



PRIVACY OFFICERS

CC: PRINCIPALS

PRIVACY UPDATE

TERM 1 2020

March 2020

My apologies that this newsletter is coming out a little later in the term than usual. The reason is that we received a new version of the Privacy Compliance Manual from CSNSW at the end of last year. The changes are quite extensive and have necessitated changes to the wording of our standard collection notices (SCN), photo/video permission form and Privacy Policy. I will explain each of these for you.

Standard collection notices

We have three SCNs for:

- Parents
- Contractors and volunteers
- Job applicants

The SCNs for contractors and volunteers and for job applicants are embedded in documentation given to them when they first register as a contractor or volunteer or apply for a job. You do not need to be concerned about these two SCNs as the necessary changes have been made by the CSO.

From a school management perspective the important SCN is the one aimed at parents. This is available on the school website, embedded in the enrolment form and distributed to parents during Term 1 (and again later in the year should it be adjusted during the school year). The new version dated February 2020 is attached. Please upload it to your website and issue it to parents either as an attachment to your newsletter or through Compass.

I understand that many schools will have already printed enrolment forms for Open Days. These forms DO NOT need to be reprinted. Simply print copies of the new SCN and pop them into your open day folders. Your enrolment form with the updated SCN embedded is now available.

There are a number of small adjustments to the SCN working that I won't trouble you with. The key change for you to understand relates to photo/video permissions. Paragraph 14 has been reworded and now states:

On occasions information such as academic and sporting achievements, student activities and similar news is published in school newsletters and magazines, on our intranet, on our website or otherwise shared with the school community. This may include photographs and videos of student activities such as sporting events, concerts and plays, school camps and school excursions. The school 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 in our promotional material or otherwise make this material available to the public such as on the internet.

Basically this informs parents that a school will take photos and/or videos of students during school activities. It creates a reasonable expectation that footage/photos relating to academic and sporting achievements, student activities (including concerts and plays, school camps and school excursions) and similar news may be included in the school newsletter, intranet or otherwise shared with the school community. You do not need to have a parent permission for any of these uses. **HOWEVER** if you intend to use a photo or footage on a website or Facebook or other social media that can be accessed by the public **OR** for materials promoting the school, you must first obtain parent permission. The appropriate way to do this is to ask parents to give express permission by filling in the photo/video permission once a year. This is an express requirement of the Privacy Policy. The new form is attached. It can be sent to parents either as a hard copy or e copy.

Secondary schools only: the form continues to require consent of students 15+. If you decide to send this form to parents electronically via Compass you can obtain student consents either via a Google



form or in hardcopy. My suggestion is that you seek permission from students in Years 10, 11 and 12 and do not worry if you miss a student in Year 9 who is 15 or pick up a student in Year 10 who is not quite 15. If a parent gives permission but a student declines, you should treat this student as not having a valid photo permission. If a student consents but a parent refuses you might suggest the student has a conversation with their parents.

In diagrammatic form here is a summary of when photo permissions are and are not required:

Intended use of film/photograph	Consent
Use of footage/photos relating to academic and sporting achievements, student activities and similar news in the School newsletter, magazine and intranet	No consent required (provided student/parent has been provided with the Standard Collection Notice)
Internal uses (ie those where the parents can see the footage/photo, but not the general public) not covered by row 1	Consider whether the use is related to the purpose for which the footage/photo was collected and reasonably expected by the student. If in doubt, seek a separate written consent for the particular use.
External use (eg School's website, social media and television) where the student is not identified or <u>not reasonably identifiable*</u>	No consent needed as the student is not identifiable or reasonably identifiable
External use where the student is identified or <u>reasonably identifiable*</u> eg School's website, social media and television and sharing with third parties for specific distribution eg to news sites announcing student achievements	Seek a separate written consent for the particular use

*'Reasonably identifiable' reflects the definition of 'personal information' in the *Privacy Act 1988* (Cth). In practical terms, consider if the individual is easily identifiable (eg if the student appears by themselves, or with only a small group of students). The fact that a student is not named will not, by itself, mean that they are not reasonably identifiable. A student may not be reasonably identifiable where they are in a large crowd of students (as opposed to a particular class of students that are identified as eg year 5, class B).

