

Definitions

Parent	A parent, step-parent, caregiver or guardian who has signed the enrolment contract or the individual who has been nominated by the parent, step parent, caregiver or guardian to be responsible for the student, unless legal restrictions are in force.
Personal information	<p>Defined under the Privacy Act 1988 as: “information or an opinion about an identified individual, or an individual who is reasonably identifiable:</p> <ul style="list-style-type: none">(a) whether the information or opinion is true or not; and(b) whether the information or opinion is recorded in a material form or not.” <p>Personal information can be recorded in any format – for example, in writing, online, digitally or by electronic means. Personal information may also be verbally conveyed and recalled.</p> <p>Examples of personal information collected by the College include individual’s names, address, telephone numbers, employment history, complaint details etc.</p>
Primary Purpose	Use of information according to the original intended purpose for collection, the purpose stated or reasonably expected by the person/entity about which the information was collected.
Privacy Officer	The position within St Peters nominated to be the first point of contact for privacy issues.
Secondary Purpose	A purpose other than the primary purpose (must be “related” to this primary purpose).
Sensitive information	<p>defined under the Privacy Act 1988 as:</p> <ul style="list-style-type: none">(a) information or an opinion about an individual’s:<ul style="list-style-type: none">(i) racial or ethnic origin; or(ii) political opinions; or(iii) membership of a political association; or(iv) religious beliefs or affiliations; or(v) philosophical beliefs; or(vi) membership of a professional or trade association; or(vii) membership of a trade union; or(viii) sexual orientation or practices; or(ix) criminal record;that is also personal information; or(b) health information about an individual; or(c) genetic information about an individual that is not otherwise health information; or(d) biometric information that is to be used for automated biometric verification or biometric identification; or(e) biometric templates. <p>Examples of sensitive information held by the College may include racial/ethnic origin, religious affiliations, criminal record, tax file numbers etc.</p>
SPOSA	St Peters Old Scholars Association

Policy Statement

St Peters Lutheran College is bound by the Australian Privacy Principles contained in the Commonwealth 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.

This Privacy Policy sets out how the College manages personal information provided to or collected by it.

1 Privacy Principles

In accordance with the legislated principles of privacy, the College will:

- only collect personal information that is necessary for its functions or activities;
- only collect sensitive information about an individual if the individual has consented or the collection is required under law or otherwise permitted under the National Privacy Principles (e.g. collection of statistics for a government agency);
- take reasonable steps to ensure that the individual is made aware that information is being collected before such collection or as soon after as practical;
- use fair and lawful ways to collect information;
- inform those persons whom information is collected about, of the intended use for the information;
- wherever practicable, collect personal information directly from the individual/company and inform persons/entities of instances where information has been collected about them, from an indirect source;
- take steps to ensure that information is used and disclosed in a manner consistent with the Australian Privacy Principles;
- take reasonable steps to ensure the personal information the College collects, uses or discloses is accurate, complete and up-to-date;
- give people the option of interacting anonymously or under a pseudonym with the College (unless we consider it unlawful and impracticable to deal with a person anonymously or under a pseudonym);
- take reasonable steps to protect the personal information held from misuse and loss and from unauthorised access, modification or disclosure;
- take reasonable steps to destroy or permanently de-identify personal information when no longer needed;
- give access (when requested by the individual concerned) to the personal information held, unless there is an emergency, specified business imperatives and law enforcement or other public interests which would preclude this; and
- allow staff to divulge personal and confidential information of students to other staff or health professionals when it is deemed by the College to be in the best interests and safety of the student, or where the disclosure is otherwise permitted by the Australian Privacy Principles.

Generally, where consent of an individual under 18 years of age is required, the College will seek the consent of the Parent of the individual. However, the College recognises that depending on the maturity of the student and/or the student's personal circumstances, the consent of the student may be appropriate. A decision regarding this will be made by the Head of College (or his delegate) taking all relevant considerations into account.

