



Privacy Policy

1. Object

- 1.1 Newington College is committed to protecting the privacy of all members of the College community, in compliance with its legal obligations.
- 1.2 This object of this policy is to:
- (a) protect the privacy of all individuals in the College community;
 - (b) explain how the College will collect, store, use and disclose personal information and health information;
 - (c) explain how individuals can access and correct their personal information and health information held by the College; and
 - (d) explain how individuals can make privacy complaints.

2. Application

This policy applies to the College and its staff, volunteers, third party contractors and external education providers, for the welfare and benefit of all members of the College community.

3. Definitions

3.1 In this policy:

- APPs** means the Australian Privacy Principles, prescribed in Schedule 1 of the *Privacy Act 1988* (Cth).
- College** means Newington College, as represented by the authorised delegates of the Council.
- direct contact third party contractor** means third party contractors who:
- have direct contact with students during the normal course of their work; or
 - are in a position to establish a relationship of trust with a student, notwithstanding that access to a student would be rare (e.g. full-time maintenance personnel); and
 - any contractors whom the College is legally required to screen.

This includes music teachers and other extra-curricular teachers and instructors who are engaged by students and their families directly, but have an agreement with the College to use the College's facilities.



direct contact volunteer	means volunteers who are involved in providing support and guidance directly to students during the normal course of the volunteer service. (e.g. volunteers involved in College camps or excursions, coaching sporting teams or assisting in learning activities.)
employee record	means a record of information, including information about an employee's health, relating to the employment of an employee.
external education provider	means any organisation that the College has engaged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the College. The delivery of such a course may take place on College premises or elsewhere.
Head of Campus	means the Head of Lindfield Preparatory School or the Head of Wyvern House Preparatory School, as appropriate.
health information	means personal information that is an information or an opinion about: <ul style="list-style-type: none"> • the physical or mental health or a disability (at any time) of an individual; or • an individual's express wishes about the future provision of health services to him or her; or • a health service provided, or to be provided to an individual.
HPPs	means the Health Privacy Principles, prescribed in the <i>Health Records and Information Privacy Act 2002</i> (NSW).
indirect contact third party contractor	means contractors who have no contact with students as part of their role, or undertake roles where students are not reasonably expected to be present (e.g. contractors who complete work during school holidays.)
indirect contact volunteer	means volunteers who are: <ul style="list-style-type: none"> • involved in providing support and services, whilst not directly assisting a specific group of students; and • not responsible for supervising students. <p>(e.g. volunteers who assist with College functions, the College canteen and fundraising or sporting event barbeques.)</p>
parent	means one or more parents, guardians or carers of a student enrolled at the College.
personal information	means information or an opinion about an identified individual, or an individual who is reasonably identifiable: <ul style="list-style-type: none"> • whether the information or opinion is true or not; and • whether the information or opinion is recorded in a material form or

not.

Information about an individual that forms part of an employee record is not personal information.

sensitive information means health information and personal information 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.

staff or staff member means the College's permanent, temporary and casual teaching and non-teaching staff.

third party contractor means direct contact third party contractors and indirect contact third party contractors.

volunteer means direct contact volunteers and indirect contact volunteers.

3.2 A reference in this policy to a code of conduct, policy or procedures is a reference to the code of conduct, policy or procedures as amended or replaced by the College from time to time.

4. Privacy management principles

4.1 The College and its staff, volunteers, third party contractors and external education providers must comply with the APPs, the HPPs and with this policy.

4.2 The APPs and the HPPs set out the legal requirements for

- (a) collecting personal information and health information;
- (b) storing personal information and health information;
- (c) access to and accuracy of personal information and health information;
- (d) using personal information and health information; and
- (e) disclosing personal information and health information.

5. Collecting personal information and health information

5.1 The College will only collect personal information where it is reasonably necessary for, or directly related to, the performance of its functions or activities.

- 5.2 The College will only collect health information where the collection is for a lawful purpose that is directly related to a function or activity of the College and the collection of the information is reasonably necessary for that purpose.
- 5.3 The College will not collect sensitive information about an individual unless the individual consents to the collection of the information and the information is reasonably necessary for, or directly related to, the performance of its functions or activities.
- 5.4 The College will only collect personal information by lawful and fair means.
- 5.5 The College will collect personal information about an individual only from the individual unless it is unreasonable or impracticable to do so.

