



## POL03 PRIVACY POLICY

### RATIONALE

This policy outlines how Trinity Lutheran College will use and manage personal information provided to or collected by it.

The policy observes the Australian Privacy Principles contained in the Commonwealth Privacy (Private Sector) Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Act 2012 (referred to as the “the Privacy Act”). In relation to health records, the College observes the Health Privacy Principles contained in the Health Records Act 2001 (Vic) (referred to as “the Health Records Act”).

The passage of the *Privacy Amendment (Notifiable Data Breaches) Act 2017* established the Notifiable Data Breaches (NDB) scheme in Australia. The Notifiable Data Breaches (NDB) scheme under Part IIIC of the *Privacy Act 1988* established requirements for entities in responding to data breaches. Entities have data breach notification obligations when a data breach is likely to result in serious harm to any individuals whose personal information is involved in the breach. The NDB scheme applies to all agencies and organisations with existing personal information security obligations under the Australian *Privacy Act 1988* from 22 February 2018.

The College is committed to managing personal information in an open and transparent way. The College will take all reasonable steps under the circumstances to implement practices, procedures and systems relating to the College’s functions or activities that:

- will ensure compliance with the Australian Privacy Principles;
- will enable the College to deal with enquiries or complaints about compliance with the Australian Privacy Principles; and
- will ensure compliance with notifiable data breaches.

The College may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to College operations and practices, and to ensure it remains appropriate to the changing school environment. The College will make every effort to communicate any significant changes to the College community and affected parties.

### SCOPE

The policy applies to College Council members, employers, employees, volunteers, parents/guardians and students, contractors, and people visiting the College site.

### RESPONSIBILITY

The Principal has overall responsibility for this policy. The administration of this policy is supported by the Privacy Officer and the Data Breach Response Team led by the Business Manager.

### DEFINITIONS

The Australian Privacy Principles are:

- APP 1: Open and transparent management of personal information
- APP 2: Anonymity and pseudonymity
- APP 3: Collection of solicited personal information
- APP 4: Dealing with unsolicited personal information
- APP 5: Notification of the collection of personal information
- APP 6: Use or disclosure of personal information
- APP 7: Direct marketing
- APP 8: Cross-border disclosure of personal information
- APP 9: Adoption, use or disclosure of government related identifiers
- APP 10: Quality of personal information



### POLICY

APP 11: Security of personal information  
APP 12: Access to personal information  
APP 13: Correction of personal information

### A: PERSONAL INFORMATION

#### 1. *What kind of personal information does the College collect and how is it collected?*

1.1. The type of information the College collects and holds includes (but is not limited to) personal information, including health and sensitive information, about:

- 1.1.1. students and parents/carers/guardians (“parents”) before, during and after the course of a student’s enrolment at the College;
- 1.1.2. job applicants, staff members, volunteers and contractors;
- 1.1.3. and other people who come into contact with the College.

#### 1.2. **Personal information you provide:**

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

#### 1.3. **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 report or reference from another school.

#### 1.4. **Exception in relation to employee records:**

Under the Privacy Act and the Health Records 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 College’s treatment of an employee record, where the treatment is directly related to a current or former employment relationship between the College and employee.

#### 1.5. **Photographs:**

The College will take photographs of staff, students, parents and other community members during school activities for internal use and promotions. Photographic consent for students are individually obtained at the commencement of each year. Any requests for a student or staff member to be discounted from any published photos for legal reasons should be via a written statement to the Privacy Officer. Individual permission will be obtained for any photographs to be used for specific and ongoing advertising.

#### 2. *How will the College use the personal information you provide?*

2.1. The College will use personal information it collects from individuals 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 the individual has consented.

#### 2.2. **Students and Parents:**

- 2.2.1. In relation to personal information of students and parents, the College’s primary purpose of collection is to enable the College to provide



schooling for the student. This includes satisfying both the needs of parents, the needs of the student and the needs of the College throughout the whole period that the student is enrolled at the College.

2.2.2. The purposes for which the College uses personal information of students and parents include:

- a. to keep parents informed about matters related to their child's schooling, through correspondence, newsletters and magazines;
- b. day-to-day administration of the College;
- c. looking after students' educational, social and medical wellbeing;
- d. celebrating the efforts and achievements of students;
- e. fundraising and marketing for the College;
- f. to satisfy the College's legal obligations; and
- g. to allow the College to discharge its duty of care.

2.2.3 In some cases where the College requests personal information about a student or parent, 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.

### 2.3. **Job applicants, staff members and contractors:**

2.3.1. 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, as the case may be.

