

Privacy

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1. Our approach to privacy The importance of responsible information practices has been increasing with cheaper and easier means of obtaining, storing, analysing, comparing and sharing of Personal Information.

These guidelines describe the ways in which we in CEDP (Catholic Education Diocese of Parramatta) (through our schools, Catholic Early Learning Centers [CELCS], Catholic Out of School Hours Care services [COSHCS] and office services) collect, protect, use and disclose Personal Information, including Sensitive Information, and how this affects rights and responsibilities of individuals about whom the information is collected.

These guidelines do not provide comprehensive guidance on compliance with Privacy legislation. You should refer to our Privacy Manual for such guidance. You should also refer to the following privacy documents:

- our Privacy – Statement <http://www.parra.catholic.edu.au/privacy>; and
- our Privacy – Procedures.

Defined terms used in these guidelines are set out in section 14.

2. What is privacy?

Privacy is the word we give to being able to keep certain information to ourselves and to control what happens to our Personal Information. Privacy issues can arise in all aspects of life.

Federal privacy laws regulate the collection and handling of Personal Information through minimum privacy standards. These are known as the [Australian Privacy Principles](#) (APPs). The APPs apply to CEDP. All CEDP Staff should be aware of and aim to comply with the APPs.

3. What is Personal Information?

Personal Information is information about an individual who is identified or who is reasonably identifiable. It includes information about an individual which, when combined with other information reasonably available, identifies an individual. Examples of Personal Information include a person's name, address, photos, history, bank account details and even information about what a person likes, their opinions and where they work - basically any information, either by itself or in combination with other reasonably available information, from which the person is reasonably identifiable.

Personal Information includes Sensitive Information such as information about a person's race, ethnicity, political opinions, membership of political associations, biometric information, membership of professional associations and trade unions, religious or philosophical beliefs, sexual preferences, health Information, genetic information or criminal records. The APPs provide higher privacy standards for handling an individual's Sensitive Information.

4. What kind of information do we collect?

The kind of Personal Information we collect includes (but is not limited to) Personal Information, including Health Information and other Sensitive Information, about:

- Students and Parents before, during and after the Student's enrolment
- job applicants, Staff and contractors
- other people who come into contact with CEDP or our schools, CELCS and COSHCs.



5. How do we collect information?

CEDP collects information through our schools, CELCs, COSHCs and our offices.

Personal Information provided by individuals directly

We generally collect Personal Information via forms filled out by Parents or Students; file notes of face to face meetings, interviews or telephone calls; or correspondence with Parents, Students or other people.

Personal Information provided about others

Sometimes we may be provided with Personal Information about an individual by a third party, for example via a medical report or a reference from another school, care centre or from an employer.

6. How do we use the Personal Information we collect?

We may use Personal Information we collect from individuals for the primary purpose of collection and for such other secondary purposes that are related (or directly related for Sensitive Information) to the primary purpose of collection and reasonably expected. We may also use the information for any purpose to which an individual has consented or that is required or authorised by law.

What is the primary purpose of collection of Personal Information about Students and their Parents?

The primary purpose of collection of information about students attending our schools and their Parents is to enable our schools to provide educational services to the student. This includes providing for the needs of the student and Parents throughout the period of enrolment. In some cases where information sought by the school is not provided, the school may not be able to enrol or continue enrolment of the student.

The primary purpose of collection of information about children attending our CELCs and COSHCs and their Parents is to enable CELCs to provide early learning services and COSHCs to provide child care services. This includes providing for the needs of the children and Parents throughout the period of enrolment.

We believe the following purposes for which we use Students' information are related to these primary purposes:

- assessing enrolment applications, including assessing possible risks associated with known behaviour to safety of Students or Staff
- facilitating a smooth transition of Students to our schools, CELCs and COSHCs, which may include preparing a health and allergy management plan, a behavior management plan or other appropriate strategies aimed at meeting the particular needs of the Student
- keeping Parents informed about their child's education and development
- performing day to day administration
- providing for Students' educational, social, spiritual and medical well-being
- providing for a safe learning environment
- obtaining donations and marketing for our services
- preparing State and national reports
- discharging our schools', CELCs' and COSHCs' duty of care and our other legal obligations.

What is the primary purpose of collection of Personal Information about job applicants, Staff and contractors?

The primary purpose of collection of information about job applicants, Staff and contractors is to enable us to assess and engage job applicants and contractors and to conduct effective employment and industrial processes in compliance with law.

