PRIVACY POLICY FRAMEWORK – SCHOOLS OF THE ANGLICAN SCHOOLS COMMISSION

THE ANGLICAN SCHOOLS COMMISSION (INC)
PRINCIPLES

The Anglican Schools Commission (ASC) is firmly committed to Privacy as stated by the National Privacy Principles (see Appendix 1) contained in the Commonwealth Privacy Act (Privacy Amendment (Private Sector) Act 2000).

Consequently, the following guidelines are a suggested approach to the development of a privacy protection policy in ASC Schools. Schools may choose to adapt the process to best suit their local setting or particular circumstances, in keeping with the intent of Privacy Protection and the National Privacy Principles.

GUIDELINES AND IMPLEMENTATION

Schools must comply with privacy requirements when dealing with personal information about individuals who come into the school community including staff, students and contractors.

The purpose of the new provisions is to ensure that organisations which hold information about people handle that information responsibly.

Schools have a responsibility to:
- use and manage personal and sensitive information collected by them in accordance with the Privacy Act.
- inform individuals of the purpose of collecting personal and sensitive information.

All information is collected for the primary purpose of the education of the student.

Definitions
- Privacy Act (1988)

- Personal Information
  Personal information is information or an opinion that allows someone to identify the individual that the information or opinion is about. It can range from very detailed information such as medical records to other less obvious types of identifying information such as an email address.

- Sensitive Information
  Sensitive information is a type of personal information that is given extra protection and must be treated with additional care. It includes any information or opinion about an individual’s racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual
preferences or practices, or criminal record. It also includes health information.

- **Health Information**
  Health information is a subset of sensitive information. It is any information or opinion about the health or disability of an individual, the individual's expressed wishes about the future provision of health services and a health service provided, currently or in the future, to an individual that is also personal information. Health information also includes personal information collected in the course of providing a health service.

- **Record**
  The Privacy Act regulates personal information contained in a ‘record’. A ‘record’ is defined as a document, database (however kept) or a photograph or other pictorial representation.

- **Primary Information/Purpose**
  When an individual provides, and the school collects, personal information, they almost always do so for a particular purpose – for example, to enrol a pupil or receive a service. This is the primary purpose of collection even if the organisation has some additional purposes in mind.
  
  **Example of Primary Information** - Provide schooling for pupil.

- **Secondary Information**
  A school may use or disclose personal information for a secondary purpose if it has the individual’s consent. Consent to the use or disclosure can be expressed or implied. Implied consent arises where consent may reasonably be inferred in the circumstances from the conduct of the individual and the school.
  
  **Examples of Secondary Information** - Send newsletters, magazines, mail-outs and correspondence

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**The Collection Of Personal Information**

The type of information a school may collect and hold includes (but is not limited to) personal information including sensitive information, about:

- pupils and parents and/or guardians ("Parents") before, during and after the course of a pupil's enrolment at the school
- job applicants, staff members, volunteers and contractors
- other people who come into 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 pupils, face-to-face meetings and interviews, and telephone calls. On occasions people other than parents and pupils provide personal information.

**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 the National Privacy Principles do not apply to an employee record. As a result, this Privacy Policy Framework 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.
The Use Of Personal Information
Personal information is collected for the primary purpose of collection, and for such other secondary purposes that are related to the primary purpose of collection or to which has been provided consent.

Pupils and parents:
In relation to personal information of pupils and parents, the primary purpose of collection is to enable the school to provide schooling for the pupil. This includes satisfying both the needs of parents and the needs of the pupil throughout the whole period the pupil is enrolled at the school.

The purpose for which personal information of pupils and parents is to be used by a school includes:

- to keep parents informed about matters related to their child’s schooling, through correspondence, newsletters and magazines.
- day-to-day administration
- looking after pupils’ educational, social, spiritual and medical wellbeing.
- seeking donations and marketing for the school
- to satisfy the System’s 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, if the information requested is not obtained, the school may not be able to enrol or continue the enrolment of the pupil.

Job applicants, staff members and contractors:
In relation to personal information of job applicants, staff members and contractors, the 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 personal information of job applicants, staff members and contractors is used include:

- in administering the individual’s employment or contract, as the case may be
- for insurance purposes
- seeking funds and marketing for the school
- to satisfy the System’s and the school’s legal obligations, for example, in relation to child protection legislation.

Volunteers:
Personal information about volunteers who assist the school in its functions or conduct associated activities, such as alumni associations, is collected to enable both the school and the volunteers to work together.

Marketing and fundraising:
Marketing and seeking donations for the future growth and development is an important part of ensuring that a school continues to be a quality learning environment in which both pupils and staff thrive. Personal information held may be disclosed to an organisation that assists in the fundraising, for example, a school’s Foundation or Alumni organisation.

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

The Disclosure Of Personal Information
Personal information, including sensitive information, held about an individual may be disclosed to:
- another school
- government departments
- the local parish
- medical practitioners
- people providing services to the school, including specialist visiting teachers and sports coaches
- recipients of school publications, like newsletters and magazines
- parents
- anyone to whom the school has been authorised to disclose the information.

Sending information overseas:
Personal information about an individual will not be sent outside Australia without:
- obtaining the consent of the individual
- otherwise complying with the national Privacy Principles

The Treatment Of Sensitive Information
In referring to ‘sensitive information’ means: information relating to a person’s racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual preferences or criminal record, that is also personal information; and health information about an individual.

Disclosure of 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 it is agreed otherwise, or the use or disclosure of the sensitive information is allowed by law.

The Management And Security Of Personal Information
The System’s and school’s staff are required to respect the confidentiality of pupils’ and parents’ personal information and the privacy of individuals.

