



DARAMALAN COLLEGE

PRIVACY POLICY

Related Policies

Video Surveillance Policy

Rationale

This Privacy Policy sets out how Daramalan College will manage information provided to or collected by it as well as access to and correction of personal information. Daramalan College is bound by the Australian Privacy Principles contained in the Commonwealth *Privacy Act*. In addition, Daramalan College is bound by other legislation relating to information such as health records.

From time to time, the College will review and update this 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 education environment.

Policy

1. Daramalan College staff will comply with all legislated requirements in relation to the privacy of information that is collected, held and disclosed.
2. Staff and volunteers will be advised regularly of their responsibilities in relation to privacy requirements.

Procedures

Why types of information are collected and how?

The types of information the College collects and holds include (but are not limited to) personal information including health and other sensitive information about:

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

Personal information provided: The College will collect personal information held about an individual by way of forms filled out by parents/guardians or students, face-to-face meetings and interviews,

emails and phone calls. On occasions, people other than parents/guardians and students provide personal information.

Personal information provided by other people: In some instances, the College may be provided with personal information provided about an individual from a third party. For example, this could be a report provided by a medical professional or a reference from another school.

Exception in relation to employee records: Under the Privacy Act, the Australian Privacy Principles do not apply to an employee record. 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 the employee.

How will information provided be used?

The College will use the personal information it collects from parents/guardians 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 parents/guardians: In relation to the personal information of students and parents/guardians, the College's primary purpose of collection is to enable the College to provide schooling for the student. This includes satisfying the needs of parents/guardians, the needs of the student and the College throughout the whole period the student is enrolled at the College.

The purposes for which the College uses the personal information of students and parents/guardians include:

- to keep parents/guardians informed about matters related to their child's schooling, through correspondence, newsletter and magazines;
- day-to-day administration;
- looking after students' educational, social, spiritual and medical wellbeing;
- seeking donations and marketing for the College; 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/guardian, if the information requested is not obtained, 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.

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) 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:

- for administering the person's employment or contract, as the case may be;
- for insurance purposes;
- seeking funds and marketing for the College; and
- to satisfy the College's legal obligations, for example, in relation to child protection legislation.

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

Marketing and fundraising: Marketing and seeking donations for the future growth and development of the College is an important part of ensuring that the College continues to be a quality learning environment in which students and staff thrive. Personal information held by the College may be disclosed to a group that assists in the College's fundraising. Parents/guardians, contractors, alumni and other members of the wider College community may from time to time receive fundraising information. Such publications, like newsletters and magazines, which include personal information, may be used for marketing purposes. Those who receive this information will be given the choice to opt out of receiving further information.

Who might the college disclose personal information to?

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

- another school;
- government departments;
- medical practitioners;
- people providing services to the College, including specialist visiting teachers, counsellors and sports coaches;
- recipients of College publications such as newsletters and magazines;
- parents/guardians;
- anyone parents/guardians authorise the College to disclose information to;
- anyone to whom we are required to disclose information by law.

Sending information overseas: The College may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange. However, the College 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.

The school may use online or "cloud" service providers to store personal information and to provide services to the school that involve the use of personal information, such as services relating to mail, 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 it may reside on a cloud service provider's servers which may be situated outside of Australia.

An example of such a cloud service provider is Google.

How does the College treat 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 the individual agrees otherwise, or the use or disclosure of the sensitive information is allowed by law.

Management and security of personal information

The College’s staff are required to respect the confidentiality of personal information regarding students and parents/guardians and the privacy of individuals.

The College has in place processes to protect personal information held and to prevent misuse, interference and loss, unauthorised access, modification or disclosure by various methods including locked storage of paper records and password access rights to digital records.

Information that is no longer needed will be destroyed or de-identified unless the college is legally required to keep the information. Documents will be destroyed using secure waste disposal facilities or shredders.

Access and correction of personal information

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

To make a request to access and update any personal information the College holds about a student or parent/guardian, the person should contact the College Principal in writing.

The College may require the person making such a request to verify their identity and specify what information is required. If the information sought is extensive, the College may charge a fee for locating, retrieving, reviewing and copying the information requested. The College will advise the likely cost for this service in advance.

If the College cannot provide the information requested, written notice will be provided explaining the reason/s for refusal.

Consent and rights of access to the personal information of students

Generally the College will refer any requests for consent and notices in relation to the personal information of a student to the student's parents/guardians. The College will treat consent given by the parents/guardians as consent given on behalf of the student and a notice to parents/guardians will act as notice to the student.

Parents/guardians may seek access to personal information held by the College about them or their child by contacting the College Principal. However, there will be occasions when access is denied. Such occasions will include where the 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, on the request of a student, grant the 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/guardians. This would normally be done only when the maturity of the student and/or the student's personal circumstances so warranted.

