

PURPOSE

1. Privacy is important. This statement outlines Pembroke School's policy on how it handles personal information provided to or collected by it.
2. The School is bound by the 13 Australian Privacy Principles (APPs) contained in the Commonwealth Privacy Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Act 2012. In addition to the Privacy Act, if you are located in the European Union (**EU**) (including the European Economic Area (**EEA**), the section 'European residents' below provides further information about our processing of your personal information by us and your additional data subject rights in relation to the processing of your personal information (otherwise known as personal data) under the EU General Data Protection Regulation (2016/679) (**GDPR**).
3. The School may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to the School's operations and practices and to make sure it remains appropriate to the changing school environment. The date of this Privacy Policy will inform you as to whether there have been any updates since your last visit to our website.
4. If you do not agree with any part of this Privacy Policy, we recommend that you do not provide your personal information to us. If you do not provide us with your personal information, or if you withdraw any consent we are required by applicable law to have in order to process the personal information you have given us, this may affect our ability to provide services to you or negatively impact the services we can provide to you.

POLICY AND PROCEDURE DETAIL

5. Collection of Information

- 5.1 In this Policy, personal information means any information about an identified individual or an individual who is reasonably identifiable or as otherwise defined by applicable data protection law. It does not include information that is de-identified (anonymous data).
- 5.2 The type of information the School collects and holds includes, but is not limited to, personal information, including sensitive information, about:
 - 5.2.1 former, current and prospective students and their parents and/or guardians, which may include:
 - a. name, contact details (including next of kin), date of birth, previous school, religion
 - b. parents' education, occupation and background language
 - c. medical information
 - d. conduct and complaint records, school reports, counselling and behavioural notes

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- e. counselling reports
- f. information about referrals to government welfare agencies
- g. health fund details and Medicare number
- h. court orders
- i. photos and videos at School events (appropriate permissions relating to students must be in place)
- j. passport and visa details (for international students and domestic students who participate in international exchange and travel programmes)

5.2.2 former, current or prospective job applicants, staff members, volunteers and contractors which may include:

- a. name, contact details (including next of kin), date of birth
- b. information on job application
- c. professional development history
- d. salary and payment information, including superannuation details
- e. medical information
- f. complaint records and investigation reports
- g. leave details
- h. photos and videos at School events
- i. workplace surveillance information
- j. internet browsing history and emails sent/received using work email address.

5.2.3 other people who are involved with the School including name and contact details and any other information necessary for the particular contact with the School.

5.3 The School will generally collect personal information held about an individual by paper or on-line forms, face-to-face meetings, emails and telephone calls. On occasions, people other than parents, guardians or students provide personal information.

5.4 In some circumstances, the School may obtain personal information about an individual from a third party - for example, a report provided by a medical professional or a reference from another school.

5.5 The School will use personal information it collects for the primary purpose of that collection, and for such other related secondary purposes as may be reasonably expected or consented to by the provider of the information.

5.6 Under the Privacy Act, the Australian Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to the School's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between the School and employee. The School will however handle employee records with appropriate discretion and confidentiality.

6. Use of Information

6.1 Students and parents

6.1.1 In relation to personal information of students and parents, the School's primary purpose of collection is to enable the School to provide schooling to students enrolled at the school, exercise its duty of care, and perform necessary associated administrative tasks, 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 student and the needs of the School throughout the whole period the student is enrolled at the School.

