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<b>Author:</b>	Assistant Executive Director – Strategic Governance and Engagement (based on NCEC/Independent Schools Australia Privacy Compliance Manual, April 2023)

# Privacy Policy

## Reflection

"So let us not grow weary in doing what is right, for we will reap at harvest time, if we do not give up. So then, whenever we have an opportunity, let us work for the good of all, and especially for those of the family of faith." Galatians 6:9-10

## Purpose

The Catholic Education Diocese of Cairns (CEDC) Privacy Policy, ‘the Policy’, sets out the terms and obligations by which CEDC manages information.

The Policy is based on the Commonwealth Privacy Act 1988, the Privacy Amendment Act 2012 and the Australian Privacy Principles, APPs. The Policy applies to all offices and schools in CEDC.

The Policy will be updated regularly to take account of new laws, technologies and changes to schools’ operations and practices.

## Policy

Catholic Education Services (CES) and schools manage information collected according to the Privacy Act 1988 and the Privacy Act Amendment 2012, which includes the Australian Privacy Principles.

Information includes personal, sensitive, and health information as well as records related to students, parents/carers, employees, contractors, and volunteers who are part of the CEDC community for varying lengths of time.

Information is collected, used and stored by CEDC to enable the effective functioning of the organisation, which aims to educate pupils according to the philosophy and values of the Catholic faith.

The processes involved in collecting, storing, using, sharing, providing access to, updating and destroying information and data are guided by the Australian Privacy Principles.

## Rationale

The Policy articulates the privacy procedures that enable CEDC to function effectively and fulfil its Catholic Education mission while protecting and preserving the right to individual privacy.

## Outcomes

This policy will:

- Be expressed through the CEDC Privacy Policy Statement (*Attachment 1*) and the student enrolment Information Collection Notice (*Attachment 2*). The Policy Statement will be available on CEDC and school websites and freely available in printed form on request. The Information Collection Notice will be signed by parents/guardians as part of the enrolment agreement.
- Inform mandatory training for all staff in the management of obligations to apply the Australian Privacy Principles (APPs). Guidance is provided outlining school obligations under the Australian Privacy Principles (*Attachment 3*).
- Provide guidance to CEDC in managing data breaches – noting there are mandatory procedures for managing data breaches likely to result in serious harm. A separate procedure, '*Privacy Act – Data Breach Protocols*' – has been developed as a companion document to support schools and CES in managing such breaches. Any CEDC staff member aware of a possible data breach should immediately contact their line manager or Principal, who will, in turn, contact the Assistant Executive Director – Strategic Governance and Engagement.
- Provide guidance to CEDC to ensure requests for the release of personal information are managed in accordance with the Australian Privacy Principles. *Attachment 4* provides guidance in determining whether personal information can be disclosed.
- Be reviewed for compliance by the CEDC/Diocesan designated Privacy Officer.

## Enquiries

Assistant Executive Director – Strategic Governance and Engagement.

## Related Directives, Policies and Procedures

Summary of a school's obligations imposed by the Australian Privacy Principles (APPs) – see *Attachment 3*

National Catholic Education Commission & National Council of Independent Schools' Associations: Privacy Compliance Manual (April 2023) – available on Veritas,

Privacy Act 1988 and the Privacy Amendment (Enhancing Privacy Protection) Act 2012

Catholic Education Diocese of Cairns Code of Conduct – Staff

Statement of Principles for Employment in Catholic Education, Diocese of Cairns

Procedure: Privacy Act – Data Breach Protocols



Catholic Education in the Diocese of Cairns will apply its Privacy Policy and its obligations under the *Privacy Act* in accordance with the following policy statement:

## CATHOLIC EDUCATION DIOCESE OF CAIRNS PRIVACY POLICY STATEMENT

### Personal information collected by schools and method of collection

The type of information schools collect and hold includes (but is not limited to) personal information, including health and other sensitive information, about:

- pupils and parents/carers and/or guardians (**parents**) before, during and after the course of a pupil's enrolment at the school:
  - name, contact details (including next of kin), date of birth, previous school and religion;
  - 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;
  - results of assignments, tests and examinations;
  - 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, including:
  - 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 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 you provide:** A school will generally collect personal information held about an individual by way of forms filled out by parent/carer or pupils, face-to-face meetings and interviews, emails and telephone calls. On occasions, people other than parents/carers and pupils provide personal information.

