

## 7.8 PRIVACY POLICY (NESA)

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### INTRODUCTION

This Privacy Policy sets out how Lindfield Montessori School manages personal information provided to or collected by it.

Lindfield Montessori School is not bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act 1988. In relation to health records, the school is bound by the legislation Health Privacy Principles which are contained in the Health Records and Information Privacy Act 2002 (NSW) (Health Records 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.

### WHAT KINDS OF INFORMATION DOES THE SCHOOL COLLECT AND HOW DOES IT COLLECT IT?

The type of information the school collects includes (but is not limited to):

- **personal information, including health and other sensitive information, about:**
  1. Children and parents and/or guardians ('Parents') before, during and after the course of a child's enrolment at the school, including:
    - name, contact details (including next of kin), date of birth, gender, language background, previous school and religion;
    - parents' education, occupation and language background;
    - medical information (e.g., details of disability and/or allergies, absence notes, medical reports and names of doctors);
    - conduct and complaint records, or other behaviour notes, and school reports;
    - counselling reports;
    - health fund details and Medicare number;
    - any court orders;
    - volunteering information; and
    - photos and videos at School events.
  2. Job applicants, staff members, volunteers and contractors:
    - name, contact details, date of birth;
    - Work experience;
    - 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;

- vaccination status for COVID-19;
  - photos and videos at school events;
  - workplace surveillance information;
  - work emails and private emails (when using work email address) and Internet browsing history;
3. Other people who come into contact with the school, including name, contact details and any other necessary information.

- **Personal Information you provide**

Lindfield Montessori Preschool will generally collect personal information held about an individual by way of forms filled out by parents, face-to-face meetings, emails and telephone calls. On occasions people other than parents provide personal information.

- **Personal Information provided by other people**

In some circumstances, Lindfield Montessori Preschool 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.

- **Exception in relation to employee records**

Under the Privacy Act and the Health Records Act, the Australian Privacy Principles and Health Privacy Principles do not apply to an employee record. 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 the school and employee.

## **HOW WILL LINDFIELD MONTESSORI PRESCHOOL USE THE PERSONAL INFORMATION YOU PROVIDE?**

Lindfield Montessori Preschool 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.

### **Children and Parents**

In relation to personal information of children and their parents, Lindfield Montessori Preschool's primary purpose of collection is to enable the school to provide schooling to children enrolled at the school, exercise its duty of care, and perform necessary associated administrative activities, which will enable children to take part in all the activities of the school. This includes satisfying the needs of parents, the needs of the children and the needs of the school throughout the whole period the child is enrolled at the school.

The purposes for which Lindfield Montessori Preschool uses personal information of children and their parents include:

- to keep parents informed about matters related to their child's schooling, through correspondence, newsletters;
- day-to-day administration of the preschool;
- looking after children's educational, social and medical wellbeing;
- seeking donations and marketing for the school; and
- to satisfy the school's legal obligations and allow the school to discharge its duty of care.

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

### **Job applicants and contractors**

In relation to personal information of job applicants and contractors, the school's primary purpose of collection is to assess and (if successful) to engage the applicant or contractor, as the case may be.

The purposes for which Lindfield Montessori Preschool uses personal information of job applicants and contractors include:

- administering the individual's employment or contract, as the case may be;
- for insurance purposes;
- seeking donations and marketing for the school; and
- satisfying the school's legal obligations, for example, in relation to child protection legislation.

### **Volunteers**

Lindfield Montessori Preschool also obtains personal information about volunteers who assist the school in its functions or conduct associated activities, such as fundraisers, to enable the school and the volunteers to work together.

### **Marketing and fundraising**

Lindfield Montessori Preschool 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 children and staff thrive. Personal information held by the school may be disclosed to organisations that assist in the school's fundraising.

Parents, staff, contractors and other members of the wider school community may from time to time receive fundraising information. School publications, like newsletters, which include personal information, may be used for marketing purposes.