- 6.1.2 The purposes for which the School uses personal information of students and parents include:
- a. admissions and enrolment matters
 - b. to keep parents informed about matters related to their child's schooling, through correspondence, newsletters, magazines and other publications
 - c. day-to-day administration of the School
 - d. looking after students' educational, social and medical wellbeing
 - e. drawing upon the expertise of members of the School community to assist with operations and functions
 - f. seeking donations or financial support for the School
 - g. promotion and marketing of the School
 - h. to satisfy the School's legal obligations and allow the School to discharge its duty of care.
- 6.1.3 In some cases, where the School requests personal information about a student or parent, if the information requested is not provided, the School may not be able to enrol or continue the enrolment of the student or permit the student to take part in a particular activity.
- 6.2 Job applicants, staff members, contractors and volunteers
- 6.2.1 In relation to 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.
- 6.2.2 The purposes for which the School uses personal information of job applicants, staff members and contractors include:
- a. administering the individual's engagement, employment or contract
 - b. insurance purposes
 - c. seeking donations or financial support for the School
 - d. promotion and marketing of the School
 - e. to satisfy the School's legal obligations, for example, in relation to child protection legislation.
- 6.2.3 The School may obtain personal information about volunteers or members of parent groups who assist the School in its functions or conduct associated activities to enable cohesion between the parties.
- 6.3 Marketing and fundraising
- 6.3.1 The School treats marketing and seeking 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 students and staff thrive. Personal information held by the School may be disclosed to organisations that assist in the School's fundraising, for example, the School's Foundation or alumni organisation. 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.
- 6.3.2 Members of the broader School community who are not current staff or parents may elect to not be contacted by the School. All emails to the broader community will provide the option to opt out from future communications. Where persons no longer wish to be contacted by the School, provisions will be made to ensure that they are no longer receive communications from the School.

7. Disclosure of Information

- 7.1 The School may disclose personal information, including sensitive information, held about an individual to:
- 7.1.1 other schools and teachers at those schools
 - 7.1.2 government departments
 - 7.1.3 assessment and educational authorities, including the Australian Curriculum, Assessment and Reporting Authority and NAPLAN Test Administration Authorities (who will disclose it to the entity that manages the online platform for NAPLAN)
 - 7.1.4 medical practitioners
 - 7.1.5 people providing administrative and financial services to the School
 - 7.1.6 people providing educational, support and health services to the School, including specialist visiting teachers, counsellors and sports coaches
 - 7.1.7 providers of learning and assessment tools
 - 7.1.8 recipients of School publications
 - 7.1.9 students' parents or guardians
 - 7.1.10 anyone individuals authorize the School to disclose information to
 - 7.1.11 anyone to whom we are required to disclose the information by law, including child protection laws.
- 7.2 The School respects every parent's right to make decisions concerning their child's education. Generally, the School will refer any third-party requests for consent and notices in relation to the personal information of a student to the student's parents or legal guardian. The School will treat consent given by parents or legal guardian as consent given on behalf of the student, and notice to parents will act as notice given to the student.
- 7.3 Personal information collected from students is regularly disclosed to their parents or guardians. On occasions, information regarding academic and sporting achievements, student activities and similar news is published in School newsletters, magazines and on our website. Photographs of student activities such as sporting events, school camps and school excursions may be taken for publication in School newsletters and magazines and on our website. The School Photographs and Video policy provides details regarding permissions for publication of images.
- 7.4 The School may disclose personal information about an individual to overseas recipients to facilitate a school exchange, visit or trip outside Australia. For example, such overseas recipients could be based in Germany, Canada and South Africa, depending on the particular exchange program. Consent to provide information will be implied through agreement to the conditions relating to the exchange or trip.
- 7.5 The School may use online or 'cloud' service providers situated outside of Australia to store personal information and to provide services to the School that involve the use of personal information, such as 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 who access their services. Examples of such cloud service providers are Google and Microsoft. Google provides the 'Google Apps for Education' (GAFE) including Gmail, and stores and processes limited personal information for this purpose. Microsoft supplies Office 365. School personnel and the School's service providers may have the ability to access, monitor, use or disclose emails, communications (e.g. instant messaging), documents and associated administrative data for the purposes of administering GAFE and Office 365 and ensuring its proper use.

7.6 Personal information held by the School may be disclosed to an organisation that assists in the School's fundraising, for example, the Pembroke Parents' & Friends' Association, the Pembroke School Foundation or the Pembroke Old Scholars' Association. These organisations are in turn bound by this policy.

