St Martins Lutheran College
Grow in Christ I Growing the Future

Policy Statement

PRIVACY POLICY DATE: May 2018

Scope of Policy and Source of Obligation

In the course of St Martins Lutheran College's activities, we manage and protect personal information in accordance with the Privacy Act 1988 (Cth) (Privacy Act) and the 13 Australian Privacy Principles (APPs).

Scope of policy

This policy outlines the circumstances in which we obtain personal information, how we use and disclose that information and how we manage requests to access and/or change that information.

What is personal information and how do we collect it?

Personal information is information or an opinion about an individual from which they can be reasonably identified. Depending on the circumstances, we may collect personal information from the individual in their capacity as a student, contractor, volunteer, stakeholder, job applicant, alumni, visitor or others that come into contact with the school.

In the course of providing services we may collect and hold:

- **Personal Information** including names, addresses and other contact details; dates of birth; next of kin details; photographic images; attendance records and financial information.
- **Sensitive Information** (particularly in relation to student and parent records) including government identifiers (such as TFN), religious beliefs, nationality, country of birth, professional memberships, family court orders and criminal records.
- **Health Information** (particularly in relation to student and parent records) including medical records, disabilities, immunisation details and psychological reports.

As part of our recruitment processes for employees, contractors and volunteers, we may collect and hold:

- **Personal Information** including names, addresses and other contact details, dates of birth, financial information, citizenship, employment references, regulatory accreditation, media, directorships, property ownership and driver's licence information.
- **Sensitive Information** including government identifiers (such as TFN), nationality, country of birth, professional memberships, family court orders and criminal records.
- **Health Information** (particularly in relation to prospective staff and student records) including medical records, disabilities, immunisation details and psychological reports.

Generally, we will seek consent from the individual in writing before we collect their sensitive information (including health information).

It is noted that employee records are not covered by the APPs where they relate to current or former employment relations between the school and the employee.

Collection of personal information

The collection of personal information depends on the circumstances in which St Martins Lutheran College is collecting it. If it is reasonable and practical to do so, we collect personal information directly from the individual.

Solicited Information

St Martins Lutheran College has, where possible, attempted to standardise the collection of personal information by using specifically designed forms (e.g. an Enrolment Form or Family/Student Information Update and Consent Form). However, given the nature of our operations we also receive personal information by email, letters, notes, via our website, over the telephone, in face-to-face meetings, through financial transactions and through surveillance activities such as the use of CCTV security cameras or email monitoring.

We may also collect personal information from other people (e.g. a third-party administrator, referees for prospective employees) or independent sources. However, we will only do so where it is not reasonable and practical to collect the personal information from the individual directly.

Unsolicited information

St Martins Lutheran College may be provided with personal information without having sought it through our normal means of collection. This is known as "unsolicited information" and is often collected by:

- Misdirected postal mail – letters, notes, documents
- Misdirected electronic mail – emails, electronic messages
- Employment applications sent to us that are not in response to an advertised vacancy
- Additional information provided to us which was not requested.

Unsolicited information obtained by St Martins Lutheran College will only be held, used and or disclosed if it is considered as personal information that could have been collected by normal means. If that unsolicited information could not have been collected by normal means then we will destroy, permanently delete or de-identify the personal information as appropriate.

Collection and use of sensitive information

We only collect sensitive information if it is:

- reasonably necessary for one or more of these functions or activities, and we have the individual's consent
- necessary to lessen or prevent a serious threat to life, health or safety
- another permitted general situation
- another permitted health situation.

We may share sensitive information to other entities in our organisation structure, but only if necessary for us to provide our products or services.

How do we use personal information?

St Martins Lutheran College only uses personal information that is reasonably necessary for one or more of our functions or activities (the primary purpose) or for a related secondary purpose that would be reasonably expected by you, or for an activity or purpose to which you have consented.

Our primary uses of personal information include, but are not limited to:

- providing education, pastoral care, extra-curricular and health services
- satisfying our legal obligations including our duty of care and child protection obligations
- keeping parents informed as to school community matters through correspondence, newsletters and magazines
- supporting community based causes and activities, charities and other causes in connection with the School's functions or activities
- helping us to improve our day-to-day operations including training our staff
- systems development; developing new programs and services; undertaking planning, research and statistical analysis
- school administration including for insurance purposes
- the employment of staff

- the engagement of volunteers.

We will only use or disclose sensitive or health information for a secondary purpose if you would reasonably expect us to use or disclose the information and the secondary purpose is directly related to the primary purpose.

We may share personal information to related bodies corporate, but only if necessary for us to provide our services.

The school/college may disclose information about an individual to overseas recipients only when it is necessary, for example to facilitate a student exchange program. The school/college will not however send information about an individual outside of Australia without their consent.

Storage and Security of Personal Information

St Martins Lutheran College stores Personal Information in a variety of formats including, but not limited to:

- databases
- hard copy files
- personal devices, including laptop computers
- third party storage providers such as cloud storage facilities
- paper based files.

St Martins Lutheran College takes all reasonable steps to protect the personal information we hold from misuse, loss, unauthorised access, modification or disclosure.

