



KINGSWAY
CHRISTIAN COLLEGE

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COLLEGE POLICY AND PROCEDURE

PRIVACY POLICY

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PRIVACY POLICY

Purpose

The purpose of this policy is to assist KCEA Inc. with the implementation of the Commonwealth Privacy Laws as they stand from time to time.

Definition

The policy describes the steps that need to be considered by Kingsway Christian College in order to ensure compliance with Commonwealth Privacy Laws.

Scope

Kingsway Christian Education Association Inc. (KCEA) collects, holds, uses and manages personal information in accordance with this policy. The primary purpose for which the KCEA collects personal information is to conduct the business of the KCEA efficiently. The policy sets out minimum standards which relate to the collection, security, storage, use, access, correction and disclosure of personal information.

The KCEA collects and holds personal information which may include a minimal amount of sensitive information about staff members; members of committees of the KCEA; participants in Association and College activities; students and their parents and/or guardians; job applicants; contractors; volunteers; and other people with whom the KCEA interacts.

Individual Privacy is Important

This document outlines the Kingsway Christian Education Association Inc (KCEA) policy on how it will use and manage personal information provided to or collected by it or Kingsway Christian College (the College).

The KCEA as the administrative body of the College is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act.

The KCEA may, from time to time, review and update this Privacy Policy to take into account new laws and technology, changes to operations and practices of KCEA and the College, and to make sure the Privacy Policy remains appropriate to the changing College environment.

Privacy Officer

The Principal is the KCEA and College's appointed Privacy Officer.

Collection of Data

The type of information the KCEA collects and holds includes (but is not limited to) personal information, including sensitive information, about:

- Students and parents and/or guardians before, during and after the course of a student's enrolment in the College.
- Job applicants, staff members, volunteers and contractors, and
- Other people who come into contact with the KCEA.

Personal Information Provided by the Individual

The KCEA generally collects personal information directly from the individual by way of completed forms filled out by parents or students, telephone calls, face-to-face meetings or interviews. The staff member collecting the information is expected to ensure that the person supplying the information is aware of the purpose(s) for which the information is being collected.

Personal Information Provided by Other People

In some circumstances the KCEA may be provided with personal information about an individual from a third party. The KCEA expects that the person providing the information has informed the person about whom the information is being provided of their intentions to do so.

Exception in Relation to Employee Records

Under the Privacy Act, The Australian Privacy Principles do not apply to employee records. As a result, this Privacy Policy does not apply to KCEA's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between KCEA and the employee.

The Use of Personal Information

In relation to personal information of students and parents, the KCEA's primary purpose of collection is to enable the KCEA to provide schooling for the student. This includes satisfying both the needs of parents, the needs of the student and the needs of the College throughout the whole period the student is enrolled at the College.

The purposes for which the KCEA uses personal information of students and parents include, but are not limited to:

1. Keeping parents informed about matters related to their child's schooling, through correspondence, newsletters and magazines;
2. Day-to-day administration of the College;
3. Looking after students' educational, social and medical wellbeing;
4. Seeking donations and marketing for the KCEA;
5. Satisfying the KCEA's legal obligations and allowing the KCEA to discharge its duty of care.

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

Students

With the consent of parents/guardians the KCEA will maintain personal information, including sensitive information, about students for whom the KCEA is providing a service or seeking funding or support through government and non-government agencies. This information will be used solely for the purpose for which it has been explicitly collected.

Parents

With the consent of parents/guardians the KCEA will maintain personal information, including sensitive information, about parents/guardians/families for whom the KCEA is providing a service. This information will be used solely for the purpose for which it has been explicitly collected.

Publicity

The KCEA uses a minimal level of personal information, usually with the express knowledge of the individual to keep members of the College and wider Community informed about the individual's achievements and activities. Sensitive information will not be used without the express consent of the individual. The details are contained in the College "Image Use Policy", (see Attachment 1).

Job Applicants, staff members and contractors:

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

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

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

Volunteers

The KCEA also obtains personal information about volunteers who assist KCEA in its functions or conduct associated activities, such as committees and College alumni, to enable the KCEA and the volunteers to work together.

Marketing and Fundraising

The KCEA treats marketing and seeking donations for the future growth and development of the KCEA and its school as an important part of ensuring that the College continues to be a quality learning environment in which both students and staff thrive. Personal information held by the KCEA may be disclosed to an organisation that assists the KCEA's fundraising.

