



KOROWAL SCHOOL
Human-centred education • Kindergarten to HSC

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KOROWAL SCHOOL LIMITED

PRIVACY POLICY

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1. DOCUMENT CONTROL

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2. POLICY STATEMENT

The School is bound by the Australian Privacy Principles contained in the *Privacy Act 1988* (Cth) and the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Cth) in relation to the personal information it collects and holds about pupils and their families, staff and other people who come into contact with the school.

In relation to health records the School collects and holds, the School is also bound by the New South Wales Health Privacy Principles which are contained in the *Health Records and Information Privacy Act 2002* (NSW) (Health Records Act).

3. PURPOSE

This policy sets out how Korowal manages personal information and sensitive information provided to or collected by it.

The School collects and holds personal information which includes (but is not limited to) health and other sensitive information, about:

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

4. SCOPE

This policy applies to all employees, pupils and parents / caregivers

5. RELATED POLICIES

- Child Protection Framework Policy
- Child Protection Records and Information Exchange Policy
- Identify and Respond to Child Abuse and Neglect Policy
- Promote Child Safety in the Workplace Policy
- Employee Code of Conduct

6. LEGISLATION

This Policy has been drafted to comply with the following documents and legislation:

- *Privacy Act 1988* (Cth)
- *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Cth)
- *Privacy Amendment (Notifiable Data Breaches) Act 2017* (Cth)
- *Health Records and Information Privacy Act 2002* (NSW)
- *Australian Curriculum, Reporting and Assessment Act 2008* (Cth)
- *Children and Young Persons (Care and Protection) Act 1998*
- *Education Act 1990* (NSW)
- *Education Amendment (School Attendance) Act 2009*
- *Ombudsman Act 1974*
- *Schools Assistance (Learning together Through Choice and Opportunity) Act 2004* (Cth)
- *Privacy Amendment (Eligible Data Breaches) Act 2017*

7. DEFINITIONS

Term	Definition
Personal Information	<p>Information or an opinion about an identified individual, or an individual who is reasonably identifiable:</p> <p>(a) whether the information or opinion is true or not; and</p> <p>(b) whether the information or opinion is recorded in a material form or not.</p> <p>In other words, if the information or opinion identifies and individual or enables them to be identified it is personal information. It includes all personal information regardless of its source.</p> <p>Examples of personal information provided or held in the school context include:</p> <p>For pupils and families: Name, address, phone number, date of birth, emergency contact details, next of kin details, doctor's names (or other health professionals), school reports, assessments, health fund details, Medicare number, marital status, custody details, parents/caregiver occupation.</p> <p>For staff, contractors, applicants: most of the above, TFN, company name and ABN, bank details, qualifications, education, superannuation details, working with children check clearance, employment history, professional development, salary details, correspondence regarding employment.</p> <p>The handling of employees' personal information by a private sector employer is exempt from the Privacy Act if it is directly related to:</p> <ul style="list-style-type: none"> • the employee's current or former employment relationship • an employee record relating to the employee.
Sensitive Information	<p>(a) information or an opinion about an individual's:</p> <p>(i) racial or ethnic origin;</p> <p>(ii) political opinions;</p> <p>(iii) membership of a political association;</p> <p>(iv) religious beliefs or affiliations;</p> <p>(v) philosophical beliefs;</p> <p>(vi) membership of a professional or trade association; or</p> <p>(vii) membership of a trade union; or</p> <p>(viii) sexual orientation or practices; or</p> <p>(ix) criminal record;</p> <p>(b) It also includes health information about an individual and other genetic or biometric information (see below)</p> <p>Examples of sensitive information held in the school context includes:</p> <p>For pupils and families: details of religion, language, nationality, country of birth, socio economic information, education and occupation.</p> <p>For staff and contractors; any of the above and criminal record check, membership of professional associations and unions, any child protection history</p>

Health Information (a) information or an opinion about:

- (i) the health, including an illness, disability or injury, (at any time) of an individual;
- (ii) an individual's expressed wishes about the future provision of health services to the individual; or
- (iii) a health service provided, or to be provided, to an individual that is also personal information;

(b) It also includes other personal information collected in providing a health service to an individual as well as genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.

Examples of health information in the school context include:

For pupils and families: medical history, immunisation records, accident reports, absentee notes, medical certificates, body and weight measurements, psychological information, information regarding physical or learning difficulties/disabilities, nutrition and dietary requirements, allergies and medical treatment, history of genetic or family disorders, information about family contained in medical reports.

For staff and contractors: information re medical condition affecting capacity at work, workers compensation claims, medical certificates

Record Records include a document or an electronic or other device. A document includes anything on which there is writing, anything from sounds, writing or images can be reproduced, drawings or photographs. Anything which is publically available or kept in a library, gallery or museum for reference purposes is not a record which contains personal information.

8. PRINCIPLES

Korowal is committed to:

- Managing personal information openly and transparently including informing employees and families about why information is being collected, how it will be used and who it may be disclosed to.
- Using and disclosing personal information, including sensitive information, appropriately and in accordance with the law.
- Maintaining personal information, including sensitive information, securely.
- Providing access to personal records for individuals seeking to correct their personal information.

9. RESPONSIBILITIES

9.1 How information is collected

The School will generally collect personal information held about an individual by way of, forms face-to-face meetings and interviews, emails and telephone calls. Personal information about an individual may also be received from a third party (e.g. medical professional, reference from another school).

9.2 Purpose for collecting information

Pupils and families

Korowal's primary purpose in collecting personal information is to enable the School to provide schooling for the pupil.

