



NEWCASTLE
GRAMMAR
SCHOOL

Privacy Policy

Policy Number (PN): 3.6.2

Last Revised: November 2021

Reason:

Newcastle Grammar School has a privacy aware culture. This Policy is to ensure that the School uses and manages all personal information according to the Privacy Act 1988 (Cth), the 13 Australian Privacy Principles (**APPs**), in accordance with the Mandatory Notification of Data Breaches (NDB) Scheme (22nd February 2018) and in accordance with the General Data Protection Regulation (GDPR-EU) (25th May 2018).

Policy:

This Privacy Policy sets out how Newcastle Grammar School manages personal information provided to or collected by it. The School is bound by the Australian Privacy Principles contained in the *Privacy Act 1988 (Cth)*; the Privacy Amendment (Enhancing Privacy Protection) Act 2012; the 13 Australian Privacy Principles (**APPs**) (2014), the Mandatory Notification of Data Breaches (2018) and the General Data Protection Regulation (GDPR-EU) (2018). In relation to health records, the School is also bound by the New South Wales Health Privacy Principles which are contained in the *Health Records and Information Privacy Act 2002 (Health Records Act)*.

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

What personal information does Newcastle Grammar School collect and how does Newcastle Grammar School collect it?

Newcastle Grammar School collects and holds information about:

- Parents and/or Guardians and students before, during and after the course of a student's enrolment at Newcastle Grammar School;
- job applicants, staff members, volunteers and contractors;
- other people who come into contact with the School; and
- monitors people interacting with the School using the School's surveillance systems, including security cameras, CCTV, and monitors the computer systems, networks, telephones and facilities.

Personal information you provide

Newcastle Grammar School will generally collect personal information held about an individual by way of forms filled out by Parents and/or Guardians or students, face-to-face meetings and interviews, emails and telephone calls. On occasions people other than parents and/or guardians and students provide personal information.

Personal information provided by other people

In some circumstances Newcastle Grammar 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.

Exception in relation to employee records

The Australian Privacy Principles and Health Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to Newcastle Grammar 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.

How will Newcastle Grammar School use the personal information you provide?

Newcastle Grammar School will use personal information it collects from you for the primary purpose of collection, and for secondary purposes that are related to the primary purpose of collection and reasonably expected by you, or to which you have consented.

Students and Parents and/or Guardians

In relation to personal information of students and Parents/Guardians, Newcastle Grammar School's primary purpose of collection is to enable the School to provide schooling to students enrolled at the School, exercise its duty of care, and perform necessary associated administrative activities, which will enable students to take part in all the activities of the School. This includes satisfying the needs of Parents and/or Guardians, the needs of the student and the needs of the School throughout the whole period the student is enrolled at the School.

The purposes for which Newcastle Grammar School uses personal information of students and Parents and/or Guardians include (but are not limited to):

- to keep Parents and/or Guardians 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 wellbeing;
- 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.

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 take part in a particular activity.

Job applicants, staff members and contractors

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

The purposes for which the School uses personal information of job applicants, staff members and contractors include (but are not limited to):

- administering the individual's employment or contract, as the case may be;
- for insurance purposes;
- seeking donations and marketing for the School; and
- satisfying the School's legal obligations, for example, in relation to child protection legislation.

Volunteers

Newcastle Grammar School collects and holds personal information about volunteers who assist the School in its functions or conduct associated activities, to enable the School and the volunteers to work together.

Marketing and fundraising

Newcastle Grammar 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 provide a quality learning environment in which both students and staff thrive. Personal

information held by the School may be disclosed to organisations that assist the School's fundraising.

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

Who might Newcastle Grammar School disclose or store your information with?

Newcastle Grammar School may disclose personal information, including sensitive information, held about an individual for educational, administrative and support services. This may include to:

- other schools and teachers at those schools;
- government departments (including for policy and funding purposes);
- medical practitioners;
- people providing educational, support and health services to the School, including specialist visiting teachers, [sports] coaches, volunteers, and counsellors;
- providers of specialist advisory services and assistance to the School, including in the area of Human Resources, child protection and students with additional needs;
- providers of learning and assessment tools;
- assessment and educational authorities, including the Australian Curriculum, Assessment and Reporting Authority (ACARA) and NAPLAN Test Administration Authorities (who will disclose it to the entity that manages the online platform for NAPLAN);
- agencies and organisations to whom we are required to disclose personal information for education, funding and research purposes;
- people providing administrative and financial services to the School;
- recipients of School publications, such as newsletters and magazines;
- students' parents or guardians;
- anyone you authorise the School to disclose information to; and
- anyone to whom we are required or authorised to disclose the information to by law, including child protection laws.

