# PRIVACY POLICY

## Policy

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<tr>
<th>Relevant to</th>
<th>Students, Parents, Staff</th>
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<tr>
<td>Responsible Officer</td>
<td>Privacy Officer</td>
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<td>Contact Officer</td>
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<td>Date Introduced</td>
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<td>Effective Date of Latest Version</td>
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<td>12/03/2017</td>
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<tr>
<td>Relevant Legislation or Source</td>
<td>Privacy Act 1988, Privacy Amendment (Enhancing Privacy Protection) Act 2012, effective 12/03/14, Australia Privacy Principles, Commonwealth Privacy Amendment (Private Sector) Act 2000, Child Protection Act</td>
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<tr>
<td>Linked Faith LC Policy</td>
<td>Records Management Policy (draft)</td>
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<tr>
<td>Linked Faith LC Procedure</td>
<td>Privacy Procedures</td>
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<tr>
<td>Key Words</td>
<td>privacy, confidentiality, disclosure, information, records, photo, video, student, authorised, image, publication, magazine, website, newsletter, personal information, sensitive information</td>
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<tr>
<td>Destination</td>
<td>Policies Manual, Policy Folder on U:/ drive, College Website / App</td>
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## Revision / Modification History

<table>
<thead>
<tr>
<th>Date</th>
<th>Version</th>
<th>Summary</th>
<th>Policy/Procedure</th>
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<tr>
<td>Unknown</td>
<td>1</td>
<td>New Document</td>
<td>Private Information Policy</td>
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<tr>
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<td>Private Information Policy</td>
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Purpose
Faith Lutheran College seeks to comply with its obligations under Privacy Act 1988 and the Australian Privacy Principles. This statement outlines the privacy policy of the College and describes how the College uses and manages personal information provided to or collected by it. This includes satisfying both the needs of parents and/or caregivers (parents) and the needs of the student throughout the period the student is enrolled in the College.

It also outlines the considerations involved in publishing photos and work samples.

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

Exclusion
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 College’s treatment of an employee record, where the treatment is directly related to a current or former employment relationship between College and employee.

Implementation

- Review
  The Privacy Officer (Deputy Principal) is responsible for review of this policy.

- Advice and Support
  The Deputy Principal, Principal, Marketing Manager, Principal’s PA or IT Department can give advice on this policy.

- Communication of Policy Strategy
  Parents
  The College’s Privacy Policy will be sent to parents/caregivers with the Enrolment Application and the Enrolment Contract. It will also be available on the College’s website.

  Students
  The College’s Privacy Policy will be available on the College student’s intranet (FaithNET).

  Staff
  The College’s Privacy Policy will be available on the Staff Drive and Staff Applications (through all Staff desktop computers).

  General
  The College’s Privacy Policy is available on the College website. A written copy of the Privacy Policy may be requested at any time.

Authorisation of Policy

Responsible Officer: Privacy Officer

Authorised: Principal

11/03/2014

Privacy Policy
Printed Copies are not controlled.
DEFINITIONS

Parent
Parent, step-parent or caregiver who has signed the enrolment contract or the individual who has been nominated by the parent, step parent or caregiver to be responsible for the student, unless legal restrictions are in force.

APPs
Is the Australian Privacy Principles which there are thirteen in total.

Commonwealth Privacy Act
Is an Australian law which regulates the handling of personal information about individuals. This includes the collection, use, storage and disclosure of personal information.

Personal Information
Defined under the Privacy Act 1988 as: “information or an opinion about an identified individual, or an individual who is reasonably identifiable:

(a) whether the information or opinion is true or not; and

(b) whether the information or opinion is recorded in a material form or not.”

Personal information can be recorded in any format – for example, in writing, online, digitally or by electronic means. Personal information may also be verbally conveyed and recalled.

Examples of personal information collected by the College include individual’s names, address, telephone numbers, billing details, employment history, complaint details etc.

Primary Purpose
Use of information according to the original intended purpose for collection, the purpose stated or reasonably expected by the person/entity about which the information was collected.

Privacy Officer
The position within Faith Lutheran College nominated to be the first point of contact for privacy issues.

Secondary Purpose
A purpose other than the primary purpose (must be "related" to this primary purpose).

Sensitive Information
Defined under the Privacy Act 1988 as:

a) information or an opinion about an individual’s:
   (i) racial or ethnic origin; or
   (ii) political opinions; or
   (iii) membership of a political association; or
   (iv) religious beliefs or affiliations; or
   (v) philosophical beliefs; or
   (vi) membership of a professional or trade association; or
   (vii) membership of a trade union; or
   (viii) sexual orientation or practices; or
   (ix) criminal record;
       that is also personal information; or
   b) health information about an individual; or
   c) genetic information about an individual that is not otherwise health information; or
   d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
   e) biometric templates.

