

# DARA SCHOOL

## PRIVACY AND CONFIDENTIALITY POLICY

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### 1. PURPOSE

The privacy of all members of the Dara School Community is important to us. The purpose of this policy is to make explicit the way in which Dara School uses personal information provided to, or collected by, it.

### 2. SCOPE

This policy, from the date of endorsement, applies to all people involved in Dara Village School, including:

- Principal;
- Support staff;
- Finance officer;
- Teaching staff; and
- Parents and guardians.

### 3. POLICY PRINCIPLES

#### 3.1 Background

Schools are obligated by law, school agreements and licensing requirements to comply with privacy and health records legislation when collecting personal and health information about individuals.

The *Health Records Act 2001* (Part 1, 7.1) and the *Information Privacy Act 2000* (Part 1, 6.1) include clauses that override the requirements of these Acts if they conflict with other Acts or Regulations already in place. For example, if there is a requirement under the *Education and Care Schools National Law Act 2010* or the *Education and Care Schools National Regulations 2011* that is inconsistent with the requirements of the privacy legislation, schools are required to abide by the *Education and Care Schools National Law Act 2010*.

#### 3.2 Legislation and Standards

Relevant legislation and standards include, but are not limited to:

- Australian Privacy Principles (APPs), March 2014;
- Education and Care Schools National Law Act 2010;
- Education and Care Schools National Regulations 2011: Regulations 181, 183;
- Freedom of Information Act 1982;
- State Records Act 1997 (SA);
- Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Commonwealth);
- Privacy Act 1998 (Commonwealth).

## 4. PERSONAL INFORMATION

Dara School will generally collect personal information 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 also provide personal information.

### 4.1 Personal information provided by other people

In some circumstances, Dara 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.

### 4.2 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.

## 5. HOW WILL THE SCHOOL USE THE PERSONAL INFORMATION YOU PROVIDE?

Dara School will use personal information it collects from you for the primary purposes of child education and the functioning of the school, and for such other secondary purposes that are related to the primary purposes and reasonably expected by you, or to which you have consented.

### 5.1 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 for the student. This includes satisfying the needs of parents, the needs of the student and the needs of Dara School throughout the whole period the student is enrolled at the School.

The purposes for which the School uses personal information of students and parents/caregivers 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 students' educational, social and medical well-being;
- Seeking donations and marketing for the School; and
- To satisfy the School's legal obligations and allow the School to discharge its duty of care.

If and when student information is displayed in the classroom, it is done with prior permission of the student and in service of student learning or wellbeing.

In some cases where the School requests personal information about a student or parent, if the information requested is not provided, the School may not be able to enrol or continue the enrolment of the student or permit the student to attend classes.

## 5.2 Job Applicants, Staff Members and Contractors

In relation to personal information of job applicants, staff members and contractors, the School's primary purpose of information collection is to assess and (if successful) to engage the applicant, staff member or contractor, as the case may be.

The purposes for which Dara School uses the personal information of job applicants, staff members and contractors include:

- In administering the individual's employment or contract, as the case may be;
- For insurance purposes;
- Seeking funds and marketing for the School;
- To satisfy the School's legal obligations, for example, in relation to child protection legislation.

## 5.3 Volunteers

Dara School also obtains personal information about volunteers who assist the School for child protection requirements, in its functioning and in conducting associated activities, that enable Dara School and the volunteers to work together.

## 5.4 Marketing and Fundraising

Dara School treats 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 students and staff thrive. Personal information held by the School may be disclosed to an organisation that assists in the School's fundraising, for example the 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, such as newsletters and magazines, which include personal information, may be used for marketing purposes.

## 6. WHO MIGHT THE SCHOOL DISCLOSE PERSONAL INFORMATION TO?

The School may disclose personal information, including sensitive information, held about an individual to:

- Another school;
- Government departments;
- Medical practitioners;
- People providing services to the school, including specialist visiting teachers, counsellors and sports coaches;
- Anyone you authorise by the School to disclose information to; and
- To whom we are required to disclose information to by law.

### 6.1 Sending Information Overseas

The School may disclose personal information about an individual to overseas recipients, for instance when storing personal information with 'cloud' service providers which are situated

outside Australia or 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); or
- Otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

## 7. HOW DOES THE SCHOOL TREAT SENSITIVE INFORMATION?

In referring to 'sensitive information', Dara School means: information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, 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, for a directly related secondary purpose, unless you agree otherwise, or for the use or disclosure of the sensitive information as required by law.