Privacy Policy

The Policy has been updated and a copy is attached. Please upload it to your website. Main changes are about informing parents that:

- the school collects information about students and parents' language backgrounds and results of student assignments and test
- the process of a student using a Compass card for attendance purposes is a collection of personal information
- Schools within the DSS can share enrolment application information if an application is made to two separate schools concurrently
- Personal information is stored on CEnet servers

Staff meeting idea

For your privacy slot this term you might like to talk about photo permissions.

This will be my last newsletter to you as I am retiring in March. Thanks for your enthusiasm and dedication to ensuring our school communities understand, respect and protect the privacy of each member of our communities. Good luck.

Candy Cosgriff
 DSS Privacy Officer
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- 1 The school and the Diocesan Schools System (DSS) both independently and through its schools collect personal information, including sensitive information about students and parents or guardians before and during the course of a student's enrolment at the school. This may be in writing, through technology systems or in the course of conversations. The primary purpose of collecting this information is to enable the school to provide schooling to students enrolled at the school, exercise its duty of care, and perform necessary associated administrative activities, which will enable students to take part in all the activities of the school.
- 2 Some of the information we collect is to satisfy the school's legal obligations, particularly to enable the school to discharge its duty of care.
- 3 Laws governing or relating to the operation of schools require certain information to be collected and disclosed. These include education, public health and child protection laws.
- 4 Health information about students is sensitive information within the terms of the Australian Privacy Principles under the Privacy Act. We may ask you to provide medical reports about your child from time to time.
- 5 If we do not obtain the information referred to above, we may not be able to enrol or continue the enrolment of your son/daughter. This is particularly so where the information is relevant to the health and safety of the student, other students and/or staff.
- 6 The school may disclose personal and sensitive information for educational, administrative and support purposes. This may include to:
 - other schools and teachers at those schools including a new school to which a student transfers to facilitate the transfer of the student
 - government departments and agencies (including for policy and funding purposes)
 - the Catholic Schools Office
 - CSNSW
 - the Diocese of Broken Bay and its parishes
 - medical practitioners
 - people providing educational, support and health services to the school, including specialist visiting teachers, sports coaches, volunteers, counsellors and providers of learning and assessment tools
 - providers of specialist advisory services and assistance to the school, including in the area of human resources, child protection and students with additional needs
 - 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)
 - agencies and organisations to whom we are required to disclose personal information for education and research purposes
 - people providing administrative and financial services to the school
 - recipients of school publications, such as newsletters and magazines
 - anyone you authorise the school to disclose information to
 - anyone to whom the school is required or authorised to disclose the information to by law, including child protection laws.
- 7 Personal information collected from students is regularly disclosed to their parents or guardians.
- 8 If you make an enrolment application to another school within the DSS, personal information provided during the application stage may be collected from, or shared with, the other school. This personal information may include health information and is used for the purpose of considering and administering the enrolment of the student within the DSS.
- 9 The school uses centralised information management and storage systems (**Systems**). These Systems are provided by the Catholic Education Network (**CEnet**) and third party service providers. CEnet is owned by the Catholic dioceses. Personal information is stored with and accessible by CEnet and the third party service providers for the purpose of providing services to the school in connection with the Systems and for CEnet, for administering the education of students.

