



# THE HUTCHINS SCHOOL

# Privacy Policy

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# THE HUTCHINS SCHOOL

# Privacy Policy

<b>Relevant legislation</b>	Personal Information Protection Act 2004 (Tas) Privacy Act 1988 (Cth) Work Health and Safety Act 2012 (Tas)
<b>Commencement date</b>	01 September 2003
<b>Last review date</b>	01 June 2021

## 1. Purpose

The purpose of this policy is to demonstrate The Hutchins School's commitment to using and managing Personal Information in a manner that is consistent with the *Privacy Act 1988* (Cth) and its Privacy Principles.

## 2. Scope

This policy should inform the conduct and practice of all staff at The Hutchins School (the School), irrespective of position or role. It applies to all documentation (irrespective of format or media) that contains personal, sensitive or health-related information (according to the definitions below), except where that information is contained within current or historical employee records held by the School.

## 3. Objectives

The objective of this policy is to inform the School, its operations and its staff in respect to privacy obligations.

## 4. Definitions

<b>Staff</b>	For the purpose of this policy, 'staff' refers to all people engaged with the School, whether in a paid or unpaid capacity. This includes both volunteers and contractors.
<b>Personal Information</b>	Defined by Part II, Division 1, s6(1) of the <i>Privacy Act</i> as: Information or an opinion about an identified individual, or an individual who is reasonably identifiable:

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	<ul style="list-style-type: none"> <li>a) whether the information or opinion is true or not; and</li> <li>b) whether the information or opinion is recorded in a material form or not.</li> </ul>
<b>Sensitive Information</b>	<p>Defined by Part II, Division 1, s6(1) of the <i>Privacy Act</i> as:</p> <ul style="list-style-type: none"> <li>a) Information or an opinion about an individual's: <ul style="list-style-type: none"> <li>i. racial or ethnic origin; or</li> <li>ii. political opinions; or</li> <li>iii. membership of a political association; or</li> <li>iv. religious beliefs or affiliations; or</li> <li>v. philosophical beliefs; or</li> <li>vi. membership of a professional or trade association; or</li> <li>vii. membership of a trade union; or</li> <li>viii. sexual orientation or practices; or</li> <li>ix. criminal record;</li> </ul> </li> <li>b) that is also Personal Information; or</li> <li>c) health information about an individual; or</li> <li>d) genetic information about an individual that is not otherwise health information; or</li> <li>e) biometric information that is to be used for the purpose of automated biometric verification or identification; or</li> <li>f) biometric templates.</li> </ul>
<b>The Hutchins School community or the School community</b>	<p>For the purpose of this policy, 'The Hutchins School community' refers to parents, carers, alumni, associations (including, but not limited to, the Hutchins School Old Boys' Association and the Parents' Association), governing bodies (such as The Hutchins School Board), volunteers, contractors and sub-contractors of the School.</p>

## 5. Policy statement

The School is committed to protecting the privacy of individuals by collecting, using, disclosing and managing their Personal Information in a manner consistent with the *Privacy Act* (the Act) and the Australian Privacy Principles (APPs) contained therein.

The School takes seriously its obligation to manage personal data with integrity, sensitivity and respect.

## Collection of Personal Information

The School collects Personal Information regarding staff, students and members of the School community in a variety of ways, including but not limited to:

- forms (online or otherwise);
- face-to-face discussions and interviews;
- email;
- telephone calls;
- EdSmart communications.

The types of information collected may include (but are not limited to):

- Personal Information: names, residential addresses, email addresses, and telephone numbers;
- Sensitive Information: nationality, country of birth details, languages spoken, religious beliefs, and family court orders; and
- health information: medical records (including immunisation details), disability information, mental health and counselling information, and nutrition and dietary requirements.

This information is requested of you:

- in order to provide services requested (for example, information about applying at the School, or for employment purposes);
- to facilitate a relationship (for example, admission to the School, employment at the School, participation in any of our programs and/or services);
- because of a previous relationship with the School (either as a student, or otherwise as alumni); or
- because the School is required to hold that information by law.

## Personal Information provided by third parties

In some circumstances, the School may also be provided with Personal Information about an individual from third parties. These third parties may include (but are not limited to):

- family members;
- medical professionals;
- government agencies;
- consultants;
- schools;
- external agencies; or
- institutes.

