



# Privacy Policy

August 2020

## 1.0 Purpose

---

This policy outlines how the Association of Independent Schools of South Australia and the South Australian Independent Schools Block Grant Authority (“the Organisations”) use and manage personal information provided to or collected by them. It also serves as a guide to the Organisations’ staff as to the standards to be applied in respect of handling personal information and ensures consistency in the Organisations’ approach to Privacy.

The Organisations are bound by the Australian Privacy Principles (APPs) contained in the Commonwealth Privacy Act and will collect, use and retain personal information in accordance with those Principles.

The Organisations may, from time to time, review and update this Privacy Policy to take account of new laws and technology and changes to its operations and practices and to make sure it remains appropriate to changes in the Organisations’ environments.

## 2.0 Scope

---

Within the Organisations, this policy applies to all management, employees, Board members, consultants, members, volunteers, contractors and visitors entering the workplace and all events and activities conducted by the Organisations or those attended as representatives of the Organisations, whether on or off site.

## 3.0 Responsibilities

---

### Obligations of Organisations

The Organisations have a legal obligation to ensure the collection, use and retention of personal information satisfies the requirements of the Acts.

### Obligations of Employees and Others

Staff, Board members, consultants, members, contractors, clients and visitors must ensure they are aware of relevant matters in relation to the collection of personal information.

## 4.0 Background and Relevant Legislation

---

### **The Privacy Act 1988**

### **Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Amending Act)**

In this policy, the Privacy Act, 1988 and the Amending Act are referred to as the ‘Privacy Act’. The Privacy Act regulates the collection, storage, use and disclosure of different types of personal information by:

- a. Commonwealth and Australian Capital Territory government agencies; and
- b. private sector organisations with turnovers of over \$3 million.

The Privacy Act applies to an organisation including:

- i. an individual
- ii. a body corporate
- iii. a partnership
- iv. any other unincorporated association, or
- v. a trust.

## 5.0 Definitions

---

A key component of the legislation is the mandatory requirement for the Organisations to comply with the 13 Australian Privacy Principles (APPs). The APPs set minimum standards which relate to the collection, security, storage, use, correction and disclosure of personal information and access to that information.

### 5.1 Types of information covered

The following types of information are covered by the Privacy Act:

- a. personal information
- b. sensitive information and
- c. health information.

#### 5.1.1 Personal information

Personal information means information or an opinion about an identified individual or an individual who is reasonably identifiable whether the information is true or not, and whether the information is recorded in a material form or not. It includes all personal information regardless of its source which identifies an individual or allows an individual to be identified.

Personal information does not include information which has been de-identified so that the individual is no longer identifiable either from the information or from the information when combined with other information reasonably available to the Organisations.

#### 5.1.2 Sensitive information

Sensitive information is a type of personal information that is given extra protection and must be treated with additional care. It includes any information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, or criminal record. It also includes health information.

#### 5.1.3 Health information

Health information is a subset of sensitive information. It is any information or opinion about the health or disability of an individual, the individual's expressed wishes about the future provision of health services and a health service provided, currently or in the future, to an individual that is also personal information. Health information also includes personal information collected in the course of providing a health service.

## 6.0 Procedures

---

### 6.1 Types of personal information collected and held by the Organisations

The type of information the Organisations collect and hold includes (but is not limited to) personal information, including sensitive information about:

- AISSA staff and Board members
- member school staff and Board Members;
- students for the purpose of providing advice to schools and other agencies;
- students for the purposes of funding applications and other activities that provide support to Independent schools to assist students;
- job applicants, staff members, volunteers, consultants and contractors; and
- other people who come into contact with the Organisations, including name and contact details and any other information necessary for the particular contact with the Organisations.

The range of information the Organisations collect and hold about job applicants, staff members, volunteers and contractors, includes (but is not limited to):

- name, contact details (including next of kin), date of birth;
- information on job application;
- professional development history;
- salary and payment information, including superannuation details;
- medical information (e.g. details of disability and/or allergies, and medical certificates);
- complaint records and investigation reports;
- leave details;
- work emails and private emails (when using work email address) and Internet browsing history.