If enrolment is made at one (or more) schools in the Catholic Education Diocese of Cairns (CEDC) the personal information provided during the application 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.

**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. If a student transfers to a new school in CEDC, the new school may collect personal information about the student from the student's previous school to facilitate the transfer of the student.

**Surveillance and monitoring:** CEDC reserves the right to monitor all staff and student Information and Communication Technology user activity to ensure compliance with legal, ethical and acceptable use expectations. Generally, this will reflect the content of ICT user agreements for students, the separate policies on the acceptable use of ICT for staff and students, and for staff, the provisions of the CEDC Code of Conduct for Staff and the Statement of Principles for Employment in Catholic Education. Schools may also use video surveillance as part of school safety and security management.

**Exception in relation to employee records:** Under the Privacy Act, the Australian Privacy Principles do not apply to an employee record. 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.

## School use of personal information you provide

A 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 or to which you have consented.

**Pupils and Parents/Carers:** In relation to personal information of pupils and parents/carers, a school's primary purpose of collection is to enable the school to provide schooling to pupils enrolled at the school, exercise its duty of care, and perform necessary associated administrative activities, which will enable pupils to take part

in all the activities of the school. This includes satisfying the needs of parents/carers, the needs of the pupil and the needs of CEDC and the school throughout the whole period the pupil is enrolled at the school.

The purposes for which CEDC and a school uses personal information of pupils and parents/carers include:

- to keep parents/carers 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 CEDC when a student transfers between schools;
- looking after pupils' educational, social, spiritual and medical wellbeing;
- seeking donations and marketing for the school; and
- to satisfy CEDC and the school's legal obligations and allow the school to discharge its duty of care.

In some cases where a school requests personal information about a pupil or parent/carer, if the information requested is not obtained, the school may not be able to enrol or continue the enrolment of the pupil or permit the pupil 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;
- for insurance purposes;
- seeking funds and marketing for the school;
- satisfying CEDC and the school's legal obligations, for example, in relation to child protection legislation; and,
- ensuring that job applicants and contractors are compliant with any Government Public Health Order or Diocesan policy.

**Volunteers:** A school also obtains personal information about volunteers who assist the school in its functions or conduct associated activities, such as [alumni associations], to enable the school and the volunteers to work together.

**Marketing and fundraising:** Schools treat marketing and seeking donations for the future growth and development of the school as an important part of ensuring that the school continues to be a quality learning environment in which both pupils and staff thrive. Personal information held by a school may be disclosed to an organisation that assists in the school's fundraising, for example, the school's Foundation or alumni organisation, or on occasions, external fundraising organisations.

Parents/carers, 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.

**Exception in relation to related schools:** The Privacy Act allows each school, being legally related to each of the other schools conducted by CEDC to share personal (but not sensitive) information with other schools conducted by CEDC. Other CEDC schools may then only use this personal information for the purpose for which it was originally collected by CEDC. This allows schools to transfer information between them, for example, when a pupil transfers from a CEDC school to another school conducted by CEDC.



## Who might a school disclose personal information to and store your information with?

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

- 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 CEDC where concurrent applications for enrolment are made to those schools;
- government departments;
- CEDC, the Queensland Catholic Education Commission, the school's local diocese and the parish, other related church agencies/entities, and schools within other Dioceses/other Dioceses;
- 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, and authorities administering the NAPLAN tests;
- agencies and organisations to where the school is required to disclose personal information for education, funding and research purposes;
- people and organisations providing administrative, technology and financial services to the school;
- recipients of school publications, such as newsletters and magazines;
- pupils' parents/carers or guardians;
- anyone you authorise the school to disclose information to; and
- anyone to whom we are required or authorised to disclose the information by law, including child protection laws.

**Sending and storing information overseas:** Personal information will not be disclosed by the school to recipients outside Australia unless there is a reasonable belief that:

- a) the information will remain subject to principles for fair handling of the information which are substantially similar to Australian Privacy Principles;
- b) there are mechanisms to take action to enforce such principles; and
- c) the information will not be collected, held, used or disclosed by the recipients of the information in a manner inconsistent with the Catholic Education's privacy policy.