- 10 The school may use online or 'cloud' service providers to store personal information and to provide services to the school that involve the use of personal information, such as services relating to email, instant messaging and education and assessment applications. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may reside on a cloud service provider's servers which may be situated outside Australia. Further information about the school's use of online or 'cloud' service providers is contained in the DSS Privacy Policy.
- 11 The DSS Privacy Policy, accessible on the school's website, sets out how parents or students may seek access to and correction of their personal information which the school 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 school's duty of care to the student, where students have provided information in confidence or where the school is otherwise required or authorised by law to refuse access. Any refusal will be notified in writing with reasons (unless, given the grounds for refusal, it would be unreasonable to provide reasons).
- 12 The DSS Privacy Policy sets out how to make a complaint about a breach of privacy and how the school will deal with such a complaint.
- 13 The school from time to time engages 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 school'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.
- 14 On occasions information such as academic and sporting achievements, student activities and similar news is published in school newsletters and magazines, on our intranet, on our website or otherwise shared with the school community. This may include photographs and videos of student activities such as sporting events, concerts and plays, school camps and school excursions. The school 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 in our promotional material or otherwise make this material available to the public such as on the internet.
- 15 If you provide the school 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 school and why.

Insert
School logo
here

[NAME OF SCHOOL]
PHOTOGRAPH/VIDEO PERMISSION FORM

Dear Parent/Guardian

In this form we seek your consent to make photographs/films of your child available to the public and to include photographs/films of your child in our promotional materials. The school's other uses of photographs/films of your child (such as in the school newsletter and on our intranet) are explained in the privacy notice provided to you each year. If you would like another copy of this privacy notice, please contact us.

This form also seeks consent for the Catholic Schools Office, Diocese of Broken Bay to use photographs/videos of your child in print and online promotional, marketing, media and educational materials.

Please complete the permission form below, include a mark next to the uses you consent to, and return to the school as soon as possible. If you have more than one child at the school, and do not want to fill out a separate form for each, you can list multiple children in the permission form below.

Thank you for your continued support.

STUDENT'S NAME: _____ YEAR LEVEL: _____

NOTE: Please confirm your consent to the uses and disclosures described below by ticking the relevant box. Please note that the child's name may be included with/in the photograph/video. If you do not wish your child's image to be used in the way described below you can leave the box blank.

- I give my consent to the School using my child's photograph/video:

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

on the school website
on school social media channels (such as Facebook and Twitter)
in materials promoting the school, including advertising materials
in newspapers and other media for the purpose of promotion and communication
of school activities or programs, training materials and resources

- I give my consent to the Catholic Schools Office, Diocese of Broken Bay using my child's photograph/video:

<input type="checkbox"/>

in material available free of charge to schools and education departments around Australia and for the Catholic Schools Office's promotional, marketing, media and educational purposes without acknowledgment, remuneration or compensation.

- I understand and agree that if I wish to withdraw any consent provided above, it is my responsibility to notify the school.

Name of Parent / Guardian
(please circle)

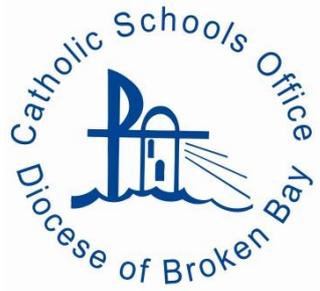
Signed: Parent / Guardian

Date: _____

**If student is aged 15+,
student must also sign:**

Signed: Student

Date: _____



PRIVACY POLICY FOR DIOCESAN SCHOOLS SYSTEM

February 2020



Licensed under NEALS

Diocese of Broken Bay
February 2020 v7.0



PURPOSE

The purpose of this policy is to establish a framework for the Diocesan Schools System (DSS) to comply with the requirements of all relevant Commonwealth and State privacy legislation in an open and transparent way. This Policy applies to schools conducted by the DSS and sets out how each school and the Catholic Schools Office (CSO) manages personal information provided to or collected by the CSO and schools that are members of the DSS.

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

POLICY CONTENT

DEFINITIONS

Personal information means information or an opinion about an identified individual or an individual who is reasonably identifiable, whether the information is true or not.

