



## Catholic Education Office DIOCESE OF BATHURST

*'With Jesus Christ as our inspiration and guide, we are called to provide high-quality Catholic education in the Diocese of Bathurst'*

### PRIVACY POLICY

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#### 1. Mission and Values

In partnership with the family, parish and community, our schools nurture a relationship with God in Christ Jesus, celebrate and share the Catholic faith, and educate to enable all to make a positive contribution to the world.

We are therefore committed to:

- a safe, inclusive and professional learning environment
- just and right relationships that recognise and respect the dignity of each individual.

#### 2. Purpose

- to ensure that schools and the Catholic Education Office (CEO) comply with the Privacy Act
- to ensure that personal information held is handled responsibly
- to provide guidance on the responsible handling of personal information

This policy applies to all personnel employed by the CEO as well as volunteers, religious and contractors.

#### 3. Expectations

It is expected that all personnel to whom this policy applies will:

- abide by the National Privacy Principles contained in the Commonwealth Privacy Act
- be informed of this policy annually by the principal or supervisor

#### 4. Definitions

'Personal information' means information or an opinion (including information or an opinion forming part of a database) whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. It includes all personal information regardless of its source.

'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, sexual preferences or criminal record, that is also personal information; and health information about an individual.

'Health information' is a subset of sensitive information. It is any information or opinion about the health or disability of an individual, the individual's expressed wishes about the future provision of health services and a health service provided, currently or in the future, to an individual that is also personal information. Health information also includes personal information collected in the course of providing a health service.

The Privacy Act regulates personal information contained in a 'record'. A 'record' is defined as a document, database (however kept) or a photograph or other pictorial representation.

## 5. Guidelines

This Privacy Policy applies to schools conducted by the Catholic Education Office of the Diocese of Bathurst and sets out how the CEO and each school manages personal information provided to or collected by it.

The CEO is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act. In relation to health records the CEO is also bound by the [*insert relevant State/Territory legislation, for instance:* [Health Privacy Principles contained in the *Health Records and Information Privacy Act 2002* (Health Records Act)]].

The CEO may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to schools' operations and practices and to make sure it remains appropriate to the changing school environment.

### **What kinds of personal information does a school collect and how does a school collect it?**

The type of information schools collect and hold includes (but is not limited to) personal information, including health and other sensitive information, about:

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

**Personal Information you provide:** A 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, emails and telephone calls. On occasions people other than Parents and pupils provide personal information.

**Personal Information provided by other people:** In some circumstances a 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.

**Exception in relation to employee records:** Under the Privacy Act and [*insert relevant State/Territory legislation, for instance, Health Records and Information Privacy Act 2002 (NSW)*], the Australian Privacy Principles [and Health Privacy Principles] do not apply to an employee record. As a result, this Privacy Policy does not apply to the 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 a school use the personal information you provide?**

A 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, a school's primary purpose of collection is to enable the school to provide schooling for the pupil. This includes satisfying the needs of Parents, the needs of the pupil and the needs of the CEO and school throughout the whole period the pupil is enrolled at the school.

The purposes for which the CEO and a 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, social, spiritual and medical wellbeing;
- seeking donations and marketing for the school; and
- to satisfy the [CEO's / System's] and the school's legal obligations and allow the school to discharge its duty of care.

In some cases where a 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 or permit the pupil to take part in a particular activity.

**Job applicants, staff members and contractors:** In relation to personal information of job applicants, staff members and contractors, a 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 a 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 funds and marketing for the school; and
- to satisfy the CEO's and the school's legal obligations, for example, in relation to child protection legislation.

**Volunteers:** A school also obtains personal information about volunteers who assist the school in its functions or conduct associated activities, such as [alumni associations], to enable the school and the volunteers to work together.

**Marketing and fundraising:** Schools treat marketing and seeking donations for the future growth and development of the school as an important part of ensuring that the school continues to be a quality learning environment in which both pupils and staff thrive. Personal information held by a school may be disclosed to an organisation that assists in the school's fundraising, for example, the school's Foundation or alumni organisation [or, on occasions, external fundraising organisations].

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, may be used for marketing purposes.

**Exception in relation to related schools:** The Privacy Act allows each school, being legally related to each of the other schools conducted by the CEO to share personal (but not sensitive) information with other schools conducted by the CEO. Other CEO, schools may then only use this personal information for the purpose for which it was originally collected by the CEO. This allows schools to transfer information between them, for example, when a pupil transfers from a CEO school to another school conducted by the CEO.

### **Who might a school disclose personal information to?**

A school may disclose personal information, including sensitive information, held about an individual to:

- another school;
- government departments;
- the School's local parish;
- medical practitioners;

- people providing services to the school, including specialist visiting teachers, counsellors and sports coaches;
- recipients of school publications, such as newsletters and magazines;
- Parents;
- anyone you authorise the school to disclose information to; and
- anyone to whom we are required to disclose the information by law.

***Sending information overseas:*** A school 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. However, a 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 Australian Privacy Principles or other applicable privacy legislation.

### **How does a school treat sensitive information?**

In referring to 'sensitive information', a school 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.

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 the use or disclosure of the sensitive information is allowed by law.

### **Management and security of personal information**

The CEO's and the schools' staff are required to respect the confidentiality of pupils' and Parents' personal information and the privacy of individuals.

Each school has in place steps to protect the personal information the school 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.

### **Access and correction of personal information**

Under the Commonwealth Privacy Act [and Health Records Act], an individual has the right to obtain access to any personal information which the CEO or a school holds about them and to advise the CEO or the school of any perceived inaccuracy. There are some exceptions to this right set out in the Act. Pupils will generally be able to access and update their personal information through their Parents, but older pupils may seek access and correction themselves.

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

To make a request to access or update any personal information the CEO or a school holds about you or your child, please contact the [school's Principal] in writing.

The school may require you to verify your identity and specify what information you require. The 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, the school will advise the likely cost in advance. If we cannot provide you with access to that information, we will provide you with written notice explaining the reasons for refusal.

### **Consent and rights of access to the personal information of pupils**

The CEO respects every Parent's right to make decisions concerning their child's education.

Generally, a school will refer any requests for consent and notices in relation to the personal information of a pupil to the pupil's Parents. A 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.

As mentioned above, parents may seek access to personal information held by a school or the CEO about them or their child by contacting the [school's Principal]. 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 the school's duty of care to the pupil.

A school may, at its discretion, on the request of a pupil grant that pupil access to information held by the 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.

### **Enquiries and complaints**

If you would like further information about the way the CEO or a school manages the personal information it holds, or wish to complain that you believe that CEO or a school has breached the Australian Privacy Principles, please contact the [school's Principal]. The CEO or the school will investigate any complaint and will notify you of a decision in relation to your complaint as soon as is practicable after it has been made.

Date of Implementation	2009
Date of Last Review	November 2013
Date for Next Review	July 2014