Examples of sensitive information held by the College may include racial/ethnic origin, religious affiliations, criminal record, tax file numbers etc.
POLICY STATEMENT

RATIONALE

Faith Lutheran College seeks to comply with its obligations under Privacy Act 1988 and the Australian Privacy Principles. The College manages a large volume of personal information, mostly about its students, parents/caregivers and staff.

Some of this information is provided to the College by the individual (for example, information in an application for enrolment or employment), some is collected by the College (for example, student assessment records and staff performance appraisals) and some is provided by an outside individual or organisation (for example, staff references and student placement appraisals and student assessments completed by external professionals).

The College has this policy outlining how personal information is collected, used, stored, disclosed and accessed. The College may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to the College’s operations and practices and to make sure it remains appropriate to the changing College environment.

GUIDING PRINCIPLES

1. Privacy Principles

In accordance with the legislated principles of privacy, the College will:

- only collect personal information that is necessary for its functions or activities;
- only collect sensitive information about an individual if the individual has consented or the collection is required under law or otherwise permitted under the National Privacy Principles (e.g. collection of statistics for a government agency);
- take reasonable steps to ensure that the individual is made aware that information is being collected before such collection or as soon after as practical;
- use fair and lawful ways to collect information;
- inform those persons whom information is collected about, of the intended use for the information;
- wherever practicable, collect personal information directly from the individual/company and inform persons/entities of instances where information has been collected about them, from an indirect source;
- take steps to ensure that information is used and disclosed in a manner consistent with the Australian Privacy Principles;
- take reasonable steps to ensure the personal information the College collects, uses or discloses is accurate, complete and up-to-date;
- give people the option of interacting anonymously or under a pseudonym with the College (unless we consider it unlawful and impracticable to deal with a person anonymously or under a pseudonym);
- take reasonable steps to protect the personal information held from misuse and loss and from unauthorised access, modification or disclosure;
- take reasonable steps to destroy or permanently de-identify personal information when no longer needed;
- give access (when requested by the individual concerned) to the personal information held, unless there is an emergency situation, specified business imperatives and law enforcement or other public interests which would preclude this; and
- allow staff to divulge personal and confidential information of students to other staff or health professionals when it is deemed by the College to be in the best interests and safety of the student, or where the disclosure is otherwise permitted by the Australian Privacy Principles.

Generally, where consent of an individual under 18 years of age is required, the College will seek the consent of the Parent or legal caregiver of the individual. However, the College recognises that depending on the maturity of the student and/or the student’s personal circumstances, the consent of the student may be appropriate. A decision regarding this will be made by the College’s Principal (or their delegate) taking all relevant considerations into account.

2. Collection of Information

The College collects / holds information including personal information and sensitive information, concerning:

- students, parents and/or caregivers before, during and after the course of a student’s enrolment at the College;
- job applicants, staff members, volunteers and contractors; and
- other people who come into contact with the College.

Parents may wish for personal information and sensitive information to be kept anonymously or under a pseudonym. Where it is practicable or lawful for us to, we will do so. If parents would like to discuss information being made anonymous or under a pseudonym, they are required to contact the College’s Privacy Officer.
2.1 Personal Information Directly Provided
The College will generally collect personal information held about an individual by way of forms filled out by parents/caregivers or students, face-to-face meetings and interviews, emails and telephone calls. On occasions people other than parents/caregivers and students provide personal information.

2.2 Personal Information Provided By Other People
In some circumstances the College may be provided with personal information about an individual from a third party that it did not solicit and the collection of which did not comply with the Australian Privacy Principles. For example, where the College was informed by a parent about a social indiscretion by another parent not involving the College. This information should not be noted by the College. If the information is in paper form, this information should be destroyed or de-identified where lawful and reasonable to do so.

2.3 Personal Information Collected By Electronic Surveillance
Personal information may be collected by electronic surveillance (e.g. security cameras) for reasons of security, and will be destroyed after one month.

3. Use of Information Collected
3.1 Students and Parents
In relation to personal information about students and parents, the College’s primary purpose of collection is to enable the College to provide schooling for the student. This includes satisfying both the needs of parents and the needs of the student throughout the whole period the student is enrolled in the College.