Sensitive information, means information about a person's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, trade union or other professional or trade association membership, sexual orientation or practices or criminal record, and includes health information and biometric information about an individual.

Health information means information about the health or disability of an individual.

What kinds of personal information does a school collect and how does a school collect it?

The type of information schools collect and hold 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 school;
 - 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 (eg. details of disability and/or allergies, absence notes, medical reports and names of doctors);
 - results of assignments, tests and examinations;
 - 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;
 - photos and videos at school 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 (eg. details of disability and/or allergies, and medical certificates);
- complaint records and investigation reports;
- leave details;
- photos and videos at school events;
- workplace surveillance information;
- work emails and private emails (when using work email address) and internet browsing history; and
- other people who come into contact with the school, including name and contact details and any other information necessary for the particular contact with the school.

Personal Information provided by the individual:

A school 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. A school also collects personal information when a secondary student uses their issued Compass card for example to record attendance.

If an enrolment application is made to two (or more) schools in the Broken Bay Diocesan Schools System (DSS) the personal information provided during the application process may be shared between the schools. This personal information may include health information and is used for the purpose of considering and administering the enrolment of the student within the DSS.

Personal Information provided by other people:

In some circumstances a school may be provided with personal information about an individual from a third party, for example, a report provided by a medical professional or a reference from another school.

Exception in relation to employee records:

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

How will a school use the personal information it collects?

A school will use personal information it collects 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 consent has been given.

Students and Parents:

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

The purposes for which the DSS and a school uses personal information of students and parents include:

- keeping parents informed about matters related to their child's schooling, through correspondence, newsletters and magazines
- day-to-day administration, including seeking the payment of fees for schools within the DSS when a student transfers between such schools
- looking after students' educational, social, spiritual and medical wellbeing
- seeking donations and marketing for the school
- satisfying legal obligations of the DSS and the school and enabling the school to discharge its duty of care.

In some cases where a school requests personal information about a student or parent, if the information requested is not obtained, the school may not be able to enrol or continue the enrolment of the student or permit the student to take part in a particular activity.

Job applicants and contractors:

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

- administering the individual's employment or contract, as the case may be;
- contact in an emergency;
- insurance;
- seeking funds and marketing for the school; and
- satisfying the DSS's and the school's legal obligations, for example, in relation to child protection legislation.

Volunteers:

A school also obtains personal information about volunteers who assist the school in its functions or who conduct associated activities, such as ex-student associations or parent advisory bodies, to enable the school and the volunteers to work together.

Marketing and fundraising:

Parents, staff, contractors and other members of the wider school community may from time to time, receive fundraising information. School publications, like newsletters and magazines, which include personal information, may be used for marketing purposes. Personal information held by a school may be disclosed to an organisation that assists in the school's fundraising, for example, the school's ex-student association.

To whom might a school disclose personal information?

A school may disclose personal information, including sensitive information, held about an individual for educational, administrative and support purposes. This may include to:

- other schools and teachers at those schools including a new school to which a student transfers to facilitate the transfer of the student, and schools within the DSS where concurrent applications for enrolment are made to those schools;
- government departments (including for policy and funding purposes);
- the CSO and Catholic Schools NSW (CSNSW)
- the school's local parish and Diocese of Broken Bay;
- medical practitioners;
- people providing educational, support and health services to the school, including specialist visiting teachers, counsellors, sports coaches and volunteers
- providers of learning and assessment tools;
- providers of specialist advisory services and assistance to the school, including

in the area of human resources, child protection and students with additional needs

- 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);
- agencies and organisations to whom the DSS is required to disclose personal information for education and research purposes;
- people providing administrative, technology and financial services to the school;
- recipients of school publications, such as newsletters and magazines;
- students' parents or guardians;
- anyone an individual authorises the school to disclose information to; and
- anyone to whom we are required to disclose the information by law, including child protection laws.