8. Sensitive Information

8.1 In referring to '*sensitive information*', the School means personal information relating to:

8.1.1 racial or ethnic origin

8.1.2 political opinions

8.1.3 religion

8.1.4 trade union or other professional or trade association membership

8.1.5 philosophical beliefs

8.1.6 sexual orientation or practices

8.1.7 criminal record

8.1.8 health information and biometric information.

Sensitive information will be used and disclosed only as authorised by the applicable data protection laws.

9. Management and Security of Personal Information

9.1 We will hold personal information as either physical records, records on our servers, and in some cases, records on third party servers, which may be located overseas.

9.2 The School has in place steps to protect the personal information it holds from misuse, interference and loss, unauthorized access, modification or disclosure by use of various methods, including locked storage of paper records and password protected access rights to computerized records in combination with categorised access based on level of staff permission.

9.3 The School's staff are required to respect the confidentiality of students' and parents' personal information and the privacy of individuals.

9.4 We have procedures in place to destroy or de-identify personal information once it is no longer needed for a valid purpose or required to be kept by law.

10. Data Breach

10.1 In the event of a data breach, the School will comply with its notification obligations under the Privacy Act, and any other applicable data protection regime. The School's primary system for electronic data storage is provided by Synergetic Management Systems. Synergetic has in place both Assistance and Response Plans which will be actioned if a breach occurs relating to the School's records.

10.2 A data breach occurs when personal or sensitive information held by an entity is subject to unauthorised access or disclosure or is lost. Examples of data breaches include:

10.2.1 loss or theft of physical devices (such as laptops and storage devices) or paper records that contain personal information

10.2.2 unauthorised access to personal information by an employee

10.2.3 inadvertent disclosure of personal information due to 'human error', for example an email sent to the wrong person

10.2.4 disclosure of an individual's personal information to a scammer, as a result of inadequate identity verification procedures.

- 10.3 Data breaches potentially cause significant harm to individuals, including but not limited to:
 - 10.3.1 identity theft leading to emotional and psychological harm
 - 10.3.2 financial loss resulting from unauthorised credit card transactions or credit fraud
 - 10.3.3 family violence
 - 10.3.4 physical harm or intimidation.
- 10.4 The Notifiable Data Breaches (**NDB**) scheme contained in the Privacy Act requires the School to notify individuals and the Office of the Australian Information Commissioner about eligible data breaches (which are data breaches that are likely to result in serious harm to the affected individuals).
- 10.5 The School also has a Data Breach Response Protocol in place to guide staff in action to be taken should a data breach or suspected data breach occur.

11. Access and Correction of Personal Information

- 11.1 Parents may seek access to personal information held by the School about them or their child by contacting the School 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 student.
- 11.2 The School may charge a small fee to cover the cost of verifying an application for information and locating, retrieving, reviewing, updating and copying any material requested. If we cannot provide an applicant with access to that information, we shall provide an explanation of the reason(s) for refusal.
- 11.3 Under the Commonwealth Privacy Act (as amended), 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. Students will generally be able to access and update their personal information through their parents, but older students with sufficient maturity may seek access and correction themselves.
- 11.4 The School may, at its discretion, upon the request of a student, grant that student access to information held by the School about them or allow a student 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 student and/or the student's personal circumstances so warranted it as determined by the School's Privacy Officer. There are some exceptions to these rights set out in the applicable legislation.
- 11.5 It is the responsibility of individuals to contact the School to update any personal information held by the School. The School may require verification of identity prior to amendment of personal details.

