



# Privacy Policy

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# Privacy Policy

## 1. Policy Statement

This Privacy Policy sets out how the School manages personal information and your rights in relation to your personal information, including how to complain and how we deal with complaints.

Heritage College Lake Macquarie (HCLM) is committed to protecting the privacy of personal information which the School is required to collect, hold and use in operating its business.

This Policy applies to all HCLM staff members, contractors and volunteers, both teaching and support staff, including those employed on a permanent, temporary or casual, full-time or part-time basis, students, parents/guardians and alumni.

## 2. Context

The School is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act 1988 (Privacy Act). In relation to health records, the School is also bound by the Health Privacy Principles which are contained in the Health Records and Information Privacy Act 2002 (NSW) (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. The current version of this Privacy Policy is published on our website.

## 3. Kinds of personal information collected

The types of information the School collects and holds includes (but is not limited to) personal information, including health and other sensitive information, about:

- a) Students and parents/guardians before, during and after the course of a student's enrolment at the School.
- b) Applicants seeking employment, staff members, contractors and volunteers.
- c) Other persons who come into contact with the School and may provide personal information.

## 4. How personal information is collected

The School will generally collect personal information held about an individual by way of documents or forms completed by parents/guardians or students, during face-to-face meetings and interviews or through emails and telephone calls. On occasions, people other than parents/guardians and students may provide personal information.

In some circumstances, the School may receive personal information about an individual from a third party, such as medical reports or references from another school. Additionally, the School may collect personal information through surveillance measures (such as CCTV security cameras) and by monitoring students' email and internet use on school premises.

## 5. Exception in relation to staff member records

Under the Privacy Act and the Health Records Act, the Australian Privacy Principles do not apply to a staff member's personal employment file or other form of record. As a result, this Privacy Policy does not apply to the School's treatment of a staff member's personal employment file or other form of record, where the treatment is directly related to a current or former employment relationship between the School and the staff member.

## 6. How will HCLM use personal information provided?

The School will use personal information it collects from an individual for the primary purpose of collection, and for such other secondary purposes that are related to the primary purpose of collection and reasonably expected, or to which the individual has consented.

### **Student and Parent/s Guardians**

- 6.1. In relation to personal information of students and parents/guardians, the School's primary purpose of collection is to enable the School to provide adequate schooling for the student. This includes satisfying the needs of parents/guardians, the needs of the student and the needs of the School throughout the whole period the student is enrolled at the School.
- 6.2. The purposes for which the School uses personal information of students and parents/guardians may include:
  - a) to keep parents/guardians informed about matters related to their child's schooling, through correspondence, newsletters and magazines;
  - b) day-to-day administration;
  - c) looking after students' educational, social, spiritual and medical wellbeing;
  - d) seeking donations and marketing for the School; and
  - e) to satisfy the School's legal obligations and to allow the School to discharge its duty of care.
- 6.3. The School may disclose personal information held by the school to an organisation that assists in the School's billing or provides fee management services.
- 6.4. In some cases, where the School requests personal information about a student or parent or guardian, if the information requested is not obtained, 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.

### **Applications seeking employment, staff members and contractors**

- 6.5. In relation to personal information of applicants seeking employment, 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.
- 6.6. The purposes for which the School uses personal information of applicants seeking employment, staff members and contractors include:
  - a) administering the individual's employment or contract;
  - b) for insurance purposes;
  - c) seeking funds and marketing for the School; and
  - d) to satisfy the School's legal obligations, for example, in relation to child protection legislation.

### **Volunteers**

- 6.7. The School also obtains personal information about volunteers who assist the School in its functions or conduct associated activities, such as Alumni Associations, to enable the School and the volunteers to work together.

### **Marketing and fundraising**

- 6.8. Marketing and fundraising are an important part of ensuring that the School continues to be a quality learning environment in which both students and staff members thrive. Personal information held by the School may be disclosed to an organisation that assists in the School's marketing or fundraising activities.
- 6.9. Parents/guardians staff members, contractors, volunteers 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.
- 6.10. If an individual does not wish the School to use their personal information for marketing and fundraising, they should advise the School of their wishes by contacting the Privacy Officer ([privacyofficer@heritage.edu.au](mailto:privacyofficer@heritage.edu.au)) and personal information will not be used for these purposes.

## **7. Who might HCLM disclose personal information to?**

- 7.1. The School may disclose personal information, including sensitive information, held about an individual to:
  - a) another School;
  - b) government departments;
  - c) medical practitioners;
  - d) people providing services to the School, including specialist visiting teachers, counsellors and sports coaches;
  - e) recipients of School publications, such as newsletters and magazines;

- f) parents/guardians;
- g) anyone you authorise the School to disclose information to; and
- h) anyone to whom we are required to disclose the information by law.

## 8. Sending and storing information overseas

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:

- a) obtaining the consent of the individual (in some cases this consent will be implied); or
- b) otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

## 9. How does the 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 for a directly related secondary purpose, unless the person agrees otherwise, or the use or disclosure of the sensitive information is allowed by law.

## 10. Data Security and Responding to data breaches

Staff are required to respect the confidentiality of student and parent/guardian personal information and the privacy of individuals.

The School has in place systems to protect the personal information the School holds from misuse, interference and loss, unauthorised access, modification or disclosure by use of various methods.

A data breach concerns the security of personal information and involves 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 (Data Breach).

Data Breaches are not limited to the malicious acts of third parties, such as theft or 'hacking', but may also arise from human error, a systems failure, or a failure to follow information handling or data security policies resulting in accidental loss, access or disclosure.

In the event where a data breach is likely to result in serious harm to one or more individuals and the School is not able to quickly remediate the breach to minimise the risk of serious harm, the data breach is classified as an Eligible Data Breach (EDB). The School has no

obligation to notify any individuals or the Australian Information Commissioner where a data breach is not classified as an EDB, but may elect to do so voluntarily.

In the event of an Eligible Data Breach (EDB), the School will notify the Australian Information Commissioner of the breach. Depending of the nature of the EDB, the School will also either:

- a) Notify individuals whose personal information is involved in the data breach or publicly publish the notification; or
- b) Notify only the individuals who are at likely risk of serious harm; or
- c) Publish the notification and publicise it with the aim of bringing it to the attention of all individuals at likely risk of serious harm.

## 11. Updating personal information

The School 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 School by contacting the Privacy Officer ([privacyofficer@heritage.edu.au](mailto:privacyofficer@heritage.edu.au)) at any time.

The Australian Privacy Principles and the Health Privacy Principles require the School not to store personal information longer than necessary. In particular, the Health Privacy Principles impose certain obligations about the length of time health records must be stored.

## 12. 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 the School holds about them and to advise the School of any perceived inaccuracy. There are some exceptions to this right set out in the Act.

Students will generally be able to access and update their personal information through their parents/guardians, but older students may seek access and correction. 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 a parent/guardian or a student, please contact the Privacy Officer in writing via email: [privacy officer@heritage.edu.au](mailto:privacy officer@heritage.edu.au)

The School may require an individual to verify their identity and will specify what information the individual requires. The School may charge a fee to cover the cost of verifying an application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the School will advise the individual of the likely cost in advance. If the School cannot provide the individual with access to that information, the School will provide the individual with written notice explaining the reasons for refusal.

### 13. Consent and rights of access to the personal information of students

The School respects the rights of every parent/guardian 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/guardians. The School will treat consent given by parents/guardians as consent given on behalf of the student, and notice to parents/guardians will act as notice given to the student.

Parents/guardians may seek access to personal information held by the School about them or their child by contacting the Privacy Officer in writing via email: [privacyofficer@heritage.edu.au](mailto:privacyofficer@heritage.edu.au). 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 where the release may result in a breach of the School's duty of care to the student.

The School may, at its discretion, and at the request of a student, grant such access to the student information held by the School about the student, or allow the student to give or withhold consent to the use of their personal information, independently of their parents/guardians. This would normally be done only when the maturity of the student and/or the student's personal circumstances so warranted.

### 14. Enquiries and complaints

If an individual would like further information about the way the School manages the personal information it holds, or wish to complain that you believe the School has breached the Australian Privacy Principles, please contact the Privacy Officer in writing via email: [privacyofficer@heritage.edu.au](mailto:privacyofficer@heritage.edu.au).

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