



Newington College

PRIVACY POLICY

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DATE OF APPROVAL BY COUNCIL/RELEVANT PERSON:	9 March 2006 Council , Headmaster
POLICY STATUS:	Approved
CONTACT PERSON:	Headmaster
REPLACING POLICY:	
RELATED POLICIES:	Complaints/Grievances, Allegations and Suggestions Policy Pastoral Care Policies
DATE OF REVIEW:	June 2005
DATE FOR REVIEW:	June 2007 or as needed

The following policy and procedure has been endorsed by the Council, and Headmaster.

Headmaster:	
Chairman of Council:	
Date:	9 March 2006

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1. INTRODUCTION



Newington College is committed to protecting personal information provided by individuals. The College will collect, manage, use and disclose personal information in accordance with all relevant legislation and standards.

The purpose of this policy is to outline how the College deals with personal or health information it collects to ensure that it complies with the National Privacy Act 1988.

2. DEFINITIONS

Personal Information	Personal information is defined in the Privacy Act to mean information or an opinion, whether forming part of a database or not, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from that information or opinion ('Personal Information').
Record	<p>A record is defined in the Privacy Act to mean:</p> <ul style="list-style-type: none"> • a document; • a database (however kept); • a photograph or other pictorial representation of a person; <p>but does not include, among other things, a generally available publication.</p>
Responsible	<p>A person is <i>responsible</i> for an individual if the person is:</p> <p>(a) a parent of the individual; or</p> <p>(b) a child or sibling of the individual and at least 18 years old; or</p> <p>(c) a spouse or de facto spouse of the individual; or</p> <p>(d) a relative of the individual, at least 18 years old and a member of the individual's household; or</p> <p>(e) a guardian of the individual; or</p> <p>(f) exercising an enduring power of attorney granted by the individual that is exercisable in relation to decisions about the individual's health; or</p> <p>(g) a person who has an intimate personal relationship with the individual; or</p> <p>(h) a person nominated by the individual to be contacted in case of emergency.</p>
Child	<i>child</i> of an individual includes an adopted child, a step-child and a foster-child, of the individual.
Parent	<i>parent</i> of an individual includes a step-parent, adoptive parent and a foster-parent, of the individual.

Relative	<i>relative</i> of an individual means a grandparent, grandchild, uncle, aunt, nephew or niece, of the individual.
Sibling	<i>sibling</i> of an individual includes a half-brother, half-sister, adoptive brother, adoptive sister, step-brother, step-sister, foster-brother and foster-sister, of the individual.

3. OUTCOMES



The outcomes of the policy are:

- Adherence to the Privacy Act and the National Privacy Principles contained in the Act.
- Protection of the privacy of Newington College's staff, students, parents, alumni and providers.

4. PERFORMANCE INDICATORS

- Processes for the provision of information to staff e.g. collection of staff information
- Processes for the collection of information from staff, students, parents and providers.
- Issues raised regarding privacy processes/procedures in the College.

5. THE POLICY

5.1 Legislation

The Privacy Act 1988 (Cth) ('Privacy Act'), as amended on and from 21 December 2001, established for the first time in Australia comprehensive national privacy scheme for private sector organisations. This was achieved by setting minimum standards for the handling of personal information by organisations.

The revised Privacy Act outlines 10 core principles (National Privacy Principles) that are the base line privacy standards Newington College must comply with in relation to the personal information it holds.

Practices engaged in by the College which are directly related to a current or former employment relationship or employee record (such as information about leave entitlements, training, etc) are exempt from the Privacy Act.

5.2 Collection

The College will only collect personal information that is necessary for its operations. Personal information will only be collected in a manner that is fair, lawful and not unreasonably intrusive.

The kinds of personal information collected by the College include contact details, transactional and financial information, and employment details. When collecting personal information, the College will take reasonable steps to inform individuals:

- that the College is collecting personal information about them;
- of the purposes for which the personal information is being collected;
- of the organisations to which personal information is usually disclosed;
- of what happens if personal information is not provided; and
- of how to access personal information.

Wherever reasonable and practicable, personal information about an individual will only be collected directly from that individual. If personal information is collected about an individual from someone else, the College will take reasonable steps to inform the individual concerned.

5.3 Use and Disclosure

The College has a duty to maintain the confidentiality of personal information it collects. The College will generally only use or disclose personal information for the purposes for which it was collected. However, personal information may be disclosed to:

- service providers, who assist the College in operating its business (such service providers are required to comply with the College's privacy policy in how they handle personal information);
- its related entities;
- in the case of an emergency, the nominated next of kin;
- a specified agent and/or next of kin for the purpose of processing an application made by an individual;
- a person responsible for the individual;
- The New South Wales Government;
- The New South Wales Board of Studies;
- the Commonwealth Government Department of Education, Science and Training; and
- the Department of Immigration and Multicultural and Indigenous Affairs.

5.4 Security

All reasonable measures will be taken to ensure personal information is stored safely to protect it from misuse, loss, unauthorised access, modification or disclosure, including electronic and physical security measures.

The College will ensure that personal information is kept for no longer than is necessary for the purposes for which it may lawfully be used. Records will be disposed of securely and in accordance with any requirements for the retention and disposal of personal information.

5.5 Access and Correction

Newington College will provide an individual with access to personal information about them upon receipt of a written request. The College will endeavor to acknowledge such requests within 14 days of its receipt and provide requested information within 30 days. A fee may be charged to cover processing of such requests.

The College may decline a request for access to personal information where:

- providing access would pose a serious threat to the life or health of an individual;
- providing access would have an unreasonable impact upon the privacy of other individuals;
- the request for access is frivolous or vexatious;
- the information relates to existing or anticipated legal proceedings between the College and the individual, and the information would not be accessible by the process of discovery in those proceedings;
- providing access would reveal information about a commercially sensitive decision making process;
- providing access would be unlawful;

- denying access is required or authorised by or under law;
- providing access would be likely to prejudice an investigation of possible unlawful activity; or providing access would be likely to prejudice the activities of enforcement bodies.

If an individual believes inaccurate or outdated information is being held about them, they should notify the College immediately. Newington College will take reasonable steps to correct the information so that it is accurate, complete and up to date.

5.6 Requests for Access

To request personal information from the College either of the following forms should be used depending on the circumstance.

For general information use form A. For information related to the completion of VET courses use form B.



Newington College

FORM A – REQUEST FOR PERSONAL INFORMATION

Applicant's Name:			
Applicant's Address:	Street:		
	Suburb:	State:	Postcode:
Contact Number:	Home:	Work:	Mobile:
Email:			
Years Attending College:			

I hereby request that the following information be provided.

Describe the nature of information required (please be specific e.g. years, dates, etc.)

Signed: _____ Date: _____

Please send this form to the Headmaster
 Newington College
 200 Stanmore Road
 STANMORE NSW 2048



FORM B- REQUEST FOR PERSONAL INFORMATION

TO BE USED FOR STUDENTS REQUIRING VET INFORMATION

School:	Newington College		
Applicants Name:			
Applicants Address:	Street:		
	Suburb:	State:	Postcode:
Contact Number:	Home:	Work:	Mobile:
Email:			
Years Attending College:			

I hereby request that the school provide access to my personal records to the following identified people:

- myself _____
- my employer _____
- my workplace supervisor _____
- other _____

I require the following information to be provided to the above identified people:

- reissue of certification awarded to me by Newington College
- copies of all my assessment results gained during training at Newington College
- copies of all my personal information held on file by Newington College
- other _____

Signed: _____ Date: _____

Witnessed: _____ Date: _____

Please send this form to the Careers Teacher
 Newington College
 200 Stanmore Road
 STANMORE NSW 2048

5.7 Complaints about a Breach of Privacy

If you believe that Newington College has not protected your personal information as set out in this Privacy Policy you may lodge a complaint with used in any of the following ways:

- By telephoning: 02 9568 9300
- By writing to: The Headmaster
Newington College
200 Stanmore Road
STANMORE NSW 2048
- By e-mail: d.scott@newingtoncollege.nsw.edu.au

5.8 What if you are not satisfied with the response?

If you are not satisfied with the response Newington College can refer your complain to the Federal Privacy Commissioner.