6. Use and disclosure of personal information and health information

- 6.1 If the College holds personal information about an individual that was collected for a particular purpose (**the primary purpose**), the College will not use or disclose the information for another purpose (**the secondary purpose**), unless:
- (a) the individual has consented to the use or disclosure of the information for the secondary purpose;
 - (b) the individual would reasonably expect the College to use or disclose the information for the secondary purpose, and the secondary purpose is:
 - (i) if the information is sensitive information (including health information) – directly related to the primary purpose; or
 - (ii) if the information is not sensitive information – related to the primary purpose; or
 - (c) the College reasonably believes that the use of the information for the secondary purpose is necessary to lessen or prevent a serious and imminent threat to the life, health or safety of the individual or another person, or a serious threat to public health or safety.
- 6.2 The College will disclose personal information, health information and sensitive information about students and parents to external organisations such as the police and government agencies, if required to do so by law.

7. Integrity and security of personal information and health information

- 7.1 The College will take reasonable steps to ensure that any personal information that it collects, uses or discloses is relevant, accurate, up-to-date, complete and not misleading.
- 7.2 The College will take reasonable steps to protect personal information and health information from misuse, interference or loss, and from unauthorised access, modification or disclosure.

8. Access to and correction of personal information and health information

- 8.1 Subject to clause 8.2, the College will, on request by the individual, give the individual access to any personal information or health information that the College holds about them.

- 8.2 The College will not give an individual access to their personal information or health information to the extent that:
- (a) the College reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety;
 - (b) giving access would have an unreasonable impact on the privacy of other individuals;
 - (c) the request for access is frivolous or vexatious;
 - (d) the information relates to existing or anticipated legal proceedings between the College and the individual, and would not be accessible by the process of discovery in those proceedings;
 - (e) giving access would reveal the intention of the College in relation to negotiations with the individual in such a way as to prejudice those negotiations;
 - (f) giving access would be unlawful;
 - (g) denying access is required or authorised under an Australian law or a court/tribunal order;
 - (h) the College has reason to suspect that unlawful activity or misconduct of a serious nature that relates to its functions or activities has been, is being or may be engaged in, and giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
 - (i) giving access would reveal evaluative information generated within the College in connection with a commercially sensitive decision making process.
- 8.3 The College will respond to any request for access to personal information or health information within a reasonable period after the request is made, and give access to the information in the manner requested by the individual, if it is practicable to do so.
- 8.4 If the College refuses to give access to the personal information or health information, or refuses to give access in the manner requested by the individual, the College will give reasons for the refusal and details about the way to complain about the refusal.
- 8.5 If the College refuses to give access to the personal information or health information in the manner requested by the individual, the College will take such steps (if any) as are reasonable in the circumstances to give access in a way that meets the needs of the College and the individual.
- 8.6 If the information sought is extensive, the College may charge a fee to cover the cost of verifying the application and locating, retrieving, reviewing and copying any information requested.

9. Correction of personal information and health information

- 9.1 If the College holds personal information or health information that, having regard to the purpose for which the information is held, is inaccurate, out-of-date, incomplete, irrelevant or misleading, or the individual requests that the College corrects the information (whether by way of corrections, deletions or additions), the College will take such steps (if any) as are reasonable in the circumstances to correct the information.
- 9.2 If the College refuses to correct personal information or health information as requested by the individual, the College will give the individual a written notice that sets out the reasons for the refusal, and details about the way to complain about the refusal.

- 9.3 If the College refuses to correct personal information or health information as requested by the individual, and the individual asks the College to include with the information a statement that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading, or a statement of the amendment sought by the individual, the College will take such steps as are reasonable in the circumstances to ensure that the statement is apparent to users of the information.
- 9.4 The College will respond to any request for correction of personal information or health information within a reasonable period after the request is made.

10. Information collection notices

- 10.1 When the College collects personal information or health information from individuals, the College will inform the individual:
- how to contact the College;
 - the fact that the individual is able to request access to the information;
 - the purposes for which the information is collected;
 - the persons to whom (or the types of persons to whom) the College usually discloses information of that kind; and
 - the main consequences (if any) for the individual if all or part of the information is not provided.