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This includes satisfying the needs of parents and/or guardians, the needs of the pupil and the needs of the School throughout the whole period the pupil is enrolled at the School.

The purposes for which the School uses personal information of pupils and parents and/or guardians include:

- to keep Parents informed about matters related to their child's schooling, through correspondence, newsletters and magazines;
- day-to-day administration of the School;
- looking after pupils' educational, social and medical wellbeing;
- seeking donations and marketing for the School; and
- to satisfy the School's legal obligations and allow the School to discharge its duty of care.

In some cases where the School requests personal information about a pupil or parents and/or guardians, if the information requested is not provided, the School may not be able to enrol or continue the enrolment of the pupil or permit the pupil to take part in a particular activity.

Job applicants, staff, contractors and volunteers

In relation to personal information of job applicants, staff members and contractors, the School's primary purpose of collection is to assess and (if successful) to engage the applicant, staff member or contractor, as the case may be.

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

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

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

9.3 Use of personal information for fund raising purposes

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 provide a quality learning environment in which both pupils and staff thrive. Personal information held by the School may be disclosed to organisations that assist in the School's fundraising, for example, the School's Foundation or alumni.

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.

9.4 Disclosure of information for particular purposes

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

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

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

Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless otherwise agreed, or the use or disclosure of the sensitive information is allowed by law.

Under the Privacy Act, a private sector employer does not need to comply with the Australian Privacy Principles (APPs) when handling current and past employee records for something that is directly related to the employment relationship

9.5 Security and confidentiality of information

The School takes all reasonable steps to ensure the security and confidentiality of personal and sensitive information.

The School may store personal information in the 'cloud' which may mean that it resides on servers which are situated outside Australia.

The School's staff are required to respect the confidentiality of pupils' and parents and/or guardians' personal information and the privacy of individuals.

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.

If there is unauthorised access to, unauthorised disclosure of, or loss of, personal information held by the School, and this is likely to result in serious harm to any of the individuals to whom the information relates, this constitutes an 'eligible data breach' which requires the School to:

- notify the person or people whose information has been breached (either directly or via public statement, if appropriate).
- provide a statement to the Office of the Australian Information Commissioner setting out the details of the breach and recommendations about specific steps that will be taken in response.

Serious harm may include serious physical, psychological, emotional, economic and financial harm, as well as serious harm to reputation and other forms of serious harm that a reasonable person in the School's position would identify as a possible outcome of the data breach.

9.6 Access to and updating of information

Under the Privacy Act and the Health Records Act, an individual has the right to obtain access to any personal information which the School holds about them and to advise the School of any perceived inaccuracy. Pupils will generally be able to access and update their personal information through their parents and/or guardians, but older pupils may seek access and correction themselves. There are some exceptions to these rights set out in the applicable legislation. Any requests for access or updating any personal information the School holds must be made in writing to the Principal specifying what information is required. The School may require identity documents to verify the identity of a person seeking information. The School may also charge a fee to cover the cost of verifying an application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the School will advise the likely cost in advance. If the School cannot provide access to the requested information, written notice will be provided explaining the reasons.

There may be occasions when access is denied, for example, where release of the information would have an unreasonable impact on the privacy of others, or where the release may result in a breach of the School's duty of care to the pupil.

The School may, at its discretion, on the request of a pupil grant that pupil access to information held by the School about them, or allow a pupil to give or withhold consent to the use of their personal information, independently of their parents and/or guardians. This would normally be done only when the maturity of the pupil and/or the pupil's personal circumstances so warranted.

Under the Privacy Act, an employer does not have to grant a staff member access to their employee records.

9.7 Requests for personal information from third parties

The School respects every parent's and/or guardian'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 pupil to the pupil's parents and/or guardians. The School will treat consent given by parents and/or guardians as consent given on behalf of the pupil, and notice to parents and/or guardians will act as notice given to the pupil.

9.8 Counselling at Korowal School

Korowal provides counselling services for its students as part of its pastoral care program. These services are provided by a qualified school counsellor, who is employed by the School.

High School Students are encouraged see the Counsellor and/ or their class co-ordinators if they need assistance. Primary School students are usually referred to the Counsellor. There are, however, a number of things that students and their parents should know about the counselling service.

- Records will be made of counselling sessions and because the counsellor is an employee, those records belong to the school, not the counsellor.
- The School is very conscious of the need for confidentiality between counsellor and student. However, at times it may be necessary for the Counsellor to divulge the contents of discussions or records to the Principal if the Principal or the Counsellor consider it necessary for the student's welfare to discharge the school's duty of care to the student and to comply with legal reporting requirements as outlined in the Child Protection Policy suite.
- It is also possible that the Principal may need to disclose aspects of discussions with counsellors to others in order to assist the student.
- Where a disclosure is made it would be limited to those who need to know, unless the student consents to some wider disclosure. We emphasise that disclosures (if any) would be very limited. If a student is not prepared to use the counselling services on the basis set out above the student will need to obtain counselling services from outside the school.

9.9 Performances and other publishing on Internet

At the beginning of any performance, assembly or special event where photos or videos are being taken, a staff member needs to draw to everyone's attention to the fact that images are not to be published on the internet without prior written consent. If a DVD of a School event or performance is to be made and given or sold to parents, again, written consent must be obtained prior to distribution.

9.10 Suspected breach by the School of the Australian Privacy Principles

Should further information be required about the way the School manages the personal information it holds, or a person wishes to make a complaint regarding a perceived breach by the school of the Australian Privacy Principles, contact should be made with the Principal. The School will investigate any complaint and will notify the complainant of the outcome as soon as practicable.

10. FURTHER INFORMATION

Should you require further information about this Policy, please contact the Principal.