



# PRIVACY POLICY

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| <b>College Statement</b> | <p><i>Brigidine College Indooroopilly is a Kildare Ministries Independent Catholic Girls Secondary College for students from Year 7 to Year 12. The College is committed to the Brigidine vision of transformation of society through faith and education. It has a proven record of providing quality and affordable education for the empowerment of young women. The College strives, in the spirit of Brigid, to build a true community of students, parents and teachers, reflecting gospel values. The College motto, Fortiter et Suaviter (Strength and Gentleness) is lived daily in all interactions. There is emphasis on the individual and the common good in all aspects of College life.</i></p> |                     |             |
| <b>Date Approved</b>     | 2 December 2019  | <b>Policy Owner</b> | Board       |
| <b>Next Review Due</b>   | December 2021  | <b>Author</b>       | Jackie Wood |
| <b>Scope</b>             | <p>This Policy applies to all members of the College community, including Board members, staff, students, parents/carers, contractors, volunteers and visitors to the College.</p>   |                     |             |
| <b>References</b>        | <p>Related Documents</p> <ul style="list-style-type: none"> <li>• Privacy Act 1988</li> <li>• Privacy Amendment (Notifiable Data Breaches) Act 2017</li> <li>• Copyright Act 1968</li> <li>• Code of Conduct Policy</li> <li>• Queensland College of Teachers Professional Boundaries</li> <li>• University requirements (pre-service teachers)</li> <li>• <a href="https://aifs.gov.au">https://aifs.gov.au</a></li> <li>• <a href="https://www.oaic.gov.au">https://www.oaic.gov.au</a></li> </ul>   |                     |             |
| <b>Contact</b>           | office@brigidine.qld.edu.au  |                     |             |

## 1. Purpose

The *Privacy Act 1988* (Privacy Act) regulates how the College collects, stores, provides access to, uses and discloses personal information. The Australian Privacy Principles are contained within the Privacy Act and the College will comply with these Principles. This Policy outlines how the College will meet its obligations.

## 2. Definitions

*Personal information* under the Privacy Act 1988 means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not.

*Sensitive information* is defined in the Privacy Act 1988 as:

- (a) information or an opinion about an individual's:
  - (i) racial or ethnic origin; or
  - (ii) political opinions; or
  - (iii) membership of a political association; or
  - (iv) religious beliefs or affiliations; or
  - (v) philosophical beliefs; or
  - (vi) membership of a professional or trade association; or
  - (vii) membership of a trade union; or
  - (viii) sexual orientation or practices; or
  - (ix) criminal record;that is also personal information; or
- (b) health information about an individual; or
- (c) genetic information about an individual that is not otherwise health information; or
- (d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- (e) biometric templates.

*Primary Purpose* is the particular purpose for which the information was collected

*Secondary Purpose* is another purpose for the use of the information

*Holds* - an entity holds personal information if the entity has possession or control of a record that contains the personal information

## 3. Personal and Sensitive Information

- The College will only collect information required to undertake the College's functions and activities
- Sensitive information will only be collected if consent is obtained and the information is necessary for or directly related to the College's activities/functions
- Sensitive information may be collected if required by law/court/tribunal or is otherwise permitted or required by the Privacy Act 1988 and the Australian Privacy Principles

### 3.1 Student/Parent/Carer Information

The College collects and holds information of a personal nature that may be sensitive. Information may be obtained and held about students, siblings, parents/carers before, during and after the student is enrolled at the College. Information may include, but is not limited to:

- Name, contact details (including next of kin and emergency contacts), date of birth, gender, language background, previous education, religion, residential information, nationality, Aboriginal and/or Torres Strait Islander, student living arrangements, previous names, aliases
- The right to live and study in Australia eg birth certificate/passport/immigration documentation
- Parent information including education, occupation, language background, nationality
- Medical information including, but not limited to, details of any medical conditions, disabilities, conditions, medications, allergies, health plans, medical report, counselling reports/notes, absence notes, treating health care provider (eg doctor, psychologist, psychiatrist, occupational therapist) details
- School reports eg behaviour, conduct, complaints, support service records eg speech therapist, occupational therapist
- Medicare/private health care information
- Government support information
- Any requirement under law, family court / court orders or directives
- Volunteering and extra-curricular activity information
- Images of the individual which may include photos and/or video footage
- Surveillance information to ensure safety and security, including CCTV footage, internet browsing history, ability to review emails carried (sent and received) by the College's IT infrastructure. Review of personal social media sites to determine if any activities or posts may cause harm or have the potential to cause harm to the College or any worker or student or parent/carers
- Photos, video, audio at College events/functions

### 3.2 Information about Others

The College collects and holds information of a personal nature that may be sensitive. Information may be obtained and held about job applicants, staff, contractors, volunteers, board members, visitors and other individuals. Information may include, but is not limited to:

- Name, contact details (including next of kin and emergency contacts), date of birth, gender, language background, previous education, religion, residential information, nationality, Aboriginal and/or Torres Strait Islander, previous names, aliases
- Information pertinent to any job application/s
- Education and professional qualifications

- Professional development history
- Membership to professional organisations
- Salary and payment information, including superannuation details
- Medical information (details of disabilities, allergies, medical certificates, treatment plans, Workers Compensation information)
- The right to live and work in Australia eg birth certificate/passport/immigration documentation
- Any requirement under law, family court / court orders or directives
- Behaviour management information eg complaints/investigations
- Leave details
- Workplace surveillance information to ensure safety and security, including CCTV footage, internet browsing history, ability to review emails carried (sent and received) by the College's IT infrastructure. Review of personal social media sites to determine if any activities or posts may cause harm or have the potential to cause harm to the College or any worker, student, parent/carer
- Photos, video, audio at College events/functions

#### 4. Anonymity/Pseudonyms

Individuals may deal with the College on a particular matter anonymously or using a pseudonym. This may occur where practicable to do so and where it is not required (by law/court/tribunal) that the College deal with an individual who has identified themselves. Contact the Principal if required.

#### 5. Using and Disclosing Information

The College may use and/or disclose personal information, including sensitive information, held about an individual for the primary purpose of undertaking the College's functions and activities and to comply with compliance/legal requirements and/or in relation to educational, employment, legal, administrative, communication and support purposes. This includes:

- Other educational institutions (eg schools, TAFE, VET) and staff of such institutions
- Government departments, assessment and educational authorities (eg for funding, compliance and policy matters)
- Medical treatment providers (eg doctors, hospitals, paramedics, psychologists)
- College service providers (eg specialist teachers, co-curricular tutors/coaches, volunteers, providers of educational tools/on-line systems, administrative or financial service providers)
- Recipients of College publications (eg magazines, newsletters, web site, intranet site, social media sites)
- Anyone who the individual (or their legal guardian) authorises the College to disclose information to
- Anyone to whom the College is required to or authorised by law to provide information to (eg Police, child/student protection agencies)
- Enrolment and on-going education
- Well-being - emotional, spiritual and social
- Fully enable the individual to participate in College activities
- Ensuring that the College exercises its duty of care
- Meeting all compliance obligations
- Seeking support, assistance, donations for College activities
- Marketing activities of the college
- College Alumni communication and activities

- managing the employment relationship – from pre-employment through to post employment
- managing relationships with others including the Board, visitors, volunteers, parents/carers, students and others as may arise in the course of College functions and/or activities

In addition, the College may use/disclose:

- personal information for a secondary purpose if the secondary purpose is *related* to the primary purpose
- sensitive information for a secondary purpose if the secondary purpose is *directly related* to the primary purpose
- personal information and/or sensitive information for other such reasons as identified in the Privacy Act 1988

There may be times where additional consent is required for the use/disclosure of personal information/sensitive personal information.

