

**FAIRBRIDGE WESTERN AUSTRALIA INC**

**Privacy and Confidentiality of Records**

**Policy**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Procedure No** | **Version** | **Update Information** | **Approval Date** | **Authorised** |
|  |  |  |  |  |
|  |  |  |  |  |

|  |  |
| --- | --- |
| Document Owner | Corporate Services Manager |
| Key Stakeholders | OSHC participants, parents and carers |
| Due for Review | *(12 Months)10th December 2019* |
| Supporting Documents (internal) |  |
| Supporting Documents (external) |  |
| Legislative Requirements | Education and Care Services National Law  Education and Care Services National Regulations 2011  Education and Care Services National Law (WA) Act 2012  My Time our Place Framework for School Age Care in Australia  National Quality Standards |
| Other References that may be applicable to this Document |  |

# 1 INTRODUCTION

Fairbridge Western Australia Inc is bound by the *Australian Privacy Principles* contained in the *Commonwealth Privacy Act*.

Fairbridge may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to its operations and practices and to make sure it remains appropriate to the changing environment.

# 2 COLLECTION OF PERSONAL INFORMATION

The type of information Fairbridge collect and hold includes (but is not limited to) personal information, including sensitive information, about:

* Participants, parents and/or carers before, during and after enrolment e;
* job applicants, staff members, volunteers and contractors; and
* other people who come into contact with Fairbridge.

## 2.1 PERSONAL INFORMATION YOU PROVIDE

Fairbridge will generally collect personal information held about an individual by way of forms filled out by carers or students, face-to-face meetings and interviews, and telephone calls.

## 2.2 PERSONAL INFORMATION PROVIDED BY OTHER PEOPLE

In some circumstances Fairbridge may be provided with personal information about an individual from a third party.

## 2.3 PHOTOGRAPHS

Fairbridge will, as part of its activities, take photographs of participants, staff and other personnel for internal use.

## 2.4 EXCEPTION IN RELATION TO EMPLOYEE RECORDS

Under the *Privacy Act* the *Australian Privacy Principles* do not apply to an employee record. As a result, this policy does not apply to Fairbridge’s treatment of an employee record, where the treatment is directly related to a current or former employment relationship between Fairbridge and employee.

**3 USE OF PERSONAL INFORMATION**

Fairbridge will use personal information it collects 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 a person has consented.

## 3.1 PARTICIPANTS AND CARERS

In relation to personal information of participants and carers, our primary purpose of collection is to enable Fairbridge to provide care and education service provision for participants. This includes satisfying both the needs of carers and the needs of the participant throughout the whole period of enrollment at the Fairbridge.

The purposes for which Fairbridge uses personal information includes:

1. to keep carers informed about matters related to their child's care service provision, through correspondence;
2. day-to-day administration;
3. looking after educational, social, spiritual and medical wellbeing;
4. to satisfy the legal obligations and allow Fairbridge to discharge its duty of care.

In some cases where Fairbridge requests personal information about a participant or carer, if the information requested is not obtained, Fairbridge may not be able to enrol or continue the enrolment of the participant.

### 3.1.1 PHOTOGRAPHS

Images of participants, staff and visitors are used in many instances via newsletters, website and other public relations materials, for both internal and external promotion of Fairbridge and its activities.

**Explicit permission must be sought** from carers to use photographs for external promotion, including location of promotion, and specific details of promotion. It should be noted that participants full names will not be used in conjunction with a photograph in any publication that will be freely available beyond Fairbridge community.

## 3.2 JOB APPLICANTS AND STAFF MEMBERS

In relation to personal information of job applicants and staff members, the primary purpose of collection is to assess and (if successful) to engage the applicant or staff member, as the case may be. Where the use of external service provider is used, no personal information is to be provided. The contractor to request personal information directly from carers.

The purposes for which Fairbridge uses personal information of job applicants and staff members include:

* in administering the individual's employment or contract, as the case may be;
* for insurance purposes;
* to satisfy the legal obligations, for example, in relation to child protection legislation.

## 3.3 VOLUNTEERS

Fairbridge also obtains personal information about volunteers who assist in its activities to enable Fairbridge and the volunteers to work together.

