

Policy

Privacy Policy

Rationale

St Andrews Lutheran College (the College) is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act. This statement outlines the Privacy Policy of the College and describes how the College uses and manages personal information provided to or collected by it.

Scope

The policy applies to College Council members, employers, employees, volunteers, parents/guardians, students, contractors, and people visiting the College site; and describes the type of information the College collects, how the information is handled, how and to whom the information is disclosed, and how the information may be accessed.

Exception in relation to employee records

Under the Privacy Act, the Australian Privacy Principles do not apply to an employee record held by the employing entity. 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.

Definitions

Parent

Natural parent, adoptive parent, step-parent or guardian who has signed the enrolment contract or the individual who has been nominated by the natural parent, adoptive parent step parent or guardian to be responsible for the student, unless legal restrictions are in force.

Personal information

Defined under the Privacy Act 1988 as information or an opinion, whether true or not, about an individual whose identity is apparent, or can reasonably be found out from the information or opinion.

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.

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 Andrews 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

Means personal information about an individual’s racial or ethnic origin, political opinions, membership of a political, professional or trade association or trade union, religious beliefs or affiliations, philosophical beliefs, sexual preferences or practices or criminal record.

Policy

St Andrews Lutheran College seeks to comply with its obligations under the Privacy Act 1988 and the National Privacy Principles.

The College manages a large volume of personal information, mostly about its students, parents and staff. Some of this information is provided to the College by the individual (for example, information in an application for enrolment or employment), some is collected by the College (for example, student assessment records and staff performance appraisals) and some is provided by an outside individual or organisation (for example, staff references and student placement appraisals and student assessments completed by external professionals).

The College has this policy outlining how personal information is collected, used, stored, disclosed and accessed.

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 National Privacy Principles.
- take reasonable steps to ensure the personal information the College collects, uses or discloses is accurate, complete and up-to-date.
- when lawful and practicable to do so, give people the option of interacting anonymously with the College.
- 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 situation, specified business imperatives and law enforcement or other public interests which would preclude this.
- 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 National Privacy Principles.

Generally, where consent of an individual under 18 years of age is required, the College will seek the consent of the Parent or legal guardian 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 College Principal (or his/HER delegate), taking all relevant considerations into account.

2. Requests for Information

All requests for information held by the College and affected by privacy legislation should be in writing and directed to:

Privacy Officer
St Andrews Lutheran College
PO Box 2142
Burleigh BC, Queensland, 4220.

Email: privacy@salc.qld.edu.au

The College may charge a fee to cover the cost of responding to an individual's request for their personal information, and may require payment of this fee in advance of the personal information being provided.

3. Communication of policy

3.1 Parents

The College's Privacy Policy will be sent to parents with the Enrolment Contract, and be available on the parent portal of the College intranet. It will also

3.2 Students

The College's Privacy Policy will be available on the student portal of the College intranet.

3.3 Staff

The College's Privacy Policy will be available on the staff portal of the College intranet.

3.4 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.

4. Collection

The College collects/holds information including personal information and sensitive information, concerning:

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

4.1 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.

4.2 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 College.

5. Use

5.1 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 for the student. This includes satisfying both the needs of parents and the needs of the student throughout the whole period the student is enrolled in 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;
- looking after student's educational, social, spiritual and medical wellbeing;
- seeking donations and marketing for the College; and
- to satisfy the College's legal obligations and allow the College to discharge its duty of care.
- as part of official St Andrews 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.

5.2 Job applicants, staff members, volunteers 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, as the case may be.

The purposes for which the College uses the 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 funds and marketing for the College;
- satisfying the College's legal obligations, for example, in relation to child protection legislation.

5.3 Volunteers

The College also obtains personal information about volunteers who assist the College in its functions or conduct associated activities, such as St Andrews Alumni, to enable the College and the volunteers to work together.

5.4 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.

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.

6. Disclosure

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

- another school;
- government departments;
- medical practitioners;
- people providing services to the College, including specialist visiting teachers and sports coaches;
- recipients of College publications, like newsletters, magazines, web sites, intranet sites and College social networking sites;
- parents; and
- anyone you authorise the College to disclose information to.

6.1 Sending information overseas

The College will not send personal information about an individual outside Australia without:

- obtaining the consent of the individual (in some cases this consent will be implied); or
- otherwise complying with the National Privacy Principles.

7. Sensitive Information

In referring to 'sensitive information' the College means: information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual preferences or criminal record, that is also personal information; and health information about an individual.

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

8. Management and Security of Personal Information

The College's staff are required to respect the confidentiality of personal information concerning students, parents 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 computerised records.

9. Currency of Personal Information

The College endeavours to ensure that the personal information it holds is accurate, complete and up-to-date. A person may seek to update their personal information held by the College by contacting the Enrolments Registrar at any time.

10. Access to Information Held by the College

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

The National 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 students may seek access themselves.

The College will need to verify the 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.

11. 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 e.g. where the student is no longer attending the College and has reached 18 years of age.

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 so warranted. These applications will be assessed on a case by case basis.

12. Use of Student Images and Work Samples

12.1 General

The College publishes photographs and work samples of students in the course of their schooling at St Andrews 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 a number of purposes and under current legislation this practice can continue.

These situations are generally for the purpose of 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.

12.1.1 Tertiary students

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

12.1.2 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 ie Facebook, Youtube etc.

12.2 Responsibilities

12.2.1 Parent/guardian responsibilities

Parents and/or guardians 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.

12.2.2 College responsibilities

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

12.2.3 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;
 - identification of the students e.g. publishing first names only and/or publishing group rather than individual photographs;
 - 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 subject's parents or legal guardian prior to use.

12.3 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 Andrews community members.

12.4 Storing forms and photographs

Photographs are St Andrews records. Thus management and disposal of records must comply with the Records Management and Archiving Policy (draft).

12.5 Legislative context – who owns the photo

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.

However, if an employee takes a photograph as part of their 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.

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

1. Their family (e.g. a portrait);
2. Their wedding party; and/ or
3. 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.

13. Enquiries

Enquiries regarding privacy matters or access to information should be forwarded to the College's Privacy Officer at PO Box 2142, Burleigh BC, Queensland 4220 or by telephone (07) 5568 5905. Note that all requests for information held under privacy legislation must be in writing.

14. 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 Principal, College Executive 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; and
- maintenance of the Privacy Register.

15. 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 Andrews which the individual believes to be inappropriate or unlawful.

The Privacy Officer will investigate the complaint and report to the Principal. A decision will be made concerning the complaint and the complainant will be advised in writing of the result of the investigation. Information collected by the College with regard to a person's employment is exempt.

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