11. Privacy complaints

- 11.1 A parent or student who believes that the College or a staff member, volunteer, third party contractor, or external education provider may have breached this policy may make a complaint in accordance with the College's [Complaints Resolution Policy and Procedures](#).
- 11.2 A staff member who believes that the College or another staff member, volunteer, third party contractor, or external education provider may have breached this policy may make a complaint in accordance with the College's [Staff Complaints Resolution Policy and Procedures](#).
- 11.3 An individual who is not satisfied with the outcome of any internal complaints process may make a complaint to the NSW Privacy Commissioner or the Australian Information Commissioner, as relevant.

Notes

Privacy Policy

Date approved: 20 August 2020

Date commenced: 24 January 2022

Related documents: [Complaints Resolution Policy and Procedures](#)
[Staff Complaints Resolution Policy and Procedures](#)



Privacy and Information Collection Notice

Newington College is committed to protecting the privacy of all members of the College community. The College collects, stores, uses and discloses personal and health information in accordance with its Privacy Policy, and with its obligations under the *Privacy Act 1988* (Cth) and the *Health Records and Information Privacy Act 2002* (NSW).

1. What kind of personal information does the College collect?

- 1.1 Personal information is information or an opinion that identifies you, whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not. Information about an individual that forms part of an employee record is not personal information.
- 1.2 The College only collects personal information where it is reasonably necessary for, or directly related to, the performance of its functions or activities. The kinds of personal information collected by the College include:
 - names, addresses and other personal details about job applicants, staff, volunteers, students and parents;
 - bank account, credit card and other financial details of staff and/or parents;
 - photographs, images and video or audio recordings of staff, volunteers, students, parents and third-parties or visitors to Newington campuses.
- 1.3 The College generally collects information through paper and online forms, face-to-face meetings and interviews, emails and telephone calls.
- 1.4 Occasionally, personal or health information is provided to the College by third parties. Examples include a report provided by a medical professional, a reference from another school, or a photograph of a student taken by a third party.
- 1.5 The College collects and holds personal information about students, including details related to their application, enrolment, academic progression, and discipline. The College collects this information to process student applications and facilitate enrolment and teaching. When students are using College information and communication technology, or requesting another College service, they may be asked to provide personal information about themselves. If students and/or parents do not provide this information, the College may be unable to provide the requested service.
- 1.6 The College collects and holds personal information about parents, including financial details such as bank account and credit card details. The College collects this information for the purpose of collecting fees for tuition, boarding, extra subjects, incursions, excursions, camps and the supply of goods and services to the student. If parents do not provide this information, the College may be unable to enrol the student, or the student may be excluded from participation in College events and activities.
- 1.7 The College collects and holds personal information about volunteers, job applicants, third party contractors and external education providers to assess and (if successful) employ or engage them to provide services to the College. If job applicants, third party contractors and external education providers do not provide this information, the College may be unable to process their application or engage their services.



- 1.8 The College collects and holds photographs, images and video or audio recordings of staff, volunteers, students and parents for communications, promotional and fundraising purposes.

2 What kind of health information does the College collect?

2.1 Health information is personal information that is an information or an opinion about:

- the physical or mental health or a disability (at any time) of an individual; or
- an individual's express wishes about the future provision of health services to him or her; or
- a health service provided, or to be provided, to an individual.

2.2 The College only collects health information where the collection is for a lawful purpose that is directly related to a function or activity of the College and the collection of the information is reasonably necessary for that purpose. The kinds of health information collected by the College includes:

- information about the medical conditions and disabilities of students; and
- information relating to school illnesses and injuries.

2.3 The College collects this information in order to meet its legal obligations, and to provide reasonable adjustments for students with disabilities. If students do not provide this information, the College may be unable to enrol the student, or the student may be excluded from participation in College events and activities.

3 How does the College use personal information and health information?

3.1 The College will only use personal and health information for the purpose for which it was collected, unless:

- the individual has consented to the use of the information for a secondary purpose;
- the individual would reasonably expect the College to use the information for the secondary purpose and the secondary purpose is related to the purpose for which it was collected; or
- the College reasonably believes that the use of the information for the secondary purpose is necessary to lessen or prevent a serious and imminent threat to the life, health or safety of the individual or another person, or a serious threat to public health or safety.

