

PRIVACY POLICY

Rationale

The College is provided with and collects personal and sensitive information in the course of its operations. The College recognises that the privacy of individuals is important.

The College is bound by the Australian Privacy Principles ('APPs') contained in the Privacy Act and, in relation to health records, by the New South Wales Health Privacy Principles contained in the Health Records and Information Privacy Act.

Key Legislation

Privacy Act 1988 (Commonwealth Act)
Health Records and Information Privacy Act 2002 (NSW Consolidated Act)
Children and Young Persons (Care and Protection) Act 1998
Workplace Surveillance Act 2005 (NSW)

The above legislation is not meant to be exhaustive. No reliance should be placed on the non-identification of a particular piece of legislation to support an inference that behaviour which may be prohibited or controlled under that non-identified legislation, is implicitly or tacitly not forbidden by the College.

Aims

This Policy sets out how Chevalier College will manage the personal and sensitive information that it collects and holds as records.

The College collects and holds information, including, but not limited to, personal information, health and other sensitive information about:

- students and parents before, during and after the course of a student's enrolment
- job applicants, staff members and volunteers
- past students
- other people who come into contact with the College

The purpose for which the College collects information is to:

- provide schooling and care for its students
- meet its obligations in relation to child protection
- recruit, employ and care for its staff
- engage volunteers and contractors
- conduct fundraising activities

Definitions

An individual is anyone – there is no differentiation between a child and an adult.

However, for an individual to make decisions regarding their personal information they must be capable of understanding and making a consent decision.

In the case of a child or young person, as a general principle, an individual under the age of 18 has capacity to consent when they have sufficient understanding and maturity to understand what is being proposed. However, the capacity to understand should be assessed on a case-by-case basis.

Parents	includes a student's guardians or caregivers.
Personal Information	refers to any information that identifies an individual, e.g. an email, photograph, health records.
Sensitive Information	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 orientation or practices or criminal record, that is also personal information; health information and biometric information about an individual.

Policy

College staff are required to respect the privacy of all individuals and ensure they follow correct procedures relating to the collection, security, storage, use, disclosure, access and correction of personal and sensitive information. Personal and sensitive information is to be held in such a way as to prevent unauthorised access and interference.

The College collects and holds personal information that is obtained by, but not limited to, the following methods:

- **Directly** by the individual or, in the case of a student, their parents; through forms; correspondence (including emails, SMS etc.); face-to-face meetings and interviews; and telephone calls.
- **By a third party**, for example a report provided by a medical professional or a reference from another school.

The College will use the 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 the individual or student and/or parent has consented.

The College will not collect sensitive information unless:

- the individual has consented and the information is reasonably necessary for one or more of the College's functions or activities; or
- collection is required or authorised by law.

The College will only use or disclose sensitive information about an individual for the purpose for which it was provided or a directly related secondary purpose, unless the individual agrees otherwise, or the use or disclosure of the sensitive information is allowed by law.

▪ **Students and Parents**

The primary purpose of collection of information regarding students and parents is to enable the College to provide schooling and care for the student. This includes satisfying both the needs of the parents and the needs of the student throughout the period that the student is enrolled at Chevalier College.

The purposes for which the College uses personal information of students and parents include, but are not limited to:

- keeping parents informed about matters related to their child's schooling, through correspondence, newsletters and magazines
- day-to-day administration of the College
- looking after students' educational, social and medical well-being
- seeking donations and marketing for the College
- satisfying the College's legal obligations and allowing the College to discharge its duty of care.

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

- another school
- government departments
- medical practitioners
- people providing services to the College, including specialist visiting teachers, counsellors and sports coaches
- recipients of College publications, such as newsletters and magazines
- parents
- anyone the individual authorises the College to disclose information to
- anyone to whom the College is required to disclose the information to by law.

▪ **Past Students**

The purpose for which the College collects information about its past students is to:

- enable an ongoing connection
- provide information about College activities and past student events
- make appeals for donations

▪ **Staff**

Under the Privacy Act and the Health Records and Information Privacy Act, the Australian Privacy Principles and the Health Privacy Principles do not apply to an employee record. As a result, this Privacy Policy *does not* apply to the College's treatment of an employee record,

where treatment is directly related to a current or former employment relationship between Chevalier College and the employee.

