



Covenant
Christian School
All knowledge through Christ

Privacy Policy

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Table of Contents

1	INTRODUCTION.....	1
2	CHRISTIAN RATIONALE	1
3	PURPOSE OF THIS DOCUMENT	1
4	TABLE OF RESPONSIBILITIES.....	2
5	DEFINITIONS.....	3
6	POLICY	5
7	COLLECTION OF INFORMATION.....	6
	7.1 Collection of Personal Information.....	6
	7.2 Need to Advise.....	6
8	USE AND DISCLOSURE OF PERSONAL INFORMATION	7
	8.1 Use of the Personal Information Provided to the School.....	7
	8.2 Disclosure of Personal Information	8
	8.3 Handling of Sensitive Information	9
9	MANAGEMENT OF PERSONAL INFORMATION	10
	9.1 Access and Correction of Personal Information	10
	9.2 Denial of Access to Personal Information	10
	9.3 Consent and Rights of Access to the Personal Information of Students.....	11
	9.4 Employment Records	11
10	SECURITY OF PERSONAL INFORMATION.....	12
	10.1 Breach of Privacy.....	12
	10.2 Notifiable Data Breaches	12
11	COMPLAINTS.....	13
	11.1 Enquiries	13

Important related documents:

Enrolment Policy	Child Protection Policy
Human Resources (HR) policy suite	WHS Framework
Record Keeping	Finance policy suite
ICT policies	Complaints Framework

Relevant Legislation:

The Privacy Act 1988 (Cth)
Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)
Health Records and Information Privacy Act 2002 (NSW)
Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)

Other References:

‘Privacy Compliance Manual’, Independent Schools Council of Australia and National Catholic Education Commission, January 2018, used by permission
Office of the Australian Information Commissioner www.oaic.gov.au – further information
Australian Privacy Principles Guidelines, OAIC, 31 March 2015 Ed., *check website for latest information*

1 INTRODUCTION

The School is bound by the Australian Privacy Principles (APPs) contained in the Commonwealth Privacy Act 1988, other Commonwealth and State privacy legislation, and follows 'Guidelines' as issued by the Office of the Australian Information Commissioner.

The School reserves the right to review and update this Privacy Policy in accordance with new laws and technology, changes to the School's operations and practices, and to make sure it remains appropriate to the changing school environment.

2 CHRISTIAN RATIONALE

Covenant Christian School acknowledges its responsibility before God to care for and protect the children, families and others who trust the School to carry out those responsibilities with love and respect. *(Love) always protects, always trusts, always hopes, always perseveres.* (1 Corinthians 13:7)

The School respects the privacy of individuals and families and places a high priority on integrity in its handling of information provided to the School. It seeks to protect the rights of all people who provide information to the school, in accordance with relevant legislation.

The School honours the Commonwealth and State laws which circumscribe the collection, storage and dissemination of information provided to it.

3 PURPOSE OF THIS DOCUMENT

This document sets out the policies and procedures of Covenant Christian School in relation to how the School uses and manages the personal information provided to, or collected by, it for the well-being of students in its care and for the reasonable functions of the school.

4 TABLE OF RESPONSIBILITIES

<i>Responsibilities</i>	<i>Evidence of Compliance</i>
Principal	
Ensure the implementation of this policy within the school	PD Program & Calendar
Ensure procedures are maintained for the proper collection, storage and use of information	Privacy Procedures
Ensure procedures are maintained for complaints, access & enquiries regarding Personal Information held by the school	Privacy Procedures
Privacy Officer	
Procedures for collection, storage, disclosure of Personal Information and Sensitive Information	Privacy Procedures PD Program & Calendar
Authorisation of staff to access records	IT Access Records
Maintenance of cybersecurity measures	Security protocols/ software
Staff training in information handling	Records of staff PD
Investigation of data breaches	Privacy Breach Register; Records of investigation
Notification re: Eligible Data Breaches	Records of notification/ communications
Investigation of complaints about privacy matters	Complaint Register
Ensure review of privacy procedures & PI held by school	Records of review/ audit
All staff	
Compliance with policy and procedures for collection, storage, access and disclosure of Personal Information and Sensitive Information	Annual PD Register Breach of Compliance Register
Each new staff member must, as part of their contract of employment, agree to the terms of this policy.	Staff Employment Files

5 DEFINITIONS

- **Australian Privacy Principles (APPs)** – legally binding principles which are the cornerstone of the privacy protection framework in the Privacy Act.

