

## PRIVACY POLICY

### **Introduction**

This statement outlines Byron Community Primary School's (BCPS) policy on how the School uses and manages personal information provided to or collected by it.

The School is bound by the National Privacy Principles contained in the Commonwealth Privacy Act. BCPS has an obligation to notify the Office of the Australian Information Commission (OAIC) and the affected individuals if there is an 'eligible data breach' in relation to the information the School holds. The School 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 kind of personal information does the School collect and how does the School collect it?**

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

- students and parent(s) or guardian(s) 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 the School.

***Personal Information you provide:*** The School will generally collect personal information held about an individual by way of forms filled out by parent(s) or guardian(s) or students, face-to-face meetings and interviews, and telephone calls. On occasions people other than parent(s) or guardian(s) and students provide personal information.

***Personal Information provided by other people:*** In some circumstances the 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 the National 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 the School use the personal information you provide?**

The 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.

***Students and Parent(s) or Guardian(s):*** In relation to personal information of students and parent(s) or guardian(s), the School's primary purpose of collection is to enable the School to provide schooling for the student. This includes satisfying both the needs of parent(s) or guardian(s) and the needs of the student throughout the whole period the student is enrolled at the School.

The purposes for which the School uses personal information of students and parent(s) or guardian(s) include:

- to keep parent(s) or guardian(s) informed about matters related to their child's schooling, through correspondence, newsletters and magazines;
- day-to-day administration;
- looking after students' educational, social and medical wellbeing;
- seeking donations and marketing for the School;
- to satisfy the School's legal obligations and allow the School to discharge its duty of care.

In some cases where the School requests personal information about a student, parent(s) or guardian(s), and 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, the School's primary purpose of collection is to assess and (if successful) to engage the applicant, staff member or contractor.

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 funds and marketing for the School;
- to satisfy the School's legal obligations, for example, in relation to child protection legislation.

**Volunteers:** The School also obtains personal information about volunteers who assist the School in its functions or conduct associated activities to enable the School and the volunteers to work together.

**Marketing and fundraising:** The School treats 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 students and staff thrive. Parent(s) or guardian(s), 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.

#### **Who might the School disclose personal information to?**

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

- another school;
- government departments;
- medical practitioners;
- people providing services to the School, including specialist visiting teachers and sports coaches;
- recipients of School publications, like newsletters and magazines;
- Parent(s) or guardian(s); and
- anyone you authorise the School to disclose information to.

**Sending information overseas:** The 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 the School treat sensitive information?**

In referring to 'sensitive information', the School 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 you agree otherwise, or the use or disclosure of the sensitive information is allowed by law.

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

The School's staff are required to respect the confidentiality of students' and parent(s) or guardian(s) personal information and the privacy of individuals.

The School has steps in place 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 passworded access rights to computerised records.

If the School is obliged to contact the OAIC, there must have been:

- unauthorised access to, or disclosure of the information;
- information lost;
- or where the unauthorised disclosure is likely to occur, and a reasonable person is satisfied that access or disclosure of that information would likely result in serious harm to the individual to which the information relates.

BCPS conducts a review to identify the processes in place should an eligible breach take place or if any other breaches of the legislation are identified. All staff are reminded of their obligations under the privacy legislation.

### **Data Breaches**

Under the Privacy Act there are mandatory notification obligations for data breaches that are like to result in serious harm. The Principal must be notified as soon as a potential data breach is discovered. A data breach occurs where personal information about individuals is accessed by or disclosed to third parties who should not be in receipt of that information, or where information is lost in circumstances where that is likely to occur. If the transfer of information is not in accordance with this policy then BCPS must act immediately to determine whether the data breach is an eligible breach requiring action (including seeking legal advice where necessary).

Individuals must notify the Principal if they suspect a data breach. If there are reasonable grounds for this suspicion, BCPS must promptly carry out an assessment. Then, if the assessment shows there are reasonable grounds to believe that there has been an eligible data breach, BCPS must take any action which may remedy the data breach. If such action is unavailable or unsuccessful, BCPS must take the following steps:

1. Notify each of the individuals to whom the relevant information related, or at least those who are at risk.
2. Prepare a statement for the Commissioner and the public about the eligible data breach.
3. Comply with any directions given by the Office of the Australian Information Commissioner.

Where there has been any reasonable suspicion or belief of a data breach, BCPS will review its Privacy Policy and storing systems.

### **Updating personal information**

The 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 the School by contacting the Administration Assistant of the School at any time.

The National Privacy Principles require the School to store personal information no longer than necessary.

**You have the right to check what personal information the School holds about you**

Under the Commonwealth Privacy Act, an individual has the right to obtain access to any personal information which the 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. Students will generally have access to their personal information through their parent(s) or guardian(s), but older students may seek access themselves.

To make a request to access any information the School holds about you or your child, please contact the 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.

**Consent and rights of access to the personal information of students**

The School respects every parent(s) or guardian(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 student to the student's parent(s) or guardian(s). The School will treat consent given by parent(s) or guardian(s) as consent given on behalf of the student, and notice to parent(s) or guardian(s) will act as notice given to the student.

Parent(s) or guardian(s) may seek access to personal information held by the School about them or their child by contacting the 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 student.

The 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 parent(s) or guardian(s). This would normally be done only when the maturity of the student and/or the student's personal circumstances so warranted.

**Enquiries**

If you would like further information about the way the School manages the personal information it holds, please contact the Principal.

**Evaluation**

This policy will be reviewed annually.

Ratified by the School Council in  
Ratified by Board of Directors

November 2014  
March 2020