



GEN006 Privacy and Confidentiality Policy

Rationale

St Catherine's School Sydney (school) is bound by the Privacy Act and the Australian Privacy Principles in how it governs the use, collection, disclosure, transfer, handling and storage of personal information and this includes its obligation to report notifiable data breaches.

Scope

The policy describes the types of personal information collected, the school departments collecting the personal information, the intended purpose and use of the collected information and the information security measures used and applied in the school to protect personal and sensitive information belonging to staff, students, parents, guardians, volunteers, contractors, suppliers and other members of the school community.

The types of information the school collects and keeps private and confidential include:

- personal and sensitive information
- information received in confidence
- information relating to legal proceedings
- information relating to commercial activities
- information subject to a subpoena.

Definitions

Confidential information refers to information given by one person to another on the express or implied understanding that the information is for a restricted purpose and is exempted from disclosure under the freedom of information legislation.

Health information is a subset of sensitive information and refers to any information or opinion about the health or disability of an individual, the individual's expressed wishes about the future provision of health services and a health service provided, currently or in the future, to an individual that is also personal information. Health information also includes personal information collected in the course of providing a health service. The school provides a health service because it manages health information.

Personal information refers to information or an opinion about an identified individual or an individual who is reasonably identifiable whether the information is true or not, and whether the information is on record in a material form or not. It includes all personal information regardless of its source.

Record refers to a document or a record on an electronic or other type of device. A document is defined to include anything on which there is writing and anything from which sounds, images or writings can be reproduced, and includes drawings and photographs. Items that may be excluded from the definition of a record in a school are generally available publications is anything kept in a library, art gallery or museum for the purposes of reference, study or exhibition.

Sensitive information refers to a type of personal information given extra protection and must be treated with additional care. It includes any information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, or criminal record and health information.



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Contractor refers to any individual, who is not an employee of the school and is paid to perform work at a school-managed space.

Parents and legal guardians refer to the parents or legal guardians of a student who is attending the school.

Staff refers to all casual, temporary and permanent staff of the school.

Visitor refers to an individual who visits the school campus and includes visiting students and staff from other schools who may be required to provide private and confidential information for student specific events and activities.

Volunteer refers to an individual, who for personal or charitable reasons contributes their skills, knowledge and time to the school and the students without the expectation of financial gain.

Policy

Personal information shall be collected and handled by the school in accordance with the Privacy Act and the Australian Privacy Principles. The school shall make publicly available collection statements for:

- collection statement - HR
- collection statement - school community
- collection statement - students.

These describe the way in which the school handles personal information it collects from individuals.

Staff, students, parents, legal guardians, volunteers, contractors and other people from whom personal information is collected from by the school are protected under this legislation. Consent is important in enabling the school to collect personal and confidential information. The overriding duty of care is a crucial factor in the school's collection and disclosure of personal information.

Staff are not required to collect personal information unless the information is reasonably necessary for, or directly related to, one or more of the school functions or activities. In most cases, information about students and consent for its use will be collected from their parents or legal guardians. Staff will only record information on students, parents or legal guardians or others in the school community that is related to a school function or activity.

Sensitive information about an individual must not be collected unless the individual consents to the collection of the information and the information is reasonably necessary for one or more of the school functions or activities.

The school takes its obligation to keep all personal information relating to staff, students, parents, legal guardians and the school community private and confidential. The school has an external privacy policy and collection statements which outline how the school manages personal information provided to or collected by it. The external privacy policy and collection statements are available for viewing by the school community and the general public on the school website.

Current storage and security methods are used to protect personal information from unauthorised access and misuse. These include but are not limited to, locked spaces on campus, key registers, firewalls, secure servers and virus protection software. Access to personal information by staff to a system holding personal information, is limited to the task and functionality requirements of that staff member.



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Staff at the school are responsible for maintaining the privacy and confidentiality of personal and sensitive information. In the event of a data breach in any form of personal, sensitive or confidential data collected and stored by a staff member for the purposes intended staff are required to immediately notify the school's privacy officer.

The school may from time to time update this policy to ensure it remains current and appropriate to the school environment; privacy legislation changes and where changes to school practices and operations occur.