We believe the following purposes are related to this primary purpose:

- enabling Staff and contractors to work together with our schools, CELCs and COSHCs
- administering employment processes and contracts
- obtaining funds and marketing for our services
- providing a safe working and learning environment
- discharging our legal obligations
- insurance purposes.

Why do we use information for marketing and fundraising?

Our schools, CELCs and COSHCs are partially funded by government and rely upon other sources of funding, including fees, to provide thriving learning environments. Marketing and donations play an important part in creating current and future learning environments in our schools, CELCs and COSHCs. For these reasons we disclose Personal Information to organisations which assist us with fundraising,



for example the school's parish, foundation or alumni organisation.

We send parents, Staff, contractors and members of the school, CELC and COSHC community fundraising information. We use our publications like newsletters and magazines.

Why do we ask for information about Parents' occupations and education?

Information about Parents' (of children in schools, not CELCs and COSHCs) occupations and education is accessed by ACARA to meet the government's National Goals for Schooling in the 21st century. These state that the achievement of students in schools should not be affected by discrimination based on sex, language, culture and ethnicity, religion or disability; or by differences arising from social and economic background or geographic location. The goals also state that 'the learning outcomes of educationally disadvantaged students [should] improve and, over time, match those of other students'.

To help us to make sure we are achieving this goal, all Parents of children in schools across Australia, no matter which school their child attends, are asked to provide information about family background. The main purpose of collecting this information is to promote an education system that is fair for all Australian students regardless of their circumstances.

We use the information to evaluate whether our policies are effective and to ensure that no group is experiencing undue disadvantage.

Providing information about Parents' occupation and education is voluntary, but Parents' information will help us to ensure that all students are being well served by our schools.

Photos or videos or audio

Photos, videos or audio of Students are used for various communication media including CEDP, school, CELC, COSHC and Catholic Education Office websites, school and system publications and newsletters, and enrolment posters. If any Parent informs Staff that they do not wish their child to be photographed or their child's photo used in any of these publications, Staff should ensure this is recorded on the Student's file and that the Student is excluded from being identified in visual representations such as photos or videos that appear in such publications.

7. To whom do we disclose Personal Information?

We may disclose Personal Information we collect from individuals for the primary purpose of

collection and for such other secondary purposes that are related (or directly related for Sensitive Information) to the primary purpose of collection and reasonably expected. The primary purpose of collection is outlined above in section 6.

We disclose Personal Information, including Sensitive Information, to:

- another school to which a Student transfers
- government departments
- the local parish
- medical practitioners
- organisations which assist us with fundraising and marketing, for example a school's parish, foundation or alumni organization
- service providers, for example counsellors, specialist visiting teachers and sports coaches
- recipients of school publications like school newsletters and magazines
- Parents
- anyone who a Parent or Student authorises us to disclose information to
- anyone to whom we are required or authorised to disclose the information by law, including to discharge our duty of care.

Personal information, including Sensitive Information, may be disclosed between schools, CELCs, COSHCs and the offices within CEDP. However this must be done as part of procedures which support the primary purpose for which the information was collected or a reasonably expected related (or directly related for Sensitive Information) secondary purpose.

When do we send information overseas?

We do not send Personal Information about an individual outside Australia without:

- obtaining consent of the Student, or their Parent where necessary, sometimes consent will be implied
- otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

Our email systems are provided through Google Apps. Consequently emails and email account details may be transferred, stored and processed in the United States or any other country used by Google to provide the Google Apps services. To provide quality Catholic schooling that is personalised to the diverse needs of each Student and relevant to today's world, we use a range of contemporary learning tools and latest technologies including Web 2.0 tools, google docs, cloud-based web services and apps for education. We use service providers to provide these tools to our schools, CELCs, COSHCs, Staff and Students.



We provide Personal Information to the service providers in connection with the provision of their services. These service providers may be located, or store and process information, outside Australia.

Employees who set up web Apps for education engage external service providers who may store Personal Information outside Australia, need to be aware that CEDP has an obligation to take reasonable steps to protect such personal information from misuse or use contrary to the APPs. This means taking care to find out the country/ies where the third party provider may store Personal Information, obtaining advice from their supervisor and also obtaining consent of parents or staff where needed.

