup>th</sup> March, 2014
Date set for review	2016

## PROTECTING YOUR PRIVACY

Emmanuel Christian Community School is committed to protecting your privacy.

The following is information that the Privacy Act required us to communicate to all of our School Families.

### Privacy policy

This statement outlines the policy of Emmanuel Christian Community School on how it uses and manages personal information provided to or collected by it. Emmanuel Christian Community School is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act.

This Policy may be reviewed and updated from time to time to take account of new laws and technology, changes to our school operations and practices and to make sure it remains appropriate to the changing school environment.

### DEFINITIONS

The Act is the Privacy Act 1988 as amended by the Privacy Amendment (Private Sector) Act 2000 which is a Commonwealth Act and as amended by the Privacy amendment (Enhancing Privacy protection) Act 2012.

Changes introduced by the previous government will see a set of new, harmonised, privacy principles that will regulate the handling of personal information by both Australian government agencies and businesses apply from 12 March 2014. These new principles are called the Australian Privacy Principles (APPs). They will replace the existing Information Privacy Principles (IPPs) that currently apply to Australian Government agencies and the National Privacy Principles (NPPs) that currently apply to businesses. Under the changes, there are 13 new APPs and a number of the APPs are significantly different from the existing principles,

Australian Privacy Principles (APPs): the 13 APPs are the key components of the new legislation and set minimum standards which relate to the collection, security, storage, use, access, correction and disclosure of personal information. The following is a summary of the 13 APP:

## Overview of the APPs

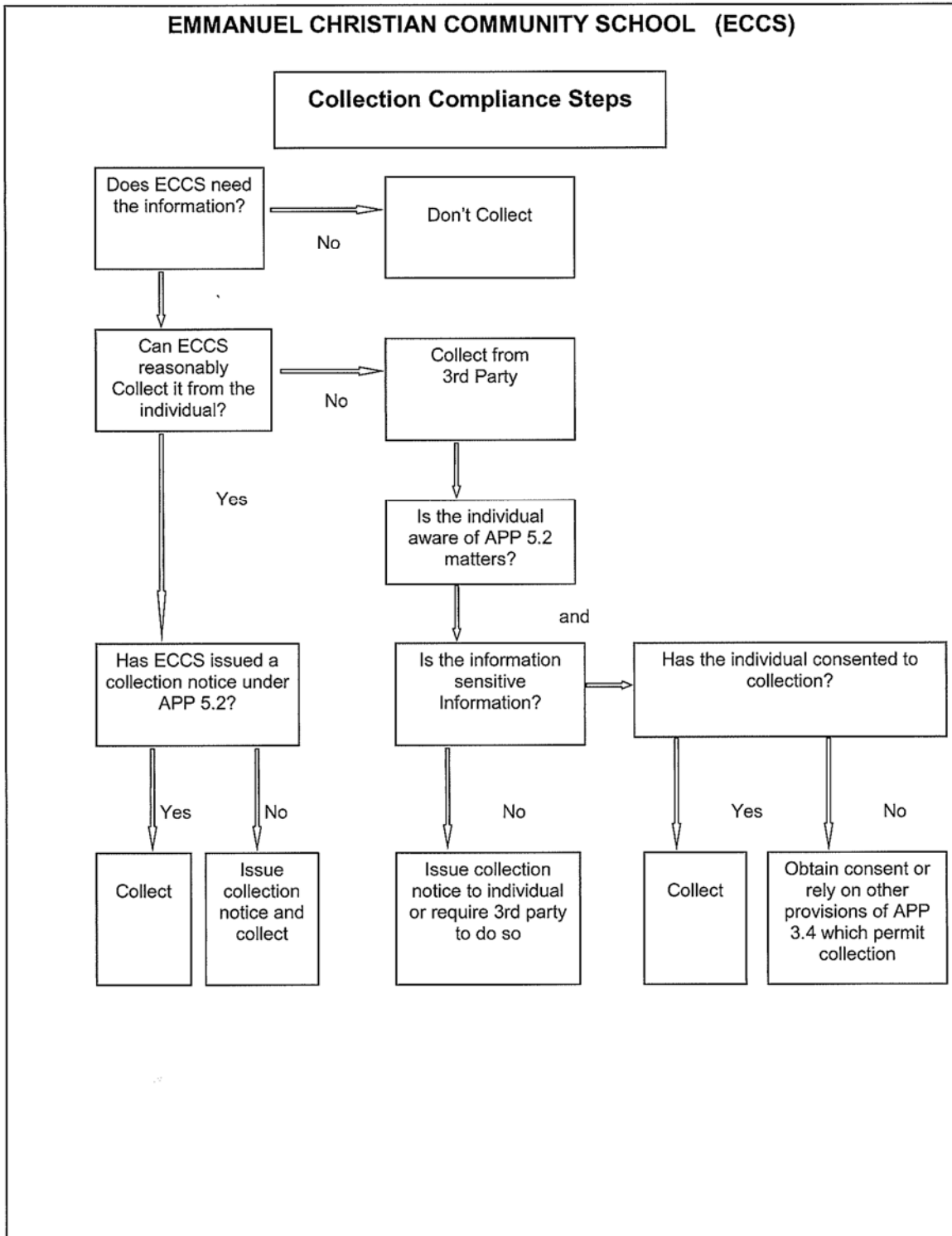
<p><b>APP 1 OPENNESS AND TRANSPARENCY</b></p>	<p>PRIVACY POLICY must be accessible and identify:</p> <ul style="list-style-type: none"> <li>- Type personal info collect &amp; hold</li> <li>- How it is collected &amp; held</li> <li>- Purpose of collection, holding, use and disclosure of personal information;</li> <li>- How a person may access and correct their personal information held;</li> <li>- How a person can complain about breach of APP or Privacy Code, and how complaint will be handled; and</li> <li>- Whether information is to be disclosed overseas, to whom and in which countries.</li> </ul> <p>SCHOOL must be open and transparent in the management of personal information;</p> <ul style="list-style-type: none"> <li>• Must have practices, procedures and systems in place to meet obligations under APP or a Cod, including that regarding handling of inquiries and complaints</li> <li>• Must have clearly expressed policy on management of personal information.</li> </ul>
<p><b>APP 2 ANONYMITY &amp; PSEUDONYMITY</b></p>	<p>Allow individuals to deal with entity under pseudonym or anonymity, but only where reasonable.</p>
<p><b>APP 3 COLLECTION OF SOLICITED PERSONAL INFORMATION</b></p>	<ul style="list-style-type: none"> <li>• Not collect personal information unless reasonably necessary for function or activity.</li> <li>• Collect by lawful and fair means.</li> <li>• Collect from individual unless unreasonable and impracticable</li> <li>• Not collect sensitive information unless consent and reasonably necessary for function or activity.</li> <li>• Sensitive information can be collected by NFP schools as part of its activities or is authorised under Australian law or court/tribunal order.</li> </ul>
<p><b>APP 4 DEALING WITH UNSOLICITED PERSONAL INFORMATION</b></p>	<ul style="list-style-type: none"> <li>• If receipt unsolicited personal information (not say anything about sensitive information) must determine if could have collected under APP3 – if not destroy. If yes, can retain.</li> <li>• Eg Chpt 16 disclose information</li> </ul>

<p><b>APP 5 NOTIFICATION OF THE COLLECTION OF PERSONAL INFORMATION</b></p>	<ul style="list-style-type: none"> <li>• On collection (as soon as practicable thereafter) and to extent reasonable notify individual of:</li> <li>• Identity and contact details APP;</li> <li>• Collected info from 3rd party or as part of its activities;</li> <li>• Purpose collects personal information;</li> <li>• Whether collected under Australian laws;</li> <li>• Who discloses information to;</li> <li>• How may access and correct personal information held;</li> <li>• How to lodge complaint about breach of APP or code and how deal with complaint;</li> <li>• Whether will disclose to overseas recipients and which countries (if possible).</li> </ul>
<p><b>APP 6 DEALING (use/disclosure) WITH PERSONAL INFORMATION</b></p>	<ul style="list-style-type: none"> <li>• If collect personal info for primary purpose not use for a secondary purpose unless:</li> <li>• Consent;</li> <li>• Individual would reasonably expect use or disclosure and directly related (sensitive) or related (primary) primary purpose;</li> <li>• Allowed under law;</li> <li>• Permitted general situation exists; <b>or</b></li> <li>• Permitted health situation exists.</li> </ul>
<p><b>APP 7 DIRECT MARKETING</b></p>	<ul style="list-style-type: none"> <li>• Not use personal information held for direct marketing, unless:</li> <li>• Collected information from individual and they would reasonably expect such purpose;</li> <li>• Opt out option;</li> <li>• No direction to not market; or</li> <li>• Collected personal information from individual or third party and would not expect to use for purpose there is consent to use personal information or</li> </ul>

