



PRIVACY POLICY

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2.0	August 2024	Reviewed & Updated

1. Purpose

The purpose of this policy is to ensure that The Nature School (TNS) protects the privacy of the personal information which TNS is required to collect, hold, use and manage in operating its business.

2. Context

The type of information TNS collects and holds includes (but is not limited to) personal information, including health and other sensitive information, about:

- students and parents/guardians before, during and after the course of a student's enrolment at the School;
- applicants seeking employment, staff members, contractors and volunteers; and

- other persons who come into contact with the School and may provide personal information.

TNS will generally collect personal information held about an individual by way of documents or forms completed by parents/guardians or students, during face-to-face meetings and interviews or through emails and telephone calls. On occasions, people other than parents/guardians and students may also provide personal information.

In some circumstances TNS 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.

Relevant legislation	Privacy Act 1988 Privacy Amendment (Enhancing Privacy Protection) Act 2012 Privacy Amendment (Notifiable Data Breaches) Act NSW Health Privacy Principles and Health Records and Information Privacy Act 2002 (Health Record Act) Australian Privacy Principles
Related TNS policies	Standard Data Collection Notice

3. Policy

TNS acknowledges and respects the privacy of all individuals and will, at all times, abide by the Australian Privacy Principles and protect the privacy of the personal information which it collects, holds, uses and manages about individuals, or from individuals while operating its business.

TNS will maintain strict procedures and standards and take all reasonable steps to prevent:

- unauthorised access;
- misuse, interference or loss; or
- modification or disclosure by use of various methods including locked storage of paper records and password access rights to computerised records.

Sensitive information will be used and disclosed only for the purpose for which it was provided or for a directly related secondary purpose, unless the person agrees otherwise, or the use or disclosure of the sensitive information is allowed by law.

Personal information no longer needed will be destroyed or de-identified.

This policy applies to all individuals, including all staff members, contractors and volunteers, both teaching and support staff of TNS, including those employed on a permanent, temporary or casual, full-time or part-time basis, students and parents/guardians.

3.1 Exception in relation to staff member records

Under the Privacy Act and the Health Records Act, the Australian Privacy Principles do not apply to an employee's personal employment file or other form of record. As a result, this Privacy Policy does not apply to the School's treatment of an employee's personal employment file or other form of record, where the treatment is directly related to a current or former employment relationship between the School and the employee.

4. Definitions

Personal Information is as defined by the Australian Privacy Principles, to the extent required by the Privacy Act 1988, the Privacy Amendment (Enhancing Privacy Protection) Act 2012 and the Privacy Amendment (Notifiable Data Breaches) Act 2017. The School is also bound by the NSW Health Privacy Principles and Health Records and Information Privacy Act 2002 (Health Record Act).

Sensitive Information refers 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.

Data Breaches concerns the security of personal information and involves the actual unauthorised access or disclosure of personal information, or the loss of personal information where the loss is likely to result in unauthorised access or disclosure.

5. Uses of Specific Personal Information

TNS will use personal information it collects from an individual 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 the individual has consented.

5.1 Students and Parents/Guardians

The purposes for which TNS uses personal information of students and parents/guardians may include:

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

In some cases, where TNS requests personal information about a student or parent/guardian, if the information requested is not obtained, TNS may not be able to enrol or continue the enrolment of the student or permit the student to take part in a particular activity.

5.2 Applicants Seeking Employment, Employees or Contractors

The purposes for which TNS uses personal information of applicants seeking employment, employee and contractors include:

- administering the individual's employment or contract;
- for insurance purposes;
- seeking funds and marketing for the School; and
- to satisfy the School's legal obligations, for example, in relation to child protection legislation.

5.3 Volunteers

TNS may also obtain personal information about volunteers who assist the School in its functions or conduct associated activities, to enable the School and the volunteers to work together.