The APPs are structured to reflect the personal information lifecycle:

Part 1 – Consideration of personal information privacy (APP 1,2)

Part 2 – Collection of personal information (APP 3,4,5)

Part 3 – Dealing with personal information (APP 6,7,8,9)

Part 4 – Integrity of personal information (APP 10,11)

Part 5 – Access to, and correction of, personal information (APP 12,13)

- **‘Personal Information’** – information or an opinion, whether true or not, about an individual whose identity is apparent, or can reasonably be inferred from, the information or opinion, whether the information is recorded in a material form or not. It includes all personal information, regardless of its source.
- **‘Sensitive Information’** – personal information that is given extra protection and must be treated with additional care. It includes any information or opinion about an individual’s racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, membership of a professional or trade association, philosophical beliefs, membership of a trade union, sexual orientation or practices, or criminal record. It also includes health information.
- **‘Health Information’** – information or an opinion about: the health or disability (at any time) of an individual; an individual’s expressed wishes about the future provision of health services to him/ her; a health service provided, or to be provided, to an individual.
- **‘Records’** – The Privacy Act regulates personal information contained in a ‘record’. It includes a ‘document’ or an ‘electronic or other device’. It covers a wide variety of material. A ‘document’ includes anything on which there is any writing, anything from which sounds, images or writings can be reproduced, drawings or photographs.

It excludes a generally available publication (e.g. a telephone directory); or anything kept in a library, art gallery or museum for the purposes of reference, study or exhibition.
- **‘The School’** – Covenant Christian School
- **‘Eligible Data Breach’** – Under the Notifiable Data Breach Scheme an Eligible Data Breach occurs when 3 criteria are met:
 - there is unauthorised access to, or unauthorised disclosure of, personal information, or a loss of personal information, that an entity holds
 - this is likely to result in serious harm to one or more individuals, and
 - the entity has not been able to prevent that likely risk of serious harm with remedial action. (Also referred to as ‘Notifiable Data Breach’)
- **‘Serious harm’** – can be psychological, emotional, physical, reputational or other forms of harm
- **‘Remedial action’** – action taken to prevent unauthorised access or disclosure of personal information

- if remedial action prevents the likelihood of serious harm occurring, the breach is not an eligible data breach
- for breaches where personal information is lost, remedial action is adequate if it prevents the unauthorised access or disclosure of personal information.

6 POLICY

- (a) The school's handling of the personal information it collects and holds (including sensitive and health information) is governed by the Australian Privacy Principles and other requirements of legislation and regulators.
- (b) The school is committed to protecting the rights to privacy of all stakeholders in its handling of personal information. Exception: where other legislative requirements take precedence e.g. child protection investigation processes.
- (c) The school is committed to providing an excellent standard of student welfare and education. The information it collects is primarily for the purpose of running, and managing the responsibilities of, a school.
- (d) The school is committed to rapid and effective response in the event of a data breach; and in accordance with the requirements of the Notifiable Data Breach scheme.
- (e) The school is committed to continual improvement of its practices in the protection of the personal information it holds.

7 COLLECTION OF INFORMATION

7.1 Collection of Personal Information

The School collects and holds information including (but 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 School
- Job applicants, staff members and their families, volunteers and contractors
- Other people who come into contact with the School

(a) Collection from the individual

Where possible, the school collects information from the individual concerned.

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

(b) Personal information provided by an individual: Generally collected by way of written forms, face-to-face meetings, interviews, emails and telephone calls.

(c) Personal information provided by other people: In some circumstances the School may be provided with personal information about an individual from a third party, e.g. a report from a health care professional, or a reference from another school.

(d) Exception in relation to employee records: Under the Privacy Act the Australian Privacy Principles and Health 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.