2 Communication of policy

Parents	The College's Privacy Policy will be sent to parents with the Enrolment Application and the Enrolment Contract. It will also be available on the parent portal of the College intranet.
Students	The College's Privacy Policy will be available on the student portal of the College intranet.
Staff	The College's Privacy Policy will be available on the staff portal of the College intranet.
General	The College's Privacy Policy is available on the College website. A written copy of the Privacy Policy may be requested at any time.

3 Collection

The College collects / holds information including personal information, including health and other sensitive information, about:

- Students and parents before, during and after the course of a student's enrolment at the College:
 - name, contact details (including next of kin), date of birth, gender, language background, previous school and religion
 - parent's 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
 - counselling reports
 - health fund details and Medicare number

- any court orders
- volunteering information
- 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 College including name and contact details and any other information necessary for the contact with the College.

Personal and sensitive information may be kept anonymously or under a pseudonym. This will be done where it is practicable or lawful to do so. The College Privacy Officer should be contacted to discuss anonymous information or pseudonyms.

3.1 Personal information directly provided

The College will generally collect personal information held about an individual by way of forms filled out by parents or students, face-to-face meetings and interviews, and telephone calls. On occasions people other than parents and students provide personal information.

3.2 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.

3.3 Personal information collected by electronic surveillance

Personal information may be collected by electronic surveillance (e.g. security cameras) for reasons of security.

4 Use of personal information

4.1 Students and parents

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 the students enrolled at the College, exercise its duty of care, and perform necessary administrative activities, which will enable students to take part in all activities of the College. This includes satisfying the needs of parents, the needs of the student and the needs of the College throughout the whole period the student is enrolled at 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, magazines, websites, intranet sites and College social networking sites
- day-to-day administration of the College
- looking after student's educational, social, spiritual and medical wellbeing
- seeking donations and marketing for the College
- to satisfy the College's legal obligations and allow the College to discharge its duty of care
- as part of official SPOSA activities.

In some cases, where the personal information about a student or parent requested by the College, 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 an activity.

Where student use of an online or cloud-based service requires parental consent, and the College deems the use of the service is appropriate for the provision of educational or administrative services, parental consent is implied by acceptance of this policy (by continuing enrolment) in place of a separate signed parental consent for each of these individual services.

4.2 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.

The purposes for which the College uses the personal information of job applicants, staff members and contractors include:

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

Human Resources will ensure all new staff read and sign the *Privacy Information for Staff* form.

4.3 Volunteers

The College also obtains personal information about volunteers who assist the College in its functions or conduct associated activities, such as St Peter's Old Scholars Association, to enable the College and the volunteers to work together.

4.4 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 that the College continues to provide a high quality educational environment in which both students and staff thrive. Personal information held by the College may be disclosed to an organisation that assists in the College's fundraising, for example, the College's Foundation or SPOSA.

Parents, staff, contractors and other members of the wider College community may, from time to time, receive fundraising information. College publications, like newsletters, web pages (including the College's social networking sites such as the College's Facebook page) and magazines, that include personal information, may be used for marketing purposes.

5 Disclosure

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

- o another school or staff at another school
- o government departments (including for policy and funding purposes)
- o medical practitioners
- o people providing services to the College, including specialist visiting teachers, sports coaches, volunteers and providers of learning and assessment tools
- o assessment and educational authorities
- o recipients of College publications, like newsletters, magazines, web sites, intranet sites and College social networking sites;
- o the St Peter's Lutheran College Future Foundation Ltd
- o the St Peter's Old Scholars Association (SPOSA)
- o parents
- o people providing administrative and financial services to the College
- o anyone you authorise the College to disclose information to
- o anyone to whom we are required or authorised to disclose the information to by law, including child protection laws.

5.1 Sending and storing information overseas

The College may disclose personal information about an individual to overseas recipients. 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)
- 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 servers which may be situated outside Australia.

6 Sensitive information

In referring to 'sensitive information', please refer to the definition at the start of this document.

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 where the use or disclosure of the sensitive information is allowed by law.

7 Management and security of personal information

The College's staff are required to respect the confidentiality of personal information concerning students, parents, staff and other individuals.

