

Organisation	LESNW
Department:	Admin
Policy Title:	Privacy Policy
Policy Code:	LESNW AD DOC POL 10 (Privacy)
Date of Implementation:	28.3.18
Last Review Date:	28.3.18
Next Review Date:	28.3.21 (3 year cycle)

RATIONALE

The purpose of this policy is to ensure that in the course of Lutheran Education SA, NT WA (LESNW)'s activities, we manage and protect personal information in accordance with the Privacy Act 1988 (Cth) (Privacy Act) and the 13 Australian Privacy Principles (APPs).

AIMS

This policy outlines the circumstances in which we obtain personal information, how we use that information and how we manage requests to access and/or change that information.

This policy applies to all staff, volunteers and contractors of LESNW and its related bodies.

POLICY IMPLEMENTATION

What is personal information and how do we collect it?

Personal information is information or an opinion about an individual from which they can be reasonably identified. Depending on the circumstances, we may collect and hold personal information from the individual in their capacity as

- job applicants, staff, volunteers, contractors, visitors and others that come into contact with the office.
- employees and council members of member learning communities.
- LESNW Council and Committee members.

Employee records are not covered by the Australian Privacy Principles, and therefore this policy, where they directly relate to current or former employment relationships.

In the course of providing services we may collect and hold:

- **Personal Information** including names, addresses and other contact details; dates of birth; and financial information.
- **Sensitive Information** including government identifiers (such as TFN), nationality, country of birth, professional memberships and national police checks.
- **Health Information** (particularly in relation to prospective staff) including medical records and disabilities.

As part of our recruitment processes for employees, contractors and volunteers, we may collect and hold:

- **Personal Information** including names, addresses and other contact details, dates of birth, financial information, citizenship, employment references, regulatory accreditation, media, directorships and driver's licence information.
- **Sensitive Information** including government identifiers (such as TFN), nationality, country of birth, professional memberships and national police checks.
- **Health Information** (particularly in relation to prospective staff) including medical records and disabilities.

Generally, we will seek consent from the individual in writing before we collect their sensitive information (including health information).

Collection of personal information

The collection of personal information depends on the circumstances in which LESNW is collecting it. If it is reasonable and practical to do so, we collect personal information directly from the individual.

Solicited Information

LESNW has, where possible, attempted to standardise the collection of personal information by using specifically designed forms. However, given the nature of our operations we often also receive personal information by email, letters, notes, over the telephone, in face-to-face meetings and through financial transactions.

We may also collect personal information from other people (e.g. a third-party administrator, referees for prospective employees) or independent sources. However, we will only do so where it is not reasonable and practical to collect the personal information from the individual directly.

Unsolicited information

LESNW may be provided with personal information without having sought it through our normal means of collection. This is known as "unsolicited information" and is often collected by:

- Misdirected postal mail – Letters, Notes, Documents
- Misdirected electronic mail – Emails, electronic messages
- Employment applications sent to us that are not in response to an advertised vacancy
- Additional information provided to us which was not requested.

Unsolicited information obtained by LESNW will only be held, used and or disclosed if it is considered as personal information that could have been collected by normal means. If that unsolicited information could not have been collected by normal means then we will destroy, permanently delete or de-identify the personal information as appropriate.

Collection and use of sensitive information

We only collect sensitive information if it is reasonably necessary for one or more of these functions or activities, and we have the individuals consent:

- necessary to lessen or prevent a serious threat to life, health or safety
- another permitted general situation
- another permitted health situation.

We may share sensitive information to other Lutheran Education entities, but only if necessary for us to provide our services.

How do we use personal information?

LESNW only uses personal information that is reasonably necessary for one or more of our functions or activities (the primary purpose) or for a related secondary purpose that would be reasonably expected by the individual, or for an activity or purpose to which the individual has consented.

Our primary uses of personal information include, but are not limited to:

- providing education and pastoral care services
- satisfying our legal obligations including our duty of care and child protection obligations

- keeping learning communities informed through correspondence, newsletters and magazines
- supporting community based causes and activities, charities and other causes in connection with the LESNW's functions or activities
- helping us to improve our day-to-day operations including training our staff
- systems development; developing new programs and services; undertaking planning, research and statistical analysis
- LESNW administration including for insurance purposes
- the employment of staff
- the engagement of volunteers.

