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## PRIVACY POLICY

### PURPOSE OF THIS POLICY

Hubbard's School is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act. This statement outlines the privacy policy of the school and describes how the school uses and manages personal information provided to or collected by it.

### SCOPE

The policy applies to board members, employers, employees, volunteers, parents/guardians and students, contractors, and people visiting the school site; and describes the type of information the school collects, how the information is handled, how and to whom the information is disclosed, and how the information may be accessed.

### RESPONSIBILITY

Hubbard's School Governing Body

### POINT OF CONTACT

Hubbard's School Principal

### REFERENCES

Privacy Act 1988 (Cth)  
Australian Privacy Principles  
Child Protection Policy  
Mobile Phone Policy  
Disabilities Policy

**REVIEW DATE** Annually

**NEXT REVIEW DATE** January 2019

### CROSS-REFERENCE

The Hubbard's School:

'Grievance Policy'  
'Child Protection Policy'  
'Grievance Procedure'  
'Privacy Collection Notice'

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## EXCEPTION IN RELATION TO EMPLOYEE RECORDS

Under the Privacy Act 1988 (Cth) (Privacy Act), the Australian Privacy Principles do not apply to an employee record held by the employing entity. 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 Hubbard's School and the employee.

### 1. POLICY

This Privacy Policy sets out how Hubbard's School manages personal information provided to or collected by it. 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 Privacy Policy to take account of new laws and technology, changes to the School's operations and practices and to make sure it remains appropriate to the changing school environment. If you have any issues with regards to the collection or distribution of private/potentially private information, please report your concerns in correlation with the School's 'Grievance Policy'.

### 2. PERSONAL INFORMATION

The type of information the School collects and holds includes (but is not limited to) personal information, including health and other sensitive information, about:

- 2.1 students and parents and/or guardians ('Parents') before, during and after the course of a student's enrolment at the School:
  - a. name, contact details (including next of kin), date of birth, gender, language background, previous school and religion;
  - b. parents' education, occupation and language background;
  - c. medical information (e.g. details of disability and/or allergies, absence notes, medical reports and names of doctors);
  - d. conduct and complaint records, or other behaviour notes, and school reports; information about referrals to government welfare agencies;
  - e. counselling reports;
  - f. health fund details and Medicare number;
  - g. any court orders;
  - h. volunteering information; and
  - i. photos and videos at school events.
- 2.2 job applicants, staff members, volunteers and contractors:
  - a. name, contact details (including next of kin), date of birth, and religion;
  - b. information on job application;
  - c. professional development history;

- d. salary and payment information, including superannuation details;
  - e. medical information (e.g. details of disability and/or allergies, and medical certificates);
  - f. complaint records and investigation reports;
  - g. leave details;
  - h. photos and videos at school events;
  - i. workplace surveillance information; and
  - j. work emails and private emails (when using work email address) and Internet browsing history.
- 2.3 other people who come into contact with the School including name and contact details and any other information necessary for the particular contact with the school.

### **PERSONAL INFORMATION YOU PROVIDE**

The School 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, emails and telephone calls. On occasions people other than parents and students provide personal information.

### **INFORMATION PROVIDED BY OTHER PEOPLE**

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 a reference from another school.

## **3. USE OF INFORMATION**

Hubbard's 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 by you, or to which you have consented.

### **STUDENTS AND PARENTS/GUARDIANS**

In relation to personal information of students and parents, the School's primary purpose of collection is to enable the School to provide schooling to students enrolled at the school, exercise its duty of care, and perform necessary associated administrative activities, which will enable students to take part in all the activities of the school. This includes satisfying the needs of parents, the needs of the students and the needs of the School throughout the whole period the student is enrolled at Hubbard's School. The purposes for which the School uses personal information of students and Parents/Guardians include:

- a. to keep Parents informed about matters related to their child's schooling, through correspondence, newsletters, magazines, and social media;
- b. day-to-day administration of the School;
- c. looking after students' educational, social and medical wellbeing;
- d. seeking donations and marketing for the School; and

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

In some cases, where the School requests personal information about a student or parent, if the information requested is not provided, the School may not be able to enrol or continue the enrolment of the student or permit the student to take part in a particular activity.

On occasions information such as academic and sporting achievements, student activities and similar news is published in School newsletters and magazines, on our intranet [and on our website] this may include photographs and videos of student activities such as sporting events, school camps and school excursions. The School will obtain permissions [annually] from the student's parent or guardian (and from the student if appropriate) if we would like to include such photographs or videos [or other identifying material] in our promotional material or otherwise make this material available to the public such as on the internet.

### **JOB APPLICANTS, STAFF MEMBERS AND CONTRACTORS**

In relation to personal information of job applicants, staff members and contractors, Hubbard's 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.

- 3.1 The purposes for which the School uses personal information of job applicants, staff members and contractors include:
- a. in administering the individual's employment or contract, as the case may be;
  - b. for insurance purposes;
  - c. seeking donations and marketing for the School; and
  - d. to satisfy the School's legal obligations, for example, in relation to child protection legislation, see the Hubbard's School 'Child Protection Policy'.

### **VOLUNTEERS**

The School also obtains personal information about volunteers, or parents, who assist the School in its functions or conduct associated activities, such as alumni associations, to enable the School and the volunteers to work together.

