

PRIVACY POLICY

### PURPOSE OF THIS POLICY

Balance Foundation Ltd. is bound by the Australian Privacy Principles contained in the *Commonwealth Privacy Act 1988*. This statement outlines the Privacy Policy of the organisation and describes how the organisation uses and manages personal information provided to or collected by it.

### SCOPE

The Policy applies to Board members, employees, instructors, volunteers, parents/guardians and students, contractors, and people visiting events and activities offered by Balance Foundation Ltd. or its subsidiaries; and describes the type of information the organisation collects, how the information is handled, how and to whom the information is disclosed, and how the information may be accessed.

**EXCEPTION IN RELATION TO EMPLOYEE RECORDS**

Under the Privacy Act, the Australian Privacy Principles do not apply to an employee record held by the employing entity. As a result, this Privacy Policy does not apply to the organisation’s treatment of an employee record, where the treatment is directly related to a current or former employment relationship between the organisation and employee.

### RESPONSIBILITY

All reporting to the Directors of the Board for Balance Foundation Ltd.

### LEGISLATION AND REFERENCES

[*Privacy Act 1988 (Cth)*](https://www.legislation.gov.au/Details/C2016C00838)

[*Privacy Amendment (Enhancing Privacy Protection) Act 2012*](https://www.legislation.gov.au/Details/C2012A00197) *Australian Privacy Principles*

### POLICY

This Privacy Policy sets out how Balance Foundation Ltd. manages personal information provided to or collected by it. The organisation is bound by the Australian Privacy Principles contained in the *Commonwealth Privacy Act*.

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

**What kinds of Personal Information does the Organisation collect and how does the Organisation collect it?**

The type of information the Organisation collects and holds includes (but is not limited to) personal information, including health and other sensitive information, about:

* students and parents and/or guardians ('Parents') before, during and after the course of a student's enrolment at the Organisation, including:
	+ name, contact details (including next of kin), date of birth, previous school and religion;
	+ medical information (e.g. details of disability and/or allergies, absence notes, medical reports and names of doctors);
	+ conduct and complaint records, or other behaviour notes, and school reports;
	+ counselling reports;
	+ health fund details and Medicare number;
	+ any applicable court orders;
	+ volunteering information; and
	+ photos and videos at Organisation events;
* job applicants, staff members, volunteers and contractors, including:
	+ name, contact details (including next of kin), date of birth, and religion;
	+ information on job application;
	+ professional development history;
	+ salary and payment information, including superannuation details;
	+ medical information (e.g. details of disability and/or allergies, and medical certificates);
	+ complaint records and investigation reports;
	+ leave details;
	+ photos and videos at Organisation events;
	+ workplace surveillance information;
	+ work emails and private emails (when using work email address) and Internet browsing history; and
* other people who come into contact with the Organisation, including name and contact details and any other information necessary for the particular contact with the Organisation.

#### Personal information you provide:

The Organisation will generally collect personal information held about an individual by way of forms filled out by parents or students, face-to-face meetings and interviews, emails and telephone calls. On occasions people other than parents and students provide personal information.

#### Personal information provided by other people:

In some circumstances the Organisation may be provided with personal information about an individual from a third party, for example a report provided by a medical professional or a reference from another school.

# How will the Organisation use the Personal Information you provide?

The Organisation will use personal information it collects from you for the primary purpose of collection, and for such other secondary purposes that are related to the primary purpose of collection and reasonably expected by you, or to which you have consented.

#### Students and Parents

In relation to personal information of students and parents, the Organisation's primary purpose of collection is to enable the Organisation to provide schooling for the students, exercise its duty of care, and perform necessary associated administrative activities, which will enable pupils to take part in all the activities of the Organisation. This includes satisfying the needs of parents, the needs of the students and the needs of the Organisation throughout the whole period the student is enrolled at the Organisation.

The purposes for which the Organisation uses personal information of students and parents include:

* to keep parents informed about matters related to their child's schooling, through correspondence, newsletters and magazines;
* day-to-day administration of the Organisation;
* looking after student’s educational, social and medical wellbeing;
* seeking donations and marketing for the Organisation; and
* to satisfy the Organisation's legal obligations and allow the Organisation to discharge its duty of care.

In some cases where the Organisation requests personal information about a student or parent, if the information requested is not provided, the Organisation may not be able to enrol or continue the enrolment of the students or permit the students to take part in a particular activity.

