



Privacy Policy

Aims

- A. To guide processes to ensure the protection of privacy of all members of the school community.
- B. To comply with the requirements of the *Privacy Act 1988*.

Scope and Application

This policy is available on the school website and applies to:

- A. Employees
- B. Volunteers
- C. Parents
- D. Students
- E. Community members
- F. Visitors to the school

The *KSCS Privacy Policy* will be supplied with the staff induction package at commencement of staff employment.

Definitions

- A. **Australian Privacy Principles (APPs)** - A key component of the Privacy Act 1988. The APPs set minimum standards which relate to the collection, security, storage, use, correction and disclosure of personal information and access to that information.
- B. **Personal Information** - information or an opinion about an identified individual or an individual who is reasonably identifiable whether the information is true or not, and whether the information is recorded in any material form or not. In other words, if the information or opinion identifies an individual or allows an individual to be identified it will be 'personal information' within the meaning of the Privacy Act.
- C. **Sensitive Information** - is a subset of personal information, and includes information or an opinion about an individual's:
 - 1. Racial or ethnic group.
 - 2. Political origins.
 - 3. Membership of a political association.
 - 4. Religious beliefs or affiliations.

5. Philosophical beliefs.
 6. Membership of a professional or trade association or trade union.
 7. Sexual preferences or practices.
 8. Criminal record.
- D. Health Information** – is a subset of sensitive information including:
1. information or an opinion about:
 - i. the health, including an illness, disability, or injury, (at any time) of an individual;
 - ii. an individual's expressed wishes about the future provision of health services to the individual; or
 - iii. a health service provided, or to be provided, to an individual; that is also personal information;
 2. other personal information collected to provide, or in providing, a health service to an individual;
 3. other personal information collected in connection with the donation, or intended donation, by an individual of his or her body parts, organs, or body substances;
 4. genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.
- E. De-identified personal information** – information that has been de-identified so that the individual is no longer identifiable either from the information or from the information when combined with other information reasonably available.
- F. Record** - includes a document or an electronic or other device. A document is defined to include anything on which there is writing, anything from which sounds, images or writings can be reproduced, drawings or photographs. There are some items which are excluded from the definition of 'record'. The exclusions relevant to a school are:
1. a generally available publication (e.g., a telephone directory); and
 2. anything kept in a library, art gallery or museum for the purposes of reference, study, or exhibition.
- G. Employee Record** - a record of personal information relating to the employment of an employee. Examples of this type of information include the terms and conditions of employment, personal contact details, performance and conduct, disciplining, salary, termination, and trade union membership.
- H. Data Breach** - the actual unauthorised access or disclosure of personal information, or the loss of personal information where the loss is likely to result in unauthorised access or disclosure.

Principles

- A. Kerry Street Community School (KSCS) is bound by the Australian Privacy Principles (APPs) contained in the Commonwealth *Privacy Act 1988*.
- B. The school will take such steps as are reasonable in the circumstances to implement practices, procedures and systems relating to the school's functions or activities that:
 1. will ensure compliance with the APPs; and

2. will enable the school to deal with inquiries or complaints about compliance with the APPs.
- C. Personal information will not be collected unless the information is reasonably necessary for, or directly related to, one or more of KSCS functions or activities, or is required by law.
- D. Personal information will be collected only by lawful and fair means, managed in an open and transparent way and stored securely.
- E. Certain acts or practices directly relating to employee records are exempt from the scope of the Privacy Act if it is directly related to:
1. a current or former employment relationship between the employer and the individual; and
 2. an employee record held by the organisation relating to the individual.

Responsibilities

A. Board

1. Writing and updating this policy in consultation with relevant parties.

B. Principal

1. Oversee the School's compliance with the *Privacy Act 1988*.
2. Inform staff of their responsibilities and obligations under the *Privacy Act 1988*.
3. Oversee the privacy audit and planning.
4. Ensure the secure storage, use, and destruction of personal and sensitive information.
5. Securely store and maintain a register of complaints and concerns that are kept confidential and only shared with relevant parties.
6. Approval and management of requests for information in line with *Privacy Act 1988* and this policy.
7. Decide whether student consent is desired on a case-by-case basis.
8. Oversee and coordinate the response to all data breaches.
9. Notify stakeholders in response to a data breach.

C. Administration Staff

1. Conduct the privacy review and participate in planning.
2. Ensure appropriate Collection Notices are sent and consents are obtained when dealing with personal information.
3. Develop and maintain systems for the secure collection, storage, use and destruction of personal information.
4. Maintain the accuracy and completeness of all personal information held by the school.
5. Coordinate requests for information in line with *Privacy Act 1988* and this policy.

D. All Staff

1. Ensure they are aware of their obligations under the *Privacy Act 1988* and this policy.
2. Store students' sensitive information securely.
3. Inform the Principal if they have any information that they wish to keep confidential.
4. Obtain consent from students when appropriate.
5. Participate in responding to data breaches.

E. Parents and Community Members

1. Comply with the requirements of this policy.
2. Complete and return consent forms as required.
3. Inform the school if any personal information held needs updating or correcting.
4. Inform the school if personal information is to be withheld or made public within the school community if their wishes are different to usual school procedure.

F. Students

1. Complete and return consent forms as required.

G. Visitors to the School

1. Comply with the requirements of this policy.

Related Legislation

- A.** Privacy Act 1988
- B.** Privacy Amendment (Enhancing Privacy Protection) Act 2012
- C.** Associations Incorporation Act 2015 (WA)
- D.** School Education Act 1999 (WA)

Related Kerry Street Documentation

A. Procedures and Forms including:

1. Summary of the School's Obligations Imposed by the Australian Privacy Principles
2. How to Comply with the Privacy Act
3. Privacy Policy Statement
4. KSCS Privacy and Data Collection Notice
5. KSCS Employment Application Collection Notice
6. KSCS Contractor/Volunteer Collection Notice
7. KSCS Counselling Notice

B. KSCS Policies including:

1. Communication Policy
2. Concerns and Complaints Policy
3. Enrolment Policy

4. Human Resource Management Policy
 5. Records Management Policy
 6. Staff Conduct and Discipline Policy
 7. Staff Social Media Policy
- C. Student files
 - D. Staff files
 - E. Incident file
 - F. Concerns and Complaints file

References and Resources

- A. [Australian Privacy Principles](#) - Office of the Australian Information Commissioner
- B. [Data Breach Preparation and Response: A guide to managing data breaches in accordance with the Privacy Act 1988 \(Cth\)](#) - Office of the Australian Information Commissioner
- C. [Guide to Securing Personal Information](#) - Office of the Australian Information Commissioner
- D. [National Catholic Education Commission and Independent Schools Council of Australia: Privacy Compliance Manual - November 2019](#) - AISWA

Contact Person

Enquiries relating to this policy should be directed to the School Principal or Board Chair.

Breaches of this Policy

Any breach of this policy may result in disciplinary action up to and including termination.

Review and Authorisation

- A. This policy was authorised by the Kerry Street Council on 14/3/05
- B. Reviewed on 13/1/06 by meeting of staff and council
- C. This policy was reviewed September 2012
- D. This policy was reviewed and accepted July 2016
- E. Policy reviewed and accepted June 2017
- F. To be reviewed February 2021
- G. Reviewed June 2021
- H. To be reviewed S1 2024

Revision History

Date	Revision	Detail
28/06/2017	V.1.1	Additions of missing text, formatting, branding and revision history. Procedures to be removed as an attachment and created as a standalone document.
June 2021	V.2	Policy reviewed and updated to include changes to legislation. Procedures and forms developed.