## 5.1 Marketing and Fundraising

Marketing and fundraising activities are used to support the successful implementation of the College's Strategic Plan. These activities assist with funding educational programs, co-curricular activities and capital works programs.

Personal information held by the College may be disclosed to organisations to assist with marketing and fundraising activities. The wider College community may, from time to time, receive fundraising information. College publications which contain personal information may be used for marketing activities.

The College uses the collected information about others primarily for the purposes of employment, administration and the strategic planning, daily operation and the provision of educational services by the College.

## 6. Information Collection

The College will solicit information by:

- collecting personal and sensitive personal information by lawful and fair means.
- collecting personal and sensitive information about an individual only from the individual unless consent has been provided to obtain the information from a different person, or if the collection of information is required by law/court/tribunal, or if it is unreasonable/impracticable to collect the information from the individual.

The College collects information using hard copy forms, personal meetings and a variety of digital methods including telephone calls, emails, on-line forms/surveys, on-line meetings etc.

Information may be provided by other individuals eg medical provider, prior school references, employment referees etc.

Personal information may also be collected by electronic surveillance.



When the College website is visited, the College servers collect the following information

- the type of browser and operating system you are using
- your top level domain name, such as .com, .gov, .au, .uk
- the address of the referring site, such as the previous site that you visited
- your server's IP address, a number which is unique to the machine through which you are connected to the internet—usually one of your service provider's machines
- the date and time of your visit
- the address of the pages accessed and the documents downloaded

This information is used only for statistical analysis and systems administration purposes. No attempt is made to identify users or their browsing activities. The exception is where a law enforcement agency is undertaking an investigation and has legal authority to identify users and/or their browsing activities.

## 6.1 Unsolicited Information

Should the College receive personal information that it has not solicited and that it could not have solicited in order for it to undertake its functions and/or activities and the information is not part of a Commonwealth record, the College will destroy the information if lawful to do so, or will de-identify the information. Where this is not applicable, Australian Privacy Principles 5-13 will apply.

## 7. Consent, Access and Correction of Personal Information

Some personal information held about an individual by the College is readily accessible and can be corrected by the individual i.e. the parents/carers/students/workers.

Where the College is notified of information that is inaccurate, out-of-date, incomplete, irrelevant or misleading, or an individual requests that the information be corrected, the College will take reasonable steps to satisfy itself that this is the case and to correct the information.

Where the College has previously notified other organisations of the information, the College will take reasonable steps, if lawful and practicable to do so, to notify these organisations of the correct information.

An individual may request access to the personal information held about them by the College that is not readily available to the individual. This request is to be in writing, to the Principal. The College may need to verify the identity of the person requesting the information.

An individual may be charged a fee for the verification, retrieval, reviewing, copying and provision of the information. This will be notified to the person requesting the information in advance.

### 7.1 Additional Information Regarding Students/Minors

The Privacy Act protects an individual's personal information regardless of age. The College respects the rights of parents/carers to make decisions regarding their child's education and to act on their behalf. Therefore, any consent or notice given by or to a parent is considered to be on behalf of the student.



A student may, without parent/carer consent, request access to their personal information and/or is able to give or withhold consent in relation to the personal information held about them. This may be granted by the College on a case-by-case basis and is dependent on the maturity of the student, the College determining if the student has the capacity to consent and to understand what is being proposed and/or where the student's personal circumstances warrant it. If a student wishes to do this, they must meet with the Principal. If the Principal determines that they lack the maturity, the parent/carer will be required to provide consent on behalf of the student.

## 7.2 Refusal of Access or to Correct Information

The College may refuse an individual access to the information or may refuse to correct information for reasons stated in the Privacy Act 1988. Reasons for refusal to provide information include, but are not limited to:

- The reasonable belief that the provision of the information would pose a serious threat to the life, health or safety of any individual, or to public health or safety;
- The giving of access would have an unreasonable impact of the privacy of other individuals;
- The denying of access is required or authorised under an Australian law or court/tribunal order.

The College will respond to the request for information within 30 days. Where access is refused, the response will be in writing. The requesting individual can make a complaint about the refusal to The Office of the Australian Information Commissioner - [www.oaic.gov.au/](http://www.oaic.gov.au/).

## 8. Photographs, Video Footage, Social Media, Publications

The College may take images, including film footage and photographs, of students and/or their work and of other individuals. The purpose of taking these images is to communicate College and student events and achievements and to showcase work undertaken by students. This information may also be used for College marketing, advertising and fundraising. Images/footage may be published in hard copy and/or soft copy formats and/or on social media.

### 8.1 Publishing Images/Footage

Where a member of the College community is intending to publish an image of another individual, they should consider the impact of publishing the images (could they be deemed offensive/illegal, could they cause harm now or in the future to an individual's reputation, do they publish personal information eg full names). If so, it may be appropriate to reconsider publishing these types of images.

### 8.2 Students

Students participate in a wide variety of activities, including sport, drama/music, excursions and camps. In addition, students produce work in a variety of classes, including in visual art and food and textile design.

Parents/carers consent to the College taking and publishing images of the student and/or their work at the time of enrolment. Where this consent is to be revoked by the parent/carer, the College must be notified in writing. The College will then take all reasonable steps to ensure that the student is no longer photographed/videoed by the school or has work shown. The student must be notified of this new arrangement and must also ensure that she steps aside when photos/videos are being taken.

Any images published online can be copied and redistributed without the knowledge of the person uploading it. Once published, the College will take reasonable steps but may not be able to retrieve/delete images if consent is withdrawn after the image has been published.

## 8.3 Pre-Service Teachers

Pre-service teachers are not permitted to take any photographs or recordings (audio/video) of any student and/or their work. When referring to a specific student, all identifiers must be removed and the student must be referred to as Student A, Student B etc. Pre-service teachers must ensure that they comply with privacy and code of conduct requirements of the College, their university and the Queensland College of Teachers.

## 8.3 Family, Friends, Community Members

Any images/footage taken by friends, family, community members must be for personal use only and must not be widely distributed.

## 8.4 Prohibition on Taking Photos/Footage

Any equipment that can take an image – video footage/photograph, including video cameras, still cameras etc, must not be taken into a change room / toilet / warm up area. A mobile phone may be taken into these areas if used only as a phone, it must not be used to record/take images.

Pre-performance/game team or individual photos must be taken away from the warm-up area.

External venues may prohibit the taking of images. This requirement must be adhered to by any person associated with the College.

## 8.5 Who Owns the Photo

The Copyright Act 1968 provides legislative information regarding who owns photographs.

- a) The general rule is that the person who takes the photograph is the owner of the photograph.
- b) Photos taken by College employees as part of their job, the first owner of the copyright will be the College. That is, unless there is an agreement to the contrary.

The College requires photographers commissioned by the College to assign their copyright and moral rights for exclusive use of the photography and/or video images to the College.

## 9. Quality of Personal Information

The College is required to ensure that information it uses and discloses is accurate, up-to-date, complete and relevant.

The College requires individuals to ensure that the information held by the College is accurate, up-to-date and complete. Updates may occur through on-line systems or via hard-copy forms. On occasion, the College will request that information be reviewed and updated eg medical information, address details.

## 10. Information Storage and Security

The College will use its best endeavours to ensure that personal information is protected from misuse, interference and loss and from unauthorised access, modification or disclosure.

Where information is no longer required to be held by the College and the information is not required to be retained for legal/court/tribunal reasons and the information is not contained in a Commonwealth record, the College shall take reasonable steps to destroy or de-identify the information.

### 10.1 Information Storage

The College stores information electronically in cloud locations. The cloud servers are hosted in Australia by a third party who are required to comply with Australian Privacy Laws and the Australian Privacy Principles.

The College also stores information on-site. Access to information is restricted to those who require access to perform their role.

### 10.2 Sending and Storing Information Overseas

The College may disclose personal information about an individual to overseas recipients. The College will not send personal information about an individual outside Australia without:

- Obtaining the consent of the individual (this may have been obtained prior through activity consent processes)
- Complying with the Australian Privacy Principles or other applicable privacy legislation.

Overseas countries and entities in overseas countries may not be subject to privacy laws and standards comparable with the Australian Privacy Legislation and the Australian Privacy Principles. Should this be the case, the College will not be accountable under the Privacy Act and the individual will not be able to seek redress under the Privacy Act. Further, the overseas recipient is subject to foreign laws that could compel the disclosure of personal information to a third party, such as an overseas authority.

The Australian Privacy Principles allow the disclosure of personal information without consent under certain circumstances. An example may be when on overseas tours, health information may need to be provided to a medical provider or other service provider in order to ensure the health and safety of participants.

## 11. Data Breaches

Where there has been an eligible data breach, the Privacy Act and the Notifiable Data Breaches Scheme requires that the College to notify particular individuals and the Commissioner. An eligible data breach occurs when three criteria are met:

1. There is unauthorised access to or unauthorised disclosure of personal information, or a loss of personal information;
2. This is likely to result in serious harm to one or more individuals; and
3. The entity has not been able to prevent the likely risk of serious harm with remedial action.



'Serious harm' is not defined in the Privacy Act, however may include serious physical, psychological, emotional, financial, or reputational harm.

Where the College suspects that a data breach has occurred, it will carry out a reasonable and expedient assessment / investigation within 30 calendar days. The College will endeavour to complete this process in a much shorter timeframe, as the risk of serious harm to individuals may increase with time. The Principal or delegate will notify the College Board of any suspected breach.

Once the College has reasonable grounds to believe that there has been an eligible data breach, College must, as soon as practicable, make a decision about which individuals to notify, prepare a statement for the Commissioner and notify individuals of the contents of this statement. The College may notify:

1. the specific individuals affected by the breach; or
2. all individuals affected by the breach

If the above two options are not practicable, the College shall:

- publish a copy of the statement on its website; and
- take reasonable steps to publicise the contents of the statement

Not all data breaches are eligible. For example, if the College acts quickly to remediate a data breach, and as a result of this action the data breach is not likely to result in serious harm, there is no requirement to notify any individuals or the Commissioner. There are also exceptions to notifying in certain circumstances.

## 12. Policy Communication

This Policy is available to all stakeholders on the College's website.

Permanent staff have access to the Policy on the internal intranet site.

Workers will be provided with training on this Policy.

## 13. Enquiries and Complaints

Enquiries regarding this Policy may be directed to the Principal.

An individual who has or has had their information held by the College, may lodge a complaint in writing to the College Principal about an act or practice of the College which the individual believes to be inappropriate or unlawful.

The Principal will investigate the complaint. A decision will be made regarding the complaint and the complainant will be notified of the result within 30 days of the complaint being received.

Information collected by the College regarding an individual's employment is exempt.

# PRIVACY POLICY



## Contact

The Principal  
Private and Confidential  
Brigidine College Indooroopilly  
53 Ward Street  
Indooroopilly Qld 4068

Email: [office@brigidine.edu.qld.au](mailto:office@brigidine.edu.qld.au)

Should the complainant be dissatisfied with the College's response, or not receive a response by the end of the 30-day period, the complainant may make a complaint to the Office of the Australian Information Commissioner [www.oaic.gov.au/](http://www.oaic.gov.au/).

## Revision History

| Document Number | Revision Description | Approval      |
|-----------------|----------------------|---------------|
| Version 1       | Original Policy      | November 2009 |
| Version 2       | Policy Review        | July 2017     |
| Version 3       | Policy Review        | May 2018      |
| Version 4       | Policy Review        | December 2019 |

**END OF POLICY**