



## Privacy Information Protection

<b>Our Privacy Obligations</b>	Specialised Assistance School for Youth is required to manage the personal information of individuals in accordance with Privacy Laws. To satisfy this obligation we have implemented a number of processes and procedures including developing a <a href="#">Privacy Program</a> and publishing a Privacy Policy on our public website.
<b>The Purpose of This Policy</b>	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.
<b>Dealing with Privacy Questions and Complaints</b>	All privacy enquiries and complaints received by staff must be immediately referred to our Privacy Officer. These should be logged online through CompliSpace Assurance.

<b>Dealing with Unsolicited Information</b>	<p>If you receive information that we did not request, and it is not reasonably necessary for one of our functions or activities then:</p> <ul style="list-style-type: none"><li>• if it is received verbally, you must not record it</li><li>• if it is received in a record, you must destroy it or de-identify it.</li></ul> <p>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.</p>
<b>Social Media Disclosure</b>	<p>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.</p>
<b>Compliance with Direct Consents/Directives</b>	<p>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.</p>
<b>Direct Marketing Opt Outs</b>	<p>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.</p>

<b>Maintaining the Quality of Personal Information</b>	<p>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.</p> <p>Staff must also destroy or de-identify personal information that is no longer required for the primary purpose for which it was collected.</p>
<b>Security Access</b>	Staff must not transfer, share or loan security access passes, keys or codes (refer to our <a href="#">Security Access Policy</a> ).
<b>Password Protection</b>	Staff must not disclose or share personal passwords with others (refer to our <a href="#">Password Protection Policy</a> ).
<b>Confidentiality of Information</b>	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 <a href="#">Confidentiality Policy</a> ).
<b>Confidential Waste</b>	Staff must ensure that any documented personal information is disposed of in accordance with our <a href="#">Confidential Waste Policy</a> .
<b>Decommissioning Electronic Equipment</b>	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.
<b>External Document Security</b>	Insert Organisation's Own Policy for the External Removal of Documents
<b>Email and Internet Usage</b>	Staff must only use email and internet in accordance with our <a href="#">Email and Internet Use Policy</a> .

<b>Protecting Information on BYO Devices</b>	Staff must comply with the terms of our <a href="#">Bring Your Own Device (BYOD) - Staff Usage Policy</a> 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.
<b>Behind the Scenes</b>	Many of the key obligations of the Privacy Laws are addressed through: <ul data-bbox="515 539 1915 1037" style="list-style-type: none"><li>• appointing our Privacy Officer</li><li>• publishing our Privacy Policy</li><li>• including privacy law requirements in our Compliance and Risk Management systems</li><li>• including Privacy Collection Notices whenever we collect personal information in forms</li><li>• establishing a Complaints Handling Policy</li><li>• putting in place physical security (refer to our <a href="#">Security of Buildings and Grounds Policy</a>) and ICT security measures</li></ul>



# Personal Information of Students

## 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 students and consents received from parents/carers will act as consents given by students. 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.

### **Consent from Students**

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

As a general principle, a student under the age of 18 has capacity to consent when they have sufficient understanding and maturity to understand what is being proposed. In some circumstances, 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.

If it is not practicable or reasonable for the Specialised Assistance School for Youth to assess the capacity of students on a case-by-case basis, we are entitled to presume that a student aged 15 or over has capacity to consent, unless there is something to suggest otherwise. Students 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 students, including sensitive information. Students' 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.

Students 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.



# Privacy and the Specialised Assistance School for Youth Community

The Specialised Assistance School for Youth community consists of staff, students, 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

The use of Specialised Assistance School for Youth directories and class lists, which contain the names, contact details and other information of students 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 students if they have capacity to consent, to place their details in the Specialised Assistance School for Youth Directory or class list. Parents/carers and



students 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.

Sensitive information (such as health information) should not be included in publications without consent.

### **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](#).





## 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 APPs 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.