

Privacy

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Approved by Board	05/26	Scheduled review	05/27

1. Introduction - Our Privacy Obligations

Specialised Assistance School for Youth is committed to protecting the privacy of personal information of individuals in accordance with Australian Privacy Principles. To satisfy this obligation we have implemented a number of processes and procedures including developing a Privacy Program and publishing a Privacy Policy on our public website.

2. Purpose

The purpose of this Policy is to highlight to all staff the various practices, procedures and systems that we have established, including those you must comply with, that work together to ensure that we create a culture where the protection of personal information and our legal obligations are taken seriously.

3. Policy

3.1 Dealing with Privacy Questions and Complaints

All privacy enquiries and complaints received by staff must be immediately referred to our Privacy Officer. These should be logged online through CompliSpace Assurance.

3.2 Dealing with Unsolicited Information

If you receive information that we did not request, and it is not reasonably necessary for one of our functions or activities then: if it is received verbally, you must not record it if it is received in a record, you must destroy it or de-identify it. For example, if you receive information that a parent of a student is a member of the Communist Party, you should not record this information if received verbally, or if in record format you should destroy or de-identify the relevant record, as it is sensitive information that is not reasonably necessary for one of our functions or activities.

3.3 Social Media Disclosure

You must not publish an individual's personal information (including a photograph) on the Specialised Assistance School for Youth's website, social media sites, or on your own personal social media sites (where the information can be linked back to us) without the individual's direct consent.

3.4 Compliance with Direct Consents/Directives

Where the Specialised Assistance School for Youth has sought express consents for the use of personal information (e.g. the inclusion of personal details on a class contact list), or we have received clear directives not to use personal information (e.g. a family court order) all staff must ensure that we abide by these directives.

- 3.5 Direct Marketing opt Outs
Staff must ensure that whenever an individual indicates to the Specialised Assistance School for Youth that they do not want to receive direct marketing material, that they are promptly removed from any further communications lists.
- 3.6 Maintaining the Quality of Personal Information
Staff must ensure that when the Specialised Assistance School for Youth receives information indicating that an individual's personal details have changed, that we promptly update these details on any relevant databases.
Staff must also destroy or de-identify personal information that is no longer required for the primary purpose for which it was collected.
- 3.7 Security Access
Staff must not transfer, share or loan security access passes, keys or codes (refer to our Security Access Policy).
- 3.8 Password Protection
Staff must not disclose or share personal passwords with others (refer to our Password Protection Policy).
- 3.9 Confidentiality of Information
Staff must ensure that confidentiality of information is maintained and only disclose personal information (Particularly sensitive and health information) internally on a need-to-know basis (refer to our Confidentiality Policy).
- 3.10 Confidential Waste
Staff must ensure that any hard copy documented personal information is disposed of in accordance with our Confidential Waste Policy.
- 3.11 Decommissioning Electronic Equipment
Staff must ensure that in the event that electronic equipment that contains personal information is decommissioned, that it is done so in accordance with our decommissioning electronic equipment procedures.
- 3.12 Email and Internet Usage
Staff must only use email and internet in accordance with our Email and Internet Use Policy.
- 3.13 Protecting and Information on BYO devices
Staff must comply with the terms of our Bring Your Own Device (BYOD) – Staff Usage Policy including ensuring that any mobile devices that are able to access our personal information are appropriately secured. Staff must comply with the terms of our Bring Your Own Device (BYOD) – Staff Usage Policy including ensuring that any mobile devices that are able to access our personal information are appropriately secured.
- 3.14 Behind the Scenes
Many of the key obligations of the Privacy Laws are addressed through:
- Appointing our Privacy Officer
 - Publishing our Privacy Policy
 - Including privacy law requirements in our Compliance and Risk Management systems

- Including Privacy Collection Notices wherever we collect personal information in forms
- Establishing a Complaints Handling Policy
- Putting in place physical security (refer to our Security of Buildings and Grounds Policy) and ICT security measures.

4. Personal Information of Young people

State/Territory Child Protection Regimes Override Privacy Requirements

Information sharing regimes under state/territory legislation relating to child protection override the privacy requirements under the Privacy Act.

For more information, refer to our Child Protection Program

The Specialised Assistance School for Youth takes a common-sense approach to dealing with a student's personal information. We will determine on a case-by-case basis whether a student under the age of 18 has the capacity to consent and make decisions in respect of their personal information and will be guided by the below principles when making any determination regarding student consent.