Enquiries and complaints

If you would like further information about the way the College manages the personal information it holds or you wish to lodge a complaint as you believe the College has breached the Australian Privacy Principles, please contact the College Principal. The Principal will investigate any complaint using the Privacy Breach Response Protocol (see Annexure 2).

Approved by:	College Executive
Contact Staff Member:	Principal
Implementation Date:	November 2016
Supersedes Policy Dated:	April 2014
Revision Date:	Term 3 2018

ANNEXURE 1 – PRIVACY BREACH RISK ASSESSMENT FACTORS

Consider the type of personal information involved:

Does the type of personal information create a greater risk of harm?

Some information, such as sensitive information (e.g. health records) or permanent information (e.g. date of birth) may pose a greater risk of harm to the affected individual(s) if compromised. A combination of personal information may also pose a greater risk of harm.

Who is affected by the breach?

Are pupils, parents, staff, contractors, service providers, and/or other agencies or organisations affected?

For example, a disclosure of a pupil's personal information is likely to pose a greater risk of harm than a contractor's personal information associated with the contractor's business.

Determine the context of the affected information and the breach

What is the context of the personal information involved?

For example, a disclosure of a list of the names of some pupils who attend the School may not give rise to significant risk. However, the same information about pupils who have attended the School counsellor or students with disabilities may be more likely to cause harm. The disclosure of names and address of pupils or parents would also create more significant risks.

Who has gained unauthorised access to the affected information?

Access by or disclosure to a trusted, known party is less likely to cause serious harm than access by or disclosure to an unknown party, a party suspected of being involved in criminal activity or a party who may wish to cause harm to the individual to whom the information relates. For instance, if a teacher at another school gains unauthorised access to a pupil's name, address and grades without malicious intent (eg if the information is accidentally emailed to the teacher), the risk of serious harm to the pupil may be unlikely.

Have there been other breaches that could have a cumulative effect?

A number of minor, unrelated breaches that might not, by themselves, create a real risk of serious harm, may meet this threshold when the cumulative effect of the breaches is considered. This could involve incremental breaches of the same School database, or known breaches from multiple different sources (eg multiple schools or multiple data points within the one school).

How could the personal information be used?

Consider the purposes for which the information could be used. For example, could it be used to commit identity theft, commit financial fraud, abuse the individual either physically or emotionally (including to humiliate the affected individual and social or workplace bullying)? For example, information on pupils' domestic circumstances may be used to bully or marginalise the pupil and/or parents.

What is the risk of harm to the individual if the compromised information can be easily combined with other compromised or publicly available information?

Is there a risk of ongoing breaches or further exposure of the information?

Is there evidence of intention to steal the personal

What is the risk of further repeat access, use or disclosure, including via mass media or online?

For example, where a mobile phone has been stolen, can it be determined whether the thief specifically wanted the information on the phone, or the phone itself? Evidence of intentional theft of the personal information (rather than just the

ANNEXURE 2 – PRIVACY BREACH RESPONSE PROTOCOL

Introduction

This protocol sets out the procedure to manage the school's response to the actual or suspected misuse, interference, loss, or unauthorised access, modification or disclosure of personal information (**Privacy Breach**). It is intended to enable the school to contain, assess and respond to a Privacy Breach.

Response protocol

In the event of a Privacy Breach, the school must adhere to the following four phase process (as described in the Office of the Australian Information Commissioner's (**OAIC**) guide *Data breach notification: a guide to handling personal information security breaches*). Phases 1 – 3 should occur in quick succession and may occur simultaneously.

It is important that appropriate records are kept of the response to the Privacy Breach, including the assessments of the risks associated with the Privacy Breach and decisions made as to the appropriate action/s to take in response to the Privacy Breach.