Procedures

Staff collecting personal information

All matters discussed at staff meetings or contained in memos to staff are confidential and are not to be discussed with staff who are not part of the meeting, students, parents, legal guardians, school community members or the public. Considerable difficulty could be caused by staff repeating items mentioned at staff meetings to their classes or individual students. It is a breach of professional ethics to break this confidence.

Staff using personal information

Personal information must only be used for the work-related purpose it was intended.

When speaking to parents, legal guardians and students, staff need to be aware that confidentiality cannot be guaranteed of a matter under discussion as some matters require mandatory reporting, for example should a child be at risk of significant harm.

Confidential matters pertaining to staff, students and the school should not be discussed with a third party whether they are part of the school community or not. This requirement continues to apply at social events after and out of school hours and after a staff member has left the employment of the school. Where information is publicly available, the source should be acknowledged, for example e-news or e-communication.

To protect personal information the school holds from misuse, loss, unauthorised access, modification or disclosure, staff are required to use the various security methods available to them. These include but are not limited to password protection access to computer records or lockable storage of paper records. Staff should refer to ICT001 Staff ICT policy, ICT004 ICT Security policy, GEN008 School database update procedures policy and GEN010 Security policy for more information on the protection of school data.

Staff shall maintain the security of all official information and documents, which are not normally published or made available to the public. This information may only be disclosed without consent from an individual with approval from the headmistress to use for the following reasons:

- where staff are required, or authorised to do so by law
- where staff are called to give evidence in court

Staff may not give out a phone number, email address or residential address of another member of staff, student, parent or legal guardian to a third party without consent from that individual.

Staff receiving unsolicited personal information

This provision under the Privacy Act places an obligation on schools to ensure that they only keep information they have collected. That is, where any unsolicited personal information received by the school is reasonably necessary for one or more of the school functions or activities. If the unsolicited information is sensitive information and the person has not consented to its collection it may not be retained by the school.



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The following exceptions apply:

- the individual has consented
- collection is required by law, which includes the common law duty of care
- it is unreasonable or impracticable to obtain the individual's consent for the collection and the collection is necessary to prevent or lessen a serious threat to the life or health of any individual
- other specific circumstances exist for sensitive information which is health information.

On many occasions, it is likely that unsolicited personal information will be received orally. On such occasions, staff should not take any notes of unsolicited personal information received orally unless it is needed and, in the case of sensitive information, an exception for collection without consent exists.

Requests to access or update personal information

To access, amend or delete personal information, or withdraw consent for a specific use or disclosure of personal information held by the school, individuals should contact the headmistress.

Individuals may seek access to any personal information which the school holds about them. This includes corrections, deletions or amendments and is subject to any legal rights and obligations imposed upon the school to retain such information under its legislated retention obligations.

Students may seek access to their personal information through their parents or legal guardians whilst students determined as being of a mature age may seek access to their personal information themselves.

Staff may seek access to their personal information through the human resources manager.

Heads of department or line managers may seek access to personal information of a staff member that reports directly to them through the human resources manager.

The identity of the person requesting personal information and their right to access or update the information will be verified by the human resources manager for staff and the director of administrative services for students.

Staff receiving requests for personal information from a third party individual are required to identify the person requesting the information, collect contact information and ask the purpose for accessing this information from the person requesting the information.

Generally, only a parent or legal guardian or student (if determined to be of a mature age) concerned should be given access to the personal information held about the student.

A fee may be charged where the time required to retrieve and collate the information is excessive, and this should be advised to the individual and their consent obtained before retrieval work commences.

Information held should be accurate, complete and current. Requests to update or correct personal information held by the school are referred to the following staff for action once approved by the headmistress:

- Alumni relations coordinator - past individuals belonging to the alumni community.
- Archivist – archival retention of all personal information – electronic and paper documents, Old Girls Union.
- Director of administrative services – current students, parents and guardians, council members.
- Director of ICT services – ICT database – all personal information.
- Enrolments manager – future students, future overseas students, future parents and legal guardians.
- Head of academics – current senior school students.