3.2 The College primarily uses the personal information of students and parents:

- to keep parents informed about matters relating to their child's schooling, through correspondence, newsletters and magazines;
- for day-to-day administration of the College;
- to provide a range of educational, co-curricular and organisational tools and services to students;
- to look after students' educational, social and medical wellbeing;
- to maintain contact with former students through the Old Newingtonians' Union (ONU) and the Newington Foundation;
- to seek donations and conduct marketing for the College; and
- to satisfy the College's legal obligations and allow the College to discharge its duty of care.

3.3 The College primarily uses the personal information of volunteers, job applicants, third party contractors and external education providers:

- for insurance purposes;
- to provide a range of tools and services;

- to seek donations and conduct marketing for the College;
- to organise and run alumni events; and
- to satisfy the College's legal obligations, for example, in relation to child protection legislation.

3.4 The College regards marketing and seeking donations to support the future growth and development of the College as an important part of ensuring that the College continues to provide a quality learning environment in which students can thrive. Personal information held by the College may be disclosed to organisations that assist in the College's fundraising.

3.5 The College retains limited personal information about past students and staff in the College's archives, which may be used for legal, marketing, fundraising or archival purposes, including future reference, study or exhibition.

3.6 Parents, staff, contractors and other members of the wider College community may from time to time receive fundraising information. School publications, like printed and online newsletters and magazines, which include the personal information of staff, volunteers, students and parents, may be used for marketing and promotional purposes. The College will seek consent before naming individuals in photographs or videos in any College publication that can be viewed by members of the public, including on the College's website and social media, but excluding the *Newingtonian* and the College's quarterly magazine *News*.

4 When does the College disclose personal information and health information?

4.1 The College will not disclose personal or health information other than for the purpose for which it was collected, unless:

- the individual has consented to the disclosure of the information for a secondary purpose;
- the individual would reasonably expect the College to disclose the information for the secondary purpose, and the secondary purpose is related to the purpose for which it was collected; or
- the College reasonably believes that the disclosure of the information for the secondary purpose is necessary to lessen or prevent a serious and imminent threat to the life, health or safety of the individual or another person, or a serious threat to public health or safety.

4.2 The College may disclose personal information, including health information, about an individual to:

- another school (for example, to facilitate an overseas student exchange);
- government departments;
- medical practitioners;
- legal advisers;
- providers of specialist services to the College, including visiting teachers, counsellors, sports coaches, uniform shop, and school photographers;
- providers of education and information services such as eBook suppliers and technology providers;
- recipients of printed and online School publications, such as newsletters and magazines;
- anyone to whom the College is required to disclose the information to by law or the College's affiliated memberships (e.g. Athletic Association of the GPS of NSW, Association of Independent Schools).

5 Access to and correction of personal and health information

5.1 Subject to certain exceptions listed in the College's *Privacy Policy*, individuals have a right to access their personal and health information, and to request that the College correct any perceived inaccuracy.

- 5.2 To make a request to access or update any personal information the College holds about you or your child, please contact the Head of Campus in writing. The College may require you to verify your identity and specify what information you require.
- 5.3 If the information sought is extensive, the College may charge a fee to cover the cost of verifying your application and locating, retrieving, reviewing and copying any information requested. In those circumstances the College 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

6 Consent and rights of access to the personal information of students

- 6.1 The College respects the right of parents to make decisions concerning their child's education. Generally, the College will refer any requests for consent and notices in relation to the personal information of a student to the student's parents. The College 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.
- 6.2 Parents may seek access to personal information held by the College about them or their child by contacting the Head of Campus. 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 College's duty of care to the student.
- 6.3 Students will generally be able to access and update their personal information through their parents, however students aged 18 years or older may seek correction themselves.
- 6.4 The College may, at its discretion, on the request of a student, grant that student access to information held by the College about them, or allow a student to give or withhold consent to the use of their personal information, independently of their parents if the student is over the age of 18 years, or if the student's personal circumstances so warranted.

7 Inquiries and complaints

- 7.1 If you would like further information about the way the College manages personal and health information, please contact the Head of Campus.
- 7.2 A parent or student who believes that the College or its staff member, volunteer, third party contractor, or external education provider may have breached this policy may make a complaint in accordance with the College's **Complaints Resolution Policy and Procedures**.
- 7.3 A staff member who believes that the College or another staff member, volunteer, third party contractor, or external education provider may have breached this policy may make a complaint in accordance with the College's **Staff Complaints Resolution Policy and Procedures**.