

## **Border Christian College Policy Preface**

### **47A Effect of section 47 on certain contracts**

The operation of section 47 is not to be regarded as giving rise to any implication that it is a term of any contract (whether or not written) between the proprietor of a registered non-government school and a parent of any child enrolled at the school that the school comply with the requirements imposed by or under this Act for registration of non-government schools or that failure to comply with any such requirement in itself gives rise to any civil cause of action.

# Border Christian College Privacy Policy

## Seventh-day Adventist Schools (SNSW) Ltd

---

This Privacy Policy applies to schools operated by Seventh-day Adventist Schools (SNSW) Ltd (*the Schools' Company*) and each school that manages personal information provided to or collected by it.

*The Schools' Company* is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act. In relation to health records *the Schools' Company* is also bound by the Health Privacy Principles contained in the Health Records and Information Privacy Act 2002 NSW.

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

### What kinds of personal information does a school collect and how does a school collect it?

The type of information schools collect and hold includes (but is not limited to) personal information, including health and other sensitive information, about:

- pupils and parents and/or guardians (*Parents*) before, during and after the course of a pupil's enrolment at the school;
- job applicants, staff members, volunteers and contractors; and
- other people who come into contact with the school.

#### Personal Information you provide:

A school will generally collect personal information held about an individual by way of forms filled out by *Parents* or pupils, face-to-face meetings and interviews, emails and telephone calls. On occasions people other than *Parents* and pupils provide personal information.

#### Personal Information provided by other people:

In some circumstances a 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 Privacy Act and the Australian Privacy Principles do not apply to an employee's record. As a result, this Privacy Policy does not apply to the 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 a school use the personal information you provide?

A school will use personal information it collects from you 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 you have consented.

### Pupils and Parents:

In relation to personal information of pupils and *Parents*, a school's *primary purpose of collection* is to enable the school to provide schooling for the pupil. This includes satisfying the needs of *Parents*, the needs of the pupil, the needs of school and *the Schools' Company* throughout the whole period the pupil is enrolled at the school. The purposes for which the school and *the Schools' Company* uses personal information of pupils and *Parents* include:

- to keep *Parents* informed about matters related to their child's schooling, through correspondence, newsletters and magazines;
- day-to-day administration;
- looking after pupils' educational, social, spiritual and medical wellbeing;
- seeking donations and marketing for the school; and
- to satisfy the school's and *the Schools' Company's* legal obligations and allow the school to discharge its duty of care. In some cases where a school requests personal information about a pupil or *Parent*, if the information requested is not obtained, the 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.

### Job applicants, staff members and contractors:

In relation to personal information of job applicants, staff members and contractors, a 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 a school uses personal information of job applicants, staff members and contractors include:

- in administering the individual's employment or contract, as the case may be;
- for insurance purposes;
- seeking funds and marketing for the school; and
- to satisfy the school's and *the Schools' Company's* legal obligations, for example, in relation to child protection legislation.

### Volunteers:

A school also obtains personal information about volunteers who assist the school in its functions or conduct associated activities, such as the school's Home and School Association, to enable the school and the volunteers to work together.

### Marketing and fundraising:

Schools treat marketing and seeking donations for the future growth and development of the school as an important part of ensuring that the school continues to be a quality learning environment in which both pupils and staff thrive. Personal information held by a school may be disclosed to an organisation that assists in the school's fundraising, for example, the school's Foundation or alumni organisation or, on occasions, external

fundraising organisations. Parents, 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.

### **Exception in relation to related schools:**

The Privacy Act allows each school, being legally related to each of the other schools operated by *the Schools' Company* to share personal (but not sensitive) information. Other Schools' Company, schools may then only use this personal information for the purpose for which it was originally collected by the original school. This allows schools to transfer information between them, for example, when a pupil transfers between Schools' Company schools.

## **Who might a school disclose personal information to and store your information with?**

A school may disclose personal information, including sensitive information, held about an individual to:

- another school;
- government departments;
- the school's local church?;
- medical practitioners;
- people providing services to the school, including specialist visiting teachers, counsellors and sports coaches;
- recipients of school publications, such as newsletters and magazines;
- *Parents*;
- anyone you authorise the school to disclose information to; and
- anyone to whom we are required to disclose the information by law.

### **Sending and storing information overseas:**

A school may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange. However, a 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 or other applicable privacy legislation.
- The school may also store personal information in the 'cloud' which may mean that it resides on servers which are situated outside Australia.

## **How does a school treat sensitive information?**

In referring to 'sensitive information', a 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.

## Management and security of personal information

The staff from the schools and *the Schools' Company* are required to respect the confidentiality of pupils' and *Parents'* personal information and the privacy of individuals. Each school has in place steps to protect the personal information the school 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 and Information Privacy Act 2002 NSW an individual has the right to obtain access to any personal information which the school or *the Schools' Company* holds about them and to advise these organisations of any perceived inaccuracy. There are some exceptions to this right set out in the Act. Pupils will generally be able to access and update their personal information through their Parents, but older pupils 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 or *the Schools' Company* holds about you or your child, please contact the School's Principal 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.

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

*The Schools' Company* respects every *Parent's* right to make decisions concerning their child's education.

Generally, a school will refer any requests for consent and notices in relation to the personal information of a pupil to the pupil's *Parents*. A school will treat consent given by *Parents* as consent given on behalf of the pupil, and notice to *Parents* will act as notice given to the pupil.

As mentioned above, parents may seek access to personal information held by a school or *the Schools' Company* about them or their child by contacting the School's Principal. 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 pupil.

A school may, at its discretion, on the request of a pupil grant that pupil access to information held by the school about them, or allow a pupil 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 pupil and/or the pupil's personal circumstances so warranted.

## **Enquiries and complaints**

If you would like further information about the way the school or *the Schools' Company* manages the personal information it holds, or wish to complain that you believe that the school or *the School's Company* has breached the Australian Privacy Principles, please contact the school's Principal. The school or *the School's Company* will investigate any complaint and will notify you of a decision in relation to your complaint as soon as is practicable after it has been made.