

PRIVACY POLICY

Document No:	009 of 2020
Document Type:	Policy
Publication Date:	22 September 2020
Replaces Document & No:	Privacy Policy (004 of 2018)
Author service Area:	Office of the Executive Director
Review Date:	May 2023



Catholic Education
Diocese of Parramatta

CATHOLIC EDUCATION, DIOCESE OF PARRAMATTA

PRIVACY POLICY

1. INTRODUCTION AND PURPOSE

This Privacy Policy sets out how Catholic Education Diocese of Parramatta (**CEDP**) manages the personal and sensitive information we collect and hold. CEDP takes privacy seriously and will only collect, use and disclose personal information in accordance with the *Privacy Act 1988* (Cth) (**Privacy Act**) and other applicable laws.

From time to time, we may review and update this Privacy Policy to take account of new laws and technology, changes to operations and practices, and to make sure it remains appropriate to the changing educational environment. A related document is the Privacy Compliance Manual, which we use as a resource to comply with our legal obligations. This document is also updated and reviewed from time to time by the National Catholic Education Commission based on expert legal advice.

2. SCOPE

This Privacy Policy applies to CEDP.

We are bound by the Australian Privacy Principles (**APPs**) contained in the Privacy Act. In relation to health records, we are bound by the Health Privacy Principles contained in the *Health Records and Information Privacy Act 2002* (NSW) (**Health Records Act**).

The APPs do not apply to an employee record. The employer-employee relationship is predominantly regulated by employment laws. As a result, this Privacy Policy does not apply to the treatment of an employee record, where the treatment is directly related to a current or former employment relationship between CEDP and an employee. Personal information concerning job applicants, employees and contractors is used to manage employment and meet applicable legal obligations, such as obligations arising from child protection legislation.

The Privacy Act confers a range of enforcement powers on the Commissioner under that Act, including civil penalty provision for serious or repeated interference with privacy. The maximum penalty for each breach of the Privacy Act as at the date of this Privacy Policy is \$420,000 for an individual and \$2.1 million for a body corporate.

3. DEFINITIONS

Australian Education Legislation means the *Australian Education Act 2013* (Cth) and the *Australian Education Regulation 2013* (Cth).

CEDP includes its Schools, CELCs, COSHCs, and its offices.

CELC means a Diocesan Catholic Early Learning Centre.

COSHC means a Diocesan Catholic Out of School Hours Care service.

Diocese means the Catholic Diocese of Parramatta and **Diocesan** has a corresponding meaning.

Parent means a parent and/or guardian of a Student.

Personal Information has the meaning given under the Privacy Act and for the purposes of this Privacy Policy includes names, addresses and other contact details; dates of birth; next of kin details; photographic images; educational information, attendance records and financial information.

School means a Diocesan systemic school.

Student means a person who is being taught by another, especially a school child or student, but includes children in our CELCs and COSHCs.

Sensitive Information has the meaning given under the Privacy Act and, particularly in relation to Student and Parent records, includes government identifiers (such as TFN and Medicare number); religious beliefs; racial or ethnic origins; political opinions; philosophical beliefs; sexual orientations; health information and records; professional memberships; family court orders and criminal records.

4. COLLECTION OF PERSONAL INFORMATION

4.1 Collection

- (a) The collection of Personal information depends on the circumstances in which the information is collected. If it is reasonable and practical to do so, we collect Personal Information directly from the individual. The type of Personal Information CEDP collects and holds includes (but is not limited to) the following:
- (i) information about Students and Parents before, during and after the course of a Student's enrolment;
 - (ii) name, contact details (including next of kin), date of birth, gender, language background, previous school and religion;
 - (iii) Parents' education, occupation and language background;
 - (iv) medical information (e.g. details of disability and/or allergies, absence notes, medical reports and names of doctors);
 - (v) conduct and complaint records, or other behaviour notes, and school reports;
 - (vi) information about referrals to government welfare agencies;

- 
- (vii) counselling reports;
 - (viii) health fund details and Medicare number;
 - (ix) any court orders;
 - (x) volunteering information; and
 - (xi) photos and videos at school events.
- (b) Information about job applicants, staff members, volunteers and contractors, including:
- (i) name, contact details (including next of kin), date of birth, and religion;
 - (ii) information on job application;
 - (iii) professional development history;
 - (iv) salary and payment information, including superannuation details;
 - (v) medical information (e.g. details of disability and/or allergies, and medical certificates);
 - (vi) complaint records and investigation reports;
 - (vii) workers compensation claims;
 - (viii) leave details;
 - (ix) photos and videos at events;
 - (x) workplace surveillance information;
 - (xi) work emails and private emails (when using work email address) and internet browsing history; and
 - (xii) driver's license and car insurance details (when claiming kilometres).
- (c) Information about other people who come into contact with CEDP, including (but not limited to) name and contact details.

4.2 Personal Information you provide

CEDP will generally collect Personal Information held about an individual by way of forms filled out by Parents or Students, from face-to-face meetings and interviews, in emails and from telephone calls. Occasionally, people other than Parents and Students provide us with Personal Information.