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- Head of the junior school – current junior school students.
- Head of community relations – parents, legal guardians, parents and friends, volunteers.
- Head of finance and operations – council members, other volunteers and contractors.
- Head of BTC – out of school hours and holiday program students.
- Human resources manager – job applicants, current staff, staff no longer employed at the school.

ICT database retention of personal information

All departments are responsible for advising the director of ICT services or appointed delegate of personal, sensitive and confidential information requiring updating, maintenance, retention and the date of deletion on school databases. Staff to refer to ICT001 Staff ICT policy, ICT004 ICT Security policy, GEN008 School database update procedures policy and GEN010 Security policy for more information on the protection of school data.

Archiving and retention periods of personal information

Each department in the school is required to retain personal information for the legislated period applicable to that school department. All personal information must be archived and then destroyed at the end of the retention period. Personal information retention advice should be sought by staff from the school archivist. Staff to refer to the GOV010 Archives and museum policy.

Notifiable data breaches

All staff are required to report personal information data breaches to the privacy officer. The school privacy officer, by default, is the director of administrative services.

Privacy data breaches may include a breach of privacy of an individual or a group of individuals. Examples of privacy breaches staff are required to report to the privacy officer include but are not limited to: sending an email containing personal information to the wrong recipient, losing or misplacing a laptop or USB device and losing or misplacing paper documents containing personal and sensitive information.

The privacy officer notifies the notifiable data breach team on receiving notification of a potential privacy breach. The school's notifiable data breach team is responsible for addressing and correcting the reported privacy breach and assessing whether the privacy breach is a notifiable data breach. Should the privacy breach be a notifiable data breach it will be reported by the school to the Office of the Information Commissioner.

The privacy notifiable data breach team consists of the:

- director of administrative services
- director of day school
- director of ICT services
- facilities manager
- head of finance and operations
- head of junior school
- risk and compliance officer.



Rights to personal information

The school has collection statements for students, staff and members of the school community which describe the ways in which the school handles personal information.

Staff should be aware that all individuals are advised to contact the headmistress to access, amend or delete personal information, or withdraw consent for a specific use or disclosure of personal information.

Headmistress contact details

email: headmistress@stcatherines.nsw.edu.au. phone: 02 8305 6200 (International +61 2 8305 6200)

Staff should also be aware that all individuals are advised to contact the privacy officer for privacy enquiries and to make a privacy complaint:

Privacy Officer contact details

email: privacyofficer@stcatherines.nsw.edu.au

phone: 02 8305 6200 (International +61 2 8305 6200).

Communicating this policy

COMMUNICATED BY	AUDIENCE	COMMUNICATION PATHWAY
Risk and compliance officer	All staff	Staff portal

Related documents

Australian Privacy Principles – Office of the Australian Information Commissioner – www.oaic.gov.au

Collection statement – HR

Collection statement – school community

Collection statement – students

EXT001 Privacy policy

GEN008 School database update procedures policy

GEN010 Security policy

GOV010 Archives and museum policy

ICT001 Staff ICT policy

ICT004 ICT Security policy

Privacy Act 1988 – Office of the Australian Information Commissioner – www.oaic.gov.au

Responsibilities

Archivist

Director of day school

Director of ICT services

Facilities manager

Headmistress

Head of finance and operations

Head of junior school

Privacy officer/director of administrative services

Risk and compliance officer



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Authorisation

Julie Townsend

Signature of headmistress

21.3.2022

Date

Certified by

[Signature]

Signature of policy officer

21/3/22

Date

Policy number GEN006

Version 0004

Written by Risk and compliance officer

Approved date 21/3/22

Authorised by Headmistress

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Certified by Policy officer

Document tracking

Version	Date	Change
0002	12 March 2014	Amended for the introduction of the Australian Privacy Principles from 12 March 2014. New definitions added and paragraphs added on dealing with unsolicited information and actioning complaints.
0003	8 June 2016	Privacy legislation references updated. Updated staff accountable for an individual's records and changed titles. Definitions section updated and new definitions added.
0004	11 March 2022	Amended to include notifiable data breach procedures, updates to staff accountabilities for the protection of personal information held by the school and references the school privacy statements for students, human resources and members of the school community. Changed to new format in adherence with 2022 Style Guide.