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

- a. assessing the suitability for employment;
- b. administering the individual's employment or contract, as the case may be;
- c. for insurance purposes, such as public liability or Workcover;
- d. fundraising and marketing for the College;
- e. satisfying the College's legal obligations, for example, in relation to child protection legislation; and
- f. investigating incidents or defending legal claims about the College, its services or staff.

### 2.4. **Volunteers:**

The College also obtains personal information about volunteers who assist the College in its functions or conduct associated activities, such as the PTFA (Parents, Teachers and Friends Association) to enable the College and the volunteers to work together.

### 2.5. **Marketing and fundraising:**

2.5.1. The College treats marketing and fundraising for the future growth and development of the College as an important part of ensuring that the College continues to be a quality learning environment in which both students and staff thrive. Personal information held by the College may be disclosed to an internal organisation that assists in the College's fundraising, for example the PTFA.

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



### 3. Who might the College disclose personal information to?

- 3.1. The College may disclose personal information, including sensitive information, held about an individual to:
  - a. another College for enrolment purposes;
  - b. the Lutheran Church of Australia and/or its affiliates;
  - c. Government departments;
  - d. medical practitioners;
  - e. people providing services to the College, including specialist visiting teachers, counsellors and sports coaches;
  - f. recipients of College publications, such as newsletters and magazines;
  - g. parents;
  - h. anyone you authorise (in writing) the College to disclose information to, such as real estate agents and financial institutions; and
  - i. anyone to whom we are required to disclose the information by law.
- 3.2. **Sending information overseas:**
  - 3.2.1. The College may disclose personal information about an individual to overseas recipients, for instance, when storing personal information with “cloud” service providers which are situated outside Australia, or to facilitate a school exchange programme, trip/tour or partnership.
  - 3.2.2. However, the College will not send personal information about an individual outside Australia without:
    - 3.2.2.1. obtaining the written consent of the individual (in some cases this consent will be implied)
    - 3.2.2.2. otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

### 4. How does the College treat sensitive information?

- 4.1. 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 preferences or practices, or criminal record that is also personal information; and health information and biometric information about an individual.
  - 4.1.1. 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.
  - 4.1.2. The College can disclose sensitive information for another purpose when:
    - a. the person provides written consent;
    - b. it is necessary to lessen or prevent serious or imminent threat to life, health or safety; or
    - c. it is required by law or for law enforcement purposes.

## B. SECURITY OF INFORMATION

### 1. Management and security of personal information

- 1.1. College staff are required to respect the confidentiality of students’ and parents’ personal information and the privacy of individuals.
- 1.2. The College has steps in place to protect the personal information the College holds from misuse, interference or loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and password access rights to digital records.



- 1.3. The school management system, TASS (Alpha Systems) is a web based portal that is password protected. Employee access is restricted and managed by the Business Manager.
- 1.4. The College has in place a data breach response plan to enable the College to contain, assess and respond to data breaches in a timely manner and to mitigate potential harm to affected individuals.
2. **Rights of access to personal information**
  - 2.1 Under the Privacy Act and Health Records 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.
  - 2.2 There are some exceptions to this right, as set out in the Privacy Act.
  - 2.3 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 the student's 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.
  - 2.4 The College may, at its discretion, upon 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 so warranted.
  - 2.5 Requests to access any information the College holds must be in writing and addressed to the Privacy Officer. The College may require verification of identity and specific details of the information required.
  - 2.6 Parents may seek access to personal information held by the College about them or their child. However, there will be occasions when access is denied. Such occasions would include where release of the information would have an unreasonable impact on the privacy of others, or where the release may result in a breach of the College's duty of care to the student.
  - 2.7 Depending on the extent of the information required, the College may charge a fee to cover the cost of verifying the application and locating, retrieving, reviewing and copying any information requested. If the information sought is extensive, the College will advise the likely cost in advance. If the College cannot provide access to the information requested, a written notice explaining the reasons for refusal will be provided.
3. **Updating personal information**

The College endeavours to ensure that the personal information it holds is accurate, complete and current. A person may seek to update their personal information held by the College by contacting Reception, who will direct the enquiry to the appropriate staff member responsible.
4. **Interacting with us anonymously or by use of a pseudonym**

Individuals can interact with the College anonymously or by a pseudonym (e.g. an email address that doesn't contain your actual name) in some circumstances, such as when making general inquiries about enrolment or employment opportunities. However, the College will need to know the identity of a person wishing to make an enrolment or be employed at the College.

