

- 2.5 *Openness* – requires an organisation to be open about what personal information it holds and its Policy on the management of personal information
- 2.6 *Access and Correction* – permits access to and correction of personal information held by an organisation by the individual to whom the personal information relates
- 2.7 *Identifiers* – prohibits the use of identifiers assigned by a Commonwealth agency such as Medicare and tax file numbers
- 2.8 *Anonymity* – states that individuals must have the option of not identifying themselves when entering into transactions with organisations, if it is lawful and practicable to remain anonymous
- 2.9 *Transborder Data Flows* – regulates the transfer of personal information, held by an organisation in Australia about an individual, to someone in a foreign country
- 2.10 *Sensitive Information* – limits the ability of an organisation to collect sensitive information (i.e. information about an individual’s racial or ethnic origin, political opinions, religious beliefs and so on).
- 2.11 The Lourdes Hill College Student Care and Protection Policy overrides this Policy.

Guiding Documents

- Education (Accreditation of Non-State Schools) Act 2001
- Privacy Amendment (Private Sector) Act 2000
- Criminal Law
- Anti-discrimination Act 1991 (Qld)
- Discrimination Law Amendment Act 2002
- Commission for Children and Young People and Child Guardian Act 2000
- The Family Law Act 1975
- Other College Policies, particularly Enrolment, Employment and Formal Complaints and Student Care & Protection Policy.

3. POLICY STATEMENT

Your privacy is important. Each person working in the Lourdes Hill College community must comply with this Privacy Policy in its adoption of the 10 National Privacy Principles established by the *Privacy Amendment (Private Sector) Act 2000* relating to the collection, use, disclosure, security, access and disposal of personal information by private sector organisations.

- Personal information sought by the College, Deput Principal - Learning & Teaching, Parents & Friends, Sporting and Cultural Clubs, will be collected and thereafter handled in a manner consistent with the primary purpose behind the request for information
- Prior to any personal information being obtained the individual must be advised what information needs to be collected, the reason or purpose for which it is being collected, to whom the information will be disclosed and the consequences which will flow from non-disclosure. This will be undertaken by way of a Privacy Notice (Annexure A).

4. DEFINITIONS

4.1 Lourdes Hill College (“the College”)

Lourdes Hill College refers to the College community including the Deput Principal - Learning & Teaching Association, Parents & Friends Association and each Sporting and Cultural Club, ministries, initiatives, Sisters communities and associated corporations.

4.2 Each person working within the College.

This refers to all Directors, staff and volunteers (both paid and unpaid) involved in the College and its Ministries and includes visitors, contractors and tradespersons.

4.3 Participants refer to all young people, clients and those who receive a service from the College or any of its Ministries.

4.4 **Students** refer to all persons enrolled in the College – irrespective of age.

4.5 **Personal information:**

4.5.1 For **students/participants** this includes name, address, phone number, date of birth (and age), birth certificate, conduct reports, next of kin details, emergency contact numbers, names of doctors, school reports, assessments, referrals (e.g. government welfare agencies/departments), correspondence with parents, photos, current/previous school, health fund details and Medicare number

4.5.2 For **parents** this includes name, address, email address, phone number, date of birth, vehicle registration details, occupation, education, marital status/problems, custody details, doctor's name and contact information, Medicare number, other children's details, donation history, maiden name of Deput Principal - Learning & Teaching, alumni year, whether alumni had further education, professional experience and personal news

4.5.3 For **job applicants and each person working within Lourdes Hill College** may include name, company name and ABN, phone number, email address, QCT Registration No. and/or Blue Card must be provided, TFN, date of birth and age, contact details of next of kin, emergency contact numbers, including doctor, residency status/work visa status, qualifications, education, academic transcript, work permit, passport, details of previous salary, salary being sought and other salary details, details of referees, bank account number, superannuation details, marital status, letters of appointment/complaint/warning/resignation, record of interview, leave applications, discipline issues, professional development appraisals, performance review, photograph, applications for promotions, references, commencement date, employment agency details and former employers.

Personal information does **not include employee records**.

4.6 **A Record** is a document, data base or photograph containing personal information.