In some circumstances, the law may require us to use or disclose personal information for other purposes. Except as otherwise permitted by law, we only disclose sensitive information with consent, for the purposes for which it was collected, and to the parties described above.

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 shared with and accessed by CEnet and their third party providers for the purpose of providing services to schools in connection with the Systems and for CEnet administering the education of students.

**Online or 'cloud' service providers:** The school may use other 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 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 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 and CEDC, the Queensland Catholic Education Commission and their service providers (including CEnet), 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.

## How does a school treat sensitive information?

In referring to 'sensitive information', a school 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 allowed by law.

## Management and security of personal information

All CEDC staff are required to respect the confidentiality of pupils' and parents/carers' personal information and the privacy of individuals.

Each 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.

## Access and correction of personal information

Under the Commonwealth Privacy Act, an individual has the right to seek and obtain access to any personal information which CEDC holds about them and to advise CEDC of any perceived inaccuracy. There are some exceptions to this right set out in the Act. Pupils will generally be able to access and update their personal information through their parents/carers, but older pupils may seek access and correction themselves.

There are some exceptions to these rights set out in the applicable legislation.

To make a request to access or to update any personal information CEDC holds about you or your child, please contact the school's Principal or administration by telephone or in writing.

The school may require you to verify your identity and specify what information you require. The school 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 school 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, unless, in light of the ground for refusal, it would be unreasonable to provide reasons.





Parents/carers can also log on to the Parent Portal and connect and update some of their or their child's personal information at any time.

## Consent and rights of access to the personal information of pupils

CEDC respects every parent/carer'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 pupil to the pupil's parent/carer. A school will treat consent given by parents/carers as consent given on behalf of the pupil, and notice to parents/carers will act as notice given to the pupil.

Parents/carers may seek access to personal information held by a school or CEDC about them or their child by contacting the school Principal or administration by telephone or in writing. However, there may be occasions when access is denied. Such occasions would include where release of the information would have an unreasonable impact on the privacy of others, or where the release may result in a breach of the school's duty of care to the pupil.

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

## Enquiries and complaints

If you would like further information about the way CEDC manages the personal information it holds, or wish to complain that you believe that CEDC has breached the Australian Privacy Principles, please contact the school Principal by writing or telephone. CEDC will investigate any complaint and will notify you of a decision in relation to your complaint as soon as is practicable after it has been made.







# CATHOLIC EDUCATION DIOCESE OF CAIRNS

## INFORMATION COLLECTION NOTICE

**The following notice applies to all schools and colleges, and Catholic Education Services in the Diocese of Cairns.**

1. The school collects personal information, including sensitive information about pupils and parents/carers or guardians before and during the course of a pupil's enrolment at the school. This may be in writing, through technical systems, or in the course of conversations. The primary purpose of collecting this information is to enable the school to provide schooling to pupils enrolled at the school, exercise its duty of care, and perform necessary associated administrative activities, which will enable pupils 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 a school require certain information to be collected and disclosed. These include relevant Education Acts, and Public Health and Child Protection laws.
4. Health information about pupils 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 pupils from time to time.
5. A student's enrolment may be delayed or prevented if the school cannot collect certain personal information. This is particularly so where the information is relevant to the health and safety of the student, other students, or staff.
6. The school may disclose personal and sensitive information for educational, administrative and support purposes. This may include:
  - other schools and teachers at those schools, including new schools to which a student transfer to facilitate the transfer of the student;
  - government departments;
  - Cairns Catholic Education Services, other schools, the local diocese and parish and related church agencies and entities, and the Queensland Catholic Education Commissions;

- 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;
  - agencies and organisations to which we are required to disclose personal information for education and research purposes;
  - people providing administrative and financial services to the school;
  - anyone you authorise the school to disclose information to; and
  - 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 pupils is regularly disclosed to their parents/carer or guardians.
  8. If you make an enrolment application to another school within our Diocese, 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 Diocese.
  9. Personal information will not be disclosed to recipients outside Australia unless the school has a reasonable belief that the information will be managed consistent with its obligations under the Australian Privacy Principles. Sensitive information will not be disclosed to recipients outside Australia unless required by law, or with consent.
  10. 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.
  11. 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 on online or 'cloud' service providers is contained in the school's Privacy Policy.
  12. The school's Privacy Policy, accessible on the school's website, sets out how parents/carers 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).
  13. The school's Privacy Policy also sets out how parents/carers and students can make a complaint about a breach of the APPs and how the complaint will be handled.
  14. The school 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 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.

