

# Privacy Policy

## 1. Purpose

This Policy sets out how the School collects, manages, stores and discloses personal information.

The School is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act 1988. In relation to health records, the School is also bound by the Health Privacy Principles which are contained in the Health Records and Information Privacy Act 2002 (NSW).

The School will, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to the School's operations and practices and to make sure it remains appropriate to the changing School environment.

## 2. Who is Affected by these Policies?

- Nominated Supervisor (Principal)
- Staff (including casuals)
- Job Applicants
- Children and others attending the programs and activities of ISMS
- Parents/carers
- Students on teaching placements and observations
- Volunteers
- Outside Tutors and External Providers
- Contractors, Consultants and Visitors
- Council Members

## 3. What does this Policy mean?

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

- Students and parents/carers before, during and after the course of a student's enrolment at the School, including:
  - Name;
  - Contact details (including next of kin);
  - Date of birth;
  - Gender;
  - Language background;
  - Previous School;
  - Parents' education, occupation and language background;
  - Medical information (e.g. details of disability and/or allergies, absence notes, medical reports and names of doctors);
  - Conduct and complaint records, or other behaviour notes, and school reports;
  - Information about referrals to government welfare agencies;
  - Counselling reports;
  - Health fund details and Medicare number;

- Any court orders; and
- Photos and videos at School events.
- Job applicants, staff members, volunteers and contractors, including:
  - Name;
  - Contact details (including next of kin);
  - Date of birth;
  - Working with Children Check;
  - Copies of Qualifications;
  - References/referee check documentation;
  - Information on job application;
  - Professional development history;
  - Salary and payment information, including superannuation details;
  - Medical information (e.g. details of disability, allergies, medical certificates);
  - Complaint records and investigation reports;
  - Leave details;
  - Photos and videos at School events;
  - Workplace surveillance information;
  - Work emails and private emails (when using work email address); and
  - Internet browsing history.
- Other people who come into contact with the School, including name and contact details and any other information necessary for the particular contact with the School.

The School will generally collect personal information held about an individual by way of forms filled out by parents, students or staff, online (SchoolPro, Transparent Classroom, Xplor, Schoolbox), government requested information, face-to-face meetings and interviews, and emails and telephone calls. On occasions people other than parents, students and staff provide personal information. External applications may have separate privacy policies which should be reviewed.

Personal Information provided by other people:

In some circumstances the School 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 school.

Exception in relation to employee records:

Under the Privacy Act Health Records and Information Privacy Act 2002 (NSW), the Australian Privacy Principles do not apply to a record of an employee or former employee. As a result, this Privacy Policy does not apply to the School's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between the School and employee.

How will the School use the personal information you provide?

The School will use personal information it collects from others for the primary purpose of providing education services and connected matters, and for such other secondary purposes that are related to the primary purpose of collection and reasonably expected, for which we have received your explicit consent.

Students and Parents:

In relation to personal information of students and parents, the School's primary purpose of collection is to enable the School to provide schooling to students enrolled at the school, exercise its duty of care, and perform necessary associated administrative activities, which will enable students to take part in all the activities of the School. This includes satisfying the needs of parents, the needs of the student and the needs of the School throughout the whole period the student is enrolled at

the School. The purposes for which the School 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;
- Day-to-day administration of the School;
- Looking after students' 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 student or parent, if the information requested is not provided, the School may not be able to enrol or continue the enrolment of the student or permit the student to take part in a particular activity.

#### Job applicants and contractors:

In relation to personal information of job applicants and contractors, the School's primary purpose of collection is to assess and (if successful) to engage the applicant or contractor, as the case may be. Purposes for which the School uses personal information of job applicants and contractors include:

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

#### Volunteers:

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

#### Marketing and fundraising:

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 students 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 or, on occasions, external fundraising organisations.

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.

#### Who might the School disclose personal information to and store your information with?

The School may disclose personal information, including sensitive information where considered reasonably acceptable/necessary, held about an individual for educational, administrative and support purposes. This may include to:

- Other schools and teachers at those schools;
- Government departments (including for policy and funding purposes);
- Medical practitioners;
- People providing educational, support and health services to the School, including specialist visiting teachers, (sports) coaches, volunteers, and counsellors;
- Providers of specialist advisory services and assistance to the School, including in the area of Human Resources, child protection and students with additional needs;
- Providers of learning and assessment tools;

- Assessment and educational authorities, including the Australian Curriculum, Assessment and Reporting Authority (ACARA) and NAPLAN Test Administration Authorities (who will disclose it to the entity that manages the online platform for NAPLAN);
- People providing administrative and financial services to the School;
- Agencies and organisations to whom we are required to disclose personal information for education, funding and research purposes;
- Recipients of School publications, such as newsletters and magazines;
- Students' parents or carers;
- External fundraising and public domain information gathering organisations;
- Anyone authorised by the nominee to disclose information to; and
- Anyone to whom we are required or authorised to disclose the information to by law, including child protection laws.

#### Sending and storing information overseas:

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 parent/carer (in some cases this consent will be implied); or
- Otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

The School may use online or 'cloud' service providers to store personal information and to provide services to the School that involve the use of personal information, such as services relating to email, instant messaging and education and assessment applications. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may be stored in the 'cloud' which means that it may reside on a cloud service provider's server which may be situated outside Australia.

