

Privacy Policy



Authorised by: Board Chair	Date of Authorisation: 01/09/2020
Name: Mike Millard	Review Frequency: Annually
Signed: 	Next Review Date: 01/09/2022



1. Purpose

Kimberley College is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act. This Policy outlines the privacy policy of the College and describes how the College uses and manages personal information provided to or collected by it.

2. Scope

The policy applies to board members, employers, employees, volunteers, parents/guardians and students, contractors, and people visiting the school 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.

3. References

- Australian Privacy Principles
- Privacy Act 1988 (Cth)
- Kimberley College Child Protection Policy
- Kimberley College Disabilities Policy

4. Exception In Relation To Employee Records

Under the *Privacy Act 1988* (Cth) (**Privacy 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 to Kimberley College's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between Kimberley College and employee.

5. Policy Statement

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

6. What Kinds Of Personal Information Does The College Collect And How Does The College Collect It?

The type of information Kimberley College collects and holds includes (but is not limited to) personal information, including health and other sensitive information, about:

- students and parents and/or guardians ('Parents') 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 school and religion;
 - 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;
 - 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 and private emails (when 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:

Kimberley College will generally collect personal information held about an individual by way of forms filled out by parents or students, face-to-face meetings and interviews, emails and telephone calls. On occasions people other than parents and students provide personal information.

Personal Information provided by other people:

In some circumstances Kimberley 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 school.



7. How Will The College Use The Personal Information You Provide?

Kimberley 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.

Students and Parents:

In relation to personal information of students and parents, Kimberley College's primary purpose of collection is to enable Kimberley 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, the needs of the students and the needs of Kimberley College throughout the whole period the student is enrolled at the College.

The purposes for which Kimberley College 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 Kimberley College
- looking after student's educational, social and medical wellbeing
- seeking donations and marketing for Kimberley College
- to satisfy Kimberley College's legal obligations and allow the College to discharge its duty of care.

In some cases where Kimberley College requests personal information about a student or parent, if the information requested is not provided, Kimberley 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, school camps and school excursions. The College will obtain permissions [annually] from the student's parent or guardian (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.

Job applicants, Staff Members and Contractors:

In relation to personal information of job applicants, staff members and contractors, Kimberley 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 Kimberley 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
- 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 Kimberley College in its functions or conduct associated activities, such as alumni associations, to enable Kimberley College and the volunteers to work together.

Marketing and Fundraising:

Kimberley College treats marketing and seeking donations for the future growth and development of the school as an important part of ensuring that Kimberley College continues to provide a quality learning environment in which both students and staff thrive. Personal information held by Kimberley College may be disclosed to organisations that assist in the school's fundraising, for example, the Kimberley College's Foundation or alumni organisation [or, on occasions, external fundraising organisations].

Parents, 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 the Principal by emailing principal@kimberley.college.

8. Who Might the College Disclose Personal Information to and Store Your Information with?

Kimberley 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 school or staff at another school
- 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
- 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 Kimberley College
- recipients of College publications, such as newsletters and magazines
- students' parents or guardians
- anyone you authorise Kimberley College to disclose information to
- anyone to whom we are required or authorised to disclose the information to by law, including child protection laws.



9. Sending And Storing Information Overseas

Kimberley College may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange. However, Kimberley 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)
- otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

Kimberley College may use online or 'cloud' service providers to store personal information and to provide services to Kimberley 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. School personnel and the 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.

10. Sensitive Information

In referring to 'sensitive information', Kimberley 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 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 you agree otherwise, or the use or disclosure of the sensitive information is required by law.

11. Management and Security of Personal Information

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

12. 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
 - 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 Kimberley 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 Kimberley College will be required to lodge a statement to the Privacy Commissioner (**Commissioner**). Where practical to do so, the school entity will also notify the affected individuals. If it is not practicable to notify the affected individuals, Kimberley 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
- 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.



13. 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 Kimberley College holds about them and to advise Kimberley 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, but older students may seek access and correction themselves.

To make a request to access or to update any personal information Kimberley College holds about you or your child, please contact the Principal in writing. Kimberley College may require you to verify your identity and specify what information you require. Kimberley 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, Kimberley 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.

14. Consent and Rights of Access to the Personal Information of Students

Kimberley College respects every parent's right to make decisions concerning their child's education. Generally, Kimberley College will refer any requests for consent and notices in relation to the personal information of a student to the student's parents. Kimberley College 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.

As mentioned above, parents may seek access to personal information held by Kimberley College about them or their child by contacting the 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 Kimberley 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 Kimberley College 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.



15. Enquiries and Complaints

If you would like further information about the way Kimberley College manages the personal information it holds, or wish to make a complaint about Kimberley College's breach of the Australian Privacy Principles please contact the Principal by emailing principal@kimberley.college. Kimberley 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.

16. Managing this Policy

16.1 Review of Policy

This is to be reviewed annually or earlier if necessary. The Human Resources Manager is responsible for reviewing or making approved modifications to the policy and distributing.

16.2 Breach of Policy

All employees are expected to abide by College policies and procedures, failure to do so may lead to disciplinary action ranging from counselling to dismissal