The School may use online or 'cloud' service providers to store personal information and to provide services to the School that involve the use of personal information, such as services relating to email, instant messaging and education and assessment applications. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may be stored in the 'cloud' which means that it may reside on a 'cloud' service provider's servers which may be situated outside Australia.

Sending and storing information overseas

Newcastle Grammar School may disclose personal information about an individual to overseas recipients, for instance, 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, the Mandatory Notification of Data Breaches (2018); or
- in accordance with the General Data Protection Regulation (GDPR-EU 2018); or
- other applicable privacy legislation.

How does Newcastle Grammar School treat sensitive information?

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

The School only collects sensitive information about a person with their consent, or where it is required by law or necessary to prevent serious, imminent harm to that person and they cannot provide consent.

Management and security of personal information

Newcastle Grammar School's staff are required to respect the confidentiality of students' and Parents' and/or Guardians' personal information and the privacy of individuals. All staff are updated and trained with respect to their privacy obligations and the Mandatory Notification of Data Breaches Scheme (2018).

The School has in place measures to protect the personal information it 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.

Access and correction of personal information

Under the *Commonwealth Privacy Act* and the *Health Records Act*, an individual has the right to obtain access to any personal information which Newcastle Grammar School holds about them and to advise the School of any perceived inaccuracy. Students will generally be able to access and update their personal information through their Parents and/or Guardians, but students 16 years and older may seek access and correction 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 the School holds about you or your child, please contact the Head of School 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 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 (unless, in light of the grounds for refusing, it would be unreasonable to provide reasons).

Consent and rights of access to the personal information of students

Newcastle Grammar School respects every Parent's and/or Guardians' right to make decisions concerning their child's education.

Generally, the School will refer any requests for consent and notices in relation to the personal information of a student to the student's Parents and/or Guardians. The School will treat consent given by Parents as consent given on behalf of the student, and notice to Parents and/or Guardians will act as notice given to the student.

Parents and/or Guardians may seek access to personal information held by the School about them or their child by contacting the Head of School in writing. However, there may 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 that is likely to result in a breach of the School's duty of care to the student.

The 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 warrant it.

Enquiries and complaints

If you would like further information about the way Newcastle Grammar School manages the personal information it holds, or wish to complain that you believe that the School has breached the Privacy Act 1988 (Cth), the Australian Privacy Principles (2014) or the Mandatory Notification of Data Breaches Scheme (2018), please contact the Head of School. The Head of School or a designated delegate 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.

RELATED POLICIES

- Mandatory Notification of Data Breaches Scheme Policy
- Mandatory Notification of Data Breaches Scheme Procedures
- Mandatory Notification of Data Breaches Scheme Response Plan
- Staff Code of Professional Conduct
- Staff Induction Procedures for New Staff
- International Students
- Collection of Information Documents

ANNEXURE A: Standard Collection Notice

Collection Notice

1. Newcastle Grammar School collects personal information, including sensitive information about students and parents and/or guardians before and during the course of a student's enrolment at the School. This may be in writing or in the course of conversations. The primary purpose of collecting this information is to enable the School to provide schooling to students enrolled at the School, exercise its duty of care, and perform necessary associated administrative activities, which will enable students to take part in all the activities of the School.
2. Some of the information we collect is to satisfy the School's legal obligations, particularly to enable the School to discharge its duty of care.
3. Laws governing or relating to the operation of a school require certain information to be collected and disclosed. These include relevant Education Acts, and Public Health and Child Protection laws, and the Mandatory Notification of Data Breaches (2018).
4. Health information about students is sensitive information within the terms of the Australian Privacy Principles (**APPs**) under the *Privacy Act 1988 (Cth)* and the Mandatory Notification of Data Breaches (2018). We may ask you to provide medical reports about students from time to time.
5. A student's enrolment may be delayed or prevented if the School cannot collect certain personal information. This is particularly so where the information is relevant to the health and safety of the student, other students and/or staff.
6. The School may disclose personal and sensitive information for educational, administrative and support purposes. This may include to:
 - other schools and teachers at those schools, including a new School to which a student transfers to facilitate the transfer of the student;
 - Government departments (including for policy and funding purposes);
 - medical practitioners;
 - people providing educational, support and health services to the School, including specialist visiting teachers, sports and other coaches, volunteers and counsellors;
 - providers of learning and assessment tools;
 - assessment and educational authorities, including the Australian Curriculum, Assessment and Reporting Authority (ACARA) and NAPLAN Test Administration Authorities (who will disclose it to the entity that manages the online platform for NAPLAN);
 - agencies and organisations to whom we are required to disclose personal information for education and research purposes;
 - people providing administrative and financial services to the School;
 - anyone you authorise the School to disclose information to; and
 - anyone to whom the School is required or authorised to disclose the information to by law, including child protection laws.
7. Personal information collected from students is regularly disclosed to their parents and/or guardians.