Parents, staff, contractors and other members of the wider KCEA community may from time to time receive fundraising information. KCEA publications, like newsletters and magazines which include personal information, may be used for marketing purposes.

The College does not collect personal information from their credit providers or credit reporting bodies.

Process

The College Principal is appointed as the College Privacy Officer. All staff are to familiarise themselves with the policy and ensure the requirements of the policy are followed when dealing with personal information, sensitive information, health information and records, taking into account the relevant exemptions under the Act.

Privacy Policy Standard College Notice

A notice outlining the position of the KCEA on disclosure of information obtained from students and parents/guardians is available for download from the Enrolment Documentation section of the College website. (See Attachment 2)

Employment Information Collection Notice

A statement of the Association's policy on disclosure of information obtained from applications for employment will be included in the employment information pack and will be available for download from the Employment/Current Positions section of the College website. (See Attachment 3)

The Disclosure of Personal Information

At the time of collecting information the KCEA will make it clear to the individual as to the potential disclosures of the information. In general the KCEA has little need to disclose personal information about an individual to other parties, unless the individual has provided consent, either at the time of providing the information or as a result of a specific request.

Sensitive information will not be disclosed to other parties without the consent of the individual and in general the party seeking the information will be advised to collect the information themselves.

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

- Another school;
- Government departments;
- Medical practitioners;
- People providing services to KCEA and the College including specialist visiting teachers, sports coaches, volunteers, contractors and agents;
- Recipients of KCEA and College publications, such as Newsletters and magazines;
- Parents;
- Anyone to whom you provide authorisation to the KCEA or the College to disclose information;
- Anyone to whom we are required to disclose the information to by law.

Such information is only provided to the extent necessary for their involvement with the parents or students in providing a service to the KCEA or its school(s). Personal information collected from students or about students is regularly disclosed to parents/guardians.

Sending information overseas

The KCEA 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 contained in the Commonwealth Privacy Act and the Privacy Amendment (Enhancing Privacy Protection) Act (2012).

Treatment of Sensitive Information

When referring to 'sensitive information', the KCEA is referring to personal information that relates 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; and includes 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 you agree otherwise, or the use or disclosure of sensitive information as allowed by law.

The Management and Security of Personal Information

The members of Staff of the KCEA and individuals who serve on committees conducting the business of the Association/College are required to respect the confidentiality of personal information and the privacy of individuals.

The KCEA has in place procedures to protect the personal information it holds from misuse, loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and pass-worded access rights to computerised records. All staff are able to access information on TA regarding medical, educational and duty of care issues. Any staff requiring access to student files will be required to seek assistance from the Principal or the Deputy Principal (Staff and Administration).

The KCEA endeavours to ensure that the personal information it holds is accurate, complete, current and not held for longer periods than is necessary.

The KCEA will only identify information about an individual by their name or, if appropriate, an identifier of its own creation.

Correction and Updating Information

The KCEA endeavours to ensure that the personal information it holds is accurate, complete and up-to-date. A person may seek to update their personal information held by the KCEA by contacting the college receptionist of the College at any time.

The Australian Privacy Principles require the KCEA not to store personal information longer than necessary.

If personal information held about an individual is incorrect, the individual has the right to require the KCEA to amend the information.

Access to Personal Information

Under the Commonwealth Privacy Act, an individual has the right to obtain access to any personal information which the KCEA holds about them and to advise the KCEA of any perceived inaccuracy. There are some exceptions to this right set out in the Act. Students will generally have access to their personal information through their parents, but older students may seek access themselves.

To make a request to access any information the KCEA holds about an individual or a student, please contact the College Privacy Officer in writing. (See Attachment 4)

The KCEA may require you to verify your identity and specify what information you require. The KCEA 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 KCEA will advise the likely cost in advance.

Consent to Use of Information

The KCEA respects every parent's right to make decisions concerning their child's education. Generally the KCEA will refer any requests for consent and notices in relation to the personal information of a student to the student's parents. The KCEA will treat consent given by parents as consent on behalf of the student, and notice to parents will act as notice given to the student.

Parents may seek access to personal information held by the KCEA 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 KCEA's duty of care to the student.

The KCEA may at its discretion, on the request of a student grant that student access to information held by the KCEA 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.