### C: ONLINE INFORMATION

1. The College keeps records of all emails coming in and going out of all school email



### PROTOCOLS

addresses.

2. The College also keeps records of internet browsing history when accessed from school resources.
3. Staff and students accessing school resources should be aware of the College's *Acceptable Use of Digital Technology Policy and Protocols*.

#### D: FINANCIAL INFORMATION

1. The College may store parent credit card or bank account details for the purposes of fee payment for the duration of a student's enrolment at the College.
2. The College may also store bank account details for the purposes of salary payment for the duration of a staff member's employment at the College.

#### A. Requests & Complaints

1. Requests for further information about the way the College manages the personal information it holds can be directed to the Privacy Officer.
2. If an individual wishes to make a complaint regarding the handling of their personal information or notify of a breach of the Australian Privacy Principles, please provide the College Privacy Officer with full details of the complaint and any supporting documentation.
3. The College Privacy Officer will endeavour to provide an initial response to the query or complaint within 10 business days, and investigate and attempt to resolve the query or complaint within 30 business days or such longer period as is necessary and notified to the individual by the Privacy Officer.

#### B. Disclosure statement to students

1. Trinity Lutheran College provides counselling services for its students as part of its pastoral care and student wellbeing responsibilities. These are provided through the student well-being coordinator employed by the College.
2. Students are encouraged to make use of these services if they need assistance. However, there are a number of things that students and their parents should know before using the counselling service.
  - 1.1. Records will be made of counselling sessions and because the Counsellor is an employee, those records belong to the College, not the Counsellor.
  - 1.2. The College is 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 (or delegate) if the Counsellor considers it necessary for the student's welfare to discharge the school's duty of care to the student.
  - 1.3. The Principal (or delegate) may find it necessary to disclose aspects of discussions with Counsellor(s) to others in order to assist the student.
  - 1.4. Where a disclosure is made it would be limited to those who need to know, unless the student consents to some wider disclosure.
  - 1.5. Whilst the College is happy to provide counselling services to students, if a student (or parent) is not happy with the above it is suggested counselling is sought outside the College.

#### C. Standard Collection Notice

1. Trinity Lutheran College is bound by the Australian Privacy Principles



contained in the Commonwealth Privacy (Private Sector) Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Act 2012. In relation to health records, the College is also bound by the Health Privacy Principles contained in the Health Records Act 2001 (Vic).

2. The College is committed to managing personal information in an open and transparent way. The Standard Collection Notice forms part of the Terms of Enrolment that is signed by families upon enrolment at the College.
3. This statement specifically itemises the reasons for collecting information about students and their families, and the way in which information will be used by the College.
  - 3.1 The College collects personal information, including sensitive information about students and parents/carers/guardians (“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.
  - 3.2 Some of the information collected is to satisfy the College's legal obligations, particularly to enable the College to discharge its duty of care.
  - 3.3 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.
  - 3.4 Health information about students is sensitive information within the terms of the Australian Privacy Principles under the Privacy Act, in addition to the Health Privacy Principles under the Health Records Act. We may ask you to provide medical reports about your child from time to time.
  - 3.5 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, Lutheran Education Australia, medical practitioners, and people providing services to the College, including specialist visiting teachers, sports coaches, volunteers and counsellors. Failure to obtain such information referred to in the above may impede the ability of the College to be able to enrol or continue the enrolment of students.
  - 3.6 Personal information collected from students is regularly disclosed to their parents.
  - 3.7 The College may from time to time store personal information in the 'cloud' which may mean that it may reside on servers which are situated outside Australia.
  - 3.8 The 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.
  - 3.9 The College Grievance Policy also sets out how an individual may make a complaint about a breach of privacy and how the College will deal with such a complaint.
  - 3.10 The College, from time to time, engages in fundraising activities. Information received from parents may be used to make an appeal to such parents. It may also be disclosed to internal organisations that assist in the College's fundraising activities solely for that purpose. The College will not disclose personal information to third parties for their own marketing



purposes without an individual's consent.