	<p>impracticable to obtain consent, and have opt out and on each piece of marketing or directs them to it; and not requested before.</p> <ul style="list-style-type: none"> <li>• Use or disclose sensitive information for direct marketing if consent.</li> <li>• Privacy Laws for direct marketing do not apply where Spam or Do not call Register legislation applies.</li> </ul>
<b>APP 8 CROSS- BORDER DISCLOSURE OF PERSONAL INFORMATION</b>	<ul style="list-style-type: none"> <li>• If send personal information to third party overseas must take reasonable steps ensure recipient complies with APPs (excl. APP 1). Might still be Australian entity liability. See section 16.</li> <li>• No liability if recipient subject to same or higher duties if in Australia and individual has same access rights or individual consents (and know locally entity wont be liable); or required under law; general exemption applies.</li> </ul>
<b>APP 9 ADOPTION, USE OF DISCLOSURE OF GOVERNMENT RELATED IDENTIFIERS</b>	<ul style="list-style-type: none"> <li>• A school must not disclosure a government related identifier of an individual unless an exemption applies.</li> </ul>
<b>APP 10 QUALITY OF PERSONAL INFORMATION</b>	<ul style="list-style-type: none"> <li>• Take reasonable steps to ensure info collects, uses and discloses is accurate, up to date, not misleading and complete and relevant.</li> </ul>
<b>APP 11 SECURITY OF PERSONAL INFORMATION</b>	<ul style="list-style-type: none"> <li>• Reasonable steps must be taken to ensure information not:</li> <li>• Misused; interfered with or lost and no unauthorised access, modification or disclosure.</li> <li>• If no longer require information for purpose or at all (and reasonable to do so) must destroy or de-indentify eg legislation.</li> </ul>

<p><b>APP 12 ACCESS TO PERSONAL INFORMATION</b></p>	<ul style="list-style-type: none"> <li>• If hold personal info about individual must on request give access, unless;</li> <li>• Reasonably believe serious threat to life health or safety of an individual or society;</li> <li>• Unreasonably impact privacy of others;</li> <li>• Request frivolous or vexatious;</li> <li>• Relates to anticipated or actual legal proceedings between individual and entity and would not be discoverable;</li> <li>• Reveals negotiations with individual;</li> <li>• Unlawful;</li> <li>• Allowed under legislation;</li> <li>• Illegal activity might be engaged in;</li> <li>• Would reveal commercially sensitive material;</li> <li>• Requests for access to be responded to in reasonable time and if practicable give access as requested.</li> <li>• Must consider alternative methods of access if reasonable.</li> <li>• Any charges for access must be reasonable</li> <li>• If deny access or means of access must give reasons and whether can comply by other means.</li> </ul>
<p><b>APP 13 CORRECTION OF PERSONAL INFOMATION</b></p>	<ul style="list-style-type: none"> <li>• If hold inaccurate, out of date, incomplete, irrelevant or misleading personal information or individual requests must take reasonable steps to correct information.</li> <li>• Must take steps if reasonable to advise third party of corrected info if individual request.</li> <li>• If refuse to correct must advise why in writing and how could correct;</li> <li>• Entity may on request of individual notate that not correct information if asked by individual;</li> <li>• Must correct if reasonable in reasonable period.</li> </ul>

## COLLECTION COMPLIANCE STEPS



## Types of information covered by the Act:

Consent form”: The term ‘consent’ consists of the following elements:

- It must be provided voluntarily;
- The individual must be adequately informed of what they are consenting to;
- It must be current and specific; and
- The individual must have the capacity to understand and communicate their consent.