### 7.1 Management and Security of Personal Information

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

The School has in place steps to protect the personal information that the School holds from misuse, interference and loss, unauthorised access, modification or disclosure. This is enforced through the use of various methods including the locked storage of paper records and password access rights to computerised records.

### 7.2 Access and Correction of Personal Information

Under the *Commonwealth Privacy Act*, an individual has the right to obtain access to any personal information which the School holds about them and to advise the School of any perceived inaccuracy. Students will generally be able to access and update their information through their Parents, but older students may seek access and make corrections themselves.

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

To make a request to access or update any personal information that the School holds about you or your child, please contact the Principal 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 you of 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.

## 8. CONSENT AND RIGHTS OF ACCESS TO THE PERSONAL INFORMATION OF STUDENTS

Dara School respects every parent's right to make decisions concerning their child's education.

Generally, Dara 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 School Principal. However, there will be occasions when access is denied. Such occasions would include: where the 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.

Dara 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 warranted.

## 9. ENQUIRIES AND COMPLAINTS

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

## ROLES AND RESPONSIBILITIES

### Principal

The Principal is responsible for monitoring changes to State and Commonwealth legislation, or changes in technology, which may require this policy to be updated to take the relevant changes into account.

The Principal is responsible for taking action when breaches of this policy are reported.

### Staff

Staff are responsible for being aware of this policy and for abiding by its principles.

Staff are also responsible for reporting breaches of this policy to the Principal, should they become aware of a breach.

### Parents

Parents are responsible for being aware of this policy and for abiding by its principles. Parents are also responsible for reporting breaches of this policy to the Principal, should they become aware of a breach.

## MONITORING, EVALUATION AND REVIEW

The School may, from time to time, review and update this Privacy Policy to take into account new laws and technology, changes to the School's operations and practices, and to make sure it remains appropriate to the changing school environment.

Dara School will review this policy every three years, by the School Board in conjunction with the Principal.

## DEFINITIONS AND ABBREVIATIONS

The terms defined in this section relate specifically to this policy.

<b>Freedom of Information Act 1982</b>	Legislation regarding access and correction of information requests.
<b>Health information</b>	Any information or an opinion about the physical, mental or psychological health or ability (at any time) of an individual.
<b>Personal information</b>	Recorded information (including images) or opinions, whether true or not, about a living individual whose identity can reasonably be ascertained.
<b>Privacy Act 1988</b>	Commonwealth legislation that operates alongside State or Territory Acts and makes provision for the collection, holding, use, correction, disclosure or transfer of personal information.
<b>Privacy breach</b>	An act or practice that interferes with the privacy of an individual by being contrary to, or inconsistent with, one or more of the information Privacy Principles (refer to Attachment 2: Privacy principles in action) or any relevant code of practice.
<b>Sensitive information</b>	Information, or an opinion about, an individual's racial or ethnic origin, political opinions, membership of a political party, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preference or practices, or criminal record are all considered to be sensitive information.
<b>Unique identifier</b>	A symbol or code (usually a number) assigned by an organisation to an individual to distinctively identify that individual while reducing privacy concerns by avoiding use of the person's name.

## SUPPORTING DOCUMENTS

- *Delivery and Collection of Children Policy*
- *Enrolment Policy*
- *Excursion and Camp Policy*
- *Social Media Agreement*
- *Grievance Policy*
- *Mandatory Reporting Policy*
- *Information Technology Policy*
- *Student Assessment and Reporting Policy*

## REFERENCES

*Health Records Act 2001 (Part 1, 7.1)*

*Information Privacy Act 2000 (Part 1, 6.1)*

*Education and Care Schools National Law Act 2010*

*Education and Care Schools National Regulations 2011*

## APPENDIX

Appendix A

Dara School Information Collection

**Title:** Privacy and Confidentiality Policy

**Policy Reference Number:** P 23

**Policy Implementation Date:** 29 November 2017

**Review Date:** November 2020

**Responsible for Review:** School Board

This Policy was presented to and supported by the School Governance on 29 November 2017