7.2 Need to Advise

Before information is collected, or as soon as practicable afterwards, the School will make the individual to whom the information relates aware of the following:

- The fact that information is being collected
- The purpose for which the information is being collected
- The intended recipients of the information
- Whether the supply of information by the individual is required by law, or is voluntary; and any consequences for the individual if the information is not provided, or part not provided
- The existence of any right of access to, and correction of, the information

This information is outlined in the 'Standard Collection Notice'; 'Contractor/ Volunteer Collection Notice' and 'Employment Collection Notice'.

8 USE AND DISCLOSURE OF PERSONAL INFORMATION

8.1 Use of the Personal Information Provided to the School

The School will use personal information provided to it for the primary purpose of collection; and for related secondary purposes which may be reasonably expected, or to which you have consented.

(a) Students and Parents/ Guardians

The School's primary purpose of collection of personal information is to enable the School to provide schooling for the student. This includes satisfying both the needs of parents/ guardians, the needs of the student and the needs of the School throughout the whole period the student is enrolled at the School.

The purposes for which the School uses this personal information include:

- To keep parents informed about matters relating to the child's schooling, through correspondence, reports, newsletters and magazines
- Day-to-day administration
- The student's educational, social and medical well-being
- Community building e.g. School Directory
- Seeking donations and marketing for the School
- To satisfy the School's legal obligations and allow the School to discharge its duty of care
- Complying with Federal and State reporting requirements
- Investigating incidents or defending any legal claims against the School, its services or staff
- Celebrating the efforts and achievements of students.

Where the School requests personal information about a pupil or parent/ guardian, which is not provided, the School may not be able to enrol or continue the enrolment of the student or permit the student to take part in a specific activity.

(b) Job applicants, staff members and contractors

The School requests personal information for:

- Assessing suitability for employment, to engage an employee or contractor
- Administration of the individual's contract or employment
- Insurance purposes, such as public liability or Workers Compensation
- Satisfying the School's legal obligations, e.g. in relation to child protection legislation
- Investigating incidents, or defending legal claims about the School, its services or staff
- Seeking donations, and marketing of the School

(c) Volunteers

The School 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.

(d) Marketing and Fund-raising

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.

Personal information held by the School may be disclosed to an organising group that assists in the School's fundraising, e.g. the School Directory.

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.

(e) 'Do Not Publish'

The school creates opportunities for parents to choose for their child's or family's information to NOT be published. E.g. photos/ videos; School Directory; use of student's work

Parents may inform the school during the enrolment process, at annual update of information, or at any time by advising the school in writing of withdrawal of consent.

8.2 Disclosure of Personal Information

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

- Another school
- Distance Education providers e.g. TAFE, where students are enrolled as part of their study at the school
- Assessment and educational authorities e.g. NESA; NAPLAN
- Government departments
- Medical practitioners
- Service providers to the School, e.g. visiting specialist teachers, music tutors; finance services
- Recipients of School publications, such as newsletters and magazines; School Directory
- Parents of the student enrolled; unless a Court Order limiting access by one parent is received by the school
- Anyone personally authorised by the parents/ guardians of the student
- Anyone to whom the School is required to disclose information to by law
- Class Parents providing communication to families within their child's class

(b) The School will not send personal information about an individual outside Australia without:

- In the instance of an individual's personal information, obtaining the consent of the individual (unless this consent is already implied) e.g. for the purpose of arranging an overseas trip for students
- In the instance of collected storage of information, ensuring that the recipient agency/ service provider complies with the Australian Privacy Principles, or other applicable privacy legislation e.g. data stored in the 'cloud'.

8.3 Handling 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 agreed otherwise, or the use or disclosure of the sensitive information is allowed by law.

9 MANAGEMENT OF PERSONAL INFORMATION

The school takes all reasonable steps to make sure that the personal information it collects and stores is accurate, up-to-date, complete, relevant and not misleading. E.g. annual student information update forms.

9.1 Access and Correction of Personal Information

An individual has the right under the Privacy Act to obtain access to any personal information which the School holds about them; and to advise the School of any perceived inaccuracy and to seek correction to their information.

Students will generally be able to access and update their personal information through their parents, but older students may seek access and correction themselves.