An example of such a cloud service provider is Google and Microsoft 365. The School provides both Google Apps for Education (GAFE) and Microsoft 365 for Education to staff, student and parents. These providers store and processes limited personal information for this purpose. School personnel and its service providers may have the ability to access, monitor, use or disclose emails, communications (e.g. instant messaging), documents and associated administrative data for the purposes of administering GAFE, Microsoft 365 and ensuring its proper use.

#### How does the School treat sensitive information?

In referring to 'sensitive information', the School 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 orientation or practices or criminal record, that is also personal information;
- Health information and biometric 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 agreed otherwise, or the use or disclosure of the sensitive information is allowed by law.

#### Management and security of personal information:

The School's staff are required to respect the confidentiality of students' and parents' 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.

#### Access and correction of personal information:

Under the Commonwealth Privacy Act, Health Records and Information Privacy Act 2002 (NSW), an individual has the right to seek and obtain access to any personal information which the School holds about them and to advise the School of any perceived inaccuracy. Students will generally be able to access and update their personal information through their parents.

To make a request to access or to update any personal information the School holds, please contact Administration by telephone or via email at [admin@isms.nsw.edu.au](mailto:admin@isms.nsw.edu.au). The School may require you to verify your identity and specify what information you require. The School 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 School will advise the likely cost in advance. If we cannot provide access to that information, we will provide written notice explaining the reasons for refusal.

#### Consent and rights of access to the personal information of students:

The School respects every parent'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 student to the student's parents. The School 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 School about them or their child by contacting the Principal by telephone or in writing. However, there may 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 School's duty of care to the student.

The School may, at its discretion, on the request of a student grant that student access to information held by the School 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 warrant it.

#### Responding to Data Breaches

The School will take appropriate, prompt action if it has reasonable grounds to believe that a data breach may have or is suspected to have occurred. Depending on the type of data breach, this may include a review of internal security procedures, taking remedial internal action, notifying affected individuals and the Office of the Australian Information Commissioner (OAIC). If unable to notify individuals, the School will publish a statement on our website and take reasonable steps to publicise the contents of this statement.

#### Log Data

Like many website operators, the School collects information that a user's browser sends whenever it visits our website (Log Data). This Log Data may include information such as a user's computer's Internet Protocol (IP) address, browser type, browser version, the pages of the School's website that a user visits, the time and date of his or her visit, the time spent on those pages and other statistics.

In addition, the School may use third party services such as Google Analytics (or similar web traffic analytic tools) that collects, monitors, analyses and records all visits to the School's website.

#### Enquiries and complaints:

To obtain further information about the way the School manages the personal information it holds, or to complain that the School has breached the Australian Privacy Principles, please contact the Principal via email at [principal@isms.nsw.edu.au](mailto:principal@isms.nsw.edu.au) or by telephoning.

The School will investigate any complaint and will notify you of the making of a decision in relation to your complaint as soon as is practicable after it has been made.

## 4. Related Policies and Procedures

Policy to be read in conjunction with:

- 3.8.3 Enrolment and Orientation
- 3.6.2.4 Staff Code of Conduct
- 3.6.2.6 Information Technology, Computer, Telephone, Equipment Code of Use
- 3.6.2.7 Social Media
- 3.6.2.15 Medical Management

## 5. Access to and Communication of Policy

Families have access to an electronic version of this policy through the ISMS Intranet. Staff have access to an electronic version through the ISMS Staff Intranet page. Hard copies are available at all campuses.

Families:

- If there are changes to the policy, the Deputy Principal and ICT Manager are responsible for ensuring parents are notified via the School Newsletter or email and the policy is updated on the ISMS Intranet.

Staff:

- If there are changes to the policy, the Deputy Principal and ICT Manager are responsible for ensuring staff are notified via email and the policy is updated on the Staff Intranet page. Additionally, significant changes are discussed and communicated verbally at Whole Staff Meetings.

The Deputy Principal is responsible for the upkeep of policies and procedures through Intranet sites and hard copies in central locations. This includes initiating the review process for all policies.

## 6. Review Process

**Person Responsible for Initiating the Review:** Deputy Principal

**External Consultation:** ACECQA, CELA, AISNSW, NSWDET

**Approver:** School Council

## 7. Consequences of Non-Compliance

### STAFF

It is expected that all staff will comply with the Policy and if not, consequences will be as per the Staff Code of Conduct.

## 8. Legislative Requirements

Relevant legislation and standards include but are not limited to:

### ACECQA

*Education and Care Services National Law Act 2010*

*Education and Care Services National Regulations 2011 (ACECQA):*

- Regulation 86 – Notification to parents of incident, injury, trauma and illness
- Regulation 90 – Medical Conditions Policy
- Regulation 181 – Confidentiality of Records
- Regulation 183 – Storage of Records

Link to National Quality Standard, Quality Area 2: Children’s Health and Safety

Link to National Quality Standard, Quality Area 7: Governance and Leadership

### NSW Education Standards Authority (NESA)

*Registered and Accredited Individual Non-Government Schools (NSW) Manual*

- Section B8 – Safe and Supportive Environment

### Other

Commonwealth Privacy Act 1988

Health Privacy Principles (Health Records and Information Privacy Act 2002 (NSW))

*“The School’s policies which are made from time to time are made pursuant to the requirements set out in section 47 of the Education Act, the NSW Education Standards (NESA) for registration of the School and the Australian Children’s Education and Care Quality Authority (ACECQA).”*