Emmanuel Christian Community School will

- provide different forms or documents to ask individuals to consent to particular kinds of collection, uses or disclosure of personal information.
- Ensure that the forms or documents that it has in place allow individuals to selectively determine how they are willing for their information to be used and for how long;
- Ensure that the forms or documents are easily understandable, in order to enable individuals to understand what it is they are agreeing to.

Emmanuel Christian Community School will

- Introduce internal programs and policies for the management of personal information and importantly, that all of these programs and policies need to be maintained on an ongoing basis as our obligations are constant.
- Have a program in place to enable the school community to differentiate between personal information and sensitive information and to manage that information (whether it can be retained or needs to be destroyed).
- Have a program in place to enable them to notify individuals that they have their personal information; about the facts and circumstances of the collection of the information; about whether the collection is authorised by law and about why the information was collected; and of the possible consequences for that individual if personal information is not collected.

“Personal information”: information or an opinion that allows someone to identify the individual that the information or opinion is about. It also includes sensitive and health information.

“Sensitive information”: a type of personal information that is given extra protection and must be treated with additional care. It includes any 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 preferences or practices, or criminal record. It also includes health information.

“Health information”: any information or opinion about the health or disability of an individual, or any expressed wishes or opinions about the individual's health situation.

## **WHAT KIND OF PERSONAL INFORMATION DOES EMMANUEL CHRISTIAN COMMUNITY SCHOOL COLLECT AND HOW DOES THE SCHOOL COLLECT IT?**

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

- pupils and parents and/or guardians (**'Parents'**) before, during and after the course of a pupil's enrolment at Emmanuel Christian Community School;
- job applicants, staff members, volunteers and contractors; and
- other people who come into contact with the school.

Personal Information you provide: Emmanuel Christian Community School will generally collect personal information held about an individual by way of forms filled out by Parents or pupils, face-to-face meetings and interviews, and telephone calls. On occasions people other than Parents and pupils provide personal information.

Personal Information provided by other people: In some circumstances Emmanuel Christian Community 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 reference from another school or a church.

Exception in relation to employee records: Under the Privacy Act the National Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to Emmanuel Christian Community School's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between the school and employee.

## **HOW WILL EMMANUEL CHRISTIAN COMMUNITY SCHOOL USE THE PERSONAL INFORMATION YOU PROVIDE?**

Emmanuel Christian Community School will use personal information it collects from you for the primary purpose of collection, and for such other secondary purposes that are related to the primary purpose of collection and reasonably expected, or to which you have consented.

Pupils and Parents: In relation to personal information of pupils and Parents, Emmanuel Christian Community School's primary purpose of collection is to enable the school to provide schooling for the pupil. This includes satisfying both the needs of Parents and the needs of the pupil throughout the whole period the pupil is enrolled at the school. The purposes for which Emmanuel Christian Community School uses personal information of pupils and Parents include:

- to keep Parents informed about matters related to their child's schooling, through correspondence, newsletters and magazines;
- day-to-day administration;
- looking after pupils' educational, pastoral, social and medical wellbeing;
- seeking donations and marketing for Emmanuel Christian Community School;
- to satisfy the school's legal obligations and allow the school to discharge its duty of care.

In some cases where Emmanuel Christian Community School requests personal information about a pupil or Parent, if the information requested is not obtained, the school may not be able to enrol or continue the enrolment of the pupil.

Job applicants, staff members and contractors: In relation to personal information of job applicants, staff members and contractors, Emmanuel Christian Community 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:

- in administering the individual's employment or contract, as the case may be;
- for insurance purposes;
- seeking support and marketing for Emmanuel Christian Community School;
- to satisfy Emmanuel Christian Community School's legal obligations, for example, in relation to child protection legislation.

Volunteers: Emmanuel Christian Community School also obtains personal information about volunteers who assist Emmanuel Christian Community School in its functions or conduct associated activities, to enable Emmanuel Christian Community School and the volunteers to work together and for the school to discharge its duty of care.

