



## PROCEDURE 02.06.01-G Privacy, Dignity and Confidentiality

### PROCEDURE

St Gabriel's School (the School) uses and manages personal information provided or collected by the School. The School is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act. The School may, from time to time, review and update this Procedure to take account of new laws and technology, changes to the School's operations and practices and to ensure it remains appropriate to the changing environment at the School.

### Privacy and Dignity

Staff will respect the privacy of each student. This will be reflected in the following work practices:

- Staff will at all times speak to students and their families in a respectful, non-intrusive manner;
- Students will be encouraged to respect the privacy of other students and staff members;
- Students will be encouraged to speak respectfully to each other and to staff;
- Students will be supported in maintaining personal possessions;
- Staff will respect the privacy and confidentiality of relationships between students, their families, guardians, carers, advocates and friends;
- Student issues will not be discussed by staff with people outside the School without the student's/parent's/guardian's/carer's consent;
- Students will be encouraged and taught to handle their own money.

### Student Records

Student records are to be kept in hard copy in individual folders which are to be stored in a locked cupboard or cabinet in the School.

- A personal folder is to be developed immediately upon a student entering the School and details of the name of the student, date commenced etc. are to be recorded in the Personal Folder Register.
- The personal folder is to be kept up to date and maintained while a student is enrolled at the School. It is to be closed immediately the student leaves the School permanently and is then archived for a minimum period of seven (7) years if the student is over eighteen (18) years of age, or if the student is under eighteen (18) years of age, until the student reaches twenty-four (24) years of age. The location of archived personal folders is to be recorded in the Personal Folder Register.
- Each student's folder will contain:
  - application for placement in the School;
  - consent forms in the event of medical illness or accident;
  - request to administer medication;
  - medication register;
  - other consent forms;
  - assessment reports;
  - Personalised Planning;
  - case notes;
  - general correspondence.
- Only information which is relevant, objective and accurate will be kept in personal folders.
- Copies of all documentation will be given to parents, legal guardians, advocates on request.
- Written permission from parents will be obtained prior to information being released to other agencies unless legislation requires that the information be released, a staff member or records are subpoenaed for court proceedings or, in the opinion of the Principal, there is an overriding public interest in information being released. (See 02.01.04k-E – Consent to Contact External Professionals.)
- Students or their legal guardians may access the student's file on request.
- Each student will be informed of the type of personal information held and the reasons for holding the information.

- Copies of information not written by School staff will only be released with written permission from the author.
- Student data that is used for purposes such as planning and evaluation will not identify individuals.
- Where digital records are stored maximum efforts are made to ensure a high level of security is present through passwords and levels of access.

### **Information Collected**

The type of information the School may collect and hold can include, but is not limited to, personal information, including sensitive information, about:

- Students and parents and/or guardians/carers before, during and after the course of a student's enrolment at a NSW Catholic school
- Job applicants, staff members, volunteers and contractors
- Other people who come into contact with the School.

### **Personal Information provided**

As noted, the School will generally collect personal information held about an individual by way of:

- Forms filled out by staff, parents/guardians/carers or students
- Face-to-face meetings and interviews
- Telephone calls

On occasion people other than parents and students provide personal information, including Diocesan Education Offices and Catholic schools.

### **Personal Information provided by other people**

As noted, in some circumstances the School may be provided with personal information about an individual from a third party, for example a report provided by a medical professional or advice from another school.

### **Intranet / Internet**

Staff and student network usage and internet browsing history is also collected.

### **Exception in relation to employee records**

Under the Privacy Act the National Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to the School's treatment of employee records where the treatment is directly related to a current or former employment relationship between the School and an employee.

### **How will St Gabriel's use personal information provided?**

The School will use personal information it collects for the primary purpose of collection, which is the provision of Catholic schooling, and for such other secondary purposes related to the primary purpose of collection and that can reasonably be expected, or to which the employee has consented.

### **Students and parents**

In relation to personal information of students and parents/guardians/carers, the School's primary purpose of collection is to enable the School to provide schooling for students enrolled in a special education environment. This includes satisfying both the needs of parents/guardians/carers and the needs of students throughout the whole period a student is enrolled at the School.

The purposes for which the School may use personal information of students and parents/guardians/carers include:

- To keep relevant authorities informed of matters related to schooling, through reports, correspondence, newsletters, advertising material and website;
- Day-to-day administration;
- Looking after students' educational, social, spiritual and medical wellbeing;
- Seeking donations and marketing for special education at and within the scope of the outreach programs at the School;
- To satisfy the School's legal obligations and allow the School to discharge its duty of care;
- To promote the secular and religious education of students at the School.

### **Photographs, Films, Videos of Students**

When each student is enrolled the School will obtain permission from parents/guardians/carers for their child to be photographed and for those photos to be used by the School.

Parents/guardians/carers will have an opportunity each year to revise this permission.

### **Failure of Students/Parents to Provide Personal Information**

In cases where the School requests personal information about a student or parent/guardian/carer and the information requested is not obtained, the School may not be able to enrol, or continue the enrolment of the student, or provide an educational service for a student within any of its outreach programs.

### **Job applicants, staff members, volunteers and contractors**

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

The purposes for which the School uses personal information of job applicants, staff members, volunteers and contractors include:

- Administering the individual's employment or contract, as the case may be
- Insurance purposes
- Seeking funds and marketing for the School
- Satisfying the School's legal obligations, for example, in relation to Child Protection legislation.

### **Marketing and fundraising**

The School treats marketing for the future growth and development of the School as a special education facility as an important part of ensuring that the School continues to be a quality service provider within the Catholic Special Education Sector.