The College has in place steps to protect the personal information the College holds from misuse, loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and password protected access rights to digital records.

8 Data Breaches

Under legislation, the College is required to take reasonable measures to protect information from misuse, interference and loss, as well as unauthorised access, modification or disclosure. 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.

Serious harm may include serious physical, psychological, emotional, economic and financial harm, as well as serious harm to reputation.

If the College suspects that an eligible data breach has occurred, it will carry out a reasonable and expedient assessment / investigation within 30 days. The Head of College or delegate will notify College Council of any suspected breach.

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.

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.

9 Access and correction to personal information held by the College

To make a request to access any personal information the College holds about a person, that individual should contact the Privacy Officer in writing.

The Australian Privacy Principles require the College not to store personal information longer than necessary.

Under the Commonwealth Privacy Act, an individual has the right to 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 this right set out in the Act. Students will generally have access to their personal information through their parents, but older students may seek access themselves.

The College may require you to verify your identity and specify what information is required. The College may charge a fee to cover the cost of verifying the application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the College will advise of the likely cost in advance. If the College cannot provide access to that information, it will provide you with written notice explaining the reasons for refusal.

10 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 requests for consent and notices in relation to the personal information of a student to 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 themselves or their child/children by contacting the Privacy Officer of the College.

There will be occasions when access is denied. Such occasions would include where the release of the information is deemed likely to 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 be done only when the maturity of the student and/or the student's personal circumstances warrant it. These applications will be assessed on a case by case basis.

11 Use of student images and work samples

11.1 General

The College publishes photographs and work samples of students during their schooling at St Peters primarily to acknowledge certain College events, display student works and celebrate personal achievements.

Whilst these are of great interest to the community and add significantly to the appeal of both our College magazines and websites, the safety of students is paramount in all we do.

Images of individuals in photographs or film are treated as personal information under the Privacy Act where the person's identity is clear or can reasonably be worked out from that image.

Photos, video footage and work samples of students are used regularly by schools for several purposes and under current legislation this practice can continue.

These situations are generally for acknowledging the efforts of the student or the College, or for promotion of the College. They are reasonably expected use of students' images when enrolling at a school.

11.1.1 University students

University students completing work experience at the College will be advised that photographs taken of students during their work experience may only be used for study or assignment purposes, and may not be published or distributed for any other purpose.

11.1.2 Families, friends and community members

Any photos or video of students taken by families, friends and/or community members at College activities must be for personal use only and not used in any public places outside the College including social networking websites.

Images of students in uniform should not be posted to social media sites (included but not limited to Facebook and YouTube), unless the image was taken at an official College activity.

11.2 Responsibilities

11.2.1 Parent responsibilities

Parents should notify the Enrolments Registrar immediately if any circumstance arises that would prevent the College from using their child's photo, video images or work samples.

11.2.2 College responsibilities

- **Enrolments staff**

Enrolments staff will note on the College database any instance where parents have advised that consent has not been given.

- **Staff involved in publication of student photographs**

College staff involved in any publication of student photographs or work samples should:

- endeavour to be aware of any instance where consent to publish has not been given;
- consider the likely audience, the nature and detail of information and risks, even where consent has been given, e.g.
 - reasons for the publication e.g. outstanding achievements;
 - student situation e.g. age;
 - ability of others to digitally enhance published medium; and
 - if it can be considered “reasonably in the best interests” of the subject of the photograph for that photograph to be published

If in doubt, contact should be made with the student’s parents prior to use.

11.3 Situations where photography is not permitted

Any equipment capable of taking a still or moving picture (including but not limited to cameras, video recorders and mobile phones) are prohibited from use in changing rooms, warm up areas and toilets. The only exception to this is a mobile phone which is used as a phone only.

Pre-performance/competition team or individual photos must be conducted away from the warm up area, changing rooms and/or toilets.

Where an external venue prohibits photography, this restriction should be noted by all St Peters community members.

11.4 Storing forms and photographs

Photographs are St Peters records. Management and disposal of records must comply with the Records Management Policy.

