



PRIVACY AND CONFIDENTIALITY POLICY

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Drafted by	Nicole Crook	Approved by board on	Feb 2019
Responsible person	Nicole Crook	Scheduled review date	Feb 2020

INTRODUCTION

Your privacy is important. This statement outlines Patersonia's policy on the use and management of personal information provided to or collected by it. Patersonia is bound by the National Privacy Principles contained in the Commonwealth *Privacy Act 1988*.

Patersonia will make every effort to protect the privacy and confidentiality of all individuals associated with Patersonia by ensuring that all records and information about children, families, educators, staff and management are kept in a safe and secure place and are not divulged or communicated, directly or indirectly, unless strict criteria are met.

PURPOSE

The purpose of this document is to sets out:

- the standards by which we handle personal information;
- rights of individuals to access the personal information which we hold about them or to make a complaint about how we have handled their information; and
- who to contact if you would like to know more about our approach to privacy.

Patersonia will, from time to time, review and update this privacy policy to take account of new laws and technology, changes to operations and practices and to make sure it remains appropriate to the changing environment.

If you would like to know more about the Privacy Act and how it impacts on private sector organisations, visit the website of the Federal Privacy Commissioner.

<http://www.privacy.gov.au/>

WHAT KIND OF PERSONAL INFORMATION DOES PATERSONIA COLLECT?

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

- students and parents and/or guardians before, during and after the course of a student's enrolment at Patersonia;
- job applicants, staff members, volunteers and contractors; and
- other people who come into contact with Patersonia.

In general Patersonia only collects information required to provide and facilitate the education and safety of the children in our care. Our aim is to use fair and lawful ways to collect it.

Personal Information you provide: Patersonia will generally collect personal information held about an individual by way of forms filled out by parents/guardians or students, face-to-face meetings and interviews and telephone calls. On occasions people other than parents and students will provide personal information, for example a reference from another school. In these circumstances Patersonia will use best endeavours to confirm the information is correct by contacting the individual that the information concerns. We aim to ensure you know why we are collecting the information, to whom the information will be given and how we will use it or disclose it.

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

HOW WILL PATERSONIA USE THE PERSONAL INFORMATION YOU PROVIDE?

Patersonia will use personal information it collects from you for the primary purpose for which it was collected, 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 & Parents: In relation to personal information of students and parents, Patersonia's primary purpose of collection is to enable Patersonia to provide education 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 Patersonia.

The purposes for which Patersonia uses personal information of students and parents include:

- to keep parents informed about matters related to their child/ren's education, through correspondence, newsletters and magazines;
- day-to-day administration;
- looking after students' educational, social and medical wellbeing;
- seeking donations and marketing for Patersonia;
- to satisfy Patersonia's legal obligations and allow Patersonia to discharge its duty of care.

In some cases where Patersonia requests personal information about a student or parent, if the information requested is not obtained, Patersonia 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, Patersonia'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 Patersonia 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 Patersonia;
- to satisfy Patersonia's legal obligations, for example, in relation to child protection legislation.

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

Marketing and fundraising: Patersonia treats marketing and seeking donations for the future growth and development of Patersonia as an important part of ensuring that Patersonia continues to be a quality learning environment in which both students and staff thrive.

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

Written consent will be obtained from parents on their child's enrolment form for the use of images, work samples or information relating to themselves or their children in promotional material or on Patersonia website.

There are situations in which we may use or disclose information without an individual's consent. These include where:

- we reasonably believe that use or disclosure is necessary to reduce or prevent a threat to a person's life or health or safety or a serious threat to public health or safety;
- we are investigating or reporting on suspected unlawful activity;
- the use or disclosure is required or authorised by law; or
- we reasonably believe that the use is necessary for law enforcement, public revenue protection, prevention and remedying of seriously improper conduct, or preparation or conduct of court or tribunal proceedings, either by or on behalf of an enforcement body.

If we use or disclose information on these grounds we will make a written note of such disclosure.

WHO MIGHT PATERSONIA DISCLOSE PERSONAL INFORMATION TO?

Patersonia may disclose personal information, including sensitive information when appropriate, held about an individual to:

- another school;
- government departments;
- medical practitioners;
- people providing services to Patersonia, including specialist visiting teachers and sports coaches;
- recipients of Patersonia publications, like newsletters and magazines; and
- anyone you authorise Patersonia to disclose information to.

Personal information regarding the children and their families is not to be discussed with anyone outside Patersonia, except in circumstances outlined in Regulation 181.

No personal information regarding staff, volunteers or Board members will not be given to anyone without written permission, except in a medical emergency.

Lists of children's or families names, emails and phone numbers are deemed confidential and are not for public viewing and will not be issued to any other person or organisation without written consent.

Sending information overseas: Patersonia 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 PATERSONIA TREAT SENSITIVE INFORMATION?