On occasions, information such as academic and sporting achievements, students’ activities and similar news is published in Organisation newsletters and magazines and on our website. This may include photographs and videos of student activities such as sporting events, school camps and school excursions. Upon enrolment, the Organisation will obtain permission from the parent or guardian to include student photographs and videos in our promotional material or otherwise make this material available to the public such as on the internet. Where permission is denied, the Organisation will take all reasonable steps to avoid publication in the public space.

#### Job Applicants, Staff Members and Contractors

In relation to personal information of job applicants, staff members and contractors, the Organisation's primary purpose of collection is to assess and (if successful) to engage the applicant, staff member or contractor, as the case may be.

The purposes for which the Organisation uses personal information of job applicants, staff members and contractors include:

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

#### Volunteers

The Organisation also obtains personal information about volunteers who assist the Organisation in its functions or conduct associated activities, such as Alumni associations, to enable the Organisation and the volunteers to work together.

#### Marketing and Fundraising

The Organisation treats marketing and seeking donations for the future growth and development of the Organisation as an important part of ensuring that the Organisation continues to provide a quality learning environment in which both students and staff thrive. Personal information held by the Organisation may be disclosed to organisations that assist in the Organisation's fundraising.

Parents, staff, contractors and other members of the wider Organisation community may from time to time receive fundraising information. Organisation publications, like newsletters and magazines, which include personal information, may be used for marketing purposes.

**Who might the Organisation disclose Personal Information to and store your information with?**

The Organisation may disclose personal information, including sensitive information, held about an individual for educational, administrative and support purposes. This may include to:

* another school.
* government departments (including for policy and funding purposes).
* medical practitioners.
* people providing administrative and financial services to the Organisation.
* recipients of Organisation publications, such as newsletters and magazines.
* students’ parents/guardians.
* anyone you authorise the Organisation to disclose information to; and
* anyone to whom the Organisation is required to disclose the information to by law, including child protection laws.

#### Sending and Storing Information Overseas

The Organisation may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange. However, the Organisation will not send personal information about an individual outside Australia without:

* obtaining the consent of the individual (in some cases this consent will be implied); or
* otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

The Organisation may use online or 'cloud' service providers to store personal information and to provide services to the Organisation that involve the use of personal information, such as services relating to 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 that access their services. This personal information may be stored in the 'cloud' which means that it may reside on a cloud service provider’s server which may be situated outside Australia.

The Organisation also uses Microsoft 365 and has configured it to use Australian data centres.

# How does the Organisation treat Sensitive Information?

In referring to 'sensitive information', the Organisation means: information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, philosophical beliefs, sexual orientation or practices or criminal record, that is also personal information, health information and biometric 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 allowed by law.

# Management and Security of Personal Information

The Organisation staff are required to respect the confidentiality of students' and parents' personal information and the privacy of individuals. The Organisation has in place steps to protect the personal information the Organisation holds from misuse, interference and loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and password access rights to computerised records.

# Data Breaches

It will be deemed that an ‘eligible data breach’ has occurred if:

* there has been unauthorised access to, or unauthorised disclosure of, personal information about one or more individuals (**the affected individuals**).
* a reasonable person would conclude there is a likelihood of serious harm to any affected individuals as a result; or
* the information is lost in circumstances where:
	+ unauthorised access to, or unauthorised disclosure of, the information is likely to occur
	+ assuming unauthorised access to, or unauthorised disclosure of, the information was to occur, a reasonable person would conclude that it would be likely to result in serious harm to the affected individuals.

Serious harm may include serious physical, psychological, emotional, economic and financial harm, as well as serious harm to reputation.

### What must the Organisation do in the event of an ‘eligible data breach’?

If the Organisation suspects that an eligible data breach has occurred, it will carry out a reasonable and expedient assessment/investigation within 30 days.

If such an assessment/investigation indicates there are reasonable grounds to believe an eligible data breach has occurred, then the Organisation will be required to lodge a statement to the Privacy Commissioner (**Commissioner**). Where practical to do so, the Organisation will also notify the affected individuals. If it is not practicable to notify the affected individuals, Balance Foundation Ltd. will publish a copy of the statement on its website or publicise it in another manner.

### Exception to notification obligation

An exception to the requirement to notify will exist if there is a data breach and immediate remedial action is taken, and as a result of that action:

* there is no unauthorised access to, or unauthorised disclosure of, the information
* there is no serious harm to affected individuals, and as a result of the remedial action, a reasonable person would conclude the breach is not likely to result in serious harm.

# Access and Correction of Personal Information

Under the Privacy Act, an individual has the right to seek and obtain access to any personal information which the Organisation holds about them and to advise the Organisation of any perceived inaccuracy. There are some exceptions to this right set out in the Act. Students will generally be able to access and update their personal information through their parents, but older students may seek access and correction themselves.