12. European residents

- 12.1 If you are an individual based in Europe and the School offers or provides its services to you, the processing of your personal information will be subject to the EU General Data Protection Regulation (**GDPR**) and the following additional information applies.
- 12.2 The School is the data controller for the purposes of processing your personal information.
- 12.3 **Our Legal grounds for processing:** We rely on the following legal grounds to process your personal information:
 - 12.3.1 **contract performance** – we may collect and process your personal information to enter into a contract with you or to perform our obligations under a contract with you

- 12.3.2 **if it is necessary to pursue our legitimate interests** and does not override your rights and interests – this is the usual basis on which we carry our business for the purposes set out above and includes when we carry out research, conduct direct marketing or otherwise communicate with you
- 12.3.3 **with your consent** – where required, we will only use your personal information for the purposes for which you have given your valid or explicit consent. For instance, we need your consent to collect and use your sensitive information or to send you direct marketing
- 12.3.4 **to comply with laws or regulations that apply to us including exercising our rights** – we may use and process your personal information where we are required by applicable laws, regulations or codes.
- 12.4 **Transfer of information outside Europe:** If we or our service providers transfer your personal information outside of Europe or onwards to a third country from Australia, we will ensure that it is protected and transferred in a manner consistent with legal requirements applicable to the information. We will do this by one of the following:
- 12.4.1 sending it to a country approved by the European Commission as having an adequate level of protection for personal information
- 12.4.2 the recipient has signed a contract based on standard “model contractual clauses” approved by the European Commission, requiring them to protect your personal information.
- 12.4.3 if the recipient is located in the US, it may be a certified member of the EU-US Privacy Shield scheme or another valid scheme
- 12.4.4 obtaining your explicit and informed consent to the proposed transfer.
- 12.5 **How long do we retain your personal information?** We have different retention periods for different types of personal information – depending on the extent to which such information is necessary for contractual performance, pursuit of our legitimate interests, compliance with our legal obligations, the public interest and/or research or statistical purposes. We will continue to retain and use the basic contact information of students and their parents, after their studies are completed, so that we can provide them with updates from the School, the School's Foundation and our alumni organisation (e.g. school newsletters and magazines, invitations to alumni events, information about fundraising appeals etc.). All such communications will provide the option to opt out from future communications. If you decide to opt-out, your contact information will be removed from our marketing database.
- 12.6 **Your additional rights and choices:** In addition to having the right to access and correct your personal information, individuals based in the EU have the right to:
- 12.6.1 **erasure:** You can ask us to erase your personal information without undue delay in certain circumstances such as if you withdraw your consent and we otherwise have no legal reason to retain it
- 12.6.2 **restrictions of processing:** You can object to, and ask us to restrict, our processing of your personal information in certain circumstances, such as while we verify your assertion the information is inaccurate or if we are processing your information for our legitimate interests or for direct marketing purposes (we may be legally entitled to refuse that request)
- 12.6.3 **data portability:** You can, in some circumstances such as where we are processing your information with your consent, receive some personal information you have given us in a structured, commonly used and machine-readable format and/or ask us to transmit it to someone else if technically possible feasible
- 12.6.4 **right to object:** You can withdraw your consent (but we may be able to continue processing without your consent if there is another legitimate reason to do so)
- 12.6.5 **right to complain:** You can lodge a complaint with the relevant European data protection authority if you think that any of your rights have been infringed by us.

12.7 If we refuse any request you make in relation to your personal information rights, we will write to you to explain why and how you can make a complaint about our decision.

13. Enquiries and complaints

13.1 If you have any questions or complaints about the way the School manages the personal information it holds or inquiries about the School's compliance with data protection laws, please contact the School's Privacy Officer:

Privacy Officer
Pembroke School Inc.
342 The Parade
Kensington Park, SA 5068
Telephone: +61 8 8366 6200
Email: privacy@pembroke.sa.edu.au

13.2 The School will investigate any complaint regarding privacy matters and will notify the outcome of investigation to those parties involved in lodging the complaint as soon as practicable.

13.3 If you are dissatisfied with the handling of your complaint, you may contact the Office of the Australian Information Commissioner:

Office of the Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001
Telephone: 1300 363 992
Email: enquiries@oaic.gov.au

RELATED

[Australian Privacy Principles](#)

[Privacy Act 1988](#)

[Standard Collection Notice](#)

[Employment Collection Notice](#)

[Data Breach Protocol](#)

[EU General Data Protection Regulation](#)