In referring to 'sensitive information', Patersonia means information or opinion 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 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

Patersonia's staff are required to respect the confidentiality of students' and parents' personal information and the privacy of individuals.

Patersonia has in place steps to protect the personal information Patersonia holds from misuse, loss, unauthorised access, modification or disclosure. This requires a range of processes such as:

- locked storage of paper records
- locking up procedures and alarms on facilities
- password protected access rights to computerised records
- use of cloudbased professional software with inbuilt high levels on security
- staff policy and training in regard to security and password intergrity

Personal conversations with families about their children, or other matters that may impact on the child's enrolment, for example, fees, will take place in an area that affords them privacy.

Personal conversations with educators and staff about matters relating to their performance will take place in an area that affords them privacy.

UPDATING PERSONAL INFORMATION

Patersonia 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 Patersonia by contacting the Principal during school hours. We will take reasonable steps to destroy or remove identifying features from personal information when it is no longer needed for any purpose including any requirement of law.

The National Privacy Principles require Patersonia not to store personal information longer than necessary.

CHECKING ABOUT WHAT PERSONAL INFORMATION PATERSONIA HOLDS

Under the Commonwealth Privacy Act, an individual has the right to obtain access to any personal information which Patersonia holds about them and to advise Patersonia of any perceived inaccuracy. There are some exceptions to this right set out in the Act. Students will generally have access to their information through their parents.

To make a request to access any information Patersonia holds about you or your child, please contact the Principal or Nominated Supervisor. In routine requests for access to personal information, the Principal will verify your identity and that you have the right to access that information.

In the event of a non-routine request for access to personal information, especially where the issues relating to the request are of a sensitive nature, the Principal will consult the Board. Where there is uncertainty about the request, the Board can seek legal advice on behalf of Patersonia. They can also direct the individual to the FOI process where this is an appropriate option.

Patersonia 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, Patersonia will advise the likely cost in advance.

RIGHTS OF ACCESS TO THE PERSONAL INFORMATION OF STUDENTS

Patersonia respects every parent's right to make decisions concerning their child/ren's education.

Generally, Patersonia will refer any requests for consent and notices in relation to the personal information of a pupil to the student's parents. Patersonia 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 Patersonia about them or their child by contacting the Principal or Nominated Supervisor. 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 Patersonia's duty of care to the student.

Patersonia may, at its discretion, on the request of a student grant that student access to information held by Patersonia about them, or allow 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 student and/or student's personal circumstances so warranted.

ANONYMITY

Where it is lawful and practicable, we will allow individuals to enter into transactions with us on an anonymous basis.

NOTIFIABLE DATA BREACHES (NDB)

The Notifiable Data Breach Scheme prevents the concealment of breaches if the breach is considered to result in serious harm to the affected person(s). Pursuant to section 26WE of the Act, an eligible data breach (NDB), which would require notification, occurs in circumstances where:

- there is an unauthorised access or unauthorised disclosure of information and a reasonable person would conclude that access or disclosure would be likely to result in serious harm to any of the individuals to whom the information relates, or
- information is lost in circumstances where such unauthorised access or disclosure is likely

to occur and a reasonable person would conclude that, assuming such access or disclosure did occur, it would be likely to result in serious harm to any individuals to whom that information relates.

Examples of circumstances which may meet the criteria of a NDB, include when:

- a device containing a member of the community's personal information is lost or stolen (e.g a laptop)
- a database containing personal information is hacked
- personal information about students or staff is mistakenly provided to the wrong person
- records containing student information is stolen from unsecured recycling bins, or
- disclosing personal information about students/staff for purposes other than what it was collected for and without the consent of the affected students/staff.

Notification to the Office of the Australian Information Commissioner (OAIC)

Once Patersonia forms the view, based on reasonable grounds, that there has been a Notifiable Data Breach, it will:

- prepare a statement in accordance with the Act, and
- give a copy of the statement to the OAIC as soon as practicable after becoming aware of the breach.

The statement will set out:

- the identity and contact details of Patersonia
- a description of the breach that Patersonia has reasonable grounds to believe has happened
- the kind/s of information concerned, and
- the recommendations about the steps that individuals should take in response to the breach.

Patersonia will notify the contents of that statement to the affected individuals (students, parents, staff etc.) as soon as practicable.

RELATED DOCUMENTS

- Education and Care Services National Law 2010
- Education and Care Services National Regulations 2010 and 2014 Update (r145, 146, 147, 148, 149, 150, 151, 152, 168, 174, 175, 176, 177, 181, 183)
- National Quality Standard (4.2, 5.1, 7.3)
- Enrolment Policy
- Governance Policy
- Providing a Child Safe Environment Policy
- Patersonia Code of Conduct
- Work, Health and Safety Act 2011
- Guardian Handbook