

<b>Title</b>	Privacy Policy
<b>Description of policy</b>	Sets out obligations and processes to protect personal and confidential information CECG workers obtain and use in the course of work.
<b>Required because</b>	CECG and all its workers are legally required to protect personal information they obtain or use in the course of their work.
<b>Description of changes</b>	Merger for the Confidentiality Policy into the Privacy Policy. Update of definitions of Privacy Terms.
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## 1. Summary

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1.1 This Privacy Policy details how Catholic Education Archdiocese of Canberra and Goulburn (CECG) and its workers protect Personal, Sensitive, Health, and Confidential information obtained or used in the course of their work. It outlines requirements and procedures to comply with the Privacy Act 1988, other relevant legislation, and the 13 Australian Privacy Principles. It confirms CECG's commitment to the privacy rights of CECG school communities and workers. It also outlines CECG staff's obligations regarding this information beyond the legislative requirements.

1.2 This policy describes:

- who CECG collects information from
- the types of personal information collected and held by CECG
- how this information is collected and held
- the purposes for which personal information is collected and used
- how CECG store personal information
- disclosure of personal information, including to overseas recipients
- how you can gain access to personal information and seek its correction
- how you may complain or inquire about our collection, handling, use or disclosure of personal information and how that complaint or inquiry.

## 2. Privacy Policy

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- 2.1 This policy applies to all CECG workers, in all CECG workplaces.
- 2.2 CECG workers must ensure that Personal, Sensitive, Health, and Confidential Information is not used or disclosed except as allowed under this policy and the Australian Privacy Principles.
- 2.3 CECG workers should assume an Obligation of Confidence for any Personal, Sensitive, Health, or Confidential Information unless otherwise indicated.
- 2.4 CECG workers must not disclose any Personal, Sensitive, Health or Confidential Information obtained during the course of their employment unless required to as part of their employment or for the purposes of legal proceedings.
- 2.5 CECG workers, in some positions, may be required to sign confidentiality agreements.
- 2.6 Information breaches can have serious consequences for individuals, families, and CECG. All information breaches must be investigated in line with this policy. Information breaches may result in disciplinary proceedings.

## 3. Privacy Terminology

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- 3.1 There are four types of information covered by this policy:
- **Personal Information:** information or an opinion about someone, or information or an opinion that could be used to identify someone, whether true or untrue. Examples:
    - Person's name and address
    - Signature
    - Telephone number
    - Date of birth

- Medical records
  - Bank account details
  - Debit or credit card
  - Commentary or opinion about a person,
  - A photograph where the person's identity is clear or can reasonably be worked out from the image
  - **Sensitive Information:** information or an opinion about someone that cannot be found elsewhere (i.e. online) or has been explicitly communicated as private, whether true or untrue. Examples:
    - Racial or ethnic origin
    - Political opinions
    - Membership of political associations
    - Religious beliefs or affiliations
    - Philosophical beliefs
    - Membership of professional association
    - Membership of a trade union
    - Sexual orientation or practices
    - Criminal record
  - **Health Information:** information or an opinion about someone's health and wellbeing, whether true or untrue. Examples:
    - Illness/disability/injury
    - Addiction/substance abuse
    - Past or future medical procedures for someone or their relatives
    - Body part/organ/body substances donor status
    - Genetic information about someone or their relatives
  - **Confidential Information:** information that relates to or is about Catholic Education Canberra Goulburn operations, strategy, and associated risks, whether true or untrue. Examples:
    - Information learned about CECG internal operations/practices/strategy/associated risk
    - Information learned about students or staff
    - Information learned about contractors
    - Company and Board related information
    - Other information not generally in the public domain
- 3.2 When a CECG worker holds information (whether Personal, Sensitive, Health, or Confidential), they are under an **Obligation of Confidence**, unless otherwise indicated. An obligation of confidence applies where a confidant (someone being confided in) is given personal, sensitive, health or confidential information by a confider (someone confiding in someone else). An obligation of confidence arises when the confidant ought to reasonably know that the information obtained should be kept private. This obligation is subordinate to other obligations on the confidant (i.e. mandatory reporting).
- 3.3 KEEP INFORMATION PRIVATE AND ONLY USE/DISCLOSE INFORMATION IN THE CONTEXT OF CARRYING OUT WORK DUTIES.

## 4. Why does CECG collect information?

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- 4.1 CECG may collect information if it is reasonably necessary for or directly related to one or more of CECG's functions or activities (primary purpose), including:
- providing education, pastoral care, extra-curricular activities, and health services
  - managing and operating CECG workplaces including schools, Early Learning Centres, School Age Care and offices
  - keeping parents/carers informed about school community matters
  - marketing, promotional and fundraising activities
  - supporting the activities of school
  - satisfying legal obligations
  - employing staff
  - engaging volunteers.

## 5. Who does CECG collect information from?

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- 5.1 In the course of usual work, CECG collects information from a wide range of people including students, parents/carers, job applicants, staff, volunteers, contractors, visitors, and others than come into contact with CECG.
- 5.2 Regardless of who the information relates to, CECG protects all information in line with the Australian Privacy Principles.

## 6. What types of information does CECG collect?

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- 6.1 In the course of usual work, CECG may collect Personal, Sensitive, and Health Information, as well as financial information and tax file numbers.
- 6.2 CECG does not collect Sensitive or Health Information unless:
- The person the information is about provides informed consent
  - Collection is authorised by law or for permitted health reasons
  - The information relates to CECG activities and relates solely to people who have regular contact with CECG in the course of its usual work (i.e. students, parents/carers, employees)
- 6.3 If CECG workers become aware of any Personal, Sensitive, or Health Information about students, parents/carers, or fellow employees, they must assume that information is given to them under an Obligation of Confidence unless otherwise indicated.

## 7. How does CECG collection information?

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- 7.1 CECG may collect information in many ways including email, websites, letters, notes, over the telephone, in face to face meetings, financial transactions or surveillance activities such as the use of CCTV security cameras.
- 7.2 CECG may also collect information from other people (e.g. a personal reference) or independent sources. CECG will only do so where it is not reasonable and practical to collect the information from a person directly.

- 7.3 Sometimes CECG may receive unsolicited information. If CECG receives unsolicited information it could not collect by normal means, then CECG will destroy or permanently delete the information. If information is retained, CECG will not use or disclose the information unless Privacy Principles permit that when the information is collected by normal means.

## 8. How does CECG use or disclose information?

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- 8.1 CECG may use or disclose information for the reason it is collected (the primary purpose). CECG may not use or disclose information for other purposes (secondary purposes) unless they are permitted by the Privacy Principles, including:
- the person the information is about provides informed consent
  - the secondary purpose is related to the primary purpose and the person the information is about would reasonably expect that
  - the secondary purpose is authorised under an Australian law or for law enforcement reasons
  - CECG reasonably believes the use or disclosure is necessary to lesson a serious threat to life, health or safety.
- 8.2 In some cases where a school or the Catholic Education Office requests information about a student or parent, if the information requested is not provided, CECG may not be able to enrol or continue the enrolment of the student, or permit the student to take part in a particular activity.
- 8.3 CECG does not use information for direct marketing purposes.
- 8.4 CECG does not use government-related identifiers unless required.
- 8.5 Additional exemptions apply to employee records collected or used within the scope of the employment relationship. For example, privacy principles do not apply to employee records shared within CECG or external organisations where that is required for work purposes.
- 8.6 CECG is required to collect information from Schools to meet obligations under various regulations. The regulations require that CECG share information with government authorities and regulators, for example with courts under court order or with the Commonwealth Department of Education and Training regarding students with a disability.

## 9. Sharing of information between related CECG schools

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- 9.1 The Privacy Act allows for a system school to share Personal (but not Sensitive or Health) information with other schools in the CECG System. This allows schools to transfer information between schools as long as the information is being used for the original purpose. For example, information collected for enrolments can be shared with another CECG school if the student enrolls in the other school.

## 10. Disclosing information to overseas recipients

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- 10.1 CECG may disclose Personal Information to overseas recipients in certain circumstances, such as when CECG is organising an overseas excursion. The usual limitations on disclosing information apply even if the recipient is overseas.

## 11. Storage and security of information

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- 11.1 CECG stores personal information in various formats including databases, hard copy files and on personal devices including laptop computers, mobile phones, cameras and other recording devices. The security of personal information is important and CECG takes all reasonable steps to protect the personal information CECG hold about you from misuse, loss, unauthorised access, modification or disclosure.
- 11.2 Appropriate security for Personal Information may include:
- locked storage of paper records
  - Limiting access to records to staff with a need to know
  - Encryption and passcode protected access to digital records.
- 11.3 CECG workers must comply with the [Cybersecurity Policy](#) when storing information.

## 12. How to gain access to information CECG holds

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- 12.1 Parents/carers may request Personal, Sensitive, or Health information about their children that attend CECG schools, ELCs or SACs, in the absence of court orders to the contrary or conflicting privacy rights.
- 12.2 Students may request access to their Personal, Sensitive, or Health information that CECG holds or request that their personal information is not shared with other parties. Requests by students under 18 years of age will be assessed consistent with the student's age, maturity, and level of understanding.
- 12.3 Requests for information about students should be directed to the school principal or ELC director in the first instance, depending on whether the request relates to school or ELC information.
- 12.4 Requests to access information held by CECG should be directed to [legal@cg.catholic.edu.au](mailto:legal@cg.catholic.edu.au). Further information is outlined at [Service of subpoenas, summons, notices and orders – Catholic Education](#).
- 12.5 Access to information may be denied consistent with the Australian Privacy Principles, including where the 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.
- 12.6 We may charge fees to produce documents, to cover the cost of complying with the request. Those costs include, but are not limited to, staff time in locating and searching records, the resources involved in copying documents and delivery of documents to the appropriate Court, Tribunal or other recipient.

## 13. How CECG ensures the quality of information

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- 13.1 CECG takes all reasonable steps to ensure the Personal, Sensitive, or Health information CECG hold, use and disclose is accurate, complete and up to date. These steps include ensuring that the information is accurate, complete and up to date when collected and when using or disclosing the information.
- 13.2 CECG updates Personal, Sensitive, and Health information when CECG are advised by individuals or when CECG becomes aware through other means that their information has changed.

## 14. Correcting information

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- 14.1 To update any Personal, Sensitive, or Health information that CECG holds, individuals should contact the school Principal, ELC Director, or Catholic Education Office, whichever is most appropriate.

## 15. Privacy complaints

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- 15.1 Complaints about privacy or a possible information breach are dealt with under the [Complaints Policy](#).
- 15.2 CECG recommends complaints are raised at the school or ELC in the first instance, if appropriate. Complaints about privacy may also be directed [legal@cg.catholic.edu.au](mailto:legal@cg.catholic.edu.au) or to the Office of the Australian Information Commissioner.

## 16. Information & Data Breaches

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- 16.1 The Privacy Act refers to an “eligible data breach”, while the Office of the Australian Information Commissioner uses the term Notifiable Data Breach on its website.
- 16.2 A data breach occurs when Personal, Sensitive, Health, or Confidential information CECG holds is lost or subject to unauthorised access or disclosure.
- 16.3 If a data breach occurs, employees must comply with the CECG [Data Breach Response Plan](#). The process includes:
- **Identify:** if someone has accessed Personal, Sensitive, Health or Confidential Information without proper authorisation
  - **Notify:** your Principal, ELC Director, or Service Area Leader of the unauthorised access of information
  - **Contain:** the spread of information by contacting CECG Legal or ICT teams, depending on what is most appropriate
  - **Assess:** Conduct risk assessment to identify whether serious harm is likely and what response steps are required. This assessment should include consideration of whether any CECG staff have breached their obligations under this policy and if referral to the People & Culture Leader is required.
  - **Respond:** Respond according to the risk level of the potential data breach
  - **Report:** If a notifiable data breach has occurred, the CECG legal team will report to the Office of the Australian Information Commissioner.
    - Only breaches of Personal, Sensitive, or Health information are reported to the Office of the Australian Information Commissioner. Breaches of Confidential information are not reported to the Commissioner.
  - **Review and remediate:** Review the cause of any breach and implement necessary steps to reduce or eliminate the risk of future breaches.
- 16.4 The Office of the Australian Information Commissioner must be notified of a data breach where:
- there is unauthorised access to, or unauthorised disclosure of, Personal, Sensitive, or Health information



- a reasonable person would conclude that the access or disclosure would be likely to result in serious harm to any of the individuals to whom the personal information relates.  
OR
- personal information is lost in circumstances where:
  - unauthorised access to, or unauthorised disclosure of, the information is likely to occur
  - assuming that unauthorised access to, or unauthorised disclosure of, the information were to occur, a reasonable person would conclude that the access or disclosure would be likely to result in serious harm to any of the individuals to whom the information relates.

16.5 Further information on identifying an eligible data breach can be found on the Office of the Australia Information Commissioner website.

## 17. CECG Employees and Confidential Information

17.1 All Confidential Information shared with CECG workers is assumed to be under an Obligation of Confidence, unless otherwise indicated. Confidential information includes but is not limited to:

- Information about individuals held by CECG, included but not limited to former, current, and future staff and clients
- CECG internal strategic, operation, and risk related information, including Board related information
- Information about CECG finances
- Information relating to computer data bases and computer software
- All other information obtained in the course of your employment that is, by nature, Personal, Sensitive, or Health information

17.2 Serious disciplinary actions may be taken in cases of a breach of Confidential Information.

17.3 Circumstances may necessitate the legitimate revealing of Confidential Information, for example when:

- there are concerns about the health and well-being of a person
- procedural fairness requires information being revealed to the person about whom the complaint is being made
- a person has concerns about misconduct or wrong-doing by an individual or an organisation
- under the mandatory reporting frameworks for children and young people at risk (Children and Young Persons (Care and Protection) Act 1998 (NSW) and Children and Young People Act 2008 (ACT))
- when required by order of a court, legitimate legal process, or subpoena
- when exchange of otherwise confidential information with certain agencies is required or allowed by legislation, (Children and Young Persons (Care and Protection) Act 1998 (NSW) Chapter 16A, Education Act 1990 (NSW) Part 5A)
- where necessary during a police investigation
- where a serious crime has been committed and you have information about it which could assist in the apprehension of the offender (Crimes Act 1900 (NSW) section 316).

- 17.4 In matters regarding Duty of Care, the interest of any child takes precedence over an Obligation of Confidence.

## 18. Definitions

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- 18.1 **Personal Information:** includes a broad range of information, or an opinion, that could identify an individual. What is personal information will vary, depending on whether a person can be identified or is reasonably identifiable in the circumstances.
- 18.2 **Sensitive Information:** is information that includes information or an opinion about an individual. Generally, sensitive information has a higher level of privacy protection than other personal information.
- 18.3 **Health Information:** is any information about your health or disability. It includes information or opinion about your illness, injury or disability.
- 18.4 **Confidential Information:** Information that relates to or is about an employer. Information is not confidential if it is (a) already publicly known or available, (b) required by a court, (c) CECG has consented to the information being disclosed, or (d) the information is being given to a lawyer/accountant on behalf of CECG.
- 18.5 **Obligation of Confidence:** applies where a confidant (someone being confided in) is given personal, sensitive, health or confidential information by a confider (someone confiding in someone else). An obligation of confidence arises when the confidant ought to reasonably know that the information obtained should be kept private. This obligation is subordinate to other obligations on the confidant (i.e. mandatory reporting).
- 18.6 **Information Breach:** when someone without permission or authorisation access Personal, Sensitive, Health, or Confidential Information.

## 19. Related Documents and Legislation

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- 19.1 Related CECG Documents:
- [Data Breach Response Plan Guide](#)
  - [Complaints Policy](#)
  - [Cybersecurity Policy](#)
- 19.2 Related legislation or Standards
- [Privacy Act 1988](#) (Commonwealth)
  - [Australian Privacy Principles](#)

## 20. Contact

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- 20.1 For support or further questions relating to this policy, contact the CECG Legal Team at [legal@cg.catholic.edu.au](mailto:legal@cg.catholic.edu.au).