

# Privacy Policy

May 2018

*Proudly a School of the Presbyterian Church of Queensland*



## PURPOSE

Fairholme College is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act. This statement outlines the privacy policy of the College and describes how the school uses and manages personal information provided to or collected by it.

## SCOPE

The policy applies to board members, employers, employees, volunteers, parents/guardians and students, contractors, and people visiting the school site; and describes the type of information the College collects, how the information is handled, how and to whom the information is disclosed, and how the information may be accessed.

## EXCLUSION

Under the *Privacy Act 1988* (Cth) the Australian Privacy Principles do not apply to an employee record held. As a result, this Privacy Policy does not apply to the College's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between the College and employee.

## POLICY

This Privacy Policy sets out how the College manages personal information provided to or collected by it. Fairholme College Toowoomba is bound by the Australian Privacy Principles contained in the *Privacy Act*. The College may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to the College's operations and practices and to make sure it remains appropriate to the changing school environment.

## COLLECTION OF PERSONAL INFORMATION

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

- students and parents and/or guardians before, during and after the course of a students enrolment at the College;
  - name, contact details (including next of kin), date of birth, gender, language background, previous school and religion;
  - parents' education, occupation and language background;
  - medical information (e.g. details of disability and/or allergies, absence notes, medical reports and names of doctors);
  - conduct and complaint records, or other behaviour notes, and school reports; information about referrals to government welfare agencies;
  - counselling reports;
  - health fund details and Medicare number;
  - any court orders;
  - volunteering information; and
  - photos and videos at school events.
- job applicants, staff members, volunteers and contractors:
  - name, contact details (including next of kin), date of birth, and religion;
  - information on job application;
  - professional development history;
  - salary and payment information, including superannuation details;

- medical information (e.g. details of disability and/or allergies, and medical certificates);
- complaint records and investigation reports;
- leave details;
- photos and videos at school events;
- workplace surveillance information;
- work emails and private emails (when using work email address) and Internet browsing history
- other people who come into contact with the School including name and contact details and any other information necessary for the particular contact with the school.

### **Personal Information you provide**

The College will generally collect personal information held about an individual by way of forms filled out by College personnel, parents and students, face-to-face meetings and interviews, telephone calls and through electronic communication. On occasions, people other than those associated with the College provide personal information.

### **Personal Information provided by other people**

In some circumstances, the College 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 or College.

### **USE OF PERSONAL INFORMATION**

The College 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 by you, or to which you have consented.

### **Students and Parents/Guardians**

In relation to personal information about students and parents, the College's primary purpose of collection is to enable the College to provide schooling to students enrolled at the College, exercise its duty of care, and perform necessary associated administrative activities, which will enable students to take part in all the activities of the College. This includes satisfying both the needs of parents and the needs of the student and the needs of the College throughout the whole period the student is enrolled in the College.

The purposes for which the College 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 student's educational, social and medical wellbeing;
- seeking donations and marketing for the College;
- any secondary purposes that are related to the primary purpose of collection and reasonably expected by you, or to which you have consented; and
- to satisfy the College's legal obligations and allow the College to discharge its duty of care.

In some cases where the College requests personal information about a student or parent, if the information requested is not provided, the College may not be able to enrol or continue the enrolment of the student, or permit the student to take part in a particular activity.

On occasions information such as academic and sporting achievements, student activities and similar news is published in College newsletters and magazines, on our intranet [and on our website] this may include photographs and videos of student activities such as sporting events, school camps and school excursions. On enrolment the College will obtain permissions from the student's parent or guardian (and from the student if appropriate) if we would like to include such photographs or videos [or other identifying material] in our promotional material or otherwise make this material available to the public such as on the internet.

### **Job Applicants, Staff Members and Contractors**

In relation to personal information of job applicants, staff members and contractors, the College'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 the College 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;
- in seeking donations and marketing for the College; and
- to satisfy the College's legal obligations, for example, in relation to child protection legislation.

### **Volunteers**

The College also obtains personal information about volunteers who assist the College in its functions or conduct associated activities, such as alumni associations, that enable the College and volunteers to work together.

### **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 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 fundraising, for example, the Fairholme Foundation or Alumni organisation.

Parents/guardians, 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. We may include your contact details in a class list and College directory. If you do not agree to this you must advise the Business Office.

We will not disclose your personal information to third parties for their own marketing purposes without your consent.