### **WHO MIGHT LINDFIELD MONTESSORI PRESCHOOL DISCLOSE PERSONAL INFORMATION TO AND SHARE YOUR INFORMATION WITH?**

Lindfield Montessori Preschool may disclose personal information, including sensitive information, held about an individual for educational, administrative and support purposes. This may include to:

- other schools and teachers at those schools;
- government departments (including for policy and funding purposes);
- medical practitioners;
- people providing educational, support and health services to the school, including specialist visiting teachers, volunteers, and counsellors;
- providers of learning and assessment tools;
- assessment and educational authorities, including the Australian Curriculum, Assessment and Reporting Authority (ACARA)
- people providing administrative and financial services to the school;
- recipients of school publications, such as newsletters and magazines;
- children's' parents or guardians;
- anyone you authorise the school to disclose information to; and
- anyone to whom we are required or authorised to disclose the information to by law, including child protection laws.

### **SENDING AND STORING INFORMATION OVERSEAS**

Lindfield Montessori Preschool may disclose personal information about an individual to overseas recipients, for instance, to facilitate transition to a new school. However, Lindfield Montessori 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 or other applicable privacy legislation.

Lindfield Montessori Preschool may use online and '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, Transparent Classroom 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 cloud service provider's servers which may be situated outside Australia.

## **HOW DOES THE SCHOOL TREAT SENSITIVE INFORMATION?**

In referring to 'sensitive information', Lindfield Montessori Preschool means information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, philosophical beliefs, sexual orientation or practices or criminal record, that is also personal information; health information and 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.

## **MANAGEMENT AND SECURITY OF PERSONAL INFORMATION**

Lindfield Montessori Preschool's staff are required to respect the confidentiality of children's 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.

## **ACCESS AND CORRECTION OF PERSONAL INFORMATION**

Under the Commonwealth Privacy Act and the Health Records Act, an individual has the right to seek and obtain access to any personal information which Lindfield Montessori holds about them and to advise the school of any perceived inaccuracy.

There are some exceptions to these rights set out in the applicable legislation.

To make a request to access or to update any personal information the school holds about you or your child, please contact the school office manager by telephone or email at [info@lindfieldmontessori.nsw.edu.au](mailto:info@lindfieldmontessori.nsw.edu.au). Lindfield Montessori Preschool 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.

## **CONSENT AND RIGHTS OF ACCESS TO THE PERSONAL INFORMATION OF CHILDREN**

Lindfield Montessori Preschool 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 pupil to the child's parents. The school will treat consent given by parents as consent given on behalf of the child and notice to parents will act as notice given to the child.

Parents may seek access to personal information held by the school about them or their child by contacting the school office manager by telephone (02) 9416 3780 or via email at [info@lindfieldmontessori.nsw.edu.au](mailto:info@lindfieldmontessori.nsw.edu.au). However, there may 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 pupil.

### ENQUIRIES AND COMPLAINTS

If you would like further information about the way Lindfield Montessori Preschool 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 Directress by writing or telephone at [principal@lindfieldmontessori.nsw.edu.au](mailto:principal@lindfieldmontessori.nsw.edu.au) or by telephone (02) 9416 3780.

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.

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| <b>Relevant Legislation</b>          | Education and Care Services National Regulations 2011. Reg. 181, 183<br>Children (Education and Care Services National Law Application) Act 2010 Section 263<br>Privacy Act 1988 Australian Privacy Principles 2014<br>Health Records and Information Privacy Act 2002 (Health Privacy Principles) |
| <b>Related to NQS QA</b>             | 7.1  |
| <b>Related Policies</b>              | Record keeping<br>Dealing with complaints<br>Privacy Collection Statement  |
| <b>Sources &amp; Further Reading</b> | Acecqa.gov.au  |

| POLICY REVIEWED | MODIFICATIONS                     | NEXT REVIEW DATE |
|-----------------|-----------------------------------|------------------|
| July 2021       | Checked regulations, updated copy | 2023             |