15. 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 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/carer 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.
16. We may include students' and students' parents/carers' contact details in a class list and school directory.
17. 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.





# SUMMARY OF A SCHOOL'S OBLIGATIONS IMPOSED BY THE AUSTRALIAN PRIVACY PRINCIPLES (APPS)

**Source:** National Catholic Education Commission & National Council of Independent Schools' Association: Privacy Compliance Manual (April 2023). Note: This is a summary only and NOT a full statement of obligations.

1. Manage personal information in an open and transparent way.
2. Take reasonable steps to implement practices, procedures and systems (including staff training) relating to the school's functions or activities that:
  - i. will ensure compliance with the APPS;
  - ii. will enable the School to deal with inquiries or complaints about compliance with the APPS.
3. Have a clearly expressed and up-to-date Privacy Policy about the school's handling and management of personal information.
4. If it is lawful or practicable, give individuals the option of interacting anonymously with the school or using a pseudonym.
5. Only collect personal information that is reasonably necessary for the school's functions or activities.
6. Obtain consent to collect sensitive information unless specified exemptions apply.
7. Use fair and lawful means to collect personal information.
8. Collect personal information directly from an individual if it is reasonable and practicable to do so.
9. If the school receives unsolicited personal information, determine whether the collection is reasonably necessary for its function and activities. If so, APPS 5-13 will apply. If not, the information must be destroyed or de-identified.
10. At the time the school collects personal information or as soon as practicable afterwards, take such steps (if any) as are reasonable in the circumstances to make an individual aware of:
  - i. why the school is collecting information about them;

- ii. who else the school might give it to; and
  - iii. other specified matters.
11. Take such steps (if any) as are reasonable in the circumstances to ensure the individual is aware of this information even if the school has collected the personal information from someone else.
  12. Only use or disclose personal information for the primary purpose of collection unless one of the exceptions in APP 6.2 applies (for example, for a related secondary purpose within the individual's reasonable expectations, you have consent or there are specified law enforcement or public health and public safety circumstances).
  13. If the information is sensitive, the uses or disclosures allowed are more limited. A secondary purpose within reasonable expectations must be directly related to the primary purpose of collection.
  14. Do not use personal information for direct marketing (including for fundraising) unless one of the exceptions in APP 7 applies (for example, the school has obtained consent or where the individual has a reasonable expectation of their information being used or disclosed for that purpose and the school has provided a simple means for the individual to unsubscribe from such communications).
  15. Before the school discloses personal information to an overseas recipient it must take such steps as are reasonable in the circumstances to ensure that the recipient does not breach the APPs, unless an exception applies.
  16. Government related identifiers (e.g., driver's license or Medicare number) must not be adopted, used or disclosed unless one of the exceptions applies (e.g. the use or disclosure is reasonably necessary to verify the identity of the individual for the purposes of the school's functions or activities).
  17. Take such steps (if any) as are reasonable in the circumstances to ensure the personal information the school collects, uses or discloses is accurate, complete and up-to-date, and in respect of use or disclosure, relevant This may require the school to correct the information and possibly advise organisations to whom it has disclosed the information of the correction.
  18. Take reasonable steps to protect the personal information the school holds from misuse, interference and loss and from unauthorised access, modification or disclosure.
  19. Take reasonable steps to destroy or permanently de-identify personal information no longer needed for any purpose for which the school may use or disclose the information (provided the school is not legally required to retain the information).
  20. If requested by the individual, the school must give access to the personal information it holds about the individual unless particular circumstances apply that allow it to refuse or limit the extent to which it gives access.
  21. Where a data breach occurs, take immediate steps to contain the breach and prevent reoccurrence. If it may cause serious harm to an individual, advise the individual and to OAIC.





## USE AND DISCLOSURE TABLE

The following Table provides a sequential assessment to guide decisions on authorising the release of information:

