



Newcastle  
Grammar  
— SCHOOL —

# POLICY DOCUMENT

Policy Number (PN): 3.6.2

Policy Name: Privacy Policy

Last Revised: June 2017

Reason:

Newcastle Grammar School has a privacy aware culture. This Policy is to ensure that Newcastle Grammar School uses and manages all personal information according to the Privacy Act 1988 (Cth), the 13 Australian Privacy Principles (APPs) and in accordance with the Mandatory Notification of Data Breaches (NDB) Scheme (commencing 22<sup>nd</sup> February 2018).

Policy:

This Privacy Policy sets out how Newcastle Grammar School manages personal information provided to or collected by it. Newcastle Grammar School is bound by the Australian Privacy Principles contained in the *Privacy Act 1988 (Cth)*; the Privacy Amendment (Enhancing Privacy Protection) Act 2012; the Australian Privacy Principles (APPs) (2014) and the Mandatory Notification of Data Breaches Scheme (2018) . In relation to health records, Newcastle Grammar 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)*.

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 pupils before, during and after the course of a pupil's enrolment at Newcastle Grammar School;
- job applicants, staff members, volunteers and contractors; and
- other people who come into contact with Newcastle Grammar School.

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 pupils, face-to-face meetings and interviews, emails and telephone calls. On occasions people other than parents and/or guardians and pupils 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 Newcastle Grammar 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.

Pupils and Parents and/or Guardians: In relation to personal information of pupils and Parents/Guardians, Newcastle Grammar School's primary purpose of collection is to enable Newcastle Grammar School to provide schooling for the pupil. This includes satisfying the needs of Parents and/or Guardians, the needs of the pupil and the needs of Newcastle Grammar School throughout the whole period the pupil is enrolled at Newcastle Grammar School.

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

- keeping Parents and/or Guardians informed about matters related to their child's schooling (but are not limited to);
- day-to-day administration of Newcastle Grammar School;
- looking after pupils' educational, social and medical wellbeing;
- seeking donations and marketing for Newcastle Grammar School; and
- satisfying Newcastle Grammar School's legal obligations.

In some cases Newcastle Grammar School may not be able to enrol or continue the enrolment of the pupil or permit the pupil to take part in a particular activity unless information about a pupil or Parent and/or Guardian is provided.

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 Newcastle Grammar School uses personal information of job applicants, staff members and contractors include (but are not limited to):

- managing the individual's employment or contract;
- managing or obtaining insurance;
- marketing for Newcastle Grammar School; and
- satisfying Newcastle Grammar School's legal obligations.

Volunteers: Newcastle Grammar School collects and holds personal information about volunteers who assist Newcastle Grammar School in its functions or conduct associated activities, to enable Newcastle Grammar School and the volunteers to discharge their legal duties.

Marketing and fundraising: Marketing and fundraising are important to the growth and development of Newcastle Grammar School. Personal information held by Newcastle Grammar School may be disclosed only with prior consent to organisations that assist in Newcastle Grammar School's fundraising.

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

How might Newcastle Grammar School disclose or store your information?

Newcastle Grammar School may disclose personal information, including sensitive information to:

- another school;
- Government departments;
- medical practitioners;
- people providing services to Newcastle Grammar School, including specialist visiting teachers, counsellors, volunteers and sports coaches;
- anyone to whom you authorise Newcastle Grammar School to disclose information; and
- anyone to whom we are required by law to disclose the information.

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, Newcastle Grammar 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

Newcastle Grammar School may store personal information on servers which are situated outside Australia.

How does Newcastle Grammar School treat sensitive information?

'Sensitive information' means:

- personal 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;
- health information and biometric information about an individual.

Newcastle Grammar 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 pupils' 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).

Newcastle Grammar 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 Newcastle Grammar School of any perceived inaccuracy. Pupils will generally be able to access and update their personal information through their Parents and/or Guardians, but pupils 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 Newcastle Grammar School holds about you or your child, please contact the Head of School in writing. Newcastle Grammar School may require you to verify your identity and specify what information you require. Newcastle Grammar 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, Newcastle Grammar 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.

#### Consent and rights of access to the personal information of pupils

Newcastle Grammar School respects every Parent's and/or Guardians' right to make decisions concerning their child's education. Generally, Newcastle Grammar School will refer any requests for consent and notices in relation to the personal information of a pupil to the pupil's Parents and/or Guardians. Newcastle Grammar School will treat consent given by Parents as consent given on behalf of the pupil, and notice to Parents and/or Guardians will act as notice given to the pupil.

As mentioned above, Parents and/or Guardians may seek access to personal information held by Newcastle Grammar School about them or their child by contacting the Head of School. 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 that is likely to result in serious harm, or where the release may result in a breach of Newcastle Grammar School's duty of care to the pupil and the Mandatory Notification of Data Breaches Scheme (2018).

#### 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 Newcastle Grammar 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 outcome as soon as practicable.

#### RELATED POLICIES

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

## ANNEXURE A: Collection Notice

### Collection Notice

1. Newcastle Grammar School collects personal information, including sensitive information about pupils and Parents and/or Guardians before and during the course of a pupil's enrolment at Newcastle Grammar School. This may be in writing or in the course of conversations. The primary purpose of collecting this information is to enable Newcastle Grammar School to provide schooling to the pupil and to enable them to take part in all the activities of Newcastle Grammar School.
2. Some of the information we collect is to satisfy Newcastle Grammar School's legal obligations, particularly to enable Newcastle Grammar 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 Scheme (2018).
4. Health information about pupils is sensitive information under the *Privacy Act 1988 (Cth)* and the Mandatory Notification of Data Breaches Scheme (2018). We may ask you to provide medical reports about pupils from time to time.
5. Newcastle Grammar School from time to time discloses personal and sensitive information to others for administrative and educational purposes, including facilitating the transfer of a pupil to another school. This includes to other schools, Government departments, medical practitioners, and people providing services to Newcastle Grammar School, including specialist visiting teachers, volunteers and counsellors.
6. Personal information collected from pupils is regularly disclosed to their Parents and/or Guardians.
7. Newcastle Grammar School may store personal information on servers which are outside Australia.
8. Newcastle Grammar School's Privacy Policy sets out how parents or pupils may seek access to personal information collected about them. 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 that is likely to result in serious harm, or where the release may result in a breach of Newcastle Grammar School's duty of care to the pupil and the Mandatory Notification of Data Breaches Scheme (2018), or where pupils have provided information in confidence.
9. Newcastle Grammar School's Privacy Policy and the Mandatory Notification of Data Breaches Scheme Policy and Procedures set out how you may complain about a breach of privacy and how Newcastle Grammar School will deal with such a complaint.
10. As you may know, Newcastle Grammar 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 Newcastle Grammar 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.

11. On occasions information such as academic and sporting achievements, pupil activities and similar news is published in Newcastle Grammar School newsletters and magazines, on SchoolBox, on our website, and including Facebook and other social media. Photographs of pupil activities such as sporting events, school camps and school excursions may be published in Newcastle Grammar School newsletters, magazines, SchoolBox, on the School's Facebook or website.
12. If you provide Newcastle Grammar 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 their personal information to Newcastle Grammar School, the reason why, and that they can access the information if they wish, and that Newcastle Grammar School does not usually disclose this information to third parties.



## ANNEXURE B: PRIVACY and MANDTORY NOTIFICATION OF DATA BREACHES

### STAFF DECLARATION

I have read the [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](#).

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_