Reporting, disclosing or exchanging Personal Information for the purposes of child well-being

Legislation in New South Wales sets out a regime under which schools may be required or permitted to disclose the Personal Information of students, their families and Staff to others. The legislation also sets out circumstances in which a school may request another school (or other prescribed body) to provide them with information relating to the safety, welfare or well-being of a student or students, including Personal Information.

The relevant legislation is:

- *Children and Young Persons (Care and Protection) Act 1998*, sections 2, 4 and 7
- *Education Amendment (School Attendance) Act 2009*, section 8
- *Ombudsman Act 1974*, section 5
- *Education Act 1990*, section 3 of Part 5A
- *Commission for Children and Young People Act 1998*, section 6.

8. How do we treat Sensitive Information?

We only use and disclose Sensitive Information for the purpose for which it was provided or for a directly related secondary purpose, unless the individual agrees otherwise or the disclosure is permitted by law. Consent should be obtained specifically at the time of collection. For example we seek such consent specifically in our Enrolment Application when collecting health Information at enrolment and we seek consent to taking Student and Parent photos at the beginning of every year via a Consent form. We require a higher level of security for storage of Sensitive Information.

9. Management and security of Personal Information

We have in place steps to protect the Personal Information we hold from misuse, interference, loss, unauthorised access, modification or

disclosure by various methods such as locked storage of paper records and password access rights to electronic records. We request that our third party contractors accept our Privacy – Statement.

We endeavour not to store Personal Information for longer than necessary.

10. Access and correction of Personal Information

We endeavour to update information so that it is accurate, complete and up to date. A person may access their information held by us and request that it be updated, or advise us of any perceived inaccuracy and seek correction, by contacting the school administration office or relevant service within CEO.

Such requests should be made in writing to the school principal or the relevant director of service at the CEO. We may require the person making the request to verify their identity and specify what information they require.

We may charge a fee for access to information to cover expenses of verifying the application and locating, retrieving and copying relevant records. If the information sought is extensive, we should advise the likely cost in advance. We must not charge for the request itself or for correction of Personal Information. There may be occasions when we can deny access to information. Such occasions may include where the disclosure of information may have an unreasonable impact on others, for example if the disclosure breaches a school's duty of care or the privacy of others.

We may also refuse access to, or correction of, employee records.

Consent and right of access to Personal Information of Students by Parents

We respect Parents' responsibilities to make decisions concerning their child's education.

Generally, we refer to Parents requests for consent and notices relating to Personal Information about Students. We treat consent given by Parents as consent given by the Student and notices given to Parents as notices given to the Student.

An exception to this is when independently of Parents we may, at our discretion:

- give information we hold about a Student to that Student at his/her request
- allow a Student to give or withhold consent to release Personal Information about that Student.

This would normally be done only when the Student is of sufficient maturity and his/her personal circumstances warrant it.



There may be occasions where we can deny a Parent access to their child's Personal Information. 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 a school's, CELC's or COSHC's duty of care to the Student.

11. Privacy and employees Under the Privacy Amendment (Enhancing Privacy Protection) Act 2012, Cth and the *Health Records and Information Privacy Act 2002* (NSW), the Australian Privacy Principles and Health Privacy Principles do not apply to certain acts done or practices engaged in that relate to an employee record. As a result, these Guidelines do not apply to our treatment of an employee record, where the treatment is directly related to a current or former employment relationship between us and our employee.

This part explains:

- what is workplace privacy
- general privacy principles
- obligations when information is provided to third parties, particularly when given under the Fair Work Act 2009 (FWA).

What is workplace privacy?

As an employer CEDP has access to Personal Information about employees. This information may be sensitive and employees may wish to keep this information private. CEDP protects employee information by regulating access rights to the information, providing means for securely storing the information and by taking care through its personnel to observe the Privacy Procedures, these guidelines, the APPs and issuing collection notices.

CEDP endeavours to tell employees when we collect their Personal Information, why we collect the information and to whom we might pass that information.

Even though current employees are not generally entitled to access their Personal Information, where appropriate, CEDP may allow employees to access their Personal Information held by it, to enable correction, verification and updating of that information.

In limited circumstances, CEDP may disclose employee records to a third party.

Information requested by a fair work inspector

A Fair Work Inspector can request information about employees in order to establish that the business is meeting its employment obligations. Under the FWA, employers are required to provide this information to a Fair Work Inspector.