The purposes for which the College uses personal information of students and parents include:
- to keep parents informed about matters related to their child’s schooling, through correspondence, newsletters, magazines, websites, intranet sites and College social networking sites;
- day-to-day administration;
- looking after student’s educational, social, spiritual and medical wellbeing;
- seeking donations and marketing for the College; and
- to satisfy the College’s legal obligations and allow the College to discharge its duty of care.

In some cases, where the personal information about a student or parent requested by the College, is not obtained, the College may not be able to enrol or continue the enrolment of the student.

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

The purposes for which the College uses the personal information of job applicants, staff members and contractors include:
- administering the individual’s employment or contract, as the case may be;
- insurance purposes;
- seeking funds and marketing for the College;
- satisfying the College’s legal obligations, for example, in relation to child protection legislation.

Director of Staff will ensure all new staff read and sign the Privacy Information for Staff form.

3.3 Volunteers
The College also obtains personal information about volunteers who assist the College in its functions or conduct associated activities to enable the College and the volunteers to work together.

3.4 Marketing and Fundraising
The College treats marketing and seeking donations for the future growth and development of the College as an important part of ensuring that the College continues to provide a high quality educational environment in which both students and staff thrive.
Parents, staff, contractors and other members of the wider College community may, from time to time, receive fundraising information. College publications, like newsletters, web pages, College App and magazines, that include personal information, may be used for marketing purposes.

4. Disclosure of Information

The College may disclose personal information, including sensitive information, held about an individual;
- Between departments within the College;
- And to:
  - another school;
  - government departments;
  - medical practitioners;
  - people providing services to the College, including specialist visiting teachers and sports coaches;
  - recipients of College publications, like newsletters, magazines, web sites and intranet sites;
  - the Faith Old Scholars Association;
  - parents; and
  - anyone you authorise the College to disclose information to.

4.1 Sending Information Overseas

Information may be disclosed to a reputable overseas entity such as a cloud-hosting service provider for the purposes of delivering educational and support services across the College.

The College 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.

5. Sensitive Information

In referring to ‘sensitive information’, please refer to the definition at the start of this document.

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 where the use or disclosure of the sensitive information is allowed by law.

6. Management and Security of Personal Information

The College’s staff are required to respect the confidentiality of pupils’ and Parents’ personal information and the privacy of individuals.

The College has in place steps to protect the personal information the College 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.

7. Currency of Personal Information

The College 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 College by contacting Enrolments at any time.

Enrolments
Faith Lutheran College
PO Box 298
Tanunda SA 5355
Phone: (08) 8561 4201
Email: enrolments@faith.sa.edu.au

8. Access to Information held by the College

To make a request to access any information the College holds about a person, that individual should contact the Privacy Officer in writing.

The Australian Privacy Principles require the College not to store personal information longer than necessary.
Under the Commonwealth Privacy Act, an individual has the right to obtain access to any personal information which the College holds about them and to advise the College 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.

The College will need to verify the identity and specify what information is required. The College may charge a fee to cover the cost of verifying the application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the College will advise of the likely cost in advance.

9. Consent and Rights of access to the Personal Information of Students

The College respects every parent’s right to make decisions concerning their child’s education.

Generally, the College will refer any requests for consent and notices in relation to the personal information of a student to parents. The College 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.

Parents may seek access to personal information held by the College about themselves or their child/children by contacting the Privacy Officer of the College.

There will be occasions when access is denied. Such occasions would include where the release of the information is deemed likely to have an unreasonable impact on the privacy of others, or where the release may result in a breach of the College’s duty of care to the student e.g. where the student is no longer attending the College and has reached 18 years of age.

The College may, at its discretion, on the request of a student, grant that student access to information held by the College 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. These applications will be assessed on a case by case basis.

10. Use of Student Images and Work Samples

10.1 General

The College publishes photographs and work samples of students in the course of their schooling at Faith Lutheran College primarily to acknowledge certain school events, display student work and celebrate personal achievements.

Whilst these are of great interest to the community and add significantly to the appeal of both our College magazines and websites, the safety of students is paramount in all we do.

Images of individuals in photographs or film are treated as personal information under the Privacy Act where the person’s identity is clear or can reasonably be worked out from that image.

Photos, video footage and work samples of students are used regularly by schools for a number of purposes and under current legislation this practice can continue.

These situations are generally for the purpose of acknowledging the efforts of the student or the College, or for promotion of the College. They are reasonably expected use of students’ images when enrolling at a school.

10.1.1 University students

University students completing pre-service placements at the College will be advised that photographs taken of students during the course of their placement may only be used for study or assignment purposes, and may not be published or distributed for any other purpose.