To make a request to access or update any personal information the Organisation holds about you or your child, please contact the Board of Directors in writing. Balance Foundation Ltd. Board may require you to verify your identity and specify what information you require. The Organisation 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, Balance Foundation Ltd. will advise the likely cost in advance. If we cannot provide you with access to that information, we will provide you with written notice explaining the reasons for refusal.

The Organisation will take reasonable steps to ensure that any personal information is accurate, up to date, complete, relevant, and not misleading.

## Consent and Rights of Access to the Personal Information of Students

The Organisation respects every parent's right to make decisions concerning their child's education. Generally, the Organisation will refer any requests for consent and notices in relation to the personal information of a student to the student’s parents. The Organisation will treat consent given by parents as consent given on behalf of the students and notice to parents will act as notice given to the students.

As mentioned above, parents may seek access to personal information held by the Organisation about them or their child by contacting a Board Director. 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 Organisation's duty of care to the students.

The Organisation may, at its discretion on the request of a student, grant that student access to information held by the Organisation 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.

**Enquiries and Complaints**

If you would like further information about the way the Organisation manages the personal information it holds or wish to complain that you believe that the Organisation has breached the Australian Privacy Principles please contact the Principal. The Organisation will investigate any complaint and will notify you of the making of a decision in relation to your complaint as soon as is practicable after it has been made.

**APPENDICES**

## APPENDIX 1

**Standard Collection Notice (***to be distributed on Organisation Letterhead)*

Balance Foundation Ltd. and subsidiaries collects personal information, including sensitive information about students and parents/guardians before and during the course of a student's enrolment at the Organisation. This may be in writing or in the course of conversations. The primary purpose of collecting this information is to enable the Organisation to provide schooling for your son/daughter, exercise its duty of care, engage in marketing/fundraising, and perform necessary associated administrative activities, which will enable them to take part in all the activities of the Organisation.

Some of the information we collect is to satisfy the Organisation's legal obligations, particularly to enable the Organisation to discharge its duty of care.

Laws governing or relating to the operation of a Organisation require certain information to be collected and disclosed. These include relevant Education Acts, and Public Health and Child Protection laws.

Health information about students is sensitive information within the terms of the Australian Privacy Principles (APPs) under the *Privacy Act 1988*. We may ask you to provide medical reports about students from time to time.

The Organisation may disclose personal and sensitive information to others for administrative and educational purposes. This may include to:

* government departments (including for policy and funding purposes),
* emergency services.
* medical practitioners.
* people providing administrative and financial services to the Organisation.
* anyone you authorise the Organisation to disclose information to; and
* anyone to whom the Organisation is required or authorised to disclose the information to by law, including child protection laws.

Personal information collected from students is regularly disclosed to their parents or guardians.

The Organisation may use online or 'cloud' service providers to store personal information and to provide services to the Organisation that involve the use of personal information, such as services relating to 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 that access their services. This personal information may reside on a cloud service provider’s server which may be situated outside Australia. Further information about the use of online or 'cloud' service providers is contained in the Organisation’s Privacy Policy.

Balance Foundation Ltd’s. Privacy Policy, accessible on the Organisation website, sets out how parents or students may seek access to and correction of their personal information which the Organisation has collected and holds. However, there will be occasions when access is denied. Such occasions would include where access would have an unreasonable impact on the privacy of others, where access may result in a breach of the Organisation's duty of care to the students, or where students have provided information in confidence. Any refusal will be notified in writing with reasons if appropriate.

The Organisation’s Privacy Policy also sets out how you may complain about a breach of privacy and how the Organisation will deal with such a complaint.

As you may know the Organisation from time to time engages in fundraising activities. Information received from you may be used to make an appeal to you. It may also be disclosed to organisations that assist in the Organisation's fundraising activities solely for that purpose. We will not disclose your personal information to third parties for their own marketing purposes without your consent.

On occasions, information such as academic and sporting achievements, students’ activities and similar news is published in Organisation newsletters and magazines and on our website. This may include photographs and videos of student activities such as sporting events, school camps and school excursions. Upon enrolment, the Organisation will obtain permission from the parent or guardian to include student photographs and videos in our promotional material or otherwise make this material available to the public such as on the internet. Where permission is denied, the Organisation will take all reasonable steps to avoid publication in the public space such as the internet.

The Organisation may include student and parent/guardian contact details in a class list and Organisation directory.