These steps include, but are not limited to:

- Restricting access and user privilege of information by staff depending on their role and responsibilities.
- Ensuring staff do not share personal passwords.
- Ensuring hard copy files are stored in lockable filing cabinets in lockable rooms. Staff access is subject to user privilege.
- Ensuring access to St Martins Lutheran College's premises are secured at all times.
- Implementing physical security measures around the school buildings and grounds to prevent break-ins.
- Ensuring our IT and cyber security systems, policies and procedures are implemented and up to date.
- Ensuring staff comply with internal policies and procedures when handling the information.
- Undertaking due diligence with respect to third party service providers who may have access to personal information, including customer identification providers and cloud service providers, to ensure as far as practicable that they are compliant with the APPs or a similar privacy regime.
- The destruction, deletion or de-identification of personal information we hold that is no longer needed, or required to be retained by any other laws.

Our public website may contain links to other third-party websites outside of St Martins Lutheran College. St Martins Lutheran College is not responsible for the information stored, accessed, used or disclosed on such websites and we cannot comment on their privacy policies.

Responding to data breaches

St Martins Lutheran College will take appropriate, prompt action if we have reasonable grounds to believe that a data breach may have, or is suspected to have occurred. Depending on the type of data breach, this may include a review of our internal security procedures, taking remedial internal action, notifying affected individuals and the Office of the Australian Information Commissioner (OAIC).

If we are unable to notify individuals, we will publish a statement on our website and take reasonable steps to publicise the contents of this statement.

Disclosure of personal information

Personal information is used for the purposes for which it was given to St Martins Lutheran College, or for purposes which are directly related to one or more of our functions or activities.

Personal information may be disclosed to government agencies, other parents, other schools, recipients of school publications, visiting teachers, counsellors and coaches, our services providers, agents, contractors, business partners, related entities and other recipients from time to time, if the individual:

- Has given consent; or
- Would reasonably expect the personal information to be disclosed in that manner.

St Martins Lutheran College may disclose personal information without consent or in a manner which an individual would reasonably expect if:

- We are required to do so by law.
- The disclosure will lessen or prevent a serious threat to the life, health or safety of an individual or to public safety.
- Another permitted general situation applies.
- Disclosure is reasonably necessary for a law enforcement related activity.
- Another permitted health situation exists.

Disclosure of your personal information to overseas recipients

Personal information about an individual may be disclosed to an overseas organisation in the course of providing our services, for example when storing information with a "cloud service provider" which stores data outside of Australia.

We will however take all reasonable steps not to disclose an individual's personal information to overseas recipients unless:

- we have the individual's consent (which may be implied);
- we have satisfied ourselves that the overseas recipient is compliant with the APPs, or a similar privacy regime;
- we form the opinion that the disclosure will lessen or prevent a serious threat to the life, health or safety of an individual or to public safety; or
- we are taking appropriate action in relation to suspected unlawful activity or serious misconduct.

Personal information of students

The Privacy Act does not differentiate between adults and children and does not specify an age after which individuals can make their own decisions with respect to their personal information.

At St Martins Lutheran College we take a common sense approach to dealing with a student's personal information and generally will refer any requests for personal information to a student's parents/carers. We will treat notices provided to parents/carers as notices provided to students and we will treat consents provided by parents/carers as consents provided by a student.

We are however cognisant of the fact that children do have rights under the Privacy Act, and that in certain circumstances (especially when dealing with older students and especially when dealing with sensitive information), it will be appropriate to seek and obtain consents directly from students. We also acknowledge that there may be occasions where a student may give or withhold consent with respect to the use of their personal information independently from their parents/carers.

There may also be occasions where parents/carers are denied access to information with respect to their children, because to provide such information would have an unreasonable impact on the privacy of others, or result in a breach of the school's duty of care to the student.

The quality of personal information

We take all reasonable steps to ensure the personal information we hold, use and disclose is accurate, complete and up-to-date, including at the time of using or disclosing the information.

If St Martins becomes aware that the Personal Information is incorrect or out of date, we will take reasonable steps to rectify the incorrect or out of date information.

Access and correction of personal information

You may submit a request to us to access the personal information we hold, or request that we change the personal information. Upon receiving such a request, we will take steps to verify your identity before granting access or correcting the information.

If we reject the request, you will be notified accordingly. Where appropriate, we will provide the reason/s for our decision. If the rejection relates to a request to change personal information, an individual may make a statement about the requested change and we will attach this to their record.

Complaints

You can make a complaint about how St Martins Lutheran College manages personal information, including a breach of the APPs, by notifying us in writing as soon as possible. We will respond to the complaint within a reasonable time (usually no longer than 30 days) and we may seek further information in order to provide a full and complete response.

St Martins Lutheran College does not charge a fee for the handling of complaints.

If you are not satisfied with our response, you may refer the complaint to the OAIC. A complaint can be made using the OAIC online Privacy Complaint form or by mail, fax or email.

A referral to OAIC should be a last resort once all other avenues of resolution have been exhausted.

How to contact us

St Martins Lutheran College can be contacted about this Privacy Policy or about personal information generally, by:

- Emailing office@stmartins.sa.edu.au
- Calling 08 8725 1430
- Writing to our Privacy Officer at 3 St Martins Drive, Mount Gambier SA 5290 or by facsimile at 08 8723 2550.

If practical, you can contact us anonymously (i.e. without identifying yourself) or by using a pseudonym. However, if you choose not to identify yourself, we may not be able to give you the information or provide the assistance you might otherwise receive if it is not practical to do so.

Changes to our privacy and information handling practices

This Privacy Policy is subject to change at any time. Please check our Privacy Policy on our website www.stmartins.sa.edu.au regularly for any changes.