



# NCC SWIMMERS

## PRIVACY POLICY

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### 1. Introduction

NCC Swimmers is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act.

### 2. Scope

The policy applies to Board members, employers, employees, volunteers, parents/guardians and students, contractors and people visiting the site, and describes the type of information NCC Swimmers collects, how the information is handled, how and to whom the information is disclosed and how the information may be accessed.

This Privacy Policy sets how NCC Swimmers manages personal information provided to or collected by it. NCC Swimmers is bound by the Australian Privacy Principles contained in the Privacy Act. NCC Swimmers may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to NCC Swimmers's operations and practices and to make sure it remains appropriate to the changing environment.

### 3. Legislation, documentation & policies

- Privacy Act 1988 (Cth)
- Australian Privacy Principles (<https://www.oaic.gov.au/privacy/australian-privacy-principles/australian-privacy-principles-quick-reference/>)
- Application Forms
- Admission/Enrolment Contract
- Child Protection Policies & Procedures
- Policies for students with disabilities
- Other relevant NCC Swimmers Policies

### 4. Exception in Relation to Employee Records

Under the Privacy Act 1988 (Cth) (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 NCC Swimmers treatment of an employee record, where the treatment is directly related to a current or former employment relationship between NCC Swimmers and employee.

### 5. What kind of personal information does NCC Swimmers collect and how does NCC Swimmers collect it?

The type of information NCC Swimmers collects and holds includes, but is not limited to, personal information, including sensitive information about:

- Students and parents and/or guardians (herein called 'parents') before, during and after the course of a student's enrolment at NCC Swimmers ;
  - Name, contact details (including next of kin), date of birth, gender, language background, previous school and religion;



- Medical information (eg details of disability and/or allergies, volunteering information; and
- Job applicants, staff members, volunteers and contractors;
  - 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 (eg details of disability and/or allergies, and medical certificates);
  - complaint records and investigation reports;
  - leave details;
  - workplace surveillance information;
  - work emails and private emails (when using work email address) and internet browsing history.

Unsolicited information provided to NCC Swimmers by third parties will be destroyed unless required to be addressed by law.

**Personal Information you provide:** NCC Swimmers 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, NCC Swimmers may be provided with personal information about an individual from a third party, for example, a report provided by a medical professional.

**How will NCC Swimmers use the personal information you provide?** NCC Swimmers 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.

## 6. Students and Parents

In relation to personal information of students and parents, NCC Swimmers 's primary purpose of collection is to enable NCC Swimmers to provide swim instruction to students enrolled at NCC Swimmers, exercise its duty of care, and perform necessary associated administrative activities, which will enable students to take part in all the activities of the swim school.

The purposes for which NCC Swimmers uses the personal information of students and parents includes:

- To keep parents informed about matters related to their child's swim lessons through correspondence,

## 7. Job applicants, Staff members and Contractors

In relation to the personal information of job applicants, staff members and contractors, NCC Swimmers 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 NCC Swimmers 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;

## **8. Marketing and fundraising**

NCC Swimmers treats marketing for the future growth and development of NCC Swimmers as an important part of ensuring that NCC Swimmers continues to be an excellent learning environment in which both students and staff thrive.

## **9. Who might NCC Swimmers disclose personal information to and store your information with?**

NCC Swimmers may disclose personal information, including sensitive information, held about an individual for educational, legal, administrative, marketing and support purposes to:

- People providing administrative and financial services to NCC Swimmers
- Recipients of NCC Swimmers publications, such as newsletters
- Parents and guardians;
- Anyone to whom we are required or authorised to disclose the information to by law, including child protection laws.

## **10. Sensitive Information?**

In referring to 'sensitive information', NCC Swimmers means: information relating to an individual'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 required by law.

## **11. Management and security of personal information**

NCC Swimmers employees are required to respect the privacy of individuals and respect the confidentiality of students' and parents' personal information.

NCC Swimmers has reasonable steps in place to protect the personal information it holds from misuse, interference, loss, unauthorised access, modification, or disclosure. These measures include locked storage of paper records and password access rights to computerised records.

## **12. 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
- 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 school do in an event of an 'eligible data breach'?:** If NCC Swimmers 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 NCC Swimmers will be required to lodge a statement to the Privacy Commissioner (Commissioner). Where it is practical to do so, the school entity will also notify the affected individuals. If it is not practicable to notify the affected individuals, NCC Swimmers 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.

### **13. 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 NCC Swimmers holds about them and to advise NCC Swimmers of any perceived inaccuracy. There are some exceptions to this right set out in the Act.

To make a request to access any information, NCC Swimmers holds about you or your child, please contact the:

- Manager of NCC Swimmers  
PO Box 500, Nambour, QLD, 4560  
Phone: 5451 3340  
Email: [info@nccswimmers.com.au](mailto:info@nccswimmers.com.au)

NCC Swimmers may require you to verify your identity and specify what information you require. NCC Swimmers 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, NCC Swimmers will advise the likely cost in advance.

If a request for access is refused, in accordance with the APP, NCC Swimmers will provide written reasons for the refusal. This response will also include details on how to make a complaint.

The basis upon which access to records can be refused are as follows:



- In the case of personal information other than health information, providing access would pose a serious and imminent threat to the life or health of any individual;
- In the case of health information, providing access would pose a serious threat to life or health of any individual;
- Providing access would have an unreasonable impact on the privacy of other individuals;
- The request for information is frivolous or vexatious;
- The information relates to existing or anticipates legal proceedings between NCC Swimmers and the individual, and the information would not be accessible through the process of discovery in those proceedings;
- Providing access would reveal NCC Swimmers 's intentions in relation to negotiations with the individual in such a way as to prejudice those negotiations;
- Providing access would be unlawful;
- Denying access is required or authorised by or under law (such as in relation to legally privileged information);
- Providing access would be likely to prejudice an investigation of possible unlawful activity;
- Providing access would be likely to prejudice;
  - The prevention , detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;
  - The enforcement of laws relating to the confiscation of the proceeds of crime;
  - The protection of the public revenue;
  - The prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or
  - The preparation for or conduct of, proceedings before any court or tribunal, or implementations of its orders.

#### **14. Consent and Rights of Access to the Personal Information of Students**

Generally, NCC Swimmers will refer any requests for consent and notices regarding a student's personal information to the student's parents. NCC Swimmers will treat consent given by parents as consent given on behalf of the student, and notice to parents will act as notice given to the student.

As above, parents may seek access to personal information held by NCC Swimmers about them or their child by contacting the manager. However, there will be occasions when access is denied. Such occasions would include where release may result in a breach of NCC Swimmers duty of care to a student.

#### **15. Archived Materials**

Personal information is stored electronically and in hard copy. The Australian Privacy Principles do not state any specific time that records are to be archived.

It is NCC Swimmers policy to maintain complete student files and employee records for a reasonable time following their departure from NCC Swimmers. This is done to protect the interest of both NCC Swimmers and the relevant individual in terms of enquiries or allegations



that may be made at any time in the future. NCC Swimmers reserves the right to charge a fee for access to non-current enrolments or employment as outlined above.

#### *Hard Copy Tax File Number (TFN) Declarations*

Where NCC Swimmers receives completed hard copy TFN Declaration Forms, the Tax File Number must be “blacked out” once the details have been entered into the payroll system. The form should then be placed in the employee’s Personnel File.

#### *Electronic Tax File Number (TFN) Declarations*

Where employees submit their TFN Declaration electronically, the record is contained electronically in the organisation’s document storage solution. Only authorised employees have access to these files.

### **16. Archiving and destruction**

Unless subject to a relevant Notice, NCC Swimmers is required to keep time and wage records for its employees for seven years. Privacy legislation does not state how long archives of personal information are to be kept. Essential employee records are not destroyed but held indefinitely.

### **17. Data Breaches and Mandatory Notification to the Office of the Australian Information Commissioner (OAIC)**

A Notifiable Data Breach occurs when personal information of an individual held by NCC Swimmers is accessed by, or is disclosed to, an unauthorised person or is lost, and a reasonable person would conclude that the unauthorised access or disclosure would likely result in serious harm to the relevant individual; or in the case of loss (e.g. leaving a laptop containing personal information on a bus).

Unauthorised access or disclosure of personal information is likely to occur, and a reasonable person would conclude that the unauthorised access or disclosure would likely result in serious harm to the relevant individual.

### **18. Response Plan/Process for known or alleged breach of privacy**

*If NCC Swimmers knows or reasonably suspects that a data breach of privacy has occurred,*

- It will call together the Response Team.
- The Response Team will activate the 4 Step Response Plan/Process.
- See Annexure D
- The Response Team will conduct a reasonable and expeditious **initial assessment** to determine the nature and extent of the breach and if there are reasonable grounds to believe that a Notifiable Data Breach has occurred;
- It will take all reasonable steps to ensure that a full assessment is completed within 30 days of becoming aware of the suspected Notifiable Data Breach.

### **19. Notification**

Subject to any restriction under the Act, in the event a Notifiable Data Breach occurs, NCC Swimmers will, as soon as practicable, prepare a statement outlining details of the breach, and;

- Notify the individual of the unauthorised access, disclosure or breach; and
- Notify the Office of the Australian Information Commissioner of the unauthorised access, disclosure or breach.



- See Annexure C

## 20. Enquiries and Complaints

If an individual believes that NCC Swimmers has breached the APP, a complaint can be made to NCC Swimmers.

All complaints should be in writing and directed to the Principal/Privacy Officer. NCC Swimmers will investigate complaints in a timely manner and respond in writing.

If an individual is not satisfied with NCC Swimmers 's response, a complaint can be lodged with the Office of the Australian Information Commissioner on <http://www.oaic.gov.au/privacy/making-a-privacy-complaint>

NCC Swimmers also allows individuals to 'opt out' through the selection on the Standard Collection Notice, or on the enrolment agreement.

## 21. Definitions

### **Australian Privacy Principles (at Oct 2020)**

<https://www.oaic.gov.au/privacy/australian-privacy-principles/australian-privacy-principles-quick-reference/>

1. Open and transparent management of personal information
2. Anonymity and pseudonymity
3. Collection of solicited personal information
4. Dealing with unsolicited personal information
5. Notification of the collection of personal information
6. Use or disclosure of personal information
7. Direct marketing
8. Cross-border disclosure of personal information
9. Adoption, use or disclosure of government related identifiers
10. Quality of personal information
11. Security of personal information
12. Access to personal information
13. Correction of personal information

**Breach** means unauthorized access and unauthorized disclosure of personal information of individuals including in circumstances where there has been a possible unauthorized access or disclosure which compromises personal data.

**Eligible data** refers to personal information of a sensitive (confidential) nature which could result in significant harm / damage or risk to those affected by a breach.

Examples of eligible data breaches include:

- Disclosures of Medicare numbers or financial accounts; and
- Disclosure of mental illness, disability, or residential address of "protected people".

The consequences of eligible data breaches can include:

- Threat to emotional wellbeing;
- Damage to reputation; and
- Defamation

**Employee** means all employees employed by NCC Swimmers , including applicants and prospective employees.

**Employee Record** means a record as defined by the Act. (Employment Records are exempt from Privacy Protection)



**Health information** is a subset of sensitive information. It is information or an opinion about the health or disability of an individual and information collected to provide, or in providing a health service.

**Health Service** includes an activity performed to assess, record, maintain or improve an individual's health, to diagnose an illness or disability, to treat an individual, or the dispensing or prescription of a drug or medicinal preparation by a pharmacist.

**Mandatory Notification** means that NCC Swimmers must notify the Australian Information Commissioner when an eligible breach has occurred.

**Parent** is the parent / guardian / carer of a student.

**Personal Information** is information or an opinion, whether true or not and whether recorded in material form or not, about an identified individual or an individual whose identity is reasonably apparent, or can be determined, from the relevant information or opinion.

**Response Plan** means the Plan followed by the Response team following an actual or suspected breach of data.

**Response Team** is a small group of delegated staff whose role is to respond to alleged or known breaches of personal information held by NCC Swimmers .

**Sensitive** information is a type of personal information. It includes information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preference or practice, or criminal record. Sensitive information also includes biometric information that is used for the purpose of automated biometric verification, biometric identification or biometric templates.

**Student** means prospective, current, or past student of NCC Swimmers .

## **22. Review**

This policy will be updated bi-annually or as necessitated by law.