

PRIVACY POLICY

Introduction

St Kevin's College is committed to using and managing personal information provided to or collected by the College in an ethical manner and in accordance with the *Privacy Act 1988* (Cth) (**Privacy Act**), inclusive of the Australian Privacy Principles (**APPs**) and other such changes as provided by the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Cth), the *Health Records Act 2001* (Vic) (**Health Records Act**), inclusive of the Health Privacy Principles (**HPPs**) as well as the Privacy Policy of the Catholic Education Commission of Victoria.

Personal information can range from very detailed information, such as medical records (sensitive information), to other less obvious types of information, such as identifying an email address. The Australian Privacy Principles apply to the collection of personal information by the College for inclusion in a record or generally available publication.

This policy sets out how St Kevin's College manages personal information provided to or collected by the College.

What kinds of personal information does the College collect and how does the College collect it?

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

- Pupils and parents and or guardians (parents) before, during and after the course of a pupil's enrolment at the College
- Job applicants, staff members, volunteers and contractors and
- Other people who come into contact with the College

Personal Information you provide:

The College will generally collect personal information held about an individual by way of forms filled out by parents or pupils, face to face meetings and interview, emails and phone calls. On occasions people other than parents and pupils provide personal information.

Personal Information provided by other people

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

Exception in relation to employee records

Under the Privacy Act, the Australian Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to the College's treatment of an employee record unless required by law or organisational policy where the treatment is directly related to a current or former employment relationship between the College and the employee. The College handles staff health records in accordance with the Health Privacy Principles in the Health Records Act 2001 (Vic)

Anonymity

The College needs to collect identifiable information to facilitate the delivery of educational and support services, the job application process and fulfil other obligations and processes.



However some activities and interactions with the College may be done anonymously where practicable, which may include making an inquiry, complaint or providing feedback.

How will the College use the personal information you provide?

The College will use personal information it collects from you for the primary purpose for which it was collected 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.

Pupils and Parents

In relation to the personal information of pupils and parents, the College's primary purpose of collection is to enable the College to provide educational and support services for the pupil. This includes satisfying the needs of parents, the needs of the pupil and the needs of the College throughout the whole period the pupil is enrolled at the College.

The purposes for which the College uses personal information of pupils and parents include:

- To keep parents informed about matters relating to their child's schooling, through correspondence, newsletters and magazines
- Day to day administration of the College
- Looking after pupil's educational, social and medical well being
- Seeking donations and marketing for the College and
- To satisfy the College's legal obligations and allow the College to discharge its duty of care

Job applicants, staff members and contractors

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

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

- Administering the individual's employment or contract as the case may be
- For insurance purposes
- Seeking donations and marketing for the College
- Satisfying the Colleges legal obligations, for example, in relation to child protection legislation

Volunteers

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

Marketing and Fundraising

The College treats marketing and seeking donations for the future growth and development of the College as an important part of ensuring that the College continues to provide a quality learning environment in which both pupils and staff thrive. Personal information held by the College may be disclosed to organisations that assist in fundraising, for example the College Foundation or Old Boys' Association.

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



Who might the College disclose personal information to and store your information with?

The College may disclose personal information, including sensitive information, held about an individual to:

- applications, online tools or other services provided by a third party which the school uses to support or enhance the educational or pastoral services for its students;
- another school to facilitate the transfer of a student
- government departments
- medical practitioners
- people providing services to the College, including specialist visiting teachers, counsellors and sports coaches
- recipients of school publications, such as newsletters and magazines
- students' parents or guardians
- anyone you authorize the School to disclose information to and
- anyone to whom we are required to disclose the information by law

Nationally Consistent Collection of Data on School Students with Disability

The school is required by the *Federal Australian Education Regulation (2013) and Australian Education Act 2013 (Cth) (AE Act)* to collect and disclose certain information under the Nationally Consistent Collection of Data (NCCD) on students with a disability. The school provides the required information at an individual student level to the Catholic Education Offices and the CECV, as an approved authority. Approved authorities must comply with reporting, record keeping and data quality assurance obligations under the NCCD. Student information provided to the federal government for the purpose of the NCCD does not explicitly identify any student.

Sending and storing information overseas

The College may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange. However, the College 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)
- otherwise complying with the APPs or other applicable privacy legislation

The College may also store personal information in the 'cloud' which may mean that it resides on the services of third party cloud service providers outside Australia.

How the College treats sensitive information

In referring to 'sensitive information', the College means:

- information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual preferences 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

All staff at the College are required to respect the confidentiality of students' and parents' personal information and the privacy of individuals.

The College has in place steps to protect the personal information the College holds from misuse, loss, unauthorised access, modification or disclosure by use of various methods



including locked storage of paper records and passworded access rights to computerized records.

Access & Correction of Personal Information

Under the Privacy Act and the Health Records Act, an individual has the right to obtain access to any personal information which the College holds about them and to advise the College of any perceived inaccuracy. Pupils will generally be able to access and update their personal information through their parents, but older pupils may seek access and correction themselves.

There are some exceptions to these rights set out in the applicable legislation.

To make a request access or update any personal information the College holds about you or your child, please contact the Headmaster in writing. The College may require you to verify your identity and specify what information you require. The College may charge a fee to cover the cost of verifying your application and locating, retrieving and copying any material requested. If the information sought is extensive the College will advise the likely cost in advance. If we cannot provide you with written notice explaining the reasons for refusal.

Consent and rights of access to the personal information of students

The College respects every parent's right to make decisions concerning their child's education.

Generally, the College will refer any requests for consent and notices in relation to the personal information of a student to the student's parents. The College 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.

Parents may seek access to personal information held by the College about them or their child by contacting the Headmaster. 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 College duty of care to the student.

The College may, at its discretion, on the request of a student grant that student access to information held by the College 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 College manages the personal information it holds or wish to complain that you believe that the School has breached the Australian Privacy Principles please contact the Headmaster by writing to St Kevin's College, Moonga Road, Toorak 3142, headmaster@stkevins.vic.edu.au or by phone on +61 3 9832 4967.

Relevant Legislation

Health Records Act 2001 (Vic) including the Health Privacy Principles (HPPs)

Privacy Act 1988 (Cth)

Privacy Amendment (Enhancing Privacy Protection) Act 2012 including the Australian Privacy Principles (APPs)

Relevant Documents

2016 Privacy Policy Guidelines (based on the Privacy Compliance Manual above)

Job Applicant Privacy Collection Notice

National Catholic Education Commission and National Council of Independent Schools' Associations Privacy Compliance Manual (updated by the Catholic Education Commission of Victoria Ltd August 2016) **(Policy Compliance Manual)**



Policy 2.21 Privacy Policy of the Catholic Education Commission Victoria

Policy Review

The College will regularly review and update this policy to take account of new laws and technology, changes to any operations and practices and to make sure it remains appropriate to the changing school environment.

This policy was approved in March 2017 and will be reviewed annually or if there is a change in the relevant Legislation.



Appendix

Australian Privacy Principles

The Australian Privacy Principles set minimum standards which relate to the storage, collection, security, storage, use, correction and disclosure of personal information and access to that information. The Australian Privacy Principles require schools to;

1. Manage personal information in an open and transparent way
2. Take such steps as are reasonable in the circumstances to implement practices, procedures and systems relating to the School's functions or activities that ensure compliance with the APPs and enable the School to deal with inquiries or complaints about compliance with the APPs.
3. Have a clearly expressed and up to date Privacy Policy about the School's management of personal information (this policy)
4. If it is lawful or practicable, give individuals the option of interacting anonymously with the School or using a pseudonym.
5. Only collect personal information that is reasonably necessary for the School's functions or activities.
6. Obtain consent to collect sensitive information unless specified exemptions apply
7. Use fair and lawful means to collect personal information
8. Collect personal information directly from an individual if it is reasonable and practicable to do so.
9. If a school receives unsolicited personal information, determine whether it could have been collected under APP3 as if it had solicited the information. If so APPs 5 – 13 will apply. If not the information must be destroyed or de-identified.
10. At the time the School collects personal information or as practicable afterwards, take such steps (if any) as are reasonable in the circumstances to make the individual aware of why the School is collecting information about them, who else the College might give it to and other specified matters.
11. Take such steps (if any) as are reasonable in the circumstances to ensure the individual is aware of this information even if the School has collected it from someone else.
12. Only use or disclose personal information for the primary purpose of collection unless one of the exceptions in APP6 applies. (For example, for a related secondary purpose within the individual's reasonable expectations, you have consent to there are specified law enforcement or public health and public safety circumstances).
13. If the information is sensitive, the uses or disclosures are more limited. A secondary purpose within reasonable expectations must be directly related to the primary purpose of collection.
14. Do not use personal information for direct marketing, unless one of the exceptions in APP 7 applies. (For example, the School has obtained consent or where the individual has a reasonable expectation of their information being used or disclosed for that purpose and the School has provided a simple means for the individual to unsubscribe from such communications)
15. Before the School discloses information to an overseas recipient it must take such steps as are reasonable in the circumstances to ensure that the recipient does not breach the APPs unless an exception applies
16. Government related identifiers must not be adopted, used or disclosed unless one of the exceptions applies (e.g. the use or disclosure is reasonably necessary to verify the identity of the individual for the purposes of the School's functions or activities).



17. Take such steps (if any) as are reasonable in the circumstances to ensure the personal information the School collects, uses or discloses is accurate, complete and up to date. This may require the School to correct the information and possibly advise organisations to whom it has disclosed the information of the correction.
 18. Take such steps as are reasonable in the circumstances to protect the personal information the School holds from misuse, interference and loss and from unauthorised access, modification or disclosure.

If using services (apps) provided by a third party or cloud storage, review their privacy policies and terms of use and find out their location and the location of their server. If it is located overseas, ensure that country or region has privacy laws compatible with the Apps and offer similar privacy protection. List these countries in the collection notices.
 19. Take such steps as are reasonable in the circumstances to destroy or permanently de-identify personal information no longer needed for any purpose for which the School may use or disclose the information.
 20. If requested the School must give access to the personal information it holds about an individual unless particular circumstances apply that allow it to limit the extent to which it gives access.
-