#### 6.1.1 Personal information you provide

The Organisations will generally collect personal information held about an individual by way of electronic and hard copy forms filled out by those individuals, face-to-face and video conference meetings, workshops and interviews, and telephone calls. On occasions people other than those individuals provide personal information.

#### 6.1.2 Personal information provided by other people

In some circumstances, the Organisations may be provided with personal information about an individual from a third party, for example, a referral or reference from a school or educational organisation.

#### 6.1.3 Exception in relation to employee records

The Australian Privacy Principles do not apply to employee records, and this Privacy Policy does not apply, in relation to the Organisations' treatment of an employee record where the treatment is directly related to a current or former employment relationship between the organisation and the employee.

### 6.2 Use of personal information you provide

The Organisations will use personal information collected 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.

## 6.2.1 Students

In relation to personal information of students, the Organisations' primary purpose of collection is to enable the Organisations to assess applications for funding or other activities that provide support to Independent schools to assist students.

In some cases where the Organisations will request personal information about a student, if the information requested is not obtained, the Organisations may not be able to assess a student's funding or other application, or provide support to the school to assist students.

## 6.2.2 Job applicants, staff members, consultants and contractors

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

The purposes for which the Organisations use personal information of job applicants, staff members, consultants and contractors include:

- in administering the individual's employment or contract, as the case may be;
- for insurance purposes;
- to provide information and advice to schools;
- to satisfy the Organisations' legal requirements, for example, in relation to child protection legislation.

## 6.2.3 School staff and Board members

The Organisations' use of personal information about school staff and Board members is to provide services to schools including the provision of information and advice, professional development, administration of Programs, representation and advocacy and the promotion of Independent schools to the public.

## 6.3 Disclosure of personal information

The Organisations may disclose personal information to others for advisory, administrative, child protection, legal or educational purposes. Such disclosures will only be in relation to the primary purpose of collection, or for secondary purposes, related to the primary purpose, and which the individual would reasonably expect. If the Organisations do not receive the information referred to above, it may not be able to provide the relevant service to the school, student, school employee or others.

This may include to:

- schools
- government departments and education authorities
- people providing services to the Organisations
- third parties contracted by the Organisations for the purpose of organisational review and improvement
- medical practitioners
- recipients of the Organisations' publications, such as newsletters and magazines
- anyone you authorise the Organisations to disclose information to and
- anyone to whom we are required to disclose the information by law.

The Organisations may be legally required to disclose your personal information. Such disclosure may be (a) required by subpoena, law, or other legal process; (b) necessary to assist law enforcement officials or government enforcement agencies; (c) necessary to investigate violations of or otherwise enforce our legal obligations; (d) necessary to protect us from legal action or claims from third parties including you; and/or (e) necessary to protect the legal rights, personal/real property, or personal safety of AISSA, our users, employees, and affiliates.

## 6.3.1 Sending information overseas

The Organisations may disclose personal information about an individual to overseas recipients, for instance, when storing personal information with 'cloud' service providers which are situated outside Australia. The Organisations 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 Australian Privacy Principles.

The Organisations may use online or 'cloud' service providers to store personal information and to provide services to the Organisations 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 who access their services. This personal information may be stored in the 'cloud' which means that it may reside on a cloud service provider's servers which may be situated outside Australia.

Examples of cloud service providers used by the Organisations include Google and Office 365. 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 Google and Office 365, and to ensure their proper use.

## 6.3.2 Treatment of sensitive information

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 that sensitive information is allowed by law.

## 6.4 Management and security of personal information

The Organisations' staff members are required to respect the confidentiality of personal information and the privacy of individuals. The Organisations have in place steps to protect the personal information held from misuse, loss, unauthorised access, modification or disclosure by use of various methods including two-factor authentication, password access rights to computerised records and locked storage of paper records.

## 6.5 Rights of access and correction of personal information

Under the Commonwealth Privacy Act an individual has the right to obtain access to any personal information which the Organisations hold about them and to advise the Organisations of any perceived inaccuracy. There are some exceptions to this right set out in the Act.

To make a request to access or update any personal information the Organisations hold about you, please contact the AISSA Chief Executive in writing. The Organisations may require you to verify your identity and specify what information you require. The Organisations 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 Organisations will advise the likely cost in advance.