11.5 Legislative context – who owns the photo

Circumstance 1: The general rule is that the person who takes the photograph is the owner of the photograph and can use that photograph in any way they please, which may include publishing it in an advertisement for the College.

Circumstance 2: However, if an employee takes a photograph as part of his or her job, the first owner of copyright will be the employer, unless they have made an agreement to the contrary.

Therefore, if a staff member takes a photo of the children involved in a College activity the photograph belongs to the College.

Circumstance 3: The exception to this is under the Copyright Act, when a person arranges and pays for a photographer to take a photo of:

- Their family (e.g. a portrait);
- Their wedding party; and/ or
- Children (either their own children, or any children)

In circumstances 1 and 2 above, the person who arranged for the photos to be taken owns the photos and not the person who took the photos.

In circumstance number 3, the photographer will be the first owner of copyright for any photograph taken on or after 30 July 1998, unless the photographer and client agree otherwise. For photographs taken before this date the first owner of copyright in a commissioned photograph is the commissioning client, unless the photographer and client agreed otherwise.

The College requires commissioned photographers to assign their copyright and moral rights for photography and/or video images to the College.

12 Privacy Officer

The responsibilities of the Privacy Officer include:

- ongoing review of the College’s practices and procedures to ensure that they comply with this Policy, current legislation and best practice;
- reviewing this Policy and advising and educating the Head of College, College Leadership and College Council as well as other staff of their responsibilities under this Policy;
- the receipt of requests for information held under privacy legislation;
- the receipt and investigation of complaints relating to breach of privacy.

13 Enquiries and Complaints

An individual whose personal information is/has been held by the College, may lodge a complaint in writing to the College Privacy Officer about an act or practice of St Peters which the individual believes to be inappropriate or unlawful.

Privacy Officer
St Peters Lutheran College
PO Box 111
Indooroopilly QLD 4068

Email: privacy@stpeters.qld.edu.au

The Privacy Officer will investigate the complaint and report to the Head of College. A decision will be made concerning the complaint and the complainant will be advised in writing of the result of the investigation within 30 days of the complaint.

Should the complainant be dissatisfied with the College's response, or not receive a response by the end of the 30-day period, the complainant may make a complaint to the Office of the Australian Information Commissioner.

Information collected by the College regarding a person's employment is exempt.

Appendix 1 - Standard Collection Notice

1. The College collects personal information, including sensitive information about students and parents before and during the course of a student's enrolment at the College. This may be in writing or in the course of conversations. The primary purpose of collecting this information is to enable the College to provide schooling to the student and to enable them to take part in all the activities of the College.
2. Some of the information we collect is to satisfy the College's legal obligations, particularly to enable the College to discharge its duty of care.
3. Laws governing or relating to the operation of a school require certain information to be collected and disclosed. These include relevant Education Acts, and Public Health [and Child Protection] laws.
4. Health information about students is sensitive information within the terms of the Australian Privacy Principles under the Privacy Act. We may ask you to provide medical reports about students from time to time.
5. The College from time to time discloses personal and sensitive information to others for administrative and educational purposes, including to facilitate the transfer of a student to another school. This includes to other schools, government departments, medical practitioners, and people providing services to the College, including specialist visiting teachers, sport coaches, volunteers and counsellors.
6. Personal information collected from students is regularly disclosed to their parents.
7. The College may store personal information in the 'cloud' which may mean that it resides on servers which are situated outside Australia.
8. The College's Privacy Policy sets out how parents or students may seek access to personal information collected about them. However, there will be occasions when access is denied. Such occasions would include where access would have an unreasonable impact on the privacy of others, where access may result in a breach of the College's duty of care to the student, or where students have provided information in confidence.
9. The College Privacy Policy sets out complaints about how a breach of privacy should be dealt with.
10. The College from time to time engages in fundraising activities. Information received from you may be used to make an appeal to you. It may also be disclosed to organisations that assist in the College's fundraising activities solely for that purpose. We will not disclose your personal information to third parties for their own marketing purposes without your consent.
11. On occasions information such as academic and sporting achievements, student activities and similar news is published in College newsletters and magazines, College social media sites and on the College website. Photographs of student activities such as sporting events, College camps and College excursions may be taken for publication in College newsletters and magazines, College social media sites and on the College website. The College will obtain permission from the student's parent prior to publication.
12. The College may include students and parents contact details in a class list and College directory. Parents may opt out of having details published.
13. Where an individual provides the College with personal information of others, such as doctors or emergency contacts, the individual is encouraged to inform them that their information has been disclosed to the College and why, that they can access that information if they wish and that the College does not usually disclose this information to third parties.