Sending and storing information overseas:

A school may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange or other overseas excursion. However, a school 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 school uses centralised information management and storage systems (Systems). Some of these Systems are provided by the Catholic Education Network (CENet) and others by third party service providers. CENet is owned by the Catholic Dioceses. Personal information is stored with and accessible by CENet and the third party providers for the purpose of providing services to the school in connection with the Systems and for CENet, administering the education of students.

The school may use online or 'cloud' service providers to store personal information and to provide online services to the school that involve the use of personal information, such as services relating to email, instant messaging and education and assessment applications. Some limited personal information may also be provided to these service providers to enable them to authenticate users and access their services. This personal information may be stored in the 'cloud' which means that it may reside on a cloud 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, the CSO and CSNSW and its service providers may have the ability to access, monitor, use or disclose emails, communications (eg instant messaging), documents and associated administrative data for the purposes of administering GAFE and ensuring its proper use.

How does a school treat 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 the individual agrees otherwise, or the use or disclosure of the sensitive information is allowed by law.

Management and security of personal information



CSO and school staff are required to respect the confidentiality of students' and parents' personal information and the privacy of individuals. Any staff member who is uncertain about their obligations under this policy should seek clarification from their principal or in the case of CSO staff, from their Head of Service. A failure by a staff member to comply with the important obligations set out in this policy may result in disciplinary action.

Each school is required to have in place steps to protect the personal information the school holds from misuse, interference and loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and password access rights to computerised records.

Access and correction of personal information

Under the Commonwealth Privacy Act and the Health Records Act, an individual has the right to seek and obtain access to any personal information which the CSO or a school holds about them and to advise the CSO or the school of any update or 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 update any personal information the CSO or a school holds about an individual or their child, parents should contact the school's principal in writing.

The school may require a parent to verify their identity and specify what information is required. The school may charge a fee to cover the cost of verifying the application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the school will advise the likely cost in advance. 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 school's duty of care to the student. If the school is not able to provide access to that information, the school will provide the parent with written notice explaining the reasons for refusal (unless given the grounds for refusal, it would be unreasonable to provide reasons).

Consent and rights of access to the personal information of students

The DSS 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 the student's parents. A school will treat consent given by parents as consent given on behalf of the student, and notice to parents will act as notice given to the student.

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 so warrant it.

Enquiries and complaints

For further information about the way the CSO or a school manages the personal information it holds, or to make a complaint that a school or the CSO has breached the Australian Privacy Principles, individuals should contact the school's principal (if the complaint relates to a school) or the Privacy Officer at the CSO (if the complaint relates to the CSO).

The school or the CSO will investigate any complaint and will notify the complainant of a decision in relation to their complaint as soon as is practicable after it has been made. The DSS Complaints Handling Policy provides guidelines for the handling of complaints relating to

the operation of Diocesan Systemic Schools, including complaints about management of personal information provided to or collected by the CSO and the schools it administers

Individuals may also make a complaint to the Office of the Australian Information Commissioner.

Related legislation, policies and procedures

- Australian Curriculum, Reporting and Assessment Act 2008 (Cth)
- Children and Young Persons (Care and Protection) Act 1998
- Complaints Handling Policy and Procedures
- Diocesan Schools System Acceptable Use Policy
- Education Act 1990 (NSW)
- Education Amendment (School Attendance) Act 2009
- Health Records and Information Privacy Act 2002 (NSW)
- Ombudsman Act 1974
- Privacy Act 1988 (Cth)
- Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)
- Schools Assistance (Learning together Through Choice and Opportunity) Act 2004 (Cth)
- Records Retention for CSO
- Records Retention for Schools

POLICY DATES

The Privacy Policy is to be reviewed periodically and not less frequently than once every five years from the date of the implementation of the policy.

Date of development	22 November 2001
Date of latest edition	February 2020
Date of next review	February 2025

authorised by
Dr Tony Bracken
Acting Director of Schools