If the School did not request the Personal Information provided, it will (within a reasonable time after receiving the information) determine whether it could have reasonably collected it from the individual themselves. If the School

determines that it could not have collected that information (and where it is lawful and practical to do so), it will destroy the information or ensure that the information is de-identified.

## Use of Personal Information

Personal Information collected by the School must be used for the primary purpose for which it was collected; or, where an individual might reasonably expect the School to do so, that information may be used for secondary purposes that are related to the original purpose. The School may also use Personal Information for other purposes where the individual has expressly provided consent, or as otherwise authorised under the Privacy Act or other Australian law.

## Students and parents/carers

The School collects students', parents' and carers' Personal Information to enable the provision of schooling and co-curricular activities for the student, and to meet the needs of parents and students throughout the student's enrolment at the School.

The School may use that Personal Information to:

- ensure that students' educational, social and medical wellbeing are protected;
- keep parents/carers informed about matters concerning their child's schooling and co-curricular activities (including through reports, letters, email correspondence and school publications);
- satisfy the School's legal obligations, particularly in relation to the duty of care it owes to each student;
- conduct administration activities of the School; and
- seek donations and facilitate marketing for the School.

Parents and carers have the right to remain anonymous or to use a pseudonym when dealing with the School, provided that it is lawful and practical to do so. Cases may exist in such circumstances in which the School is unable to provide (or continue to provide) schooling or services to a student due to a lack of necessary information.

## Potential employees and independent contractors

The School will collect Personal Information from potential employees and independent contractors to assess and (if the applicant is successful) engage the relevant individual as an employee or independent contractor.

The purposes for which the School uses Personal Information of potential employees and independent contractors include:

- assessing the individual's suitability for employment or contract;
- administering the individual's employment or contract;

- satisfying the School's legal requirements (for example, in relation to registration for Working With Vulnerable People and police checks);
- meeting insurance requirements; and
- seeking funds and facilitating marketing for the School.

In some circumstances (and often for specific roles), the School may also request health-related information to determine an individual's suitability for a potential role, employment or contract.

## Volunteers

The School may collect Personal Information about volunteers to assist the School in its sporting, social, educational, and fundraising functions and associated activities.

## Direct marketing and fundraising

The School considers marketing and donations to be essential avenues for the future growth and development of the School. Such fundraising allows the School to provide quality learning environments in which both students and staff are empowered to thrive. The School may use Personal Information to support these processes, and to facilitate marketing and fundraising efforts. Such information may be disclosed to organisations that assist with these tasks.

Members of the School community may at times receive marketing and fundraising information from the School. Publications like newsletters, Magenta and Black, the School website, social media sites and magazines may also be used to promote marketing and fundraising at the School.

If you do not wish to receive marketing or fundraising correspondence from the School, you will be provided with opportunities to opt-out.

## Social media

The School engages with its community in a variety of ways through social networking services (social media). Some forms of Personal Information may be gathered through these services; however, it will only be used to communicate with those individuals. Social media networks may also collect or handle information for their own purposes; this process is neither regulated by the School, nor covered by this policy.

## Disclosure of Personal Information

The School will not use or disclose Personal Information held about you that was collected for a particular purpose for another purpose, unless:

- you have consented to the use or disclosure of the information for another purpose; or

- the use or disclosure is otherwise permitted under the Privacy Act.

The School may disclose Personal Information held about an individual to:

- teachers and sport coaches;
- medical practitioners;
- specialist visiting personnel including teachers from other schools, sports coaches and other people who provide services to the School;
- parents/carers;
- other schools;
- government departments;
- recipients of school publications, such as newsletters or magazines;
- Old Boys' Association and affiliated bodies;
- Parents' Association;
- external sporting bodies with a connection to the School;
- emergency services;
- Strong Families, Safe Kids;
- lawyers; and
- anyone to whom the individual authorises the School to disclose the information.

The School may disclose Sensitive Information held about an individual to:

- another school;
- government departments;
- medical practitioners;
- specialist visiting personnel including teachers from other schools, sports coaches and other people who provide services to the School;
- emergency services;
- Strong Families, Safe Kids; and
- anyone to whom the individual authorises the School to disclose the Sensitive Information.

## Disclosure of Personal Information to overseas recipients

The School may disclose Personal Information to overseas recipients if it has taken reasonable steps to ensure that the overseas recipient does not breach the Australian Privacy Principles contained in the Privacy Act. Overseas recipients in this context primarily includes parents and carers, other schools or their agents (for example, to facilitate an overseas student exchange).