If you provide the Organisation with the personal information of others, such as doctors or emergency contacts, we encourage you to inform them that you are disclosing that information to the Organisation and why.

## APPENDIX 2

**Alumni Association Collection Notice** *(to be distributed on Organisation Letterhead)*

The Balance Foundation Ltd. and subsidiaries Alumni Association may collect personal information about you from time to time. The primary purpose of collecting this information is to enable us to inform you about our activities and the activities of Balance Foundation Ltd. and subsidiaries and to keep Alumni members informed about other members.

We must have the information referred to above to enable us to continue your membership of the Alumni Association.

As you know, from time to time the Organisation may engage in fundraising activities. The information received from you may be used to make an appeal to you. It may also be used by the Organisation to assist in its fundraising activities. If you do not agree to this, please advise us now.

The Balance Foundation Ltd. and subsidiaries Alumni Association may publish details about you in our newsletter, magazine or other Organisation publications as well as our Organisation website. If you do not agree to this you must advise us now.

The Organisation's Privacy Policy, accessible on the Organisation website, contains details of how you may seek access to and correction of your personal information which the Organisation has collected and holds, and how you may complain about a breach of the Australian Privacy Principles.

The Organisation may use online or 'cloud' service providers to store personal information and to provide services to the Organisation that involve the use of personal information, such as email services. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may reside on a cloud service provider's servers which may be situated outside Australia. Further information about the use of online or 'cloud' service providers is contained in the Organisation’s Privacy Policy.

If you provide us with the personal information of others, we encourage you to inform them that you are disclosing that information to the Organisation and why.

## APPENDIX 2

**Employment Collection Notice** *(to be distributed on Organisation Letterhead)*

In applying for this position you will be providing Balance Foundation Ltd. and subsidiaries with personal information.

If you provide the Organisation with personal information, for example, your name and address or information contained on your resume, we will collect the information in order to assess your application for employment. The Organisation may keep this information on file if your application is unsuccessful in case another position becomes available.

The Organisation's Privacy Policy, accessible on the Organisation website, contains details of how you may complain about a breach of the Australian Privacy Principles or how you may seek access to and correction of your personal information which the Organisation has collected and holds. However, there may be occasions when access is denied. Such occasions would include where access would have an unreasonable impact on the privacy of others. Any refusal will be notified in writing with reasons if appropriate.

We will not disclose this information to a third party without your consent.

The Organisation may be required to conduct a criminal record check to collect information regarding whether you are or have been the subject of an Apprehended Violence Order and certain criminal offences under Child Protection laws. The Organisation may also be required to collect personal information about you in accordance with these laws.

All staff and instructors are required to hold a positive blue card which must be kept current for the duration of their engagement.

The Organisation may use online or 'cloud' service providers to store personal information and to provide services to the Organisation that involve the use of personal information, such as email services. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may reside on a cloud service provider's servers which may be situated outside Australia. Further information about the use of online or 'cloud' service providers is contained in the Organisation's Privacy Policy.

If you provide us with the personal information of others, we encourage you to inform them that you are disclosing that information to the Organisation and why.

## APPENDIX 3

**Contractor/Volunteer Collection Notice** *(to be distributed on Organisation Letterhead)*

In offering, applying or agreeing to provide services to the Organisation, you will be providing Balance Foundation Ltd. with personal information.

If you provide us with personal information, for example your name and address or information contained on your resume, we will collect the information in order to assess your application. We may also make notes and prepare a confidential report in respect of your application.

You agree that we may store this information on file for future reference.

The Organisation's Privacy Policy, accessible on the Organisation website, sets out how you may seek access to and correction of your personal information and how you may complain about a breach of the Australian Privacy Principles. However, access may be refused in certain circumstances such as where access would have an unreasonable impact on the privacy of others. Any refusal will be notified in writing with reasons if appropriate.

The Organisation will not disclose this information to a third party without your consent.

The Organisation may be required to conduct a criminal record check to collect information regarding whether you are or have been the subject of an Apprehended Violence Order and certain criminal offences under Child Protection laws. The Organisation may also be required to collect personal information about you in accordance with these laws.

All non-parents/guardians are required to hold a Blue Card.

The Organisation may use online or 'cloud' service providers to store personal information and to provide services to the Organisation that involve the use of personal information, such as services relating to 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 that access their services. This personal information may reside on a cloud service provider's servers which may be situated outside Australia. Further information about the use of online or 'cloud' service providers is contained in the Organisation's Privacy Policy

If you provide us with the personal information of others, we encourage you to inform them that you are disclosing that information to the Organisation and why.