We will only use or disclose sensitive or health information for a secondary purpose where there is a reasonable expectation for us to use or disclose the information and the secondary purpose is directly related to the primary purpose.

We may share personal information to related bodies corporate, but only if necessary for us to provide our services.

Storage and Security of Personal Information

LESNW stores Personal Information in a variety of formats including, but not limited to:

- databases
- hard copy files
- personal devices, including laptop computers
- third party storage providers such as cloud storage facilities
- paper based files.

LESNW takes all reasonable steps to protect the personal information we hold from misuse, loss, unauthorised access, modification or disclosure.

These steps include, but are not limited to:

- Restricting access and user privilege of information by staff depending on their role and responsibilities.
- Ensuring staff do not share personal passwords.
- Ensuring hard copy files are stored in lockable filing cabinets. Staff access is subject to user privilege.
- Ensuring access to LESNW's premises are secured at all times.
- Ensuring our IT and cyber security systems, policies and procedures are implemented and up to date.
- Ensuring staff comply with internal policies and procedures when handling the information.
- Undertaking due diligence with respect to third party service providers who may have access to personal information, including customer identification providers and cloud service providers, to ensure as far as practicable that they are compliant with the Australian Privacy Principles or a similar privacy regime.
- The destruction, deletion or de-identification of personal information we hold that is no longer needed or required to be retained by any other laws.

Our public website may contain links to other third-party websites outside of LESNW. LESNW is not responsible for the information stored, accessed, used or disclosed on such websites and we cannot comment on their privacy policies.

Responding to data breaches

LESNW will take appropriate, prompt action if we have reasonable grounds to believe that a data breach may have, or is suspected to have occurred. Depending on the type of data breach, this may include a review of our internal security procedures, taking remedial internal action, notifying affected individuals and the Office of the Australian Information Commissioner (OAIC).

If we are unable to notify individuals, we will publish a statement on our website and take reasonable steps to publicise the contents of this statement.

Disclosure of personal information

Personal information is used for the purposes for which it was given to LESNW or for purposes which are directly related to one or more of our functions or activities.

Personal information may be disclosed to government agencies, related entities and other recipients from time to time, if the individual:

- has given consent; or
- would reasonably expect the personal information to be disclosed in that manner.

LESNW may disclose personal information without consent or in a manner which an individual would reasonably expect if:

- we are required to do so by law.
- the disclosure will lessen or prevent a serious threat to the life, health or safety of an individual or to public safety.
- another permitted general situation applies.
- disclosure is reasonably necessary for a law enforcement related activity.
- another permitted health situation exists.

Disclosure of personal information to overseas recipients

Personal information about an individual may be disclosed to an overseas organisation in the course of providing our services, for example when storing information with a “cloud service provider” which stores data outside of Australia

We will however take all reasonable steps not to disclose an individual's personal information to overseas recipients unless:

- we have the individual's consent (which may be implied);
- we have satisfied ourselves that the overseas recipient is compliant with the Australian Privacy Principles, or a similar privacy regime;
- we form the opinion that the disclosure will lessen or prevent a serious threat to the life, health or safety of an individual or to public safety; or
- we are taking appropriate action in relation to suspected unlawful activity or serious misconduct.

The quality of personal information

We take all reasonable steps to ensure the personal information we hold, use and disclose is accurate, complete and up-to-date, including at the time of using or disclosing the information.

If LESNW becomes aware that the Personal Information is incorrect or out of date, we will take reasonable steps to rectify the incorrect or out of date information.

Access and correction of personal information

Individuals may submit a request to us to access the personal information we hold, or request that we change the personal information. Upon receiving such a request, we will take steps to verify the individual's identity before granting access or correcting the information.

If a request is rejected, notification will be provided. Where appropriate, we will provide the reason/s for our decision. If the rejection relates to a request to change personal information, an individual may make a statement about the requested change and we will attach this to their record.

Complaints

An individual can make a complaint about how LESNW manages personal information by notifying us in writing as soon as possible. We will respond to the complaint within a reasonable time (usually no longer than 30 days) and we make seek further information in order to provide a full and complete response.

