



# Privacy Policy

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Version PP2022-1.0

Purpose:	Ohana College is bound by the Australian Privacy Principles contained in the Commonwealth <i>Privacy Act 1988</i> . This policy describes how the College uses and manages personal information provided to or collected by it.	
Scope:	The policy applies to board members, employers, employees, volunteers, parents/caregivers and students, contractors and people visiting the College site; and describes the type of information the College collects, how the information is handled, how and to whom the information is disclosed, and how the information may be accessed.	
Status:	APPROVED	
Authorities & References:	<ul style="list-style-type: none"> <li>• <i>Privacy Act 1988 (Cth)</i></li> <li>• Australian Privacy Principles</li> <li>• Child Protection Policy</li> <li>• Disability Discrimination Policy</li> <li>• Staff Code of Conduct</li> </ul>	
Supersedes:	PP2021-1.0	
Authorised by:	Ohana College Board	Date of Authorisation: 17 August 2022
Review Date:	Annual	Next Review Date: August 2023
Policy Owner:	Ohana College Board	

## Policy

This Privacy Policy sets out how the College manages personal information provided to or collected by it. The College is bound by the Australian Privacy Principles as contained in the *Act*. The College may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to the College's operations and practices and to make sure it remains embedded in the changing College environment.

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## Exception in Relation to Employee Records

Under the *Privacy Act 1988* (Cth) 'the Act', the Australian Privacy Principles do not apply to an employee record held by the employing entity. As a result, this Privacy Policy does not apply 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.

## Primary Purpose of Collection

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

The purposes for which the College uses personal information of students and parents/caregivers include:

- to keep parents/caregivers informed about matters related to their child's education, through correspondence, newsletters and magazines;
- day-to-day administration of the College;
- looking after student's educational, social and medical wellbeing;
- seeking donations and marketing for the College; and
- 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 provided, the College may not be able to enrol or continue the enrolment of the student or permit the student to take part in a particular activity.

On occasions information such as academic and sporting achievements, student activities and similar news is published in College newsletters and magazines, on our intranet and on our website, this may include photographs and videos of student activities such as sporting events, College camps and College excursions. The College will obtain permissions annually from the student's parent or caregiver (and from the student if appropriate) if we would like to include such photographs or videos (or other identifying material) in our promotional material or otherwise make this material available to the public such as on the internet.

## What kinds 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 health and other sensitive information, about:

- Students, parents and caregivers before, during and after the course of a student's enrolment at the College:
  - name, contact details (including next of kin), date of birth, gender, language, background, previous schools attended and religion;

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- parents' or caregiver's 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;
- volunteering information; and
- photos and videos at College events.
- job applicants, staff members, volunteers and contractors:
  - name, contact details (including next of kin), date of birth, and religion;
  - information on job application;
  - professional development history;
  - salary and payment information, including superannuation details;
  - medical information (e.g. details of disability and/or allergies, and medical certificates);
  - complaint records and investigation reports;
  - leave details;
  - photos and videos at College events;
  - workplace surveillance information;
  - work emails, private emails sent using work email address and Internet browsing history.
- other people who come into contact with the College including name and contact details and any other information necessary for the particular 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 and caregivers or students, face-to-face meetings and interviews, emails and telephone calls. On occasions people other than parents/caregivers 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 educational institution.

### **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 by you, or to which you have consented.

## **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 donations and marketing for the College; and
- 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.

## **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 provide a quality learning environment in which both students and staff thrive. Personal information held by the College may be disclosed to organisations that assist in the College's fundraising, for example, the College's Foundation or alumni organisation or, on occasions, external fundraising organisations.

Parents/caregivers, 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.

If you would like to opt-out of direct marketing please contact administration on 07 5655 1800.

## **Who might the College disclose Personal Information to and store your information with?**

The College may disclose personal information, including sensitive information, held about an individual for educational, legal, administrative, marketing and support purposes. This may include to:

- another College or staff at another College;
- government departments (including for policy and funding purposes);
- medical practitioners;
- people providing educational, support and health services to the College, including specialist visiting teachers, sports coaches, volunteers, counsellors and providers of learning and assessment tools;
- third party organisations providing activities and meals for student excursions and camps;
- 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);

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- people providing administrative and financial services to The College;
- recipients of College publications, such as newsletters and magazines;
- students' parents or caregivers;
- anyone you authorise the College 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 College may disclose personal information about an individual to overseas recipients, for instance, to facilitate a College exchange. However, 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); or
- otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

The College may use online or 'cloud' service providers to store personal information and to provide services to the College 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. Google provides the 'Google Apps for Education' (GAFE) including Gmail, and stores and processes limited personal information for this purpose. College personnel and the Automatic Identification System (AIS) 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 and ensuring its proper use.

The data centres where the personal information is likely to be kept are located in the USA, Taiwan, Singapore, Ireland, Netherlands and Belgium.

## **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 professional or trade association membership,
- philosophical beliefs,
- sexual orientation or practices,
- criminal record, that is also personal information; and

- health or biometric information about an individual. (Biometrics are biological measurements — or physical characteristics — that can be used to identify individuals. For example, fingerprint mapping, facial recognition, and retina scans).