6. Disclosure of Personal Information

The School may disclose personal information, including sensitive information, held about an individual to:

- another school;
- government departments;
- medical practitioners;
- people providing services to the School, including specialist visiting teachers;

- recipients of school publications, such as newsletters and magazines;
- parents/guardians;
- an organisation that assists TNS in marketing or fundraising;
- an overseas organisation, for example where that organisation may facilitate a school exchange (when such options become available) however will not do so without the consent of the individual *or otherwise complying with the Australian Privacy Principles or other applicable privacy legislation*
- anyone that authorises the School to disclose information to; and
- anyone to whom TNS is required to disclose the information by law.

7. Management and Security of Personal Information

All employees of The Nature School are required to respect the confidentiality of student and parent/guardian 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.

8. Responding to Data Breaches

A data breach concerns the security of personal information and involves the actual unauthorised access or disclosure of personal information, or the loss of personal information where the loss is likely to result in unauthorised access or disclosure (Data Breach).

Data Breaches are not limited to the malicious acts of third parties, such as theft or 'hacking', but may also arise from human error, a systems failure, or a failure to follow information handling or data security policies resulting in accidental loss, access or disclosure.

The following are examples of when a Data Breach may occur:

- loss of smartphone or other School device or equipment containing personal information;
- cyber-attacks on the School's systems, resulting in unknown third parties accessing or stealing personal information;
- accidental transmission of personal information such as student's reports to unintended recipients via e-mail;

- loss or theft of hard copy documents; and
- misuse of personal information of students or parents/guardians by School personnel.

In the event where a data breach is likely to result in serious harm to one or more individuals and the School is not able to quickly remediate the breach to minimise the risk of serious harm, the data breach is classified as an Eligible Data Breach (EDB). The School has no obligation to notify any individuals or the Australian Information Commissioner where a data breach is not classified as an EDB but may elect to do so voluntarily.

In the event of an Eligible Data Breach (EDB), the School will notify the Australian Information Commissioner of the breach. Depending of the nature of the EDB, the School will also either:

- Notify individuals whose personal information is involved in the data breach or publicly publish the notification; or
- Notify only the individuals who are at likely risk of serious harm; or
- Publish the notification and publicise it with the aim of bringing it to the attention of all individuals at likely risk of serious harm.

9. Updating Personal Information

The School endeavours to ensure that the personal information it holds is accurate, complete and up-to-date. A person may seek to update their personal information held by the School by contacting the School at any time.

The Australian Privacy Principles and the Health Privacy Principles require the School not to store personal information longer than necessary. In particular, the Health Privacy Principles impose certain obligations about the length of time health records must be stored.

10. Accessing and Correction of Personal Information

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

Students will generally be able to access and update their personal information through their parents/guardians. There are some exceptions to these rights set out in the applicable legislation. To make a request to access or update any personal information the School holds about a parent/guardian or a student, please contact the School in writing.

The School may require an individual to verify their identity and will specify what information the individual requires. The School may charge a fee to cover the cost of verifying an application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the School will advise the individual of the likely cost in advance. If the School cannot provide the individual with access to that information, the School will provide the individual with written notice explaining the reasons for refusal.

11. Consent and Rights of Access to Personal Information of Students

The School respects the rights of every parent/guardian 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 student to the student's parents/guardians. The School will treat consent given by parents/guardians as consent given on behalf of the student and notice to parents/guardians will act as notice given to the student.

Parents/guardians may seek access to personal information held by the School about them or their child by contacting the School in writing. 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 School's duty of care to the student.

The School may, at its discretion, and at the request of a student, grant such access to the student information held by the School about the student, or allow the student to give or withhold consent to the use of their personal information, independently of their parents/guardians. This would normally be done only when the maturity of the student and/or the student's personal circumstances so warranted.

12. Enquiries and Complaints

If an individual would like further information about the way the School manages the personal information it holds, or wishes to complain that they believe the School has breached the Australian Privacy Principles, please contact the School in writing. The School will investigate any complaint and will notify the individual of a decision in relation to their complaint, as soon as practicable, after the complaint has been made.