Personal information held by the School may be disclosed to an organisation that assists in the School's marketing. Parents/guardians/carers, staff, contractors and other members of the wider School community may from time to time receive fundraising information. The School's publications, such as newsletters, brochures and magazines, which include personal information, may be used for the purpose of marketing the School.

### **To whom might St Gabriel's disclose personal information?**

The School may disclose personal information, including sensitive information, held about an individual to:

- Another school
- Church agencies, Parishes and Diocesan Education Offices, CCER and Professional Standards Office
- EREA Eastern Region
- Government departments (Commonwealth and State)
- Medical practitioners
- People providing services to the School, including Royal Blind Society, Guide Dogs, Vision Australia and specialist visiting teachers and sports coaches
- Recipients of the School's publications, such as newsletters and magazines
- Parents/guardians/carers
- Anyone to whom the individual authorises the School to disclose information.

### **Sending information overseas**

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 i.e. Full Fee Paying Overseas Students (FFPOS)); or
- otherwise complying with the National Privacy Principles.

### **How does St Gabriel's 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, sexual preferences or criminal record, that is also personal information; and health 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 the individual agrees otherwise, or the use or disclosure of the sensitive information is allowed by law.

### **Management and security of personal information**

All the School's staff are required to respect the confidentiality of students' and parents'/guardians'/carers' personal information and the privacy of individuals. The School has in place reasonable steps to protect the personal information the School holds from misuse, loss, unauthorised access, modification or disclosure. The School may do this by use of various methods including, as necessary, locked storage of paper records and password access rights to computerised records.

### **Australian Privacy Principles (APPs)**

The School will adhere to the 13 APPs:

1. Consideration of personal information privacy
2. Collection of personal information
3. Dealing with personal information
4. Dealing with unsolicited personal information
5. Notification of the collection of personal information
6. Use or disclosure of personal information
7. Direct marketing
8. Cross-border disclosure of personal information
9. Adoption, use or disclosure of government related identifiers
10. Quality of personal information
11. Security of personal information
12. Access to personal information
13. Collection of personal information

For further details see *02.06.04d-Aust - Australian Privacy Fact Sheet 17*.

### **Mandatory Notification of Data Breaches (NDB)**

The School will comply with the *Privacy Act 1988 (Aust.)* and the *Privacy Amendment (Notifiable Data Breaches) Act 2017*. (NDB Scheme).

### **Updating personal information**

The School endeavours to ensure that the personal information they hold is accurate, complete and up-to-date. A person may seek to update their personal information held by the School by contacting the Secretary of the School at any time on (02) 9487 1044 or email: [secretary@stgabriels.nsw.edu.au](mailto:secretary@stgabriels.nsw.edu.au). The National Privacy Principles require the School not to store personal information longer than necessary.

### **The individual has the right to check what personal information St Gabriel's holds about them**

Under the Privacy Act 1988, 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 have access to their personal information through their parents, but older students, appropriate to the nature of their intellectual disability, may seek access themselves. To make a request to access any information the School holds about a child, parents should contact the School in writing - email will be accepted. The School may require identity to be verified and to specify the information required. The School may charge a fee to cover the cost of verifying each 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.

The School may deny access to information it holds about an individual if:

- Provision of such access would be inconsistent with its "duty of care" to students
- Provision of such access would have an unreasonable impact upon the privacy of others
- The information requested falls within the Privacy Act exemption relating to existing or anticipated legal proceedings

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

The School respects every parent's 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/guardian/carer. The School will treat consent given by parents as consent given on behalf of the student, and notice to parents will act as notice given to the student. Parents may seek access to personal information held by the School about them or their child by contacting the Secretary of St Gabriel's School at any time on (02) 9634 2367 or email: [secretary@stgabriels.nsw.edu.au](mailto:secretary@stgabriels.nsw.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, at 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 so warranted.

## Notification of death of a Student

In the event of the death of a student while in the School or while School staff have responsibility for that student, the following procedures are to be adopted:

- The staff member who becomes aware of the death is to immediately call an ambulance, notify the police and inform the Principal;
- The Principal will decide which one of them is to immediately inform the deceased's parents, legal guardian/carer or advocate and offer all possible assistance including: transport, accommodation and making funeral arrangement;
- If the deceased had no family, guardian/carer or other persons to arrange a funeral then the Principal will ensure that it is arranged;
- The Principal will give support to any other student/s who may be required to be interviewed by police;
- Arrangements will be made by the Principal for other students to be informed of the death and to receive support and if necessary professional counselling;
- The Principal will ensure that support is given to each student who expresses an interest in attending the funeral;
- The Principal is to inform Edmund Rice Education Australia of the death by completing the prescribed notification form.

<b>Approval Authority</b>	School Principal
<b>Date for Next Review</b>	December 2023
<b>Related Policies, Procedures and Guidelines</b>	01.01.00-G – Child Protection Policy 02.01.04k-G – Consent to Contact Health Professional 02.06.04a-G – Privacy, Dignity & Confidentiality – Staff Declaration 02.06.04d-Aust – Australian Privacy Principles (APPs) 05.18.02a-G – Privacy Collection Notice Statement – General 05.18.02b-G – Privacy Collection Notice Statement – Students 05.18.02c-G – Privacy Collection Notice Statement – Job Applicants 05.18.02d-G – Privacy Collection Notice Statement – Volunteers / Contractors 05.22.00-G – Data Breach Policy 06.02.00-G – Communications, Technology & Electronic Devices Policy 06.03.00-G – Professional Code of Conduct Policy  Internet links: <a href="#">Privacy Act 1988</a> <a href="#">Privacy Amendment (Notifiable Data Breaches) Act 2017</a>