Steps are to be put in place to protect personal information from misuse, loss, unauthorised access, modification or disclosure by use of various methods including locked storage or paper records and password-protected access rights to computerised records.

The Updating Of Personal Information
Every effort should be taken to ensure that the personal information held by the System or school is accurate, complete and up-to-date. A person
may seek to update their personal information by contacting the relevant body at any time.

The National Privacy Principles require a school not to store personal information longer than necessary.

The Right To Check Personal Information
Under the Commonwealth Privacy Act, an individual has the right to obtain access to any personal information which the System or a school holds about them and to advise the System or the school of any perceived inaccuracy. There are some exceptions to this right set out in the Act. Pupils will generally have access to their personal information through their parents, but older pupils (i.e. beyond compulsory school leaving age) may seek access themselves.

A request to access any information held by the System or school is to be provided in writing.

Identity verification and specific details on required information may be requested prior to disclosure. A fee may be charged to cover the cost of verifying the application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive advice on the likely cost should be provided in advance.

The Right Of Access To Personal Information Of Pupils
The System and school is to respect every parent’s right to make decisions concerning their child’s education.

Any request for consent and notices in relation to the personal information of a pupil will be referred to the parent. Consent given by parents will be treated as consent given on behalf of the pupil, and notice to parents will act as notice given to the pupil.

Parents may seek access to personal information held by a school or the System about them or their child. However, there will be occasions when access will be 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. This would normally be done only when the maturity of the pupil and/or the pupil’s personal circumstances so warranted.

School Policy
1. Each school shall have a written Privacy Policy consistent with the principles outlined above.
2. The Privacy Policy is to be publicly available.
3. The Privacy Compliance Manual, written specifically for independent schools, is on the AISWA website www.ais.wa.edu.au, and is recommended to be used in developing school based documents in order to maintain consistency between schools.
4. All forms used by a school to collect personal and sensitive information are to reflect essential information required for the primary purpose of the school. The appropriate collection notice must be attached to each form.

5. All staff are to be appropriately informed in relation to the Privacy Act.

6. The Principal is to ensure that all personal and sensitive information held by the school is properly secured.

**POLICY DEVELOPMENT**

The Anglican Schools Commission Inc. (ASC) was established in 1985, following the passage of a resolution by the Perth Diocesan Synod of the Anglican Church of Australia. Our mission is to establish and support low fee paying Anglican systemic schools in WA which provide a high quality, inclusive, caring Christian education.

In 1990 the Federal Government accepted the ASC as system authority for its schools, thus making the Commission the responsible authority for the receipt and distribution of Commonwealth General Recurrent grants and other forms of Federal assistance, the responsible authority for the Commonwealth's purposes, and the recognised agent for its Schools.

As the Approved Authority of the Anglican System in Western Australia, the ASC is required to comply with certain conditions and responsibilities as set out by the Commonwealth Government. To fulfill these requirements, a set of policy documents and procedural guidelines has been compiled by the ASC for its Schools. These policies and guidelines are designed to assist each School in relation to compliance issues, and to serve as a basis for school policy development.

The ASC Council is responsible for the development of system-wide policies and guidelines. The ASC Executive Director manages their drafting, implementation and review.

Individual School Councils are responsible for the development of school-based policies and guidelines. Each Principal manages their drafting, implementation and review.

**FURTHER INFORMATION**

Details of the Federal Privacy Act can be found at The Office Of The Privacy Commissioner at [www.privacy.gov.au](http://www.privacy.gov.au).

A Privacy Compliance Manual written specifically for independent schools is on the Association of Independent Schools of WA Inc website at [www.ais.wa.edu.au](http://www.ais.wa.edu.au).

**RELATED LEGISLATION, POLICIES AND PROCEDURES**

**Commonwealth**
- Privacy Amendment (Private Sector) Act 2000 (Cth)

**Acknowledgements**
- Association of Independent Schools of Western Australia (Inc)
- National Council of Independent Schools’ Associations
- CCH Australia Limited
- Catholic Education Commission of Western Australia
The Ten National Privacy Principles (NPPs)

The following briefly explains the NPPs.

**NPP1: Collection**
An organisation must not collect personal information unless necessary for one or more of its functions or activities.

**NPP2: Use and Disclosure**
An organisation must not use or disclose personal information about an individual for a purpose (the secondary purpose) other than the primary purpose of collection.

**NPP3: Data Quality**
An organisation must take reasonable steps to ensure that personal information it collects, uses or discloses is accurate, complete and up-to-date.

**NPP4: Data Security**
An organisation must take reasonable steps to protect personal information it holds from misuse, loss and unauthorised access, modification or disclosure.

**NPP5: Openness**
An organisation must set out in a document clearly expressed policies on its management of personal information and must make that document available to anyone who asks for it.

In addition, an organisation must, on request, take steps to let an individual know, in general terms, what sort of information is held and why, and how it collects, holds, uses and discloses that information.

**NPP6: Access and Correction**
An organisation must on request provide the individual with access to his or her own personal information and correct any inaccuracies.

**NPP7: Identifiers**
Identification devices provided by a government agency, such as a Medicare number, a Social Security number or a tax file number, cannot be used by an organisation as its own identifier to identify an individual.
NPP8: Anonymity
Wherever lawful and practical, individuals must have the option of not identifying themselves when entering into transactions with an organisation.

NPP9: Transborder Data Flows
An organisation may transfer personal information outside of Australia, other than internally within its organisation or to the individual concerned, only in limited circumstances.

NPP10: Sensitive Information
An organisation must not collect sensitive information about an individual such as health information, or information about racial or ethnic background, or criminal record. Sensitive information is a subset of personal information and special protection applies to this information.

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