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 required by law.

## Management and Security of Personal Information

The College's staff are required to respect the confidentiality of students' and parents/caregivers' personal information and the privacy of individuals. The College has in place steps to protect the personal information the College 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.

## Data Breaches

It will be deemed that an 'eligible data breach' has occurred if:

- there has been unauthorised access to, or unauthorised disclosure of, personal information about one or more individuals (**the affected individuals**);
- a reasonable person would conclude there is a likelihood of serious harm to any affected individuals as a result;
- the information is lost in circumstances where:
  - unauthorised access to, or unauthorised disclosure of, the information is likely to occur; or
  - assuming unauthorised access to, or unauthorised disclosure of, the information was to occur, a reasonable person would conclude that it would be likely to result in serious harm to the affected individuals.

Serious harm may include serious physical, psychological, emotional, economic and financial harm, as well as serious harm to reputation.

### What must the College do in the event of an 'eligible data breach'?

If the College suspects that an eligible data breach has occurred, it will carry out a reasonable and expedient assessment/investigation within 30 days.

If such an assessment/investigation indicates there are reasonable grounds to believe an eligible data breach has occurred, then the College will be required to lodge a statement to the Privacy Commissioner. Where practical to do so, the College entity will also notify the affected individuals. If it is not practicable to notify the affected individuals, the College will publish a copy of the statement on its website, or publicise it in another manner.

### Exception to notification obligation

An exception to the requirement to notify will exist if there is a data breach and immediate remedial action is taken, and as a result of that action:

- there is no unauthorised access to, or unauthorised disclosure of, the information; and
- there is no serious harm to affected individuals, and as a result of the remedial action, a reasonable person would conclude the breach is not likely to result in serious harm.

## **Access and Correction of Personal Information**

Under the *Privacy Act*, an individual has the right to seek and 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. Students will generally be able to access and update their personal information through their parents/caregivers, but older students may seek access and correction themselves.

To make a request to access or to update any personal 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. If we cannot provide you with access to that information, we will provide you with written notice explaining the reasons for refusal.

The College will take reasonable steps to ensure that any personal information is accurate, up to date, complete, relevant and not misleading.

## **Consent and Rights of Access to the Personal Information of Students**

The College respects every parent and caregiver'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/caregivers. The College will treat consent given by parents/caregivers as consent given on behalf of the student, and notice to parents/caregivers will act as notice given to the student.

As mentioned above, parents/caregivers 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 duty of care to a student.

The College may, at its discretion, on the request of a student grant that student access to information held by the College about them, or allow a student to give or withhold consent to the use of their personal information, independently of their parents/caregivers. This would normally be done only when the maturity of the student and/or the student's personal circumstances warrant it.

## **Enquiries and Complaints**

If you would like further information about the way the College manages the personal information it holds, or wish to make a complaint about the College's breach of the Australian Privacy Principles

please contact the College Principal on 07 5655 1800. The College 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.

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## APPENDIX 1

### Standard Collection Notice

1. The College collects personal information, including sensitive information about students and parents or caregivers before and during the course of a student's enrolment at the College. This may be in writing or in the course of conversations. The primary purpose of collecting this information is to enable the College to provide schooling to students enrolled at the College, exercise its duty of care, engage in marketing/fundraising and perform necessary associated administrative activities, which will enable students to take part in all the activities of the College.
2. Some of the information we collect is to satisfy the College's legal obligations, particularly to enable the College to discharge its duty of care.
3. Laws governing or relating to the operation of a College require certain information to be collected and disclosed. These include relevant Education Acts, and Public Health and Child Protection laws.
4. Health information about students is sensitive information within the terms of the Australian Privacy Principles (APPs) under the *Privacy Act 1988*. We may ask you to provide medical reports about students from time to time.
5. The College may disclose personal and sensitive information for educational, legal, administrative, marketing and support purposes. This may include to:
  - other Colleges and teachers at those Colleges;
  - government departments (including for policy and funding purposes);
  - medical practitioners;
  - people providing educational, support and health services to the College, including specialist visiting teachers, sports coaches, volunteers, and counsellors;
  - 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 College;
  - anyone you authorise the College to disclose information to; and
  - anyone to whom the College is required or authorised by law, including child protection laws, to disclose the information.
6. Personal information collected from students is regularly disclosed to their parents or caregivers.
7. The College may use online or 'cloud' service providers to store personal information and to provide services to the College 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 reside on a cloud service provider's servers which may be situated outside Australia. Further information about the College's use of on online or 'cloud' service providers is contained in the College's Privacy Policy.
8. The College's Privacy Policy, accessible on the College's website, sets out how parents, caregivers or students may seek access to and correction of their personal information which the College has collected and holds. 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 the College's duty of care to a student, or where students have provided information in confidence. Any refusal will be notified in writing with reasons if appropriate.