Marketing and fundraising: Personal information held by Emmanuel Christian Community School may be disclosed to an organisation that assists in the marketing of Emmanuel Christian Community School or in fundraising. Parents, staff, contractors and other members of the wider School community may from time to time receive fundraising information. School publications, like newsletters and magazines, which include personal information, school activities photos may be used for marketing purposes.

## **WHO MIGHT EMMANUEL CHRISTIAN COMMUNITY SCHOOL DISCLOSE PERSONAL INFORMATION TO?**

Emmanuel Christian Community School may disclose personal information, including sensitive information, held about an individual to:

- another school;
- government departments;
- medical practitioners;
- people providing services to Emmanuel Christian Community School, including specialist visiting teachers and sports coaches;
- recipients of School publications, like newsletters and magazines;
- Parents; volunteers and
- anyone you authorise Emmanuel Christian Community School to disclose information to.

Sending information overseas: Emmanuel Christian Community School will not send personal information about an individual outside Australia without:

- obtaining the consent of the individual (in some cases this consent will be implied); or
- otherwise complying with the National Privacy Principles.

## **HOW DOES EMMANUEL CHRISTIAN COMMUNITY SCHOOL TREAT SENSITIVE INFORMATION?**

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

## **MANAGEMENT AND SECURITY OF PERSONAL INFORMATION**

Emmanuel Christian Community School's staff is required to respect the confidentiality of pupils' and Parents' personal information and the privacy of individuals.

Emmanuel Christian Community School has in place steps to protect the personal information Emmanuel Christian Community School 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.

## **UPDATING PERSONAL INFORMATION**

Emmanuel Christian Community School endeavours to ensure that the personal information it holds is accurate, complete and up-to-date. A person may seek to update their personal information held by Emmanuel Christian Community School by contacting the Receptionist or the school Bursar of Emmanuel Christian Community School at any time. The National Privacy Principles require Emmanuel Christian Community School not to store personal information longer than necessary. You have the right to check what personal information Emmanuel Christian Community School holds about you. Under the Act, an individual has the right to obtain access to any personal information which Emmanuel Christian Community School holds about them and to advise the school of any perceived inaccuracy. There are some exceptions to this right set out in the Act. Pupils will generally have access to their personal information through their Parents, but older pupils may seek access themselves. To make a request to access any information Emmanuel Christian Community School holds about you or your child, please contact the School Bursar in writing. Emmanuel Christian Community School may require you to verify your identity and specify what information you

require. Emmanuel Christian Community School may charge a fee to cover the cost of verifying your application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, Emmanuel Christian Community School will advise the likely cost in advance.

## **CONSENT AND RIGHTS OF ACCESS TO THE PERSONAL INFORMATION OF PUPILS**

Emmanuel Christian Community School respects every Parent's right to make decisions concerning their child's education. Generally, the School will refer any requests for consent and notices in relation to the personal information of a pupil to the pupil's Parents. Emmanuel Christian Community School will treat consent given by Parents as consent given on behalf of the pupil, and notice to Parents will act as notice given to the pupil. A parent may seek access to personal information held by the School about them or their child by contacting the School Bursar. 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 Emmanuel Christian Community School's duty of care to the pupil. Emmanuel Christian Community School may, at its discretion, on the request of a pupil, grant that pupil access to information held by Emmanuel Christian Community School about them, or allow a pupil to give or withhold consent to the use of their personal information, independently of their Parents. This would normally be done only when the maturity of the pupil and/or the pupil's personal circumstances so warranted.

Changes introduced by the previous government will see a set of new, harmonised, privacy principles that will regulate the handling of personal information by both Australian government agencies and businesses apply from 12 March 2014. These new principles are called the Australian Privacy Principles (APPs). They will replace the existing Information Privacy Principles (IPPs) that currently apply to Australian Government agencies and the National Privacy Principles (NPPs) that currently apply to businesses. Under the changes, there are 13 new APPs and a number of the APPs are significantly different from the existing principles,

For a more detailed privacy policy, please refer to:

<http://www.csa.edu.au/briefings/national/ready-for-the-new-privacy-requirements>