



ST LAURENCE'S COLLEGE

A Catholic School for Boys in the Edmund Rice Tradition

PRIVACY POLICY

1. INTRODUCTION

The College, as part of EREA, is required to manage your privacy in accordance with the Act and the APPs. The College is committed to protecting the privacy of its Students, Parents and family member of Students, Employees, volunteers and any other person who interacts with us from time to time. The purpose of this Policy is to provide information to individuals regarding how the College collects, handles, uses, manages and discloses Personal Information and Sensitive Information (including Health Information) in compliance with the APPs.

The College may, from time to time, review and update this Policy to adjust for new and updated laws and technology, changes to the College's operations, processes and practices, and to ensure it remains up to date and relevant within the changing school environment.

2. DEFINITIONS

The following definitions apply in this Policy:

Act means the *Privacy Act 1988* (Cth).

APPs means the Australian Privacy Principles under the Act.

College means St Laurence's College of 82 Stephens Road, South Brisbane QLD 4101.

Data Breach Response Plan means the College's plan for responding to potential or actual data breaches in accordance with the NDDBS, as amended by the College from time to time.

Employee means any person employed by the College or EREA under an Enterprise Agreement, a Modern Award or an individual contract.

EREA means the Trustees of Edmund Rice Education Australia of 9 The Vaucluse, Richmond VIC 3121.

General Health Situation means any situation where disclosure of Personal Information and Sensitive Information (including Health Information) is necessary in order to provide a health service to an individual and the collection, use and disclosure is required by law, or the information is collected in accordance with the rules established by health or medical bodies that deal with obligations that bind the relevant organisation.

Health Information means any information or opinion about the health or disability of an individual, the individual's expressed wishes about the future provision of health services and a health service provided, currently or in the future, to an individual that is also Personal Information. Health information is a subtype of Sensitive Information, and includes Personal Information collected in the course of providing a health service.

NDDBS means the Notifiable Data Breaches scheme under the Act.

OAIC means the Office of the Australian Information Commissioner being the regulator responsible for administering the Act and the APPs.

Parent means the legal guardian of the Student and/or the person who exercises parental authority (as defined in the *Family Law Act 1975* (Cth)).

Permitted General Situation refers to any situation where in the College's sole discretion, it is unreasonable or impracticable to obtain an individual's consent and where the College reasonably believes that the collection, use and/or disclosure of Personal Information and Sensitive Information is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety.

Personal Information means any information or an opinion about an identified individual or an individual who is reasonably identifiable whether the information is true or not, and whether the information is recorded in a material form or not, and regardless of its source. Personal information does not include information that has been de-identified so that the individual is no longer identifiable either from the information or from the information when combined with other information reasonably available to the College.

Policy means this Privacy Policy.

Principal refers to the person who has the executive authority of the College, or otherwise Principal's delegated representative.

Sensitive Information 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. It also includes Health Information and biometric information about an individual. Sensitive Information is a type of Personal Information that is afforded extra protection and must be treated with additional care and sensitivity.

Student means all prior, current, and prospective students of the College.

3. POLICY SCOPE

3.1 Application

This Policy applies to the College Board, stakeholders, Employees, contractors, Parents, Students, volunteers, foundations, alumni associations, parent and friend associations and all other people interacting or dealing with the College.

This Policy sets out the principles and practices that the College has adopted in order to protect your Personal Information and describes the types of information the College collects, the reasons for collection and how that information is managed and handled by the College. This Policy also addresses to whom information is disclosed, and how information may be accessed and reviewed by individuals.

3.2 Exception in relation to employee records

Under the Act, the APPs do not apply to employee records. As a result, and unless otherwise required by law or an organisational policy, this Policy does not apply to the College's treatment of its Employee records where that treatment is directly related to a current or former employment relationship between the College and Employee.

4. PERSONAL INFORMATION

4.1 What kinds of Personal Information is collected?

The types of information which the College collects and holds includes (but is not limited) Personal Information, including Sensitive Information and Health Information, about:

- (a) Students and Parents and family members before, during and after the course of a Student's enrolment at the College, including but not limited to:
 - (i) name, contact details (including for next of kin), date of birth, gender, language background, previous schooling and religion;
 - (ii) parents' education, occupation and language background;
 - (iii) medical information (e.g. details of disability and/or allergies, absence notes, medical reports and names of doctors);
 - (iv) conduct and complaint records, behaviour notes and school reports;
 - (v) information about referrals to government welfare agencies;
 - (vi) counselling reports;
 - (vii) health fund details and Medicare number;
 - (viii) any court orders;
 - (ix) volunteering information; and

- (x) photos and videos at College events.
- (b) Job applicants, Employees, volunteers and contractors:
 - (i) name, contact details (including next of kin), date of birth, gender, language and religion;
 - (ii) information disclosed in a job application;
 - (iii) professional development history;
 - (iv) salary and payment information, including Tax File Number & superannuation details;
 - (v) medical information (e.g. details of disability and/or allergies, and medical certificates);
 - (vi) complaint records and investigation reports;
 - (vii) leave details;
 - (viii) photos and videos at school events;
 - (ix) workplace surveillance information; and
 - (x) work emails and private emails (when using work email address) and internet browsing history.
- (c) Other people who come into contact with or otherwise become involved in the College, including name and contact details and any other information necessary for the particular contact with the College.

4.2 How is Personal Information collected by the College?

The College will collect Personal Information about an individual in various forms including by way of paper and digital forms completed by Parents, Students and/or Employees, or in face-to-face meetings and interviews, emails, telephone calls, through the College website and ID scanning. On occasions third parties may also provide Personal Information regarding individuals in their dealings with the College.

In some cases where the College requests information