Storage and Information Security

The College may store personal information in the 'cloud', which may mean that it resides on servers which are situated outside of Australia.

The KCEA will take reasonable steps to protect the personal information it holds from misuse, loss and from unauthorised access, modification or disclosure.

The KCEA will take reasonable steps to destroy or permanently de-identify personal information in a secure manner if it is no longer needed for any purpose for which the information may be used or disclosed under the National Privacy Act.

Mandatory Notification of Data Breaches

A data breach occurs when personal information is lost or subject to unauthorised access, modification, disclosure, or other misuse or interference. For schools, data breaches are not limited to hackings or cyber-attacks on school systems. More commonly, data breaches occur due to internal human errors or a failure to follow information handling policies that result in personal information being inadvertently lost or disclosed to the wrong person. For example, leaving a school laptop on public transport.

Not all data breaches will be NDBs. Pursuant to section 26WE of the Act, an eligible data breach, which would require notification, occurs in circumstances where:

- there is an unauthorised access or unauthorised disclosure of information and a reasonable person would conclude that access or disclosure would be likely to result in serious harm to any of the individuals to whom the information relates; or
- information is lost in circumstances where such unauthorised access or disclosure is likely to occur and a reasonable person would conclude that, assuming such access or disclosure did occur, it would be likely to result in serious harm to any individuals to whom that information relates.

In short, for there to be an eligible data breach, the breach would have the likelihood of resulting in serious harm to any of the affected individuals. Serious harm could include serious physical,

psychological, emotional, economic and financial harm, as well as serious harm to reputation and other forms of serious harm that a reasonable person in the school's position would identify as a possible outcome of the data breach.

Examples of data breaches which may meet the definition of an eligible data breach, include when:

- a device containing a member of the school community's personal information is lost or stolen (e.g. a school laptop);
- a database containing personal information is hacked;
- personal information about students or staff is mistakenly provided to the wrong person;
- records containing student information is stolen from unsecured recycling bins; or
- disclosing personal information about students/staff for purposes other than what it was collected for and without the consent of the affected students/staff.

Once a school forms the view, based on reasonable grounds, that there has been an eligible data breach, it must:

- prepare a statement in accordance with the Act; and
- give a copy of the statement to the OAIC as soon as practicable after the school becomes aware of the eligible data breach. The statement must set out:
 - the identity and contact details of the school;
 - a description of the eligible data breach that the school has reasonable grounds to believe has happened;
 - the kind/s of information concerned; and
 - the recommendations about the steps that individuals should take in response to the eligible data breach that the entity has reasonable grounds to believe has happened.

The school must notify the contents of that statement to the affected individuals (students, parents, staff etc.) as soon as practicable. What constitutes reasonable steps for notification will depend on the circumstances of every case. For schools, practicable means of communication are more likely to be by phone, letter, email or in person, as they are the normal means of communication between the school and its students or staff.

If it is not practicable to notify the individuals directly, the organisation may publish its statement on its website and take reasonable steps to make the statement public.

For schools, public notification (for example on a website or social media) may be required if an eligible data breach involves highly sensitive and personal information affecting both past and present students, such that it would be impracticable to contact each of the individuals directly and the information disclosed would likely result in serious harm to all the individuals affected. Some exceptions to notifying the OAIC and individuals exist, including where taking 'remedial action' to avoid harm being suffered is possible. For schools, this exception may apply where, in the event of an eligible data breach, the school acts by requesting an unauthorised recipient of personal information to delete or destroy the information, such that there would unlikely be serious harm due to the breach.

Please refer to the Data Breach Policy for further information.

Lodging a complaint

If individuals wish to complain about an alleged breach of the privacy of their personal information, the complaint should be made in accordance with the procedure outlined in Attachment 4. If

individuals are dissatisfied with the outcome of their complaint, they may escalate their complaint to the office of the Australian Information Commissioner.

Contacting the Principal

Questions about privacy issues, requests for access and correction and any objections to the use of information in accordance with this Privacy Policy should be addressed to:

The Principal
Kingsway Christian College
157 Kingsway Road
DARCH WA 6065

Telephone: 08 9302 8777
Facsimile: 08 9409 6179
Email: kingsway@kcc.wa.edu.au

Image Use Policy

Use of Photographs in Publications and on the Website

Permission must be obtained from the parent or guardian of any child before a photograph of that child can be used for publication.