- 3.11 On occasions, information such as academic and sporting achievements, student activities and similar news is published in College newsletters, on our facebook page, in the College magazine and on the College website.
- 3.12 Photographs of student activities such as sporting events, school camps and school excursions may be taken for publication in College newsletters, facebook page, College magazine and on the College website. The College will obtain annual permissions from the students' parent or guardian prior to publication and at times separate permissions as the case warrants.
- 3.13 Any student image used in public advertising will only be used with the written permission of the custodial parent.
- 3.14 The College may include contact details in a class list, school roll or on the College's information database. Such information is used solely to make contact with parents for the purposes of reporting emergencies, making other necessary contact or the fulfilment of the purposes of educational, financial and clerical administration.
- 3.15 If an individual provides the College with the personal information of others, such as doctors or emergency contacts, the College encourages that individual to inform these people that such information has been disclosed to the College; why the information has been disclosed; and that they are able to access that information. However, the College does not usually disclose any information to third parties without appropriate consent.
- 3.16 For the purposes of making arrangements for designated school activities, including but not limited to, excursions, camps, tours, trips, work experience/placement and vocational education, the College may collect personal and sensitive information of students engaged in these activities. This may include passport details and medical information. By supplying this information, consent is deemed to be given for the purposes of that activity. This personal information will be disclosed to travel agents and event organisers accordingly. Failure to obtain such information will result in the student being unable to attend the activity.

### D. Security Practices of Staff

#### 1. Passwords

- 1.1 A good password is not easily guessed and should be at least 8 characters long. It should contain a mixture of uppercase and lowercase letters, numbers and other characters eg %&#.
- 1.2 Different accounts should have different passwords to prevent access to those other devices or services if one password is found out or hacked.
- 1.3 Passwords on devices and for information sensitive programs should be changed at least every 6 weeks.
- 1.4 Staff should not share passwords with other staff (excepting IT staff upon request) as your password is the key to your account and anything actioned under your account will be attributed to you.
- 1.5 Under no circumstances should staff share their password with a student even if that student is their child.
- 1.6 If any staff member becomes aware that a student knows or uses a staff password, then the Privacy Officer is to be advised immediately.

#### 2. Access to work digital devices

- 2.1 All staff digital devices used at work should require a PIN code or password to be entered when the device is opened or turned on to prevent unauthorised persons accessing the device especially if that device has links to information as described in the privacy policy.
- 2.2 Staff working in programs associated with information covered in the privacy





|                          |   |
|--------------------------|---|
|                          | <p>policy, and who then leave their desk, even for a brief time should do one or all of the following:</p> <p>2.2.1 Close the program</p> <p>2.2.2 Lock their device (Hold down the Windows key and press “L”. The computer will require the staff member’s password to resume the session.)</p> <p>2.2.3 Log off</p> <p>2.3 The appropriate action in 2.2 will also be determined by the security or public nature of the work area. Using a screen saver or minimising the program is insufficient security if that program can be then accessed by the click of a button or similar.</p> <p>2.4 Staffrooms should always be locked if no-one is present.</p> <p>2.5 Staff should always close down all programs and log off their work devices at the end of their working day.</p> <p><b>3. Storage of personal and sensitive information</b></p> <p>3.1 Personal information about other staff, students and families and any other information covered under the privacy policy should not be permanently stored on staff devices nor in personal cloud storage accounts.</p> <p>3.2 It is acknowledged that some information may need to be stored on a device accompanying the supervising teachers on a camp or excursion for the duration of that activity and where remote access to the college server or portal will be available.</p> <p>3.3 Upon the conclusion of the activity such information should be deleted.</p> <p>3.4 Photos taken on a personal device of a student activity should not be stored on that device. The photos should be uploaded as soon as practicable to the college server and then deleted from the device.</p> |
| <b>BREACH OF POLICY</b>  | <ol style="list-style-type: none"> <li>Where a staff member breaches this policy, Trinity Lutheran College may take disciplinary action.</li> <li>In some cases, outside agencies and/or the police may need to be informed.</li> </ol>   |
| <b>RELATED DOCUMENTS</b> | <ul style="list-style-type: none"> <li>Student Enrolment Contract and Terms of Enrolment</li> <li>Staff Employment Agreement</li> <li>College Council Confidentiality Policy</li> <li>Data Breach Response Policy</li> <li>College Organisation: Security practices for staff</li> </ul>  |

## RECORD OF IMPLEMENTATION

|   |   |
|---|---|
| Contact officer   | <i>Cheryl Bartel (Principal)</i>  |
| Approved by   | <i>Executive leadership</i>   |
| Ratified by   | <i>Trinity Lutheran College Council</i>   |
| Authorization   | <i>Trinity Lutheran College Council authorizes this policy for publication and implementation having considered relevant legislation and/or operational requirement of users.</i> |
| Tracking  | <i>Ratified 9 March 2015.<br/>Revision 1.01 for compatibility to POL04 ratified 21 August 2018.</i>   |
| Review Date<br>(3 year cycle or as required by legislation) | <i>2021</i>   |