- **Job Applicants and Contractors**

The College's primary purpose for collecting the personal information of job applicants and contractors is to assess and engage individuals for employment where appropriate. The purposes for which the College uses personal information of job applicants and contractors include:

- administering the individual's employment or contract, as the case may be
- insurance
- to satisfy the College's legal obligations, for example, in relation to child protection legislation.

- **Volunteers**

The College's primary purpose for collecting personal information about the volunteers who assist it in its functions or conduct associated activities, is to:

- enable the College and the volunteers to work together
- to satisfy the College's legal obligations, for example, in relation to child protection legislation.

- **Marketing and Fundraising**

Chevalier College treats marketing and seeking donations for the future growth and development of the College as an important part of ensuring that the College continues to provide a quality learning environment in which both students and staff thrive. Personal information held by the College may be disclosed to organisations that assist in the College's fundraising, for example, the College's Foundation or past student organisation or, on occasions, external fundraising organisations. Parents, staff, contractors and other members of the wider College Community may from time-to-time receive fundraising information.

- **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 that are situated outside Australia or 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); or
- otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

- **Access to and Correction of Personal Information**

Under the Privacy Act and the Health Records and Information Privacy Act, an individual has the right to obtain access to any personal information that the College holds about them and to advise the College of any perceived inaccuracy.

Students will generally be able to access and provide updates to their personal information through their parents, but older students may seek access and updates themselves.

There are some exceptions to these rights set out in the applicable legislation.

Requests for general access or updates to information can be initiated by:

- making contact with the College Office Reception in person
- telephoning the office on 4861 1488
- sending an email to office@chevalier.nsw.edu.au
- writing to the College
- or any other method as preferred by the requestor

If the request is complex or involves sensitive information it must be directed to the Principal.

The College may require verification of identity.

The College may charge a fee to cover the cost of locating, retrieving, reviewing and copying any material requested.

If access cannot be provided or provided in the manner requested, the Principal (or their delegate) will provide a written explanation of the reasons for the refusal within 30 days of receiving the request.

Consent and rights of access to personal information of students

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

Generally, the College will refer any requests for consent and notices in relation to the personal information of a student to the student's parents. The College 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 the certain information held by the College about their child. However, there may be occasions when access is denied. Such occasions could include where the release of the information would have an unreasonable impact on the privacy of others, or where the release may result in a breach of the College's duty of care to the child.

The College may, at its discretion, on the request of a student, grant that student access to information held by the College about them, or allow a student to give or withhold consent to the use of their personal information independently of their parents. This would normally be done only when the maturity of the student and/or the student's personal circumstances so warranted.

▪ **Surveillance**

In areas where the College monitors activity by surveillance cameras, the College will provide notification, as required under legislation.

Any monitoring of information and communication technology will be notified to users, as required under legislation.

▪ Enquiries and Complaints

Individuals can obtain further information about the way the College manages personal information by contacting the College Privacy Officer.

Complaints about breaches of the Australian Privacy Principles by the College can be made to the Principal.

The College will investigate complaints and respond to the complainant in writing within 30 days.

If the complainant is not satisfied with the College's response or they have not received a response to their complaint, they can direct their complaint to the Australian Privacy Commissioner through the Office of the Australian Information Commissioner (refer to the OAIC website www.oaic.gov.au).

Responsibilities

The Principal will ensure that:

- an appropriate staff member is assigned with the responsibilities in relation to privacy (the 'Privacy Officer')

The Privacy Officer will perform all duties delegated by the Principal in relation to privacy issues, including, but not limited to:

- ensuring that all employees have access to material about their privacy obligations
- ensuring that employees have access to appropriate privacy training
- responding to complaints in relation to privacy matters
- responding to requests regarding personal information

Related Documents

Access & Correction of Personal Information Procedure
Collection of Information Procedure
Privacy Complaints Procedure
Records Management Policy
Records Management Procedure

End of Policy