4.7 **Sensitive Information**

Collection of sensitive information is prohibited, except where that information is exempt sensitive information (see below).

Sensitive information is personal information relating to an individual detailing:

- Racial or ethnic origin
- Political opinions
- Membership of a political association
- Philosophical beliefs
- Membership of a professional trade association
- Membership of a trade union
- Sexual preference or practices

Collection of exempt sensitive information is permitted.

Exempt sensitive information is personal information relating to an individual detailing:

- Racial or ethnic origin
- Religious beliefs or affiliations
- Health information about an individual

By way of illustration:

i. For **students/participants** this includes religion, birth certification, language spoken at home, religious records, whether Indigenous, nationality, country of birth,

Sacrament/Parish (current Parish, name of referring Priest, date and place of Baptism, Confirmation, Eucharist and Reconciliation) and Baptism Certificate

- ii. For **parents** this includes religion, country of birth, nationality, family configuration and Court Orders
- iii. For **job applicants and each person working within the College community** this includes place of birth, religion, religious education, criminal record check, relevant child protection law information, membership of professional associations, country of birth and nationality.

4.8 Health Information

Health Information is sensitive information about an individual relating to that individual's health.

By way of illustration:

- i. For **students/participants** this includes medical background, immunisation records, medical records, medical treatments, accident reports, absentee notes, medical certificates, height and weight, nutrition and dietary requirements, assessment results for vision, hearing and speech, reports of physical disabilities, illnesses, operations, paediatric, medical, psychological, psychiatric and psychometric information, developmental history, history of genetic and familial disorders (including learning disabilities), diagnosis, of disorder, learning detail (recipient of special procedures, assessment for speech, occupational, hearing, sight, ADHD, Educational Cognitive [IQ]).
- ii. For **job applicants and each person working with the Lourdes Hill College community** this includes medical condition affecting ability to perform work, health information, compensation claims and doctor's certificates.

4.9 Employee Records (Exempt under the Act)

Employee record, in relation to an employee, means a record of information relating to the employment of the employee. An example of information relating to the employment of the employee is health information about the employee and information about all or any of the following:

- The engagement, training, disciplining or registration of the employee
- The termination of the employment of the employee
- The terms and conditions of employment of the employee
- The employee's personal and emergency contact details
- The employee's performance or conduct
- The employee's salary or wages
- The employee's membership of a professional or trade association
- The employee's recreation, long service, sick, personal, maternity, paternity or other leave
- The employee's taxation, banking or superannuation affairs.

4.10 Marketing and Fundraising

The 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 be a quality learning environment in which both students and staff thrive. Personal information held by the College may be disclosed to an organisation that assists in the College's fundraising, for example, the Deput Principal - Learning & Teaching Association.

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

5. SCOPE

This Policy applies to all employees, volunteers, students and parents at Lourdes Hill and to the enrolment, employment and on-going duties and responsibilities associated with the education of the students in the Good Samaritan spirit.

6. IMPLEMENTATION

6.1. Responsibility

6.1.1 **Each Person working within the College community** will be expected to:

- a) respect the Policy;
- b) take part in in-servicing; as appropriate
- c) support the principles of privacy and the need for confidentiality.

6.1.2 The **Lourdes Hill College Board** is responsible for the approval of this Policy and ensuring systems are in place for compliance with the requirements of this Policy.

6.1.3 The College Principal has delegated responsibility for:

- a) dissemination of the Policy to the College community.
- b) overseeing the monitoring for compliance.
- c) reviewing of the Policy.
- d) acquiring a full understanding of relevant provisions of The Act including NPPs;
- e) applying the Policy to all appointments and enrolments and at other times;
- f) handling requests for access to information in accordance with Privacy Principles and this Policy;
- g) keeping a Register to document requests for information made to schools, ministries; and
- h) handling complaints in relation to a breach of this Policy and/or Privacy Principles.

6.2. Collecting Information

6.2.1 Primary Purpose of Collecting

Personal information collected can be collected for the primary purpose, set out below and anything incidental to that purpose.