Appendix 2 - Employment Collection Notice

1. In applying for this position you will be providing St Peters Lutheran College with personal information. We can be contacted PO Box 111, Indooroopilly, Qld, 4068, email jobs@stpeters.qld.edu.au phone: 07 3377 6583.
2. If you provide us with personal information, for example, your name and address or information contained on your resume, we will collect the information in order to assess your application for employment. We may keep this information on file if your application is unsuccessful in case another position becomes available.
3. The College's Privacy Policy contains details of how you may complain about a breach of the APPs or how you may seek access to personal information collected about you. However, there may be occasions when access is denied. Such occasions would include where access would have an unreasonable impact on the privacy of others.
4. We will not disclose this information to a third party without your consent. We usually disclose this kind of information to the following types of organisations: Lutheran Education Australia, Lutheran Education Queensland, Queensland College of Teachers, ISQ.
5. We are required to conduct a criminal record check and collect information whether you are or have been the subject of an Apprehended Violence Order and certain criminal offences under Child Protection laws as applicable. We may also collect personal information about you in accordance with these laws.
6. The College may store personal information in the 'cloud', which may mean that it resides on servers which are situated outside Australia.
7. If you provide us with the personal information of others, we encourage you to inform them that their information has been disclosed to the College and why, that they can access that information if they wish and that the College does not usually disclose the information to third parties.

Appendix 3 - Contractor/Volunteer Collection Notice

1. In applying to provide services to the College, you will be providing St Peters Lutheran College with personal information. We can be contacted PO Box 111, Indooroopilly QLD 4068, email human.resources@stpeters.qld.edu.au, phone 07 3377 6583.
2. If you provide us with personal information, for example your name and address or information contained on your resume, we will collect the information in order to assess your application. We may also make notes and prepare a confidential report in respect of your application.
3. You agree that we may store this information.
4. The College's Privacy Policy sets out how you may seek access to your personal information and how you may complain about a breach of the APPs.
5. We will not disclose this information to a third party without your consent unless legally obligated to so.
6. We are required to conduct a criminal record check and collect information regarding whether you are or have been the subject of an Apprehended Violence Order and certain criminal offences under Child Protection law. We may also collect personal information about you in accordance with these laws.
7. The College may store personal information in the 'cloud', which may mean that it resides on servers which are situated outside Australia.
8. If you provide us with the personal information of others, we encourage you to inform them that their information has been disclosed to the College and why, that they can access that information if they wish and that the College does not usually disclose the information to third parties.

Appendix 4 - St Peters Old Scholars Association Collection Notice

1. The St Peters Old Scholars Association may collect personal information about you from time to time. The primary purpose of collecting this information is to enable us to inform you about our activities and the activities of St Peters Lutheran College and to keep alumni members informed about other members.
2. We must have the information referred to above to enable us to continue your membership of the St Peters Old Scholars Association.
3. As you know, from time to time we engage in fundraising activities. The information received from you may be used to make an appeal to you. It may also be used by St Peters Lutheran College to assist in its fundraising activities. If you do not agree to this, please advise us now.
4. The St Peters Old Scholars Association may publish details about you in our Plus Ultra Magazine and on our College website. If you do not agree to this, please advise us now.
5. The College's Privacy Policy contains details of how you may seek access to personal information collected about you or how you may complain about a breach of the APPs.
6. The College may store personal information in the 'cloud', which may mean that it resides on servers which are situated outside Australia.
7. If you provide personal information to us about other people, we encourage you to inform them of the above matters.

Appendix 5 – Data Breach Response Plan