## Management and security of Personal Information

The School has in place systems, policies and procedures to prevent Personal Information from being misused, interfered with, lost, modified, accessed or disclosed by those lacking the proper authority. The School implements the following to ensure the protection of Personal Information:

- use of secure storage for both paper and computer records (paper records relating to students are kept in locked rooms and/or filing cabinets);
- digital records are stored on dedicated servers that are isolated from student networks so as to minimise the risk of unauthorised access;
- past student files are kept in a secure storage area;
- regular shredding of documents.

If the School no longer needs Personal Information it holds about an individual and it is not required to retain the information under Australian law, the School will take reasonable steps to destroy the Personal Information or to ensure that the Personal Information is de-identified.

## Access to and correction of Personal Information

Under the Privacy Act, individuals have a right to access their own Personal Information. In some circumstances, this right of access may be denied; for example, where release of the information would have an unreasonable impact on the privacy of others, or where the request for access is frivolous or vexatious. These exceptions to access are set out in the Privacy Act.

If an individual would like to access their Personal Information, there are required to request it by contacting the School in writing. Any access request must identify the nature of the information requested, and be addressed to the Privacy Officer (see below).

The School will respond to such requests in a reasonable time (usually within 30 days). The School may charge a fee to cover its costs in relation to assessing the request and providing the information to the individual. The School will consider any fee on a case-by-case basis.

If the Personal Information sought relates to a student, or past student, the School generally expects the relevant access request to be undertaken by the student's parents/carers. The School may, in special circumstances, allow students access to information about them held by the School independently of their parents/carers. The School may also allow a student to give or withhold consent in relation to the use or disclosure of their Personal Information, particularly Sensitive Information, where the School considers this to be in the best interests of the student. This may include consideration of whether certain Sensitive Information should not be disclosed to a parent. In relation to issues of independent access to information and consent, the School will consider the following factors:

- the age and best interests of the student;



- the nature of the information;
- the student's understanding and expectation about what information might be disclosed;
- the need for parents/carers to be informed; and
- the School's duty of care to the student.

The School takes all reasonable steps to ensure that the Personal Information it holds is accurate, up to date, complete, relevant, and not misleading.

An individual may contact the School requesting that it update any Personal Information held by the School.

The School will respond to such requests in a reasonable time (usually within 30 days). Any refusal by the School to correct Personal Information will be in writing and set out the reasons for the refusal, to the extent that it is reasonable to do so. The School will also provide you with information with how you may make a complaint about the refusal.

## Use and disclosure of Sensitive Information

The School may on occasion need to collect Sensitive Information about you; however, it will only use or disclose Sensitive Information for the purpose for which it was provided, or to a directly related secondary purpose, unless you agree otherwise, or if that use or disclosure is allowed or required by law. Some Sensitive Information is required to fulfil the School's obligations under the *Safety, Rehabilitation and Compensation Act 1988*, for example.

## Enquiries and complaints

If you would like further information regarding the way the School manages the Personal Information it holds or wish to make a complaint on the basis that you believe the School has breached an Australian Privacy Principle, please submit your request or complaint in writing to the School's Privacy Officer.

The School will investigate any complaint and will notify you of the outcome in relation to your complaint as soon as is practicable after it has been made.

Enquiries and complaints can be made to:

Privacy Officer

Telephone: 6221 4200

Email: [privacyofficer@hutchins.tas.edu.au](mailto:privacyofficer@hutchins.tas.edu.au)

Postal address: PO Box 254, Sandy Bay 7006

If you are not satisfied with the outcome of the Privacy Officer's investigation or we have not replied to you within a reasonable time, then you can raise your concern with:

*The Office of the Australian Information Commissioner*

Telephone: 1300 363 992

Email: [enquiries@oaic.com.au](mailto:enquiries@oaic.com.au)

*Mail: Office of the Australian Information Commissioner*

GPO Box 5218 Sydney NSW 2001

Online: <https://forms.business.gov.au/aba/oaic/privacy-complaint>

## 6. Supporting/related documents

This policy underpins all documentation produced at or by the School.

## 7. Record keeping

This policy is to be kept for three (3) years until review, unless there is a significant legislative or organisational change requiring earlier review.

The master copy is kept in [SharePoint Online](#) in read-only in PDF form. All printed copies are uncontrolled.

## 8. Policy owner

Headmaster

## 9. Version Control

Version Number	Author	Purpose/Change	Date
5.0	Policy & Compliance Manager	Full review; changed text around information sharing for marketing/Advancement Office purposes.	07/2021



# Attachment 1: Privacy Obligations

The Australian Privacy Principles (APPs) were enforced on 12 March 2014, and serve as the cornerstone of the Privacy Act. In your role at the School, you should be aware of your own obligations, and the School's obligation toward maintaining the privacy and confidentiality of personal and Sensitive Information. This attachment is a summary of the School's responsibilities under the Act and may serve as a useful reference for determining your own role in maintaining privacy and confidentiality.

## Consideration of privacy of Personal Information

### APP1: Open and transparent management of Personal Information

The School is required to manage Personal Information in a way that is open and transparent. This includes having a clear and up-to-date Privacy Policy that is made available to the public.

### APP2: Anonymity and pseudonymity

The School is required to provide individuals with the option of either anonymity, or the use of a pseudonym in certain circumstances; for example, when reporting inappropriate conduct, when acting as a whistleblower (as defined by law) or when making a complaint or grievance.

## Collection of information

### APP3: Collection of solicited personal and Sensitive Information

The School is not permitted to collect Personal Information unless that information is reasonably necessary for, or directly related to its functions or activities. Sensitive Information (as per the definition in the Privacy Policy) may not be collected except where the individual has consented to that collection, and the information is again either reasonably necessary for, or directly related to school functions or activities. This information may only be collected from the individual to whom it relates. There are exceptions to this requirement; for example, where Australian law requires the collection of data that falls under these categories, or where it is unreasonable or impractical to do so.

### APP4: Dealing with unsolicited Personal Information

If the School receives information that it did not solicit from an individual, it is required to determine whether it could have reasonably obtained that information. If so, it may be retained; if not, it must be either destroyed or de-identified, but only where it is both lawful and reasonable to do so.

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## APP5: Notification of the collection of Personal Information

The School must either before, or at collection, notify individuals of a number of matters set out in this Privacy Principle. These matters include:

- why the information is being collected (that is, its purpose);
- requirements for access to the information; and
- whether that information is required under Australian law.

## Dealing with Personal Information

### APP6: Use and disclosure of Personal Information

The School may only use Personal Information for a purpose other than its primary purpose if the individual has consented to that use or disclosure, unless the individual could reasonably expect that their information would be used for that secondary purpose, *and* that purpose is directly related to the primary purpose. A good example of this might be an email address supplied to the School for the purpose of enrolment being used to provide marketing materials or information about events.

### APP7: Direct marketing

The School is permitted to provide direct marketing to individuals without seeking consent for each individual mailout, provided that an option is provided to allow that individual to opt-out of receiving further direct marketing communication. The School must also comply with the request to opt-out.

### APP8: Cross-border disclosure of Personal Information

The School is required to take reasonable steps to ensure that any information provided to overseas parties (for example, the agents of international students engaged under ESOS) does not breach the APPs.

### APP9: Adoption, use and disclosure of government-related identifier

The School may not use a government-related identifier (for example, a tax file number) as its means of identifying individuals in its own systems.

### APP10: Quality of Personal Information

The School is required to take reasonable steps to ensure that any Personal Information that is collected, used or disclosed is accurate, current, complete and relevant.

### APP11: Security of Personal Information

The School is required to take reasonable steps to ensure that Personal Information is protected from misuse, interference and loss, and to ensure that it is also safeguarded from unauthorised access, modification or disclosure. The School must also take reasonable steps to destroy or de-identify records that are no longer needed for any purposes for which they may be used or disclosed, except where Australian law requires its retention.

### Access to and correction of Personal Information

#### APP12: Access to Personal Information

The School is required to give individuals access to their Personal Information upon request, except where it is not reasonable or practicable to do so. Where a request for Personal Information is refused, the School must give reasons to the individual for that refusal and provide an avenue to file a complaint or grievance, unless it would be unreasonable to do so.

#### APP13: Correction of Personal Information

The School must take reasonable steps to correct Personal Information that it holds where it is satisfied that the information may be inaccurate, out-of-date, incomplete, irrelevant or misleading, or where the individual requests that the School update that information.