



Privacy and Data Retention Policy

The Privacy and Data Retention Policy sets out the practices of the School in relation to personal information. It also serves as a guide to the School's staff as to the standards to be applied in respect of collection, destruction and storing of personal information and to ensure consistency in the School's approach to privacy.

Australian Privacy Principles (APPs):

The Australian Privacy Principles (APPs) are the cornerstone of the privacy protection framework in the Privacy Act 1988 (Privacy Act). The Privacy Act applies to Kindlehill School as a childcare centre and an independent school.

There are 13 Australian Privacy Principles and they govern standards, rights and obligations around:

- the collection, use and disclosure of personal information
- an organisation or agency's governance and accountability
- integrity and correction of personal information
- the rights of individuals to access their personal information

The Australian Privacy Principles are principles-based law. This gives an organisation or agency flexibility to tailor their personal information handling practices to their business models and the diverse needs of individuals. They are also technology neutral, which allows them to adapt to changing technologies.

A breach of an Australian Privacy Principle is an 'interference with the privacy of an individual' and can lead to regulatory action and penalties.

What kinds of personal information does the School collect ?

The School collects and holds personal information, including health and other sensitive information, about

- *Students and parents and/or guardians ('Parents') before, during and after the course of a pupil's enrolment at the School.*
- *Job applicants, staff members, volunteers and contractors.*
- *Other people who interact with the School, including name and contact details and any other information necessary for the contact with the School.*



Why does the School collect personal information?

The School collects personal information from parents and students to provide schooling to pupils enrolled at the school, exercise its duty of care, provide data to government agencies as required by legislation 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 pupil and the needs of the School throughout the whole period the pupil is enrolled at the School.

In relation to the 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, administer the individual's employment or contract, for insurance purposes, for the payment of contractor invoices and satisfying the School's legal obligations, for example, in relation to child protection legislation.

The School also obtains personal information about volunteers 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.

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

Who might the School disclose personal information to and store your information with?

The School 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, sports coaches, volunteers, and counsellors;
- providers of learning and assessment tools;
- assessment and educational authorities, including the Australian Curriculum, Assessment and Reporting Authority (ACARA) and NAPLAN Test Administration Authorities (who will disclose it to the entity that manages the online platform for NAPLAN);
- organisations providing administrative and financial services to the School (e.g. MYOB, Xero, PaySmart, KindyManager);



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- recipients of School publications, such as newsletters and magazines;
 - pupils' 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: The 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:

- 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.

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 cloud service provider's server which may be situated outside Australia.

Protection and Destruction of Personal Information

The APPs places an obligation on organisations to protect personal information from "misuse, interference, loss and unauthorised access, modification or disclosure".

Further, if an entity holds personal information about an individual; and the entity no longer needs the information for any purpose for which the information may be used or disclosed by the entity under this Schedule; and the information is not contained in a Commonwealth record; and the entity is not required by or under an Australian law, or a court/tribunal order, to retain the information; the entity must take such steps as are reasonable in the circumstances to destroy the information or to ensure that the information is de-identified.



Data Retention and Disclosure

A School may only retain or disclose personal information if it needs the information for a permitted use or disclosure under the APPs such as:

- for the primary purpose for which the information was collected, or
- for a secondary purpose related to the primary purpose (or “directly related” in the case of sensitive information such as health information) which would be reasonably expected by the person, or
- where the person has consented,
- where reasonably necessary for the defence of or a legal or equitable claim, or
- where required by law or a court order.

A summary of the length of retention of personal information is as follows:

Students

Full name, date of birth, date of entry and date of departure	Indefinite retention
Attendance Register	7 years after last entry made
Enrolment Register	5 years after last entry made
Special achievements (e.g. positions of responsibilities, prizes and awards membership of teams)	Indefinite retention for archive of historical records
Contact details	1-year retention after student leaves, unless consent to retain for ex-student association
Counselling records	3 years after student leaves, unless potential ongoing issue or concerns indicated or contain allegations of abuse or bullying
Records relating to possible injuries (physical or mental) where breach of duties of care or other causation by school may be claimed, including claims under insurance policies. This includes complaints about bullying.	12 years from when an act or omission causing injury occurred
Documents relating to possible child protection issues	Indefinite retention
All other personal information including reports, disciplinary records, academic results, next of kin, information about disabilities, religion and communications with parents unless relevant to information required to be kept	1 year after the student leaves



Note: If there is an issue or potential issue about a student giving rise to a possible cause of action at the time the student leaves the school **all** records concerning that student could be retained until such time as the issue is resolved.

Parents

Names and contact details and details of financial dealings with the school	7 years after the student leaves
Contract of enrolment	7 years after the student leaves
Complaints and details of disputes including relevant correspondence	6 years after possible cause of action arises
Donations	Indefinite retention for historical purposes
Court orders	12 months after the student leaves school

Staff

Personal records	7 years after termination
Accident/incident reports with potentially serious consequences	12 years after incident occurs
Complaints involving interactions with students of a serious nature including child abuse	Indefinite
Employment interviews with unsuccessful applicants	1 year after interview unless refusal to employ may result in a claim in which case retain for 6 years

Responsible Persons and Board Records

Names, details of experience	Indefinite retention for historical archive
Minutes of meetings	Indefinite retention for historical archive
Responsible person declaration, related party transaction register and induction register	7 years after ceasing to be a responsible person



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 the School holds about them and to advise the School of any perceived inaccuracy. Pupils will generally be able to access and update their personal information through their Parents, but older pupils may seek access and correction themselves.

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 Principal or Business Manager by telephone or 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.

Consent and rights of access to the personal information of pupils

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 pupil to the pupil's Parents. The School will treat consent given by Parents as consent given on behalf of the pupil, and notice to Parents will act as notice given to the pupil.

Parents may seek access to personal information held by the School about them or their child by contacting the Principal by telephone or in writing.

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.

The School may, at its discretion, on the request of a pupil grant that pupil access to information held by the School about them, or allow a pupil 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 pupil and/or the pupil's personal circumstances warrant it.



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 Principal by writing to lynn@kindlehill.nsw.edu.au or by telephone: 02-4757 4402.

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.