(a) *Students/Participants and Parents of Schools*

In relation to personal information of students/participants and parents, the primary purpose of collection is for the function and activities of the educational services at Lourdes Hill College. This includes satisfying both the needs of parents and the needs of the students/participants throughout the whole period the person is involved with the College.

(b) *Job Applicants, Volunteers and Contractors*

The primary purpose for which this personal information is needed is:

- Selection of personnel who can fulfil their professional duties within the College ethos and in accordance with Policy and the law and in addition for administering the individual's employment or contract, as the case may be:

- Insurance purposes; and
- To satisfy other legal obligations, for example, in relation to child protection legislation.

6.3 Type of information collected by the College

The type of information collected and held includes, but is not limited to, **personal** information, **sensitive** information and **health** information about:

- Students/participants and parents and/or guardians before, during and after the course of enrolment at the school (in accordance with the Enrolment Policy)
- Job applicants, volunteers and contractors.

Full and frank disclosure is a condition of enrolment and employment.

6.4 Method of Collection

A Privacy Notice must be provided to the person (e.g. prospective employees, volunteers, contractors or students/participants) at the time of collection. This notice must address the following:

- Identity of the organisation seeking the information
- Access arrangements
- Purpose of collection;
- Usual recipient of information
- Any legal requirements; and
- Consequence of failure to provide information in request.

Personal information will generally be collected by way of forms filled out by applicants/parents/students/participants. Other methods of collecting may include face-to-face meetings, interviews and telephone calls.

In some circumstances personal information about an individual may be provided from a third party, for example a report provided by a medical professional or referee.

6.5 Exception in Relation to Employee Records

Schools are not bound by the NPPs, and this Privacy Policy does not apply, in relation to employee records.

6.6 Using Information

Personal information will only be used and disclosed for the **Primary purpose** for which it was collected, e.g. information disclosed on a student/participant enrolment form must only be used for the purpose of assisting in the education, care and safety of students within the context of the ethos of the College.

6.6.1 Disclosure of Personal Information

- At the time of collection, the organisation by way of a Notice will tell the individual to whom it usually discloses the information. Where appropriate the College will may disclose Personal Information held about an individual to:
 - Another school/ministry/initiative/associated corporation
 - Government departments
 - The local parish
 - Medical practitioners
 - People providing services, including specialist visiting teachers and sports coaches
 - Recipients of Lourdes Hill College publications, e.g. newsletters

- Parents; and
 - Anyone authorised (by the person to whom the information relates) to receive information.
- (b) An individual's consent will usually be obtained before disclosing personal information, for fundraising and marketing purposes
- (c) Disclosure of personal information regarding any person, past or present, working or having worked with the College will not be made to any third party without the consent of the person to whom the personal information relates
- (d) Nothing in this paragraph 3 of the policy or the policy generally restricts the proper compliance by the College with a summons, subpoena, search warrant or other legal process requiring the production of documents or disclosure of information
- (e) The College's commitment to the safety and well-being of each person working and involved in the College may require the disclosure of personal information (for example where child protection legislation, health requires its disclosure).

6.6.2 *Sending Information Overseas*

No personal information about an individual will be sent outside Australia without first:

- Obtaining the consent of the individual; and
- Ascertaining that the country to which the information is to be sent has laws similar to the National Privacy Principles.

6.6.3 *Treatment of Sensitive Information*

In referring to 'sensitive information', the college means: information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual preferences or criminal record, that is also personal information; and health information about an individual.

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

6.6.4 *Management and Security of Personal Information*

The employer and staff are required to respect the confidentiality and privacy of students, participants, parents, contractors and volunteers.

The College will have in place procedures to protect the personal information held from misuse, loss unauthorised access, modification or disclosure by use of various methods, including locked storage of paper records and password access rights to computerised records.

6.6.5 *Updating Personal Information*

Procedures must be in place to ensure that the personal information held is accurate, complete and up-to-date. A person may seek to update his/her personal information held by the College.

The NPPs, as adopted by the College, require personal information to be stored only as long as necessary.

