Purpose

The College is bound by the National Privacy Principles contained in the Commonwealth Privacy Act and has therefore implemented practices to respect the privacy rights of all individuals in the workplace. Furthermore, the policy has been established to ensure that all staff comply at all times with their obligations under the Privacy Act 1998.

Policy

St Charbel’s College staff will comply with the requirements of the Privacy Amendment (Private Sector) Act 2000 (Privacy Act) as set out in the National Privacy Principles (NPPs). The Act regulates the way private sector organisations can collect, use, keep secure and disclose personal and sensitive information. It gives individuals the right to know what information an organisation holds about them and the right to correct that information if it is wrong.

Related Policy

Guide for the Reporting, Disclosing or Exchanging Personal Information for the purposes of Child Wellbeing

Definitions

Personal Information

Personal information is information or an opinion (including information or an opinion forming part of a database), whether true or not and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained from the information or opinion.

Sensitive Information

Under the Act sensitive information means information or an opinion about an individual's racial or ethnic origin; political opinion; membership of a political organisation; religious belief or affiliation; philosophical belief; membership of a professional trade organisation; membership of a trade union; sexual preference or practice; criminal record and health information about an individual.

Employee Records

Certain acts or practices directly relating to employee records are exempt from the scope of the Act. Employee records are records relating to the employment of an employee of the employer. Examples of this type of information include the terms and conditions of employment, personal contract details, performance and conduct, disciplining, salary, termination and trade union membership.
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Ten National Privacy Principles ("NPP")

The College is bound by the National Privacy principles contained in the Commonwealth Privacy Act, 1998. These principles are as follows:

NPP1 – Collection

An organisation can only collect personal information that is necessary for its activities. The collection must be done lawfully, by fair means and not in an unreasonably intrusive manner.

NPP2 – Use and Disclosure

An organisation may only use or disclose information for the purpose it was collected unless consent is sought.

NPP3 – Data Quality

An organisation must take reasonable steps to make sure that the personal information it collects uses or discloses is accurate, complete and up to date.

NPP4 – Data Security

An organisation must take reasonable steps to protect the personal information it holds and destroy personal information no longer needed for any purpose under NPP2.

NPP5 – Openness

An organisation must have a policy document outlining its information handling practices and make this available to anyone who asks.

NPP6 – Access and Correction

An organisation must give an individual access to personal information it holds about that individual on request.

NPP7 – Identifiers

An organisation must not use an identifier assigned by a Commonwealth Government agency (e.g. Medicare or Tax File Number).

NPP8 – Anonymity (Privacy)

Organisations must give people the option to interact anonymously whenever it is lawful and practical to do so.

NPP9 – Transborder Data Flows

An organisation can only transfer personal information to a recipient in a foreign country in circumstances where the information will have appropriate protection.

NPP10 – Sensitive Information
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An organisation must not collect sensitive information unless the individual has consented; it is required by law or in other specified circumstances.

What kind of personal information does the College collect and how does the College collect it?

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

- Students and parents and/or guardians (‘Parents’) 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.

Personal Information you provide:

- 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.

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.

Exception in relation to employee records: Under the Privacy Act the National 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.

How will the College use the personal information you provide?

The College will use personal information it collects from you 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 you have consented.

Students and Parents.

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 and the needs of the student 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 and magazines
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- Day-to-day administration
- Looking after students' educational, social 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.

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.

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, as the case may be.

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

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

Volunteers.

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

Counselling

Referrals to the College Counsellor

Referral to the College Counsellor for students under the age of 15 will always require parent/guardian consent.

Student over 15 years of age) may self refer.

Teacher and Parent referrals will be made through the relevant Stage or Year Coordinators. On occasion, students may be directly referred to the College Counsellor by Leadership.
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Confidentiality

While generally student disclosure during counselling is private and confidential there are exceptions to this confidentiality.

The College will disclosure personal information without consent of the individual in the following cases:

- When Required by Mandatory reporting as imposed by child protection legislation
- In circumstances where there is a serious threat to an individual’s life, health or safety; or to public health or public safety.
- As required by law

In the above cases personal information collected by the counsellor will be disclosed to the school management, where appropriate to persons with parental responsibility, and others.

Organisations that may be contacted or may contact the school requiring information include but are not limited to

- The NSW Police Service
- A government school or a registered non government school
- A State government department or a public authority
- A TAFE establishment
- A State public health organization
- A private hospital in New South Wales
- A private fostering agency or adoption agency
- A body that conducts a residential child care centre or child care service
- Any other organisations that have direct responsibility for, or supervision of, the provision of healthcare, welfare, education, children's services, residential services or law enforcement, to children
- An organisation that arranges provision of out-of-home care and Community Services.

Parent/guardian and student (if over 15 years of age) consent will be sought if it is deemed necessary to contact another agency in course of counselling to support the student. Referral to outside agencies or psychometric testing will require parent/guardian and student (if over 15 years of age) consent. (Exceptions to this are as outlined above).

Record Keeping
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All counselling sessions are documented by the counsellor and this documentation will be kept securely. Access to viewing these records is strictly restricted to the counselor (with the exceptions noted above).

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 be a quality learning 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 alumni organisation.

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

Who might the College disclose personal information to?

The College may disclose personal information (in particular as required by College’s legal obligations) including sensitive information, held about an individual to:

- Another school
- A body authorised by statute
- Government departments
- Medical practitioners
- People providing services to the College, including specialist visiting teachers and sports coaches
- Recipients of College publications, like newsletters and magazines
- Parents
- Anyone you authorise the College to disclose information to.

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)
- Otherwise complying with the National Privacy Principles.

How does the College treat 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
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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 the use or disclosure of the sensitive information is allowed by law.

Management and security of personal information

The College’s staff are required to respect the confidentiality of students’ and Parents' personal information and the privacy of 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 passworded access rights to computerised records.

Updating 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 College at any time.

The National Privacy Principles require the College not to store personal information longer than necessary but also to comply with legal requirements as regards retention of information.

You have the right to check what personal information the College holds about you. 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 and by other relevant legislation. Students will generally have access to their personal information through their Parents, but students 16 years or older may seek access themselves.

To make a request to access any information the College holds about you or your child, please contact the College Principal in writing.

The College may require you to verify your identity and specify what information you require. The College may charge a fee to cover the cost of verifying your application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the College will advise the likely cost in advance.

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 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.
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Parents may seek access to personal information held by the College about them or their child by contacting the College Principal. 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 legal obligations and or duty of care to the student.

**Enquiries:**

If you would like further information about the way the College manages the personal information it holds, please contact the College Principal.

**Reference used:**