9. The College's Privacy Policy also sets out how parents/caregivers and students can make a complaint about a breach of the APPs and how the complaint will be handled.
10. The College may engage in fundraising activities. Information received from you may be used to make an appeal to you. It may also be disclosed to organisations that assist in the College's fundraising activities solely for that purpose. We will not disclose your personal information to third parties for their own marketing purposes without your consent.
11. On occasions information such as academic and sporting achievements, student activities and similar news is published in College newsletters and magazines, on our intranet and on our website, this may include photographs and videos of student activities such as sporting events, College camps and College excursions. The College will obtain permissions annually from the student's parent or caregiver (and from the student if appropriate) if we would like to include such photographs or videos or other identifying material in our promotional material or otherwise make this material available to the public such as on the internet.
12. We may include students' and students' parents/caregivers' contact details in a class list and College directory.
13. If you provide the College with the personal information of others, such as doctors or emergency contacts, we encourage you to inform them that you are disclosing that information to the College and why.

## APPENDIX 2

### Alumni Association Collection Notice

1. The Alumni Association, if any, may collect personal information about you from time to time. The primary purpose of collecting this information is to enable us to inform you about our activities and the activities of name of College and to keep alumni members informed about other members.
2. We must have the information referred to above to enable us to continue your membership of the Alumni Association.
3. As you know, from time to time we engage in fundraising activities. The information received from you may be used to make an appeal to you. It may also be used by name of College to assist in its fundraising activities. If you do not agree to this, please advise us now.
4. The Alumni Association may publish details about you in our name of publication and the College's website. If you do not agree to this, you must advise us now.
5. The College's Privacy Policy, accessible on the College's website, contains details of how you may seek access to and correction of your personal information which the College has collected and holds, and how you may complain about a breach of the Australian Privacy Principles.
6. The College uses online or 'cloud' service providers to store personal information and to provide services to the College that involve the use of personal information, such as email services. 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 reside on a cloud service provider's servers which may be situated outside Australia. Further information about the College's use of on online or 'cloud' service providers is contained in the College's Privacy Policy.
7. If you provide us with the personal information of others, we encourage you to inform them that you are disclosing that information to the College and why.

## APPENDIX 3

### Employment Collection Notice

1. In applying for this position, you will be providing name of College with personal information. We can be contacted insert address, email address, telephone number.
2. If you provide us with personal information, for example, your name and address or information contained on your resume, we will collect the information in order to assess your application for employment. We may keep this information on file if your application is unsuccessful in case another position becomes available.
3. The College's Privacy Policy, accessible on the College's website, contains details of how you may complain about a breach of the Australian Privacy Principles and how you may seek access to and correction of your personal information which the College has collected and holds. However, access may be refused in certain circumstances such as where access would have an unreasonable impact on the privacy of others. Any refusal will be notified in writing with reasons if appropriate.
4. We will not disclose this information to a third party without your consent unless otherwise permitted. We may disclose this kind of information to the following types of organisations insert list e.g. support vendors that provide services around staff administration systems.
5. We are required to conduct a criminal record check collect information regarding whether you are or have been the subject of an Apprehended Violence Order and certain criminal offences under Child Protection laws\*. We may also collect personal information about you in accordance with these laws. \*
6. The College may use online or 'cloud' service providers to store personal information and to provide services to the College that involve the use of personal information, such as email services. 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 reside on a cloud service provider's servers which may be situated outside Australia. Further information about the College's use of on online or 'cloud' service providers is contained in the College's Privacy Policy. \*
7. If you provide us with the personal information of others, we encourage you to inform them that you are disclosing that information to the College and why.

\* If applicable

## APPENDIX 4

### Contractor/Volunteer Collection Notice

1. In offering, applying or agreeing to provide services to the College, you will be providing name of College with personal information. We can be contacted insert address, email address, telephone number.
2. If you provide us with personal information, for example your name and address or information contained on your resume, we will collect the information in order to assess your application. We may also make notes and prepare a confidential report in respect of your application.
3. You agree that we may store this information for insert amount of time.
4. The College's Privacy Policy, accessible on the College's website, contains details of how you may complain about a breach of the Australian Privacy Principles and how you may seek access to and correction of your personal information which the College has collected and holds. However, access may be refused in certain circumstances such as where access would have an unreasonable impact on the privacy of others. Any refusal will be notified in writing with reasons if appropriate.
5. We will not disclose this information to a third party without your consent unless otherwise permitted to. / We usually disclose this kind of information to the following types of organisations insert list e.g. support vendors that provide services around administration systems.
6. We are required to conduct a criminal record check collect information regarding whether you are or have been the subject of an Apprehended Violence Order and certain criminal offences under Child Protection law. \* We may also collect other personal information about you in accordance with these laws. \*
7. The College may use online or 'cloud' service providers to store personal information and to provide services to the College 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 reside on a cloud service provider's servers which may be situated outside Australia. Further information about the College's use of on online or 'cloud' service providers is contained in the College's Privacy Policy. \*
8. If you provide us with the personal information of others, we encourage you to inform them that you are disclosing that information to the College and why.

\* If applicable