4.3 Personal information provided by other people

In some circumstances, CEDP 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.

4.4 Nationally Consistent Collection of Data (NCCD) on Students with Disability

- (a) CEDP is required to collect Personal Information from Schools to meet obligations under the Australian Education Legislation.
- (b) the Australian Education Legislation requires that relevant school authorities provide the Commonwealth Department of Education and Training with information about students with a disability.
- (c) in NSW, the approved system authority for Catholic schools is Catholic Schools NSW (CSNSW). CEDP is required to disclose its NCCD collection to CSNSW for the purpose of complying with the Australian Education Legislation.

4.5 Unsolicited Information

CEDP may be provided with Personal Information without having sought it. Unsolicited information may be collected by:

- (a) misdirected mail (postal or electronic);
- (b) employment applications that are not in response to an advertised vacancy; and/or
- (c) additional information provided to us which was not requested.

Unsolicited information will only be used if it is considered to be Personal Information that could have been collected by normal means and is relevant to our primary purposes. If that unsolicited information could not have been collected by normal means or is not relevant, then we will destroy the Personal Information.

4.6 Volunteers

We also obtain Personal Information about volunteers who assist Schools, CELCs and COSHCs in their functions or conduct associated activities, to enable us and the volunteers to work together.

5. USAGE OF PERSONAL INFORMATION

CEDP will use personal information collected 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.

5.1 Students and Parents

In relation to Personal Information of Students and Parents, the primary purpose of collection is to enable CEDP to educate students, exercise duty of care and perform necessary associated administrative activities, which will enable Students to take part in all relevant activities. This includes satisfying the needs of Parents, the needs of the Student and our needs throughout the whole period that the Student is enrolled.

The purposes for which we use Personal Information of Students and Parents include:

- (a) to keep Parents informed about matters related to their child's schooling, through correspondence, newsletters and magazines;
- (b) day-to-day administration;
- (c) looking after Students' educational, social, spiritual and medical wellbeing;
- (d) seeking donations for a School;
- (e) marketing for a School; and
- (f) to satisfy our legal obligations and discharge our duty of care.

In some cases where we request Personal Information about a Student or Parent, if the information requested is not obtained, we may not be able to enrol or continue the enrolment of the Student or permit the Student to take part in a particular activity.

5.2 Sensitive Information

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.

5.3 Marketing and Fundraising

CEDP treats marketing and seeking donations for future growth and development as an important part of ensuring that we continue to provide quality learning environments in which both Students and staff thrive. Personal Information we hold may be disclosed to an organisation that assists in fundraising for the above purpose.

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

6. DISCLOSURE OF PERSONAL INFORMATION

6.1 Disclosure

In accordance with Australian Privacy Principle 6,¹ CEDP may disclose Personal Information, including Sensitive Information, held about an individual for educational, administrative, legal and support purposes. This may include to:

- (a) other Schools and teachers at those Schools;
- (b) government departments (including for policy and funding purposes);
- (c) CEDP, CSNSW, the diocese and the parish in which the School is located, other related church agencies/entities, and schools within other Catholic dioceses;
- (d) medical practitioners;
- (e) people providing educational, support and health services to the school, including specialist visiting teachers, coaches, speech pathologists and counsellors;
- (f) providers of specialist advisory services and assistance to the School, including in the area of Human Resources, child protection and Students with additional needs;
- (g) providers of learning and assessment tools;
- (h) 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);
- (i) people providing administrative and financial services to the School;
- (j) recipients of School publications, such as newsletters and magazines;
- (k) parents;
- (l) anyone you authorise the School to disclose information to; and
- (m) anyone to whom we are required or authorised to disclose the information by law, including to law enforcement bodies during official investigations, courts, child protection authorities and other statutory bodies.

Information may be disclosed without an individual's consent. This may occur where it is legally necessary, for instance in making a Report of Serious Harm to FACS, or when documents have been subpoenaed.

¹ A School must not use or disclose personal information about an individual other than in specified circumstances. These include but are not limited to: for the primary purpose for which the information was collected; with the individual's consent; where legally obligated to. For more information, see [here](#).

However, access may be refused in certain circumstances, such as where access would have an unreasonable impact on the privacy of others, where access may result in a breach of our duty of care, or where pupils have provided information in confidence.

6.2 Exchanging information between schools

All government, non-government and independent schools are positioned to exchange information about a student, where it relates to the safety, health, welfare or wellbeing of a student or a student with a history of violence who is moving schools across these three education sectors.

Information may be shared within and between the 3 school sectors in NSW in the following ways:

- (a) by consent;
- (b) to assist decision making regarding the safety, welfare or wellbeing of a student (e.g. through provisions under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* (NSW));
- (c) about health and safety risks due to a student's violent behaviour (eg under Part 5A of the *Education Act 1990* (NSW)); and
- (d) where an exception to privacy legislation applies (eg a medical or other emergency in which a person's life or health is under serious and imminent threat, or where disclosure is ordered or authorised by a court).