### **MARKETING AND FUNDRAISING**

The School treats marketing and seeking donations for the future growth and development of the School as an important part of ensuring that the School continues to provide a quality learning environment in which both students and staff thrive. Personal information held by the School may be disclosed to organisations that assist 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, magazines, emails, and social media, which include personal information, may be used for marketing purposes.

If you would like to opt-out of direct marketing please contact the School Principal on (07) 3371 5999.

## 4. DISCLOSURE OF INFORMATION

- 4.1 The School may disclose personal information, including sensitive information, held about an individual for educational, administrative and support purposes. This may include to:
- a. another school or staff at another school;
  - b. government departments (including for policy and funding purposes);
  - c. medical practitioners;
  - d. people providing educational, support and health services to the School, including specialist visiting teachers, tutors, coaches, volunteers, counsellors and providers of learning and assessment tools;
  - e. assessment and educational authorities, including the Australian Curriculum, Assessment and Reporting Authority (ACARA);
  - f. people providing administrative and financial services to the School;
  - g. recipients of School publications, such as newsletters and magazines;
  - h. students' parents or guardians;
  - i. anyone you authorise the School to disclose information to; and
  - j. anyone to whom we are required or authorised to disclose the information to by law, including child protection laws.

### SENDING INFORMATION OVERSEAS

- 4.2 Hubbard's School may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange. However, the School will not send personal information about an individual outside Australia without:
- a. obtaining the consent of the individual (in some cases this consent will be implied); and
  - b. otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

The School may use online or 'cloud' service providers to store personal information and to provide services to the School that involve the use of personal information, such as services relating to email, instant messaging and education and assessment applications. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may be stored in the 'cloud' which means that it may reside on a server which may be situated outside Australia.

An example of such a cloud service provider is Google. Google provides the 'Google Apps for Education' (GAFE) including Gmail, and stores and processes limited personal information for this purpose. School personnel and the AIS and its service providers may have the ability to access, monitor, use or disclose emails, communications (e.g. instant messaging), documents and associated administrative data for the purposes of administering GAFE and ensuring its proper use.

The data centres where the personal information is likely to be kept are located in the USA, Taiwan, Singapore, Ireland, Netherlands and Belgium.

## SENSITIVE INFORMATION

- 4.3 In referring to 'sensitive information', the School means:
- a. information relating to a person's racial or ethnic origin;
  - b. political opinions;
  - c. religion;
  - d. trade union or other professional or trade association membership;
  - e. philosophical beliefs;
  - f. sexual orientation or practices;
  - g. criminal record data that is also personal information;
  - h. health information; and
  - i. 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.

## 5. MANAGEMENT AND SECURITY

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

## 6. DATA BREACHES

- 6.1 It will be deemed that an 'eligible data breach' has occurred if:
- a. there has been unauthorised access to, or unauthorised disclosure of, personal information about one or more individuals (the affected individuals)
  - b. a reasonable person would conclude there is a likelihood of serious harm to any affected individuals as a result
  - c. the information is lost in circumstances where:
    - unauthorised access to, or unauthorised disclosure of, the information is likely to occur
    - assuming unauthorised access to, or unauthorised disclosure of, the information was to occur, a reasonable person would conclude that it would be likely to result in serious harm to the affected individuals.

Serious harm may include serious physical, psychological, emotional, economic and financial harm, as well as serious harm to reputation.

## WHAT MUST THE SCHOOL DO IN THE EVENT OF AN 'ELIGIBLE DATA BREACH'?

If Hubbard's School suspects that an eligible data breach has occurred, it will carry out a reasonable and expedient assessment/investigation within 30 days.

If such an assessment/investigation indicates there are reasonable grounds to believe an eligible data breach has occurred, then Hubbard's School will be required to lodge a statement to the Privacy Commissioner (Commissioner). Where practical to do so, the school entity will also notify the affected individuals. If it is not practicable to notify the affected individuals, Hubbard's School will publish a copy of the statement on its website, or publicise it in another manner.

#### **EXCEPTION TO NOTIFICATION OBLIGATION**

- 6.2 An exception to the requirement to notify will exist if there is a data breach and immediate remedial action is taken, and as a result of that action:
- a. there is no authorised access to, or unauthorised disclosure of, the information; or
  - b. there is no serious harm to affected individuals, and as a result of the remedial action, a reasonable person would conclude the breach is not likely to result in serious harm.

## **7. ACCESS AND CORRECTION**

Under the Privacy Act, an individual has the right to seek and 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 be able to access and update their personal information through their parents, but older students may seek access and correction themselves.

To make a request to access or to update any personal information the School holds about you or your child, please contact the School 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.

The School will take reasonable steps to ensure that any personal information is accurate, up to date, complete, relevant and not misleading.

## 8. CONSENT AND RIGHTS OF ACCESS INFORMATION

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. 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.

As mentioned above, parents may seek access to personal information held by the School about them or their child by contacting the School 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 student.

The School may, at its discretion, on 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 warrant it.

## 9. ENQUIRIES AND COMPLAINTS

If you would like further information about the way the School manages the personal information it holds, or wish to complain that you believe that the School has breached the Australian Privacy Principles please contact the School Principal in writing or by calling (07) 3371 5999. The best method to report a complaint is to follow the School's 'Grievance Procedure'. The School will investigate any complaint and will notify you of the making of a decision in relation to your complaint as soon as is practicable after it has been made.