Purpose

With the implementation of the Privacy amendment (Private Sector) Act 2000, the issue of the protection of the privacy of individuals became a significant issue for school administrators. The requirements of the Act are readily covered with appropriate policies concerning the use of information routinely gathered by the College. However, this policy covers the use of some forms of information, notably the linking of the name of a student to a photograph, which requires consideration of other issues, in particular child protection.

Definition

The policy describes the procedure to be followed in order to ensure protection for students who would be at risk if identified in the public sector.

Scope

This policy is to be used whenever consideration is being made of whether or not to publish a photograph of a student of Kingsway Christian College. Publications are to include print (e.g. newspaper, brochures, advertising literature of any kind), media (e.g. television and newspaper) and the College website.

Process

The College publishes newsletters and magazines, in print form and, increasingly, by electronic publishing through the website. Because these publications often include photographs of students, it is necessary that explicit permission is obtained from parents to use such photographs. Such permission should:

1. be sought annually through a pro forma which requires parents to make a clear statement of their wishes; and
2. include a clear statement that the student's full name will not be used in conjunction with a photograph in any publication that will be freely available beyond Kingsway Christian College unless prior approval is obtained.

Staff must take care when identifying students by name in a photograph in any publication that is likely to have a wide circulation. While this is easily controlled within Kingsway Christian College, vigilance is needed in dealing with the local community newspapers.

Further Matters for Consideration

Matters that need to be considered when publishing photographs which illustrate an article on student achievement are:

- The nature of the photograph, e.g. of a swimming carnival or a photograph of a student in full uniform;
- The age of the students in the photograph;
- Whether there are reasons, linked to a student's circumstances, which mean he/she should not be identified.

Review

From time to time the Association/College may review and update this Privacy Policy to take account of the KCEA operations and practices or new laws and technologies.

PRIVACY POLICY STANDARD COLLECTION NOTICE

1. The KCEA and the College collects personal information, including sensitive information about pupils and parents or guardians before and during the course of a pupil's enrolment at the College. The primary purpose of collecting this information is to enable the College to provide schooling for your son/daughter, and enable them to take part in all activities of the school.
2. Some of the information we collect is to satisfy the College's legal obligations, particularly to enable the College to discharge its duty of care.
3. Certain laws governing or relating to the operation of schools require that certain information is collected. These include relevant Education Acts, Public Health and Child Protection laws.
4. Health information about pupils is sensitive information within the terms of the Australian Privacy Principles under the Privacy Act. We ask you to provide medical reports about pupils from time to time.
5. The KCEA and the College from time to time discloses personal and sensitive information to others for administrative and educational purposes including to facilitate the transfer of a student to another school. This includes to other schools, government departments, medical practitioners, and people providing services to the KCEA and the College, including specialist visiting teachers, [sports] coaches and volunteers.

The KCEA and the College also collect personal information as part of this College's ongoing commitment to the National Reporting on Schooling in Australia initiative. As part of that initiative this information will be provided to the Association of Independent Schools of Western Australia (AISWA) for collation. AISWA has advised the College that it does comply with the requirement of the Privacy Act and will be collating the information provided by schools. AISWA will then forward the collated information to the Department of Education Services (DES) for analysis. DES as a government agency is required to comply with the privacy legislation requirements for the public sector.

For further information on the National Reporting on Schooling in Australia initiative, we refer you to the Ministerial Council for Education, Early Childhood Development and Youth Affairs' website [http:// www.mceecdya.edu.au](http://www.mceecdya.edu.au)

6. Personal information collected from pupils is regularly disclosed to their parents or guardians. On occasions information such as academic and sporting achievements, pupil activities and other news is published in KCEA and the College newsletters, magazines and on our website.
7. The College may store personal information in the 'cloud', which may mean that it resides on servers which are situated outside of Australia.
8. Parents may seek access to personal information collected about them and their son/daughter by contacting the Privacy Officer. Pupils may also seek access to personal information about them. However, there will be occasions when access is denied. Such occasions would include where access would have an unreasonable impact on the privacy of others, where access may

result in a breach of the College's duty of care to the pupil, or where pupils have provided information in confidence.