Phase 1. Contain the Privacy Breach and do a preliminary assessment

1. The school staff member who becomes aware of the Privacy Breach must immediately notify the Principal. This notification should include (if known at this stage) the time and date the suspected Privacy Breach was discovered, the type of personal information involved, the cause and extent of the Privacy Breach, and who may be affected by the Privacy Breach.
2. The Principal or Delegate must take any immediately available steps to contain the Privacy Breach (e.g. contact the IT department, if practicable, to shut down relevant systems or remove access to the systems).
3. In containing the Privacy Breach, evidence should be preserved that may be valuable in determining the cause of the Privacy Breach. This is particularly relevant if there is a Privacy Breach involving information security.
4. The Principal or Delegate must consider if there are any other steps that can be taken immediately to mitigate the harm an individual may suffer from the Privacy Breach.
5. The Principal or Delegate must make a preliminary assessment of the risk level of the Privacy Breach. This will involve an analysis of the risks involved. (See Annexure 1)
6. In the event that the Principal or Delegate receives multiple reports of Privacy Breaches of different datasets, this may be part of a related incident the Principal or Delegate must consider upgrading the risk level if this situation arises.
7. Where a **High Risk** incident is identified, the Principal or Delegate must consider if the affected individuals should be notified immediately to mitigate the risk of serious harm to the individuals.
8. The Principal or Delegate must escalate **High Risk** and **Medium Risk** Privacy Breaches to the Response Team (whose details are set out at the end of this protocol).
9. If the Principal or Delegate believes a **Low Risk** Privacy Breach has occurred, he or she may determine that the Response Team does not need to be convened. In this case, he or she must undertake Phases 2 and 3 below.
10. If there could be media or stakeholder attention as a result of the Privacy Breach, it must be escalated to the response team.

11. If appropriate, the Response Team should pre-empt media interest by developing a communications or media response and strategy that manages public expectations.

Phase 2. Evaluate the risks associated with the Privacy Breach

1. The Response Team is to take any further steps (i.e. those not identified in Phase 1) available to contain the Privacy Breach and mitigate harm to affected individuals.
2. The Response Team is to work to evaluate the risks associated with the Privacy Breach by:
 - a. identifying the type of personal information involved in the Privacy Breach;
 - b. identifying the date, time, duration, and location of the Privacy Breach;
 - c. establishing the extent of the Privacy Breach (number of individuals affected);
 - d. establishing who the affected, or possibly affected, individuals are;
 - e. identifying what is the risk of harm to the individual/s and the extent of the likely harm (eg what was the nature of the personal information involved);
 - f. establishing what the likely reoccurrence of the Privacy Breach is;
 - g. considering whether the Privacy Breach indicates a systemic problem with practices or procedures;
 - h. assessing the risk of harm to the School and other organisations including the Missionaries of the Sacred Heart
 - i. establishing the likely cause of the Privacy Breach.
3. The Response Team should assess priorities and risks based on what is known. (See Appendix 1)
4. The Response Team does not need to consider a particular matter above if this will cause significant delay in proceeding to Phase 3.
5. The Response Team should regularly update each other and other relevant stakeholders regarding incident status.

Phase 3. Consider Privacy Breach notifications

1. Where appropriate, having regard to the seriousness of the Privacy Breach (based on the evaluation above), the Response Team must determine whether to notify the following stakeholders of the Privacy Breach:
 - a. affected individuals;
 - b. parents;
 - c. the OAIC (Office of the Australian Information Commissioner); and/or
 - d. other stakeholders (e.g. if information which has been modified without authorisation is disclosed to another entity, that entity may need to be notified).
2. In general, if a Privacy Breach creates a real risk of serious harm to the individual, the affected individuals (and their parents if the affected individuals are pupils) and the OAIC should be notified.
3. The response team will facilitate ongoing discussion with the OAIC as required.
4. For further information see section 26.3 of the Privacy Compliance Manual.

Phase 4. Take action to prevent future Privacy Breaches

1. The response team must complete any steps in Phase 2 above that were not completed because of the delay this would have caused in proceeding to Phase 3. The cause of the Privacy Breach must be fully investigated.
2. The Principal or Delegate must enter details of the Privacy Breach and response taken into a Privacy Breach log. The Principal must, every year, review the Privacy Breach log to identify any reoccurring Privacy Breaches.
3. The Principal must conduct a post-breach review to assess the effectiveness of the School's response to the Privacy Breach and the effectiveness of the Privacy Breach Response Protocol.
4. The Principal must, if necessary, make appropriate changes to policies, procedures and staff training practices, including updating this Privacy Breach Response Protocol.
5. The Principal must, if appropriate, develop a prevention plan to address any weaknesses in data handling that contributed to the Privacy Breach and conduct an audit to ensure the plan is implemented.

Response Team

The Response Team would usually consist of the Principal, the Deputy and, when required, the IT Network Manager.

The Principal or Delegate would generally oversight the response process and provide reports to the group as well as maintaining a Register for Privacy Breaches.

The Deputy would usually conduct the investigation into an alleged Breach and make a recommendation based on the findings to the Principal.

The IT Network Manager would be responsible for providing information requested for the investigation, where required, and actioning the instruments of the Principal or Delegate in response to a Breach.

Other key staff members would become part of the response Team as needed.

Useful References

☞ OAIC's *Data breach notification: a guide to handling personal information security breaches*

☞ OAIC's *Guide to developing a data breach response plan*

☞ OAIC's website at www.oaic.gov.au

ISCA and NCEC Privacy Compliance Manual, August 2016