Consent from Parents/Carers

The Specialised Assistance School for Youth generally takes the view that notifications provided to parents/carers will act as notifications to young people and consents received from parents/carers will act as consents given by young people. This view is based on the fact that parents/carers generally have the right to make decisions for their children until they reach 18 years of age and that the Specialised Assistance School for Youth's contractual relationship is with a student's parents/carers.

Consents from Young people

In certain circumstances, it will be appropriate to seek and obtain consents directly from young people.

As a general principle, a student under the aged of 18 has capacity to consent when they have sufficient understanding and maturity to understand what is being proposed. In some circumstance, it may be appropriate for a parent/carer to consent on behalf of a student, for example, if the student is very young or lacks the maturity or understanding to do so themselves

It is not practicable or reasonable for the Specialised Assistance School for Youth to assess the capacity of young people on a case-by-case basis, we are entitled to presume that a student aged 15 or over has the capacity to consent, unless there is something to suggest otherwise. Young people aged under 15 are presumed to not have capacity to consent.

Student Access to Personal Information

Where a student seeks access to their personal information, the Specialised Assistance School for Youth will consider whether to refuse or restrict access, taking into account whether:

- The record of personal information contains information which would not normally be released.
- Access is likely to adversely impact on the student.
- A parent/carer of the student seeking access does not consent to their child having access.

For more information, refer to Access to Personal Information.

Disclosure of Student Information

Our Student Enrolment Form sets out how we collect and disclose the personal information of young people, including sensitive information. Young people's personal information is theirs, regardless of their age. It may hence only be disclosed to parents/carers if:

- Disclosure is for the primary purpose of collection or for a related secondary purpose which is reasonably expected.
- Disclosure is necessary to fulfil the Specialised Assistance School for Youth's duty of care to the student.

Young people may attempt to claim a right to prevent disclosure of personal information to a parent/carer, such as their Specialised Assistance School for Youth Report. Situations where a student makes a request that personal information (particularly sensitive information) not be disclosed to parents/carers will be dealt with on a case-by-case basis.

5. Collection Privacy, and Protection of Employee Information

We are committed to ensuring the privacy and protection of employee information. We collect personal and sensitive information about our employees, such as contact details, employment history, qualifications, health information, and financial details, for the purposes of managing employment, complying with legal obligations, and ensuring a safe and productive work environment.

All employee information is stored securely, and access is restricted to authorised personnel only. The school takes appropriate physical, technical, and administrative measures to safeguard personal data from unauthorised access, loss, or misuse.

Employees have the right to access and correct their personal information, and any changes or updates will be handled in a secure and timely manner. We ensure that all personal information is used solely for legitimate employment-related purposes and will not be disclosed to third parties unless required by law or with the employee's consent.

CCTV Privacy Notice

SASY has decided to install a closed-circuit television (CCTV) system at our school.

This Privacy Notice outlines how the CCTV system will be used, including the use and disclosure of any footage produced by the CCTV system so as to be consistent with South Australian privacy laws.

Need for CCTV

Our school has an obligation to ensure the school environment is safe and secure, and fulfil our duty of care to students, staff and visitors. The CCTV system assists our school to fulfil these obligations and to prevent and manage other inappropriate behaviour on school grounds. CCTV also provides enhanced capability to protect our school's assets against vandalism and theft.

Use of CCTV

- Consistent with our school's obligations set out above, our school may use CCTV cameras to:
 - prevent, support and verify incidents involving
 - criminal behaviour – of anyone on school grounds
 - staff misconduct
 - other inappropriate behaviour – including of students, staff, visitors or members of the public. For example, this means the school may use CCTV footage of incidents to help inform decisions about student management
- verify and investigate other incidents involving students, staff and visitors (for example incidents in which a person has sustained injury, loss or damage on school premises)

CCTV cameras are NOT

- located in private areas such as toilets, changing rooms, dressing rooms, showers, or other areas where individual privacy is paramount
- used to monitor student or staff work performance
- hidden in covert places

Location of CCTV cameras in our school

At SASY, CCTV cameras are located in:

- entrances
- walkways
- shared staff areas
- program areas
- carparks

A notice is located at the school's entrances, which alerts people to the presence of cameras.

Access to CCTV footage

CCTV footage is only accessed for the purposes set out in this Privacy Notice and SASY's CCTV Policy and only by the following people:

1. the Chief Executive or nominee, including people explicitly authorised by the Chief Executive
2. any other people permitted by law.