6.6.6 *Personal Access to Personal Information*

Under the Act, an individual has the right to obtain access to any personal information held about him/her and to advise the organisation of any perceived inaccuracy. There are some exceptions to this right set out in the Act. Children will generally have access to their personal information through their parents.

A fee may be charged to cover the time taken in locating, retrieving, reviewing and copying any material requested.

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 the duty of care. Reasons will be provided for the refusal of access.

6.6.7 Student/participants access to personal information

The College may at its discretion, on the request of a young person (student/participant), grant that person access to information held about them, or allow that person to give or withhold consent to the use of their personal information, independently of their parents. This would normally be done only when the student/participant involved had reached 18 years of age, but could be done in other circumstances when the maturity of that person and/or personal circumstances so warranted.

6.6.8 Responding to requests for access

Applicants wishing to access any of their personal information should make the initial request in writing to the Principal's secretary. Applicants will need to:

- a) verify identification; and
- b) specify what information is required.

6.7 Training

The Principal will make staff aware of this Policy on an annual basis.

Secretaries may need to receive particular training regarding this Policy.

6.8 Compliance

An internal audit schedule must be completed annually for the College.

6.9 Review

This Policy will be reviewed at least every three years.

6.10 Policy Breach

A person who considers that any action breaches this Privacy Policy or the National Privacy Principles, or otherwise does not respect his/her privacy, can make a complaint. The complaint needs to be in writing and needs to set out in detail the reasons for the complaint. Complaints are to be made to the Principal.

If a person is not satisfied with the response to the complaint, he/she can contact the Commonwealth Privacy Commissioner's hotline on 1300 363 992.

ANNEXURE A
PRIVACY NOTICE

Please use on all documents where information is sought, (as applicable).

1. Standard Collection Notice Clauses (Enrolment of Student)

- a) Full contact details of the College

Name of the College

Address

Telephone no:

Email:

- b) The primary purpose of the collection of information is for use in educating and/or caring for your daughter and in assessing the most appropriate way to provide an education within the Good Samaritan ethos for your daughter.
- c) You are entitled to gain access to any personal or sensitive information given.
- d) The information is kept for a period which is necessary for its primary purpose.
- e) The information may be disclosed to others only for the purposes of education services/safety & health and to those significantly involved with the student.
- f) Failure to disclose the requested information will affect initial/ongoing enrolment.

2. Alumni Collection Notice

- (i) Full contact details of the College.

Name of the College

Address

Telephone no:

Email:

- (ii) The ex student's association 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 the College and to keep ex student members informed about other members.
- (iii) The information received from you may be used to make an appeal to you. It may also be used by the school to assist in its fundraising activities. If you do not agree to this, please advise us now.
- (iv) The ex student's association may publish details about you in our "Lourdian Link" and the College website. If you do not agree to this you must advise us now.
- (v) You may seek access to personal information collected about you by written contact with the College at the above address.
- (vi) If you provide personal information to us about other people, we encourage you to inform them of the above matter.

3. Job Applicant Collection Notice

- a) Full contact details of Employer, e.g.

Name of the College

Address

Telephone no:

Email:

- b) This information will be used for the purpose of selecting a candidate to fulfil the role within the College, a Good Samaritan Catholic School.
- c) Information will be kept for the duration of the selection process and will be kept in a secure place until the selection process is completed. Original copies of CVs will be returned to unsuccessful applicants after completion date and copies will be destroyed. Information relating to the successful applicant will be retained by the employer.
- d) Candidates may seek access to information gathered about them for the purposes of selection.
- e) The information will be disclosed only to those who play a role in the selection process.
- f) Failure to disclose, accurately and fully the requested information will affect the efficiency of the selection process and continuing employment – should the applicant be successful.

4. Contractor/Volunteer Collection Notice (Required by Law)

- g) Full contact details of the College.

Name of the College

Address

Telephone no:

Email:

- h) Personal information is collected in order to assess your application.
- i) You agree that we may store this information for [insert amount of time].
- j) Access to this information may be available to you if you request it in writing.
- k) We will not disclose this information to a third party without your consent.
- l) Failure to disclose the requested information will affect initial/ongoing engagement.