### **DISCLOSURE OF PERSONAL INFORMATION**

The College may disclose personal information, including sensitive information, held about an individual for educational, legal, administrative, marketing and support purposes. This may include to:

- another College;
- government departments (including for policy and funding purposes);
- medical practitioners;
  - people providing services to the College, including specialist visiting teachers, counsellors and sports coaches and providers of learning and assessment tools;

- assessment and educational authorities, including the Australian Curriculum, Assessment and Reporting Authority (ACARA) and NAPLAN Test Administration Authorities (who will disclose it to the entity that manages the online platform for NAPLAN)
- our professional advisers, including accountants, auditors, insurers and solicitors;
  - recipients of College publications, like newsletters and magazines
  - students' parents or guardians
- anyone you authorise the College to disclose information to; and
  - anyone to whom we are required to disclose the information to by law, including child protection laws.

Where the College is not legally obliged or legally permitted to disclose private or sensitive information about you or as otherwise set out in this Policy, the College will not disclose private or sensitive information about you without first obtaining your consent. Such consent may be written or verbal.

The College acknowledges that information and/or images may be disclosed by third parties on social media platforms without the knowledge or consent of the College. However, such information and/or images will be removed from all social media platforms controlled by the College upon request from authorised parties.

#### **SENDING AND STORING INFORMATION OVERSEAS**

The College 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 College exchange.

However, the College will not send personal information about an individual outside Australia without:

- obtaining the consent of the individual (or in some cases this consent will be implied); or
- otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

The College may use online or 'cloud' service providers to store personal information and to provide services to The College that involve the use of personal information, such as services relating to email, instant messaging and education and assessment applications. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may be stored in the 'cloud' which means that it may reside on a cloud service provider's server which may be situated outside Australia.

#### **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, 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 if the use or disclosure of the sensitive information is allowed or required by law.

## MANAGEMENT AND SECURITY OF PERSONAL INFORMATION

College' staff are required to respect the confidentiality of students' and parents' personal information and the privacy of individuals. The College has in place steps to protect the personal information the College 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.

## DATA BREACHES

Serious harm as a result of an eligible data breach may include serious physical, psychological, emotional, economic and financial harm, as well as serious harm to reputation.

It will be deemed that an 'eligible data breach' has occurred if:

- there has been unauthorised access to, or unauthorised disclosure of, personal information about one or more individuals (the affected individuals)
- a reasonable person would conclude there is a likelihood of serious harm to any affected individuals as a result
- the information is lost in circumstances where:
  - unauthorised access to, or unauthorised disclosure of, the information is likely to occur
  - assuming unauthorised access to, or unauthorised disclosure of, the information was to occur, a reasonable person would conclude that it would be likely to result in serious harm to the affected individuals.

### What must the school do in the event of an 'eligible data breach'?

If the College suspects that an eligible data breach has occurred, it will carry out a reasonable and expedient assessment/investigation within 30 days.

If such an assessment/investigation indicates there are reasonable grounds to believe an eligible data breach has occurred, then the College will be required to lodge a statement to the Privacy Commissioner (Commissioner). Where practical to do so, the College will also notify the affected individuals. If it is not practicable to notify the affected individuals, the College will publish a copy of the statement on its website, or publicise it in another manner.

### Exception to notification obligation

An exception to the requirement to notify will exist if there is a data breach and immediate remedial action is taken, and as a result of that action:

- there is no unauthorised access to, or unauthorised disclosure of, the information
- there is no serious harm to affected individuals, and as a result of the remedial action, a reasonable person would conclude the breach is not likely to result in serious harm.

## ACCESS AND CORRECTION OF PERSONAL INFORMATION

Under the *Privacy Act*, an individual has the right to seek and obtain access to any personal information which the College holds about them and to advise the College of any perceived inaccuracy. There are some exceptions to these rights set out in Act. Students will generally be able to access and update their personal information through their parents, but older students may seek access and correction themselves.

To make a request to access or update any personal information the College holds about you or your child, please contact the Principal or relevant Head of Sub-school, in writing. The College may require you

to verify your identity and specify what information you require. The College 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 College 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.

The College will take reasonable steps to ensure that any personal information is accurate, up to date, complete, relevant and not misleading.

### **CONSENT AND RIGHTS OF ACCESS TO THE 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 request 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 personal information held by the College 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 College's duty of care to the student.

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 only occur when the maturity of the student and/or the student's personal circumstances so warrants.

### **ENQUIRIES AND COMPLAINTS**

Any issue you may have concerning privacy and the College can be addressed by contacting the College on 4688 4688 or by email: [compliance@fairholme.qld.edu.au](mailto:compliance@fairholme.qld.edu.au)

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

### **REFERENCES**

#### **Legislation**

*Australian Privacy Principles*  
*Privacy Act 1988 (Cth)*

#### **Fairholme College Policies**

Child Protection Policy  
Complaints and Dispute Resolution Policy  
Disabilities Policy  
Fairholme College Privacy Notices