LESNW does not charge a fee for the handling of complaints.

If the individual is not satisfied with our response, they may refer the complaint to the OAIC. A complaint can be made using the OAIC online [Privacy Complaint form](#) or by mail, fax or email.

A referral to OAIC should be a last resort once all other avenues of resolution have been exhausted.

How to contact us

LESNW can be contacted about this Privacy Policy or about personal information generally, by:

- Emailing Privacy@lesnw.edu.au
- Calling 8267 8412
- Writing to our Privacy Officer at 137 Archer St., North Adelaide SA 5006

Individuals can contact us anonymously (i.e. without identifying themselves) or by using a pseudonym. However, if no identification is given, we may not be able to provide the information or the assistance which might otherwise be received if it is not practical to do so.

Changes to our privacy and information handling practices

This Privacy Policy is subject to change at any time. Please check our Privacy Policy on our website (www.Lesnw.edu.au) regularly for any changes.

This Privacy Policy was last reviewed on 26 February 2018.

POLICY MANAGEMENT & EVALUATION

This policy is to be reviewed as part of the LSA's three-year review cycle or as a need arises.

REFERENCES / RELATED POLICIES

Privacy Act 1988 (Cth) (Privacy Act)

Australian Privacy Principles (APPs), Office of the Aust Information Commissioner

APPROVAL OF POLICY

This policy has been ratified.

Daryl Trigg
LSA Council Chair

.....
(Signature)

28-5-18
.....
(Date)

This policy has been incorporated into the LSA Policy records.

Heather Waring
Policy Manager

.....
(Signature)

29.5.18
.....
(Date)

APPENDIX A – Description of requirements by State/Territory

The South Australian system is an employer driven point-in-time system requiring employers and responsible authorities to obtain National Police Checks and conduct wider screening assessment for those engaging in child-related occupations/volunteering.

Under the Children's Protection Regulations 2010, the Department of Communities and Social Inclusion provides a wider screening assessment which includes:

- A National Criminal Records Check.
- South Australian Police information regarding alleged offences regardless of outcome, including spent convictions, pending charges and non-conviction charges and circumstantial information around charges and convictions.
- Information from other jurisdictions.
- Information sourced from professional registration bodies.

The Early Childhood Services Registration and Standards Board of SA require the DCSI screening. If a National Police Certificate is still being used for Early Childhood employees, employers must also perform an assessment as set out in the [Child Safe Environments Standards](#). This requires the approved provider/employer to have policies and procedures in place that demonstrate how the assessments are conducted in accordance with the Child Safe Environments Standards.

NT - Care and Protection of Children Act 2007

Individuals are required to apply for a Working with Children Check, known as an "Ochre Card" in the NT. The Ochre Card, which is also known as a Clearance Notice is valid for 2 years, and applies to employers and volunteers in child-related employment settings.

The Ochre Card Clearance Screening is comprised of:

- A National Police Check - offences of most significance included sexual offences involving children, violent offences involving children and drug related offences involving children.
- An analysis of employment history, including an assessment of references and/or disciplinary proceedings instigated as a result of malpractice.
- Other material, which may include assessing whether an individual has attempted to change behaviours or address triggers to behaviours if they have a criminal history etc.

WA - Working with Children (Criminal Record Checking) Act 2004

Individuals are required to apply for a Working with Children Check. Valid for 3 years, the check entitles individuals to engage in child-related occupations/volunteering.

The Working with Children Check considers:

- Relevant national criminal record information to see if the applicant has charges or convictions that indicate that he or she may be of harm to a child (relevant criminal records include information about: convictions for any offence whether committed as an adult or a juvenile; any "spent" convictions; any pending charge for a Class 1 or Class 2* offence; and any charge that has been finalised by a court for a Class 1 or Class 2 offence, but which did not result in a conviction).
- Information may also be obtained from authorised bodies in WA and similar authorities in other states and territories such as: the Police, the Director of Public Prosecutions, the Department of Corrective Services, the Department of the Attorney General, and courts.

* Class 1 and 2 offences include various sexual offences against a child as well as offences such as murder, manslaughter, grievous bodily harm, indecent assault, making/viewing child pornography and involvement in child prostitution and other offences.