- There are some exceptions to these rights set out in the applicable legislation.
- The School endeavours to ensure that the personal information it holds is accurate, complete and up-to-date.
- Personal information may be accessed or updated by contacting the School in writing. The School will require you to verify your identity and specify what information you require. (Personal Information Request Form)
- If the information sought is extensive, the School may require a fee to cover the cost of verifying your application and locating, retrieving, reviewing and copying any material requested.
- The School will not store personal information longer than necessary.

9.2 Denial of Access to Personal Information

If the school cannot provide access to the information required, the school may be able to provide a format of information that protects the privacy of other individuals.

A written notice explaining the reasons for a refusal will be provided.

Access to personal information will be denied in all cases such as where:

- It would pose a serious or imminent threat to the life or health of an individual
- Release may result in a breach of the School's duty of care to the student
- It would have an unreasonable impact on the privacy of other individuals
- It is likely to prejudice the prevention, detection, investigation, prosecution or punishment of an unlawful activity, the activities of a law enforcement agency, or legal proceedings
- The request is frivolous or vexatious
- The information relates to existing or anticipated legal proceedings between the parties, and the information would not be accessible through legal procedures
- Providing access would be unlawful
- Denying access is required or authorised by or under law

9.3 Consent and Rights of Access to the Personal Information of Students

The School respects every parent'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 parents/ guardians. The School will treat consent given by parents/ guardians as consent given on behalf of the student, and notice to parents/ guardians will act as notice given 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 parents/ guardians. This would normally be done only when the maturity of the student and/or the student's personal circumstances so warranted.

9.4 Employment Records

Employee records and acts done by the School as the employer of staff, if directly related to a current or former employment relationship, are exempt from the application of the Privacy Act 1988.

Examples of this type of information include the terms and conditions of employment, personal contact details, performance and conduct and salary details.

Accordingly, the School may access and use personal information about employees when appropriate.

10 SECURITY OF PERSONAL INFORMATION

The School has in place steps to protect the personal information the School 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, and restricting access to relevant people in areas where personal information is stored. (APP 11)

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

10.1 Breach of Privacy

A breach of privacy may result from mishandling information according to the Australian Privacy Principles.

A data breach concerns the security of personal information: and involves the actual unauthorised access to, or disclosure of, personal information; or the loss of personal information where the loss is likely to result in unauthorised access or disclosure.

Causes may be malicious acts of third parties; human error; systems failure; or failure to follow information handling or data security measures resulting in accidental loss, access or disclosure.

- (a) If a data breach is suspected, or confirmed, the school shall take remedial action as soon as is practicable to contain and limit the data loss or access; and to minimise the chance of serious harm to any individual affected by the breach.
- (b) The school shall assess all suspected, or confirmed, data breaches to determine whether it is an Eligible Data Breach. (see 10.2)

Exception: If the remedial action contains or limits the data loss and potential harm to individuals, the data breach is not a 'Notifiable Data Breach'.
- (c) The school shall investigate the circumstances, and take steps to address any issues and increase data security.

10.2 Notifiable Data Breaches

The Notifiable Data Breach (NDB) scheme (from 22 February 2018) gives increased confidence to individuals in the event of a breach of privacy, to be informed of that data breach and to have an opportunity to protect their interests.

- (a) The school shall act as soon as is practicable to prevent further loss of, or access to, the data.
- (b) In event of a NDB, the school shall notify all affected individuals, directly or indirectly, of the NDB as soon as is practicable.
- (c) In event of a NDB, the school shall prepare a statement of prescribed information regarding the eligible data breach for the Office of the Australian Information Commissioner (OAIC).
- (d) The school shall make the affected individuals aware of the contents of the statement to the OAIC.
- (e) The school shall take action to address the cause/s of any data breach against further loss of information.

11 COMPLAINTS

Any concerns about the way the School has handled the personal information it holds should be made in writing and directed to the Business Manager.

The School will investigate the complaint and will notify the person with a complaint of the decision in relation to the complaint as soon as practicable after it has been made.

If the school is unable to satisfactorily resolve the complaint, the matter may be referred to the Information Commissioner.

11.1 Enquiries

For further information about the way the School manages the personal information it holds, please contact the School.