9. A complaint about any breaches of privacy can be lodged in writing to the Principal who shall review the facts and determine if the complaint is valid in relation to the Privacy Amendment (Private Sector) Act 2000, the National Privacy Principles and the Privacy Amendment (Enhancing Privacy Protection) Act (2012) taking into account any future amendments. The Principal shall reply in writing in accordance with the agreed response. If the complaint is unable to be resolved at the College level, the Privacy Commissioner may be asked to investigate the complaint.
10. As you may know the KCEA and the College 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 KCEA and the College'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.
11. If you provide the KCEA and the College 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 KCEA and/or the College and why, that they can access that information if they wish and that the KCEA and/or the College does not usually disclose the information to third parties.
12. All personal information collected by the KCEA and the College, will be handled strictly in accordance with our Privacy Policy. A copy of our Privacy Policy may be obtained from the College office or viewed at www.kingsway.wa.edu.au.

EMPLOYMENT COLLECTION NOTICE

1. In applying for this position you will be providing the Kingsway Christian Education Association Inc. (KCEA) (Association) with personal information. We can be contacted at 157 Kingsway, Darch 6065 Western Australia, or at email address kingsway@kcc.wa.edu.au or at (08) 9302 8777. The Association is the governing body of Kingsway Christian College.
2. If you provide us with personal information, for example your name and address or information contained on your resume, we will collect the information in order to assess your application.
3. You agree that we may store this information for a reasonable period of time even if your application is unsuccessful, in case another suitable position becomes available.
4. The College's Privacy Policy contains details of how you may complain about a breach of the Australian Privacy Principles (APP's) or how you may seek access to personal information collected about you. However, there will be occasions when access is denied. Such occasions would include where access has an unreasonable impact on the privacy of others.
5. We usually disclose the kind of information referred to in Clause 4. above, to the following types of organizations: government agencies, peak bodies, banks, etc.
6. We are required to conduct a criminal record check and/or collect information regarding whether you are or have been the subject of certain criminal offences under child protection laws in place from time to time. We may also collect personal information about you in accordance with these laws.
7. The College may store personal information in the 'cloud', which may mean that it resides on servers which are situated outside of Australia.
8. If you provide us with the personal information of others, we encourage you to inform them that you are disclosing information to the Association and why, that they can access the information if they wish, that the College does not usually disclose the information to third parties, and that we may store their information for a reasonable period of time.

PROCEDURE FOR REQUEST FOR ACCESS OR CORRECTION OF PERSONAL INFORMATION AND HANDLING OF COMPLAINTS

PROCEDURE FOR ACCESS TO OR CORRECTION OF PERSONAL INFORMATION

1. An individual may send a request in writing addressed to the Principal, formally seeking access to, or correction of, specific personal information. The request must indicate when access or correction is sought, and to whom the access is to be provided.
2. The Principal will ascertain whether proof of identity of the person requesting the information or corrections is necessary to establish their right to the information. Consideration will also be given to the reasonableness of the request and the fee to be charged to cover the cost of obtaining and providing the information.
3. Information can be released unless the College believes special circumstances limit the extent of access such as:
 - unreasonable impact on the privacy of other individuals;
 - the request is frivolous or vexatious;
 - the information relates to existing or anticipated legal proceedings;
 - if it would be unlawful to release such information.

Through the Principal access or correction to the information will be made available as soon as is possible.

4. Should access or correction to the information be denied, the Principal will provide in writing the reasons why.
5. Access may be provided by one of the following means: providing the individual with a copy of the information; allowing the individual to make notes of the contents of the record; providing a print out of information if it is in electronic form or giving the individual a summary of the information. Such access is not for the purposes of copying or mislaid documents for which purpose a fee will be charged.

PROCEDURE FOR THE HANDLING OF COMPLAINTS

The Act enables individuals to make a complaint if they feel their personal information has been handled inappropriately by the College.

1. An individual who believes his/her personal information has been handled inappropriately by the College must forward to the Principal in writing the full particulars of the complaint.
2. The Principal shall review the facts and determine if the complaint is valid in relation to the *Privacy Amendment (Private Sector) Act 2000* and the *Australian Privacy Principles* contained therein, taking into account any future amendments.
3. The Principal shall reply in writing in accordance with the agreed response. Every effort will be made by the College to resolve the issue at the College level.
4. If the complaint is unable to be resolved at the College level, the Privacy Commissioner may be asked to investigate the complaint.