## 3.2 MARKETING AND FUNDRAISING

Fairbridge regards marketing and seeking donations for the future growth and development of its programs as an important part of ensuring that Fairbridge continues to be a vital learning environment in which participants and staff thrive.

Carers, staff, and other members of the wider community may from time to time receive fundraising information, publications, like newsletters, etc, however, where this includes photographs and personal information, explicit permission must be acquired from parents/carers.

# 4 DISCLOSURE OF PERSONAL INFORMATION

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

1. Government departments;
2. medical practitioners;
3. people providing services to the Fairbridge, including specialist staff;
4. Carers;
5. anyone to whom we are required to disclose information by law; and,
6. anyone you authorise Fairbridge to disclose information to.

## 4.1 SENDING INFORMATION OVERSEAS

Fairbridge may disclose personal information about an individual to overseas recipients, for instance, when storing personal information with 'cloud' service providers which are situated outside Australia. Fairbridge will not send personal information about an individual outside Australia without:

1. obtaining written consent of the individual, or
2. otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

# 5 SENSITIVE INFORMATION

In referring to 'sensitive information', Fairbridge means: *information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual preferences or criminal record, that is also personal information; and health 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 required by law.

# 6 MANAGEMENT AND SECURITY OF PERSONAL INFORMATION

Fairbridge staff are required to respect the confidentiality of participants and carers' personal information and the privacy of individuals.

Fairbridge has in place steps to protect the personal information held from misuse, loss, unauthorised access, modification or disclosure by use of various methods including:

* locked storage of paper records and access restricted to those who directly use the data stored there;
* regulated levels of access to databases and files or staff according to the needs of their role;
* security for buildings;
* completing due diligence with regard to third party service providers, including cloud service providers, to ensure as far as practicable where they have access to personal information collected and stored by Fairbridge, their own practices are compliant with the APP or equivalent privacy protocols.

When personal information we have collected is no longer required, it is destroyed, deleted or archived in a secure area, in line with reporting requirements, ie. Employee records must be maintained for a period of 7 years..

# 7 UPDATING PERSONAL INFORMATION

Fairbridge 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 Fairbridge by contacting the Corporate Services Manager at any time.

The *Australian Privacy Principles* require Fairbridge not to store personal information longer than necessary.

# 8 CHECKING PERSONAL INFORMATION HELD

Under the *Commonwealth Privacy Act*, an individual has the right to obtain access to any personal information which Fairbridge holds about them and to advise Fairbridge of any perceived inaccuracy. There are some exceptions to this right set out in the Act. Under 18 participants will generally have access to their personal information through their Parents, but older students may seek access themselves.

To make a request to access any information Fairbridge holds, please contact the either the Principal or Corporate Services Manager in writing.

Fairbridge may require you to verify your identity and specify what information you require. Fairbridge 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, Fairbridge will advise the likely cost in advance.

# 9 CONSENT AND RIGHTS OF ACCESS TO THE PERSONAL INFORMATION OF PARTICIPANTS

Fairbridge respects every Carer’s right to make decisions concerning their child's care and education.

Generally, Fairbridge will refer any requests for consent and notices in relation to the personal information of a participant to the Carer. Fairbridge will treat consent given by Carers as consent given on behalf of the participant, and notice to Carers will act as notice given to the participant.

Carers may seek access to personal information held by Fairbridge about them or their child by contacting the Principal or Corporate Services Manager. 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 duty of care to the student/participant.

Fairbridge may, at its discretion, on the request of a participant grant that access to information held by Fairbridge about them, or allow a participant to give or withhold consent to the use of their personal information, independently of their Carers. This would normally be done only when the maturity of the participant and/or the personal circumstances so warranted.

# 10 DISPUTES AND COMPLAINTS

If you would like further information about the way Fairbridge manages the personal information it holds, or wish to lodge a complaint about a perceived breach of the *Australian Privacy Principles* by Fairbridge, please contact the Principal or Corporate Services Manager. In accordance with the *Disputes and Complaints* Policy, you must provide the details of your complaint in writing.