You can contact the Federal Privacy Commissioner:

- By telephoning: 1300 363 992
- By writing to: Director of Complaints
Office of the Federal Privacy Commissioner
GPO Box 5218
Sydney NSW 1042

6. PROCEDURES AND CONTENT OF INFORMATION COLLECTED

What kind of personal information does the College collect and how does the College collect it?

- The type of information the College collects and holds includes (but is not limited to) personal information, including sensitive information, about:
- Student's and parents and/or guardians ('parents') before, during and after the course of a student's enrolment at the College;
- job applicants, staff members, volunteers and contractors; and
- other people who come into contact with the College.

Personal Information you provide: The College will generally collect personal information held about an individual by way of forms filled out by parents or students, face-to-face meetings and interviews, and telephone calls. On occasions people other than parents and students provide personal information.

Personal Information provided by other people: In some circumstances the College 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 College.

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 College's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between the College and employee.

How will the College use the personal information you provide?

The College 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.

Student's and parents: In relation to personal information of students and parents, the College's primary purpose of collection is to enable the College to provide schooling for the student. This includes satisfying both the needs of parents and the needs of the student throughout the whole period the student is enrolled at the College.

The purposes for which the College uses personal information of students 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 student's educational, social and medical wellbeing;
- seeking donations and marketing for the College;

- to satisfy the College's legal obligations and allow the College to discharge its duty of care.

In some cases where the College requests personal information about a student or parent, if the information requested is not obtained, the College may not be able to enrol or continue the enrolment of the student

Job applicants, staff members and contractors: In relation to personal information of job applicants, staff members and contractors, the College'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 the College 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 College;
- to satisfy the College's legal obligation, for example, in relation to child protection legislation.

Volunteers: The College also obtains personal information about volunteers who assist the College in its functions or conduct associated activities, such as Alumni, to enable the College and the volunteers to work together.

Marketing and fundraising: The College treats marketing and seeking donations for the future growth and development of the College as an important part of ensuring that the College continues to be a quality learning environment in which both student and staff thrive. Personal information held by the College may be disclosed to an organisation that assists in the College's fundraising, for example, the College's alumni organisation.

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

Who might the College disclose personal information to?

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

- another College or school;
- government departments;
- medical practitioners;
- people providing services to the College, including specialist visiting teachers sports coaches and doctors;
- recipients of College publications, like newsletters and magazines;
- parents; and
- anyone you authorise the College to disclose information to.

Sending information overseas: The College 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 National Privacy Principles (NPPs)

How does the College treat sensitive information?

In referring to 'sensitive information', the College 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 you agree otherwise, or the use or disclosure of the sensitive information is allowed by law.

Management and security of personal information

The College's staff are required to respect the confidentiality of students' and parents' personal information and the privacy of individuals.

The College has in place steps to protect the personal information the College holds from misuse, loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and pass worded access rights to computerised records.

Updating personal information

The College 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 College by contacting the Headmaster, of the College at any time.

The National Privacy Principles require the College not to store personal information longer than necessary.

You have the right to check what personal information the College holds about you.

Under the Commonwealth Privacy Act, an individual has the right to obtain access to any personal information which the College holds about them and to advise the College 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 may seek access themselves.

To make a request to access any information the College holds about you or your child, please contact the Headmaster in writing.

The College may require you to verify your identity and specify what information you require. The College 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 College will advise the likely cost in advance.

Consent and rights of access to the personal information of students

The College respects every parent's right to make decisions concerning their child's education.

Generally, the College will refer any requests for consent and notices in relation to the personal information of a student to the student's parents. The College 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 College about them or their child by contacting the College Headmaster. 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 College's duty of care to the student.

The College may, at its discretion, on the request of a student, grant that student access to information held by the College 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.

Enquiries

If you would like further information about the way the College manages the personal information it holds, please contact the Headmaster on 9568 9321.

7. IMPLEMENTATION MATTERS

- Published through the Black and White College Newsletter.
- The policy is to be placed on the College's website for all internal and external users' access.
- All relevant information collection documents for staff, parents, students and contractors etc will have the necessary information regarding the policy and procedures.