

PRIVACY POLICY

1.0 Purpose

The purpose of this policy is to guide and implement the processes of how Hillbrook (the School) manages personal information provided to or collected by it. The School is bound by the *Australian Privacy Principles* contained in the *Privacy Act 1988 (Cth)*.

2.0 Scope

This policy applies to Board members, employers, employees, volunteers, parents/guardians, students, contractors, and people visiting the School site; and describes the type of information the School collects, how the information is handled, how and to whom the information is disclosed, and how the information may be accessed.

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 the School's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between the School and employee.

3.0 Policy Statement

The School is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act 1988 and is committed to protecting the privacy of its students, staff, parents, directors and members of its community. Personal information is collected, held and used by the School to ensure the effective management and function of the School (the primary purpose).

Personal information can be used for a secondary purpose if an exception applies. The exceptions include where:

- the individual has consented to the School for their personal information being used for a secondary purpose
- the individual would reasonably expect the School to use or disclose their information for the secondary purpose and that purpose is related to the primary purpose of collection, or, in the case of sensitive information, directly related to the primary purpose
- the secondary use or disclosure is required or authorised by or under an Australian law or a court/tribunal order
- a permitted general situation exists in relation to the secondary use or disclosure

- the School reasonably believes that the secondary use or disclosure is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body

The School may, from time to time, 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 school environment.

4.0 What kinds of personal information does the School collect and how does it collect it?

The type of information the School 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 School:
 - name, contact details (including next of kin), date of birth, gender, language background and previous school;
 - 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 school events.
- job applicants, staff members, volunteers and contractors:
 - name, contact details (including next of kin) and date of birth;
 - 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 school events;
 - work emails and private emails (when using work email address) and Internet browsing history.
- other people who come into contact with the School including name and contact details and any other information necessary for that particular contact with the School.

4.1 Personal Information provided by an individual:

The 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. On occasion people other than parents and students provide personal information.

The School will follow the government guidelines for retention and deletion of personal information collected during Covid-19.

4.2 Personal Information provided by other people:

In some circumstances the 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.

4.3 How will the School use the personal information you provide?

The School 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 the individual, or to which consent has been provided.

5.0 Students and Parents

In relation to personal information of students and parents, the School's primary purpose of collection 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. This includes satisfying the needs of parents, the needs of the students and the needs of the School throughout the whole period the student is enrolled at Hillbrook.

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

In some cases where the School requests personal information about a student or parent, if the information requested is not provided or is inaccurate, 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.

On occasions information such as academic and sporting achievements, student activities and similar news is published in School newsletters and magazines, on our intranet, and website. This may include photographs and videos of student activities such as sporting events, school camps and school excursions.

The School will obtain consent from the student's parent or guardian (and from the student if appropriate). Full details about how we obtain consent, use and store student photographs and film can be found in our Photography and Film Policy.

6.0 Job applicants, Staff Members and Contractors

In relation to personal information of job applicants, staff members and contractors, the School'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 School 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
- to satisfy the School's legal obligations, for example, in relation to child protection legislation.

7.0 Volunteers

The School also obtains personal information about volunteers who assist the School in its governance, functions or conduct associated activities, such as members of the School Board, the past student associations, to enable the School and the volunteers to work together.

8.0 Direct Marketing

The School undertakes direct marketing as a means for ensuring future growth and development of the School. Direct marketing involves the use or disclosure of personal information to communicate directly with an individual to promote goods and services.

Where the School is permitted to use or disclose personal information for the purpose of direct marketing, it must always:

- allow an individual to request not to receive direct marketing communications (also known as 'opting out'), and
- comply with that request

9.0 Who might the School disclose Personal Information to and store your information with?

The School 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 School, 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 the School;
- students' parents or guardians
- anyone you authorise the School to disclose information to
- anyone to whom we are required or authorised to disclose the information to by law, including child protection laws.

10.0 Sending and Storing Information locally and Overseas

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

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, education and assessment applications and photography and videos. 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 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.

The School will take all reasonable steps to ensure all methods of authentication to internal, external and overseas systems and services are secured with industry standard encryption of the authentication process. Back ups of all local servers containing sensitive and confidential information are stored offsite using immutable storage which is in line with the School's Records Retention Policy.

The School will take all reasonable steps to ensure that both the transit to and the storage of data with overseas systems employs current industry standard encryption to protect the data from being handled contrary to privacy requirements.

11.0 Sensitive Information

In referring to 'sensitive information', the School means: information relating to a person's racial or ethnic origin, political opinions, trade union or other professional or trade association membership, philosophical beliefs, sexual orientation, practices or criminal record, and biometric and health 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 otherwise agreed by the individual, or the use or disclosure of the sensitive information is required by law.

12.0 Management and Security of Personal Information

The School's staff are required to respect the confidentiality of students' and parents' personal information and the privacy of individuals.

All system accounts in use by Hillbrook staff have multiple factor authentication enabled to further protect data and sensitive and confidential information that are stored within Hillbrook's IT Infrastructure.

The School has 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.

13.0 Data Breaches

A data breach happens when personal information is accessed, disclosed without authorisation, or is lost. For example, when:

- a USB or mobile phone that holds a individual's personal information is stolen
- a database containing personal information is hacked
- someone's personal information is sent to the wrong person.

It will be deemed that a 'notifiable 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 School do in the event of a 'notifiable data breach'?

The School will enact the Data Breach Response Plan, which includes the following:

- 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 School will be required to lodge a statement to the Office of the Australian Information 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, the School will publish a copy of the statement on its website, or publicize 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.

14.0 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 School holds about them and to advise the School of any perceived inaccuracy. There are some exceptions to this right set out in the Act, for example, where access may impact the privacy of others or pose as a threat to an individual. Students will generally be able to access and update their personal information through their parents, but students aged 18 or over may seek access and correction themselves.

Requests to access or to update any personal information the School holds about a student are to be made to the Principal in writing. The School may require verification of the student's 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. If the School cannot provide access to that information, it will provide written notice explaining the reasons for refusal.

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

15.0 Consent and Rights of Access to the Personal Information of Students

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

As mentioned above, parents may seek access to personal information held by the School 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 the School's duty of care to a student.

The 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.

16.0 Enquiries and Complaints

Further enquiries for information in relation to management of personal information or lodging a complaint can be made by contacting the School. The School will investigate any complaint and will notify you of the making of a decision in relation to the complaint as soon as is practicable after it has been made.

17.0 References

- *Privacy Act 1988 (Cth)*
- Information Technology Security policy
- Records Retention Policy
- Data Breach Response Plan & Procedures
- Hillbrook Giving Tree Fund Trust Deed
- Photograph and Filming Policy
- Photograph and Filming Consent Form