8. The School may use online or 'cloud' service providers to store personal information and to provide services to the School that involve the use of personal information, such as services relating to email, instant messaging and education and assessment applications. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may reside on a 'cloud' service provider's servers which may be situated outside Australia. Further information about the School's use of online or 'cloud' service providers is contained in the School's Privacy Policy.
9. The School may disclose personal information about an individual to overseas recipients, for instance, 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, the Mandatory Notification of Data Breaches (2018), or other applicable privacy legislation.
10. The School's Privacy Policy, accessible on the School's website, sets out how parents or students may seek access to and correction of their personal information which the School has collected and holds. However, access may be refused in certain circumstances such as where access would have an unreasonable impact on the privacy of others, where access may result in a breach of the School's duty of care to the student and the Mandatory Notification of Data Breaches (2018), where students have provided information in confidence, or where the School is otherwise required or authorised by law to refuse access. Any refusal will be notified in writing with reasons (unless, given the grounds for refusal, it would be unreasonable to provide reasons). Any refusal will be notified in writing with reasons if appropriate.
11. The School's Privacy Policy and the Mandatory Notification of Data Breaches Policy and Procedures set out how parents and students can make a complaint about a breach of the APPs and how the complaint will be handled.
12. The School 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 School'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.
13. On occasions information such as academic and sporting achievements, student activities and similar news is published in the School's newsletters and magazines, on SchoolBox, on our website, and including Facebook and other social media. This may include photographs and videos of student activities such as sporting events, school camps and school excursions. The School will obtain permissions from the student's parents and/or guardians (and from the student if appropriate) if the School would like to include such photographs or videos or other identifying material in promotional material or otherwise make this material available to the public such as on the internet.
14. If you provide the School with the personal information of others, such as doctors or emergency contacts, we encourage you to inform the relevant personnel that you are disclosing that information to the School, the reason why.

ANNEXURE B: Alumni and NOGA Collection Notice

Collection Notice

1. The School's Alumni and Newcastle Old Grammarian's Association (NOGA) may collect personal information about you from time to time. The primary purpose of collecting this information is to enable the School to inform you about Alumni and NOGA activities and the activities of the School and to keep alumni members informed about other members.
2. The School must have the information referred to above to enable us to continue your membership of the Alumni and NOGA.
3. As you know, from time to time we engage in fundraising activities. The information received from you may be used to make an appeal to you. It may also be used by the School to assist in fundraising activities. If you do not agree to this, please advise us now.
4. The School may publish details about you in our Spectemur Agendo, on the School's website and other School publications. If you do not agree to this, you must advise us now.
5. The School's Privacy Policy and the Mandatory Notification of Data Breaches Policy and Procedures, accessible on the School's website, contain details of how you may seek access to and correction of your personal information which the School has collected and holds, and how you may complain about a breach of the Australian Privacy Principles (**APPs**) and/or a data breach under the Mandatory Notification of Data Breaches (2018).
6. The School may use online or 'cloud' service providers to store personal information and to provide services to the School that involve the use of personal information, such as email services. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may reside on a 'cloud' service provider's servers which may be situated outside Australia. Further information about the School's use of an online or 'cloud' service providers is contained in the School's Privacy Policy.
7. If you provide the School with the personal information of others, we encourage you to inform them that you are disclosing that information to the School and why.

ANNEXURE C: Employment Collection Notice

Collection Notice

1. In applying for this position you will be providing Newcastle Grammar School with personal information. The School can be contacted at:
60 Newcomen Street, Newcastle, NSW, 2300; PO Box 680 Newcastle, NSW, 2300;
email office@ngs.nsw.edu.au; phone (02) 4929 5811
2. The School collects your personal information directly from you, for example, your name and address or information contained on your resume. We may also collect it from other sources, such as your referees and the results of criminal background and working with children checks. We will collect the information in order to assess your application for employment. If you are unsuccessful all copies of your resume will be destroyed. However, if advised, we may keep the information on file if your application is unsuccessful in case another position becomes available.
3. The School's Privacy Policy and the Mandatory Notification of Data Breaches Policy and Procedures, accessible on the School's website, contain details of how you may seek access to and correction of your personal information which the School has collected and holds. However, access may be refused in certain circumstances such as where access would have an unreasonable impact on the privacy of others or where the School is otherwise required or authorised by law to refuse access. Any refusal will be notified in writing with reasons (unless, having regards to the grounds for refusal, it would be unreasonable to provide reasons).
4. We will not disclose this information to a third party without your consent unless otherwise permitted. We usually disclose this kind of information to the following type of organisations: Referees and previous employers.
5. We are required to conduct a criminal record check, collect information regarding whether you are or have been the subject of an Apprehended Violence Order (AVO) and certain criminal offences under Child Protection laws. We may also collect personal information about you in accordance with these laws.
6. The School may use online or 'cloud' service providers to store personal information and to provide services to the School that involve the use of personal information, such as email services. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may reside on a 'cloud' service provider's servers which may be situated outside Australia. Further information about the School's use of an online or 'cloud' service providers is contained in the School's Privacy Policy.
7. If you provide the School with the personal information of others, we encourage you to inform them that you are disclosing that information to the School and why.

ANNEXURE D: Contractor/Volunteer Collection Notice

Collection Notice

1. In offering, applying or agreeing to provide services to the School, you will be providing Newcastle Grammar School with personal information. The School can be contacted at:
60 Newcomen Street, Newcastle, NSW, 2300; PO Box 680 Newcastle, NSW, 2300;
email office@ngs.nsw.edu.au; phone (02) 4929 5811
3. The School collects your personal information directly from you, for example, your name and address or information contained on your resume. We may also collect it from other sources, such as your referees and the results of criminal background and working with children checks. We will collect the information in order to assess your application for employment. We may also make notes and prepare a confidential report in respect of your application.
3. You agree that we may store this information for two months from the closing date for applications.
4. The School's Privacy Policy and the Mandatory Notification of Data Breaches Policy and Procedures, accessible on the School's website, contain details of how you may complain about a breach of the Australian Privacy Principles (APPs) and how you may seek access to and correction of your personal information which the School has collected and holds. However, access may be refused in certain circumstances such as where access would have an unreasonable impact on the privacy of others or where the School is otherwise required or authorised by law to refuse access. Any refusal will be notified in writing with reasons (unless, having regards to the grounds for refusal, it would be unreasonable to provide reasons).
5. We will not disclose this information to a third party without your consent unless otherwise permitted. We usually disclose this kind of information to the following type of organisations: Referees and previous employers.
8. We are required to conduct a criminal record check, collect information regarding whether you are or have been the subject of an Apprehended Violence Order (AVO) and certain criminal offences under Child Protection laws. We may also collect personal information about you in accordance with these laws.
6. The School may use online or 'cloud' service providers to store personal information and to provide services to the School that involve the use of personal information, such as email services. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may reside on a 'cloud' service provider's servers which may be situated outside Australia. Further information about the School's use of an online or 'cloud' service providers is contained in the School's Privacy Policy.
7. If you provide the School with the personal information of others, we encourage you to inform them that you are disclosing that information to the School and why.

ANNEXURE E: PRIVACY and MANDATORY NOTIFICATION OF DATA BREACHES

STAFF DECLARATION

I have read Newcastle Grammar School's Privacy Policy, the Mandatory Notification of Data Breaches Policy and the Data Breaches Response Plan and Procedures, along with the protocols in the document and understand my obligations in regards to privacy, the Mandatory Notification of Data Breaches and my response to any Data Breach that may have an unreasonable impact on the privacy of others or is likely to result in serious harm.

I understand that a breach of these obligations could result in disciplinary action taken by the School, including suspension and/or termination of employment, and possible legal action taken by the Office of the Australian Information Commissioner (OAIC).

Name: _____

Signature: _____

Date: _____