10.1.2 Families, Friends and Community Members

Any photos or video of students taken by families, friends and/or community members at College activities must be for personal use only and not used in any public places outside the College including social networking websites.

10.2 Responsibilities

10.2.1 Parent/Caregivers Responsibilities

Parents and/or caregivers should notify the Principal’s PA immediately if any circumstance arises that would prevent the College from using their child’s photo, video images or work samples.
10.2.2 College Responsibilities

- **Enrolments staff**
  Enrolments staff will note on the College database any instance where parents have advised that consent has not been given.

- **Staff involved in publication of student photographs**
  College staff involved in any publication of student photographs or work samples should:
  - endeavour to be aware of any instance where consent to publish has not been given;
  - consider the likely audience, the nature and detail of information and risks, even where consent has been given, e.g.
    - reasons for the publication e.g. outstanding achievements;
    - student situation e.g. age;
    - identification of the students e.g. publishing first names only and/or publishing group rather than individual photographs;
    - ability of others to digitally enhance published medium; and
  - if it can be considered "reasonably in the best interests" of the subject of the photograph for that photograph to be published.

If in doubt, contact should be made with the subject's parents or legal caregiver prior to use.

10.3 **Situations where Photography is not permitted**

Any equipment capable of taking a still or moving picture (including but not limited to cameras, video recorders and mobile phones) are prohibited from use in changing rooms, warm up areas and toilets. The only exception to this is a mobile phone which is used as a phone only.

Pre-performance/competition team or individual photos must be conducted away from the warm up area, changing rooms and/or toilets.

Where an external venue prohibits photography, this restriction should be noted by all Faith community members.

10.4 **Storing Forms and Photographs**

Photographs are Faith Lutheran College records. Thus management and disposal of records must comply with the Records Management Policy (draft).

10.5 **Legislative Context — who owns the photo**

The general rule is that the person who takes the photograph is the owner of the photograph and can use that photograph in any way they please, which may include publishing it in an advertisement for the College.

However, if an employee takes a photograph as part of his or her job, the first owner of copyright will be the employer, unless they have made an agreement to the contrary.

Therefore, if a staff member takes a photo of the children involved in a College activity the photograph belongs to the College.

The exception to this is under the Copyright Act, when a person arranges and pays for a photographer to take a photo of:

1. Their family (e.g. a portrait);
2. Their wedding party; and/or
3. Children (either their own children, or any children)

In circumstances 1 and 2 above, the person who arranged for the photos to be taken owns the photos and not the person who took the photos.

In circumstance number 3, the photographer will be the first owner of copyright for any photograph taken on or after 30 July 1996, unless the photographer and client agree otherwise. For photographs taken before this date the first owner of copyright in a commissioned photograph is the commissioning client, unless the photographer and client agreed otherwise.

The College requires commissioned photographers to assign their copyright and moral rights for photography and/or video images to the College.

All photographs will be stored without identifying individuals (no names).
11. Communication of Policy

Parents  The College’s Privacy Policy will be sent to parents with the Enrolment Application and the Enrolment Contract. It will also be available on the College’s website.

Students The College’s Privacy Policy will be available on the College student’s intranet (FaithNET).

Staff  The College’s Privacy Policy will be available on the Staff Drive and Staff Applications (through all Staff desktop computers).

General  The College’s Privacy Policy is available on the College website. A written copy of the Privacy Policy may be requested at any time.

12. Requests for Information

All requests for information held by the College and affected by privacy legislation should be in writing and directed to:

Privacy Officer
Faith Lutheran College
PO Box 296
Tanunda SA  5355
Email: privacy@faith.se.edu.au

The College may charge a fee to cover the cost of responding to an individual’s request for their personal information, and may require payment of this fee in advance of the personal information being provided (but will not charge a fee for the making of the request).

The College will investigate any complaint and will notify you of the making of a decision in relation to your complaint as soon as is practicable after it has been made.

13. Complaints

An individual whose personal information is/has been held by the College, may lodge a complaint in writing to the College Privacy Officer about an act or practice of Faith Lutheran College which the individual believes to be inappropriate or unlawful.

Privacy Officer
Faith Lutheran College
PO Box 296
Tanunda SA  5355
Email: privacy@faith.se.edu.au

The Privacy Officer will investigate the complaint and report to the College’s Principal. A decision will be made concerning the complaint and the complainant will be advised in writing of the result of the investigation within 30 days of the complaint.

Should the complainant be dissatisfied with the College’s response, or not receive a response by the end of the 30 day period, the complainant may make a complaint to the Office of the Australian Information Commissioner. Information collected by the College with regard to a person’s employment is exempt.