6.3 Exception in relation to related schools

The Privacy Act allows legally related entities to share personal (but not sensitive) Information. This allows (for example) the Schools (which are part of the same school system) to transfer information when a Student transfers from one School to another. However, a School may only use this Personal Information for the purpose for which it was originally collected.

7. MANAGEMENT AND SECURITY OF PERSONAL INFORMATION

7.1 CEDP obligations

CEDP is required to respect the confidentiality of Students' and Parents' Personal Information and the privacy of individuals. We have in place methods to protect Personal Information we hold from misuse, interference and loss, unauthorised access, modification or disclosure. These methods include, but are not limited to, locked storage of paper records, access protocols, password protected access to computerised records and encryption.

CEDP will respond to any incidents that may affect the security of the Personal Information it holds in accordance with its obligations under the Privacy Act, including

the Notifiable Data Breaches Scheme. If CEDP assesses that the security of Personal Information is breached in such a way that cannot be remedied and that a person is likely to suffer serious harm as a result of the breach, we will notify that person and the Office of the Australian Information Commissioner of the breach. Moreover, CEDP will respond to any such incidents by taking steps to contain any breach and minimise any likely harm to a person.

Personal Information will not be shared with anyone without first verifying their identity and confirming the organisation to which they belong. If you believe any of your Personal Information has been compromised, please let CEDP know immediately.

7.2 Quality of information collected

CEDP has processes in place to support the maintenance of Personal Information collected, so that it is accurate, up to date and complete. This includes annual reminders to update Personal Information and training to staff to ensure current information is maintained in the respective systems, having regard to the purpose of the use or disclosure.

8. STORAGE OF PERSONAL INFORMATION

CEDP has processes in place to ensure Personal Information is protected in its systems and adequacy of security and controls are in place to protect Personal and Sensitive Information from misuse, interference and loss; and from unauthorised access, modification or disclosure. We make reasonable efforts to be satisfied about the protection and security of any Personal Information that CEDP holds on record, including cloud systems.

8.1 Sending and storing information overseas

We may disclose Personal Information about an individual to overseas recipients, for example, to facilitate a school exchange. However, we will not send Personal Information about an individual outside Australia without:

- (a) obtaining the consent of the individual (in some cases this consent will be implied); and
- (b) otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

CEDP may use third party online or 'cloud' service providers to store Personal Information and to provide services 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 service provider's servers, which may be situated outside Australia.



An example of such a cloud service provider is Google. Google provides the 'Google Apps for Education' (**GAFE**) including Gmail, and stores and processes limited Personal Information for this purpose. School personnel, CEDP and their 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 and ensuring its proper use.

We make reasonable efforts to be satisfied about the protection and security of any Personal Information processed and stored outside Australia as not all countries are bound by laws which provide the same level of protection for Personal Information provided by the Australian Privacy Principles. Where we use the servers of cloud service providers or other third-party service providers, they will be located in countries which have substantially similar protections as the Australian Privacy Principles.

9. ACCESS TO AND CORRECTION OF PERSONAL INFORMATION

Under the Privacy Act and Health Records Act, an individual has the right to request and obtain access to any Personal Information which we hold about them and may request correction of any perceived inaccuracy in that information. There are some exceptions to the access right set out in the applicable legislation.

Students will generally be able to access and update their Personal Information through their Parents, but older Students may seek access and correction themselves. Again, there are some exceptions to these rights set out in the applicable legislation.

To make a request to access or to correct any Personal Information we hold about you or your child, please contact the appropriate School, or CEDP where relevant. You may be required to verify your identity and specify what information you require. You may also be charged 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, you will be advised of the likely cost in advance. If we cannot provide you with access to that information, we will provide you with written notice explaining the reasons for refusal.

10. CONSENT AND RIGHTS OF ACCESS TO PERSONAL INFORMATION OF STUDENTS

CEDP respects every Parent's right to make decisions concerning their child's education. Generally, a School will refer any requests for consent and notices in relation to the Personal Information of a Student to their Parents. A School will treat consent given by Parents as consent given on behalf of the Student and notice to Parents will be deemed notice given to the Student.

Parents may seek access to Personal Information held by a School or CEDP about them or their child by contacting the school principal or CEDP. 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 our duty of care to the Student.

A 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.

11. SUPPORTING DOCUMENTS

- [National Catholic Education Commission and Independent Schools Council of Australia Privacy Compliance Manual \(November 2019\)](#)
- [Privacy FAQ in OSCAR](#)

12. FURTHER INFORMATION

If you would like further information about the way we manage the personal information we hold about you, or believe that we have breached our privacy obligations, please contact the Catholic Education Diocese of Parramatta on (02) 9840 5600, via mail (470 Church Street, Parramatta NSW 2150) or at privacy@parra.catholic.edu.au. We will investigate and will notify you of a decision as soon as is practicable.