Information requested by other government agencies

Some government agencies, such as the Australian Tax Office, have powers to request information from employers. We satisfy ourselves that the agency requesting the information has the power to do so and may ask the agency what law allows them to make a request for the information. When required by law, authorised Staff should provide the requested information to the appropriate government agencies.

Information requested by a permit holder

There may be occasions where a permit holder (generally a union official) will wish to enter an our premises to investigate a suspected contravention of the FWA or an industrial instrument such as a modern award or enterprise agreement. While on the premises, the permit holder may also ask to inspect or copy documents. In these circumstances, the FWA:

- allows a permit holder to inspect or copy documents which are directly relevant to the suspected contravention
- allows a permit holder to inspect or copy the documents of members of the organisation the permit holder is from
- allows a permit holder to inspect or copy the documents of non-members where consent has been obtained from the specific non-members or an order for access has been obtained from Fair Work Australia (FWA)
- exempts an employer from allowing the permit holder to inspect or copy documents if doing so would contravene a federal law (including the federal privacy laws) or a state or territory law.

The FWA also imposes certain privacy obligations on a permit holder (and the organisation they are from) in relation to information obtained from the exercise of a right of entry. Subject to limited exceptions, a permit holder and the organisation must not use or disclose Personal Information obtained in these circumstances for a purpose other than to investigate or remedy a suspected contravention.

A permit holder or organisation found to have breached these obligations can be liable for significant penalties and may have their permit revoked.

Information collected from a protected action ballot

Protected action ballots will generally be conducted by the Australian Electoral Commission (AEC). Under the FWA, however a person other than the AEC may be the



protected action ballot agent or independent adviser for a protected action ballot.

In this situation, the non-AEC ballot agent or independent adviser must not disclose information that would identify an employee as member or non-member of a union. Disclosure of such information may be subject to a civil penalty under the FWA.

Information for references

Sometimes employers are approached to provide employment references about former or current employees. The act of providing a reference does not fall within the employee records exemption as this act is not directly related to the current or former employment relationship between the employer and the employee. As such, APP 6 applies to the disclosure of the employee's information to the person seeking the reference.

If the employee named their employer as a referee to be contacted, then the employer may be able to disclose the employee's information to the person seeking the reference without seeking the employee's consent as the employee would reasonably expect their information to be disclosed and the purpose of disclosure is related to the purpose for which the information was collected.

However, it is best practice to seek an employee's consent before disclosing any information about them by way of a reference to verify that this is intended.

Best practice employers also consider what information is appropriate to provide in a reference. In some circumstances, it may not be good practice to disclose Personal Information about, for example, an employee's medical history. The Privacy Commissioner can provide more information on this matter.

12. What about email, social media and the internet?

Staff use of internet and email can raise issues about privacy. For more information refer to our:

- Responsible Use of ICT and Social Media - Procedures
- Responsible Use of ICT and Social Media Staff - Guidelines

13. Complaints

If someone believes that CEDP has breached the APPs they should contact their school principal, CELC director or COSHC supervisor in the first instance if they are a Student or Parent.

Otherwise they may contact:

The privacy officer, T: 9840 5600
Catholic Education Diocese of Parramatta
Locked Bag 4, North Parramatta NSW 1750

A complaint officer who believes that a complaint has a privacy component should refer the matter to the privacy officer. CEDP offices, school, CELC or COSHC should deal with all complaints and notify the complainant of the process and of the decision in relation to the complaint as soon as is practicable after the decision has been made.

For more information on how CEDP handles complaints see our Complaint Handling – Procedures and Guidelines.

14. Definitions

'Parents' means the parent, carer or guardian of the Student; where a Student is over 18 years of age and living independently, clauses referring to parents apply to the Student.

'Personal information' means information or opinion about an identified individual, or an individual who is reasonably identifiable:

- whether the information or opinion is true or not; and
- whether the information or opinion is recorded in a material form or not.

Examples include: name, address, photograph, telephone number, and date of birth.

'Sensitive information' means information relating to a person's racial or ethnic origin, political opinions, biometric information, religion, trade union or professional or trade association membership, sexual orientation or criminal record and Health Information.

'Staff' means employees and volunteers.

'Student' means students in CEDP schools and children in CELCs and COSHCs.

15. Relevant documents

- Privacy - Procedures
 - Australian Privacy Principles
 - Standard Collection Notice
 - Employment Collection Notice
 - Volunteer and Contractor Collection Notice
 - Alumni Collection Notice
- Privacy Manual
- Complaint Handling Procedures and Guidelines

