



**FOUNTAIN**  
**COLLEGE**

# **Fountain COLLEGE**

## **Privacy**

## **Policy and Procedures**

## Rationale

Protecting the personal and health information of staff and students is a serious moral, professional and legal responsibility that our school recognises and accepts.

## Aim

To collect, handle, use, store and disclose personal and health information of staff and students in a manner compliant with the *Health Records Act 2001* and the *Information Privacy Act 2000*.

## Scope

The policy applies throughout Fountain College and is a guide for all teaching, management and administrative staff.

## Legislation

### The Privacy Act

The Privacy Amendment Act 2000 (Commonwealth) amends the Privacy Act 1988 to include the regulation of private sector organisations and the systems used by these organisations to handle 'personal information'.

The Act details how businesses and organisations must manage personal information of customers. It regulates what personal information can be kept, in addition to how businesses collect, use, secure and disclose that information.

Individuals will have the right to know **why** an organisation is collecting their personal information, **what** information it holds about them, how it will **use** the information, and who else will **get** the information.

Individuals will also have the right to verify that personal information held by an organisation is accurate and may complain if they think their information is not being handled correctly.

## Implementation

### Personal and Sensitive Information

*Personal information* is information or an opinion that allows someone to identify the individual that the information or opinion is about. Within Fountain College, *personal information* is likely to be collected on staff, job applicants, volunteers, contractors, students, and board and committee members.

This information could include:

- ☐ name
- ☐ address
- ☐ date of birth and age
- ☐ country of birth and nationality
- ☐ telephone numbers and email addresses
- ☐ details of next of kin
- ☐ emergency contact numbers

The use of personal information refers to the handling of personal information within an organisation including *'the inclusion of information in a publication'*.

*Sensitive Information* is personal information about an individual's race or ethnic origin, political opinions, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences, criminal record or health information.

*Sensitive information must be treated with additional care.*

Within the College, sensitive information relates to information such as personal crises of members, illnesses, wedding and funeral details. This information is to be treated with care. It may be advisable to obtain permission from the appropriate person prior to publishing or announcing information about them in school bulletins and newsletters etc.

Personal and sensitive information may be gathered by way of forms, e-mail, telephone, face to face meetings and interviews.

Sensitive information is used only for the purpose for which it is provided, unless the disclosure of such information is allowed by law.

### **Use of Information**

The College uses personal information it collects for the primary purpose for which it is collected, and for secondary purposes reasonably expected to be related to the primary purpose. The information may also be used for purposes for which consent has been gained.

The primary purposes for the collection of information are that:

- The College may contact people and interact with them;
- Appropriate administrative sections within the College (Boards and Committees) can be contacted;
- The College can effectively and efficiently administer its human resources (call processes and appraisals).

Information which is collected about volunteers assists the College to coordinate volunteers and staff, and to help it to meet duty of care requirements.

Personal information which is obtained in relation to staff, job applicants, and contractors is used to:

- Satisfy legal requirements;
- Administer contracts;
- Provide insurance cover.

### **Disclosure of personal information**

Personal information may be disclosed to:

- Boards and Committees of the College;
- Recipients of College publications;
- Anyone the provider authorises to receive it
- Government Departments.

### **Update of Personal Information**

The College endeavours to maintain personal information so that it is kept up-to-date, complete and accurate. A person may update personal information by contacting the College.

### **The Responsibility**

The Principal will be the responsible person for ensuring the College's privacy policy and procedures are fully implemented and working effectively.

The Principal will:

- Promote the privacy plan to all relevant parties within the College;
- Coordinate and implement the privacy policy; and
- Ensure a privacy audit is conducted in all bodies within the College.

### **Complaints Process**

The Principal will:

- Identify (and address) any systemic or ongoing compliance problems;
- Increase confidence in the organisation's privacy procedures;
- Build a good reputation of the organisation; and
- Address complaints quickly and effectively.

Any person, who believes their personal information has been inappropriately handled, may lodge a complaint to the Principal. This complaint must be in written form and clearly identify the circumstances surrounding the alleged inappropriate handling and any remedy sought. There is no prescribed form for this purpose.

If that member is dissatisfied with the handling of the complaint or if, due to the sensitive nature of the complaint, it is inappropriate to submit the complaint to the Principal in the first instance, the matter may be referred directly to the Privacy Commissioner of Western Australia.

The Privacy Commissioner may then investigate the complaint. The Privacy Commissioner has discretion to instigate an investigation into any interference with privacy even if no complaint has been lodged by any party involved.

The Privacy Commissioner is empowered to order that the College redress any loss or damages to the aggrieved member. As a legal process, failure to comply with these directions may result in the matter being referred to the Federal Courts.

Although court action may be an end result, the complaints process emphasises a preference to resolution through mediation and conciliation.

### **Accessing personal information**

Members are entitled to access and examine personal information relating to them that is held by the College. Requests to access personal information must be addressed to the Principal.

If, upon examination of the personal information, any member identifies information that is inaccurate, incomplete or out-of-date, that member should contact the Principal with a request that the information be corrected. If the inaccuracy is established, the College must take reasonable steps to correct and/or update that information.

If the person disagrees as to the accuracy of the personal information, the person can request that a statement outlining the perceived discrepancies be associated and kept with the relevant information. The College must take reasonable steps to comply with any such request.

### **Security of Personal Information**

The College has put in place measures to protect personal information held by the College from modification, loss, unauthorised access and misuse or disclosure to unauthorised persons. Personal information is stored in locked filing cabinets and computers require password access.

### **Training**

Existing staff will have been trained whilst new staff will be trained in the correct methods of dealing with personal information to ensure privacy/confidentiality. Knowledge of this policy is a critical element of that training.

### **Review**

The Fountain College management team will review the *Privacy Policy* and related documents in collaboration with staff representatives.

Policy Review Date: July 2016

Next Review Date: July 2018