Request to view footage

When using CCTV for the purposes listed under the heading 'Use of CCTV' the Chief Executive or nominee may show specific footage of an incident to those directly involved, including relevant staff, students and/or their parents/carers, provided:

- the Chief Executive considers it appropriate and necessary in order to support parents to understand the specifics of an incident that has taken place so they can provide appropriate support to their child or for a staff member to better understand an incident
- it would not cause a health, wellbeing or safety risk to any other person
- it would not be an unreasonable intrusion into another person's privacy.

Please note, our school cannot provide copies of CCTV footage to staff, students or parents.

Storage of footage

CCTV footage is stored locally on the school's server.

CCTV footage is kept for no more than 31 days. If our school has not used CCTV footage in any of the ways set out above, and there has been no request to view or access footage during this period, the footage is deleted.

Where CCTV footage has been used to verify an incident or where it is required to be retained for legal reasons, our school will manage and securely retain the footage in accordance with the retention requirements set out in our Records Management Policy.

What if you have questions?

If you have any questions or concerns regarding the use of the CCTV system in our school, please contact the school to discuss.

6. Privacy and the Specialised Assistance School for Youth Community

The Specialised Assistance School for Youth community consists of staff, young people, parents/carers, alumni, neighbours, other schools, benefactors and other stakeholders. Specialised Assistance School for Youth has implemented the following procedures to comply with the APPs when information is shared in the Specialised Assistance School for Youth community.

Specialised Assistance School for Youth Directories

Specialised Assistance School for Youth directories and class lists, which contain the names, contact details and other information of young people and their parents/carers, may involve the disclosure of personal information.

The Specialised Assistance School for Youth will obtain the consent of parents/carers, and young people if they have capacity to consent, to place their details in the Specialised Assistance School for Youth Directory or class list. Parents/carers and young people are also notified about these practices through our Collection Notices.

Specialised Assistance School for Youth Publications

Publications such as newsletters and magazines usually contain personal information obtained from the individual or from external sources. While these publications might be considered to be generally available publications, they are still covered within the definition of personal information and hence must be managed in accordance with the Privacy Act.

Specialised Assistance School for Youth Libraries/Exhibitions

The definition of a record does not include anything kept in a library, art gallery or museum for the purposes of reference, study or exhibition.

Where the Specialised Assistance School for Youth intends to include personal information in a library/exhibition, the individual should be notified of the planned use and disclosure appropriately. Sensitive information (such as health information) should not be included without consent.

Disclosing Information to Other Schools

When the Specialised Assistance School for Youth is not related to a second school or other body, it cannot rely upon related body corporate exemptions in order to disclose information to them. Information should not usually be passed on to other schools without consent.

However, information may be disclosed if it is for the primary purpose for which the information was collected or falls within a permitted secondary purpose. For more information, refer to Transfers Between Related Bodies Corporate.

7. Transfers Between Related Bodies Corporate

Specialised Assistance School for Youth does not share information with other entities unless they are “related bodies corporate”, or the information is being shared for the primary purpose for which it was collected, or for a permitted secondary purpose (refer to APP 6).

Related Bodies Corporate

Under the Privacy Act, related bodies corporate (as defined in the Corporations Act) are able to share and transfer an individual’s personal information (but not sensitive information) without the share or transfer amounting to an interference with the privacy of the individual. In general terms companies are related where they have a shared controlling interest. The related bodies corporate must comply with the APP’s and the CR Code (if applicable) when using or holding the personal information.

This provision covering information transfers between related bodies corporate highlights the fact that Specialised Assistance School for Youth is not able to simply share information with other entities unless they are “related”, or there is a reasonable expectation that this information would be shared for a secondary purpose. (Refer to APP 6).

Unrelated Bodies Corporate

Currently Specialised Assistance School for Youth have not identified any unrelated bodies corporate.

8. Related Documents

Security Access Policy

Password Protection Policy (to be updated)

Confidentiality Policy

Decommissioning Electronic Equipment Procedure (to be updated)

Email and internet use policy

Bring your own device -Staff Usage Policy (to be created)

Complaints Handling Policy

Buildings and Grounds Policy (to be updated)

Child Protection Policy

Data Retention Policy (to be created)

Privacy Officer- CE of SASY

9. Authorisation

Signature of Chair

