PRIVACY POLICY FOR DIOCESAN SYSTEMIC SCHOOLS

May 2012
PURPOSE
The purpose of this policy is to establish a framework for the Diocesan Schools system (DSS) to comply with the requirements of all relevant Commonwealth and State privacy legislation. This statement outlines the DSS’s policy on how each school and the Catholic Schools Office (CSO) uses and manages personal information provided to or collected by the CSO and diocesan systemic schools.

POLICY FRAMEWORK
The DSS is bound by the National Privacy Principles contained in the Commonwealth Privacy Act as well as other legislative obligations that impact on the privacy of the individual. In relation to health records the DSS is also bound by the Health Privacy Principles contained in the Health Records and Information Privacy Act 2002 (NSW)

The DSS 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 that it remains appropriate to the changing school environment.

In this policy:
“parents” includes parents and guardians;
“adult students” means students who are 18 years of age or older;
“school” or “schools” means schools owned by the Trustees of the Diocese of Broken Bay and administered by the Catholic Schools Office, Diocese of Broken Bay.

“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
• criminal record or
• information about the health or disability of an individual.

POLICY CONTENT

What kind 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 sensitive information, about:
• students and parents before, during and after the course of a student's enrolment at the school;
• job applicants, staff members, volunteers and contractors; and
• other people who come into contact with DSS schools.

Schools will generally collect personal information held about an individual by way of forms filled out by parents or students, face-to-face meetings and interviews, emails and telephone calls. On occasions people other than parents and students provide personal information.
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.

The DSS Standard Collection Notice must be provided to parents when the school staff first collect personal information and as a matter of practice is reissued to parents at the beginning of each school year by means of each school’s newsletter.

**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 the treatment by a school or the CSO of an employee record, where the treatment is directly related to a current or former employment relationship between the school and employee.

- This policy provides guidelines for the access of student records in the context of proceedings conducted pursuant to the Diocesan Pastoral Care and Student Discipline Policies.
- This policy does not apply to the Child Protection Legislation Investigation Protocols, nor to any other matter covering CSO employee records.

**How will a school use personal information?**

A school will use personal information it collects for the primary purpose of education, and for such other secondary purposes that are related to the primary purpose of collection and may be reasonably expected, or which have been consented to.

**Students and parents**

A school’s primary purpose for the collection of information is to enable it to provide schooling for the student. This includes satisfying both the needs of parents and the needs of the student throughout the whole period the student is enrolled at the school. The purposes for which a school uses personal information of students 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 students’ educational, social, spiritual and medical well-being
- seeking donations and marketing for the school
- to satisfy legal obligations of the DSS and the school and allow the school to discharge its duty of care.

In some cases where a school requests personal information about a student or parent, if the information requested is not obtained, the school may not be able to enrol or continue the enrolment of the student.

**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:

- administering the individual’s employment or contract, as the case may be;
- contact in an emergency???
- insurance purposes;
- seeking funds and marketing for the school;
- to satisfy legal obligations of the ’DSS and the school, for example, in relation to child protection legislation.
Volunteers
A school obtains personal information about volunteers who assist the school in its functions or who conduct associated activities, such as ex-student associations or parent 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. Personal information held by a school may be disclosed to an organisation that assists in the school’s fundraising, for example, the school’s ex-student or parent organisation.

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 DSS to share personal (but not sensitive) information with other schools conducted by the DSS. Other DSS schools may then only use this personal information for the purpose for which it was originally collected by the DSS. This allows schools to transfer information between them, for example, when a student transfers from a DSS school to another DSS school.

Schools may also share personal (but not sensitive) information with other schools within the Diocese conducted by Catholic Religious Congregations.

Who might a school disclose personal information to?
A school may disclose personal information, including sensitive information (with permission, as described above), held about an individual to:
- another school conducted by the Trustees of the Diocese of Broken Bay;
- another school which is not within the same system, only with permission;
- government departments;
- the local parish;
- medical practitioners;
- people providing services to the school, including specialist visiting teachers and sports coaches;
- recipients of school publications, like newsletters and magazines;
- parents;
- anyone authorised by the person about whom the information was collected; and
- anyone to whom the DSS is required to disclose the information by law.

Sending information overseas
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 National Privacy Principles and the NSW Health Privacy Principles.

Treatment of 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 otherwise agreed by the person who provided the information, or where the use or disclosure of the sensitive information is allowed by law.
Management and security of personal information

CSO and school staff are required to respect the confidentiality of students’ and parents’ personal information and the privacy of individuals. Any staff member who is uncertain about their obligations under this policy should seek clarification from their principal or in the case of CSO staff, their Head of Service. *A failure by a staff member to comply with the important obligations set out in this policy may result in disciplinary action*.

Each school is to have in place steps to protect the personal information the school holds from misuse, loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and pass word protected access rights to computerised records.

Updating personal information

Each school will endeavour 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 a school by contacting the School Principal or School Administration Staff at any time.

The National Privacy Principles and the NSW Health Privacy Principles require a school not to store personal information longer than necessary. The Health Records and Information Privacy Act requires health records to be stored for a particular period depending on the age of the individual. DSS records retention protocols are to be observed.

Individuals may seek access to the personal information held by a school or the CSO

Under the Commonwealth Privacy Act, and the Health Records and Information Privacy Act, an individual has the right to access any personal information that the CSO or a school holds about them and to advise the CSO or the school of any perceived inaccuracy. There are some exceptions to this right set out in the Act. Students will generally have access to their personal information through their parents but older pupils may seek access themselves and adult students have a right to do so.

Requests to access personal information the CSO or a school holds should be made in writing to the principal. The school may require an applicant to verify his or her identity and specify what information is required. The school may charge a fee to cover the cost of verifying the 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.

Consent and rights of access to the personal information of students

The Diocese 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 student to the student’s parents. A school 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 personal information held about them or their child by a school or the CSO by contacting the School’s Principal. However there will 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 student.
A school may, at its discretion, on the request of a student grant that student access to information held by the school 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 in the case of an adult student or when the maturity of the student and/or the student’s personal circumstances so warranted.

Related legislation, policies and procedures

- Privacy Act (Cth)
- Privacy Amendment (Private Sector) Act 2000 (Cth)
- Health Records and Information Privacy Act 2002 (NSW)
- Schools Assistance (Learning together Through Choice and Opportunity) Act 2004 (Cth)
- Children and Young Persons (Care and Protection) Act 1998
- Education Amendment (School Attendance) Act 2009
- Ombudsman Act 1974
- Acceptable Use Policy
- Complaints Handling Policy and Procedures provide guidelines for the handling of complaints relating to the operation of the Diocesan Systemic Schools, including complaints about management of personal information provided to or collected by the CSO and the schools it administers
- Systemic Schools Handbook – Section 12 Records retention schedule

POLICY DATES

The Privacy Policy is to be reviewed periodically and not less frequently than once every five years from the date of the implementation of the policy.

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<tr>
<td>Date of implementation</td>
<td>1 February 2002</td>
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<td>Revised and confirmed</td>
<td>May 2012</td>
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<td>Date of next review</td>
<td>May 2017</td>
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authorised by

Bishop David L. Walker
Bishop of Broken Bay