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 Organisations' duty of care to an individual. If we cannot provide you with access to that information, we will provide you with written notice explaining the reasons for refusal.

## 6.6 Enquiries and Complaints

If you would like further information about the way the Organisations manage the personal information held or wish to complain that you believe that the Organisations have breached the Australian Privacy Principles, please contact the AISSA Chief Executive. The AISSA Chief Executive will investigate any complaint and will notify you of a decision in relation to your complaint as soon as is practicable after it has been made.

## 7.0 Related Documents

---

The Australian Privacy Principles (Appendix 1)

### Collection Notices

1. AISSA & BGA Standard Collection Notice
2. AISSA Website
3. Employment Application
4. Prospective Consultants / Contractors
5. Video Conferencing Collection Notice

## 8.0 Authorisation

---

This policy was reconfirmed by the AISSA Board on 27 August 2020.

## 9.0 Review Date

---

This policy is due for Review in August 2022.

## 10.0 Appendix

---

### Appendix 1: The Australian Privacy Principles

From 12 March 2014, the Australian Privacy Principles (APPs) will replace the National Privacy Principles and Information Privacy Principles and will apply to organisations, and Australian Government (and Norfolk Island Government) agencies. The APPs set minimum standards which relate to the collection, security, storage, use, correction and disclosure of personal information and access to that information.

- APP 1: Open and transparent management of personal information
- APP 2: Anonymity and pseudonymity
- APP 3: Collection of solicited personal information
- APP 4: Dealing with unsolicited information
- APP 5: Notification of the collection of personal information
- APP 6: Use or disclosure of personal information
- APP 7: Direct Marketing
- APP 8: Cross-border disclosure of personal information
- APP 9: Adoption, use or disclosure of personal information
- APP 10: Quality of personal information
- APP 11: Security of personal information
- APP 12: Access to personal information
- APP 13: Correction of personal information

Association of Independent Schools of South Australia Policies and Procedures	Ratification Date: 13 March 2014 Last Updated: 27 August 2020 Next Review: August 2022
Alteration Permissions: Carolyn Grantskalns Chief Executive	Pages: 6 Appendix: 1

## PRIVACY INFORMATION – EMPLOYMENT APPLICATION

The Association of Independent Schools of South Australia (“the AISSA”) respects the privacy of all people and is committed to ensuring that we comply with the Commonwealth *Privacy Act*. In applying for this position you will be providing the AISSA with personal information.

We can be contacted as follows:

128 Greenhill Road  
UNLEY SA 5061  
Telephone: 8179 1400  
Email: [office@ais.sa.edu.au](mailto:office@ais.sa.edu.au)

The AISSA collects your personal information directly from you, for example, your name and address or information contained on your resume. We may also collect it from other sources such as your referees and the results of criminal background and working with children checks. We collect the information in order to assess your application for employment. We may keep this information on file if your application is unsuccessful in case another position becomes available.

The AISSA will not disclose this information to a third party without your consent unless otherwise permitted. We usually disclose this kind of information to third party providers such as our support vendor which provides support for our information technology and staff administration systems.

The AISSA will collect information, such as from a Working with Children Check or a criminal record check, about you in accordance with Child Protection legislation.

The AISSA may use online or 'cloud' service providers to store personal information and to provide services to the AISSA that involve the use of personal information, such as email services. 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 reside on a cloud service provider's servers which may be situated outside Australia. Further information about the AISSA's use of on online or 'cloud' service providers is contained in the AISSA's Privacy Policy.

If you provide the AISSA with the personal information of others (such as referee names and contact details), we encourage you to inform them that you are disclosing that information to us and why, that they can access that information if they wish, that the AISSA does not usually disclose the information to third parties and that we may store their information for a reasonable period.

The AISSA's Privacy Policy contains details of how you may complain about a breach of the Australian Privacy Principles and how you may seek access to and correction of your personal information which the AISSA has collected and holds. However, access may be refused in certain circumstances such as where access would have an unreasonable impact on the privacy of others or where the AISSA is otherwise required or authorised by law to refuse access. Any reasons for a such a refusal will be provided in writing (unless, having regards to the grounds for refusal, it would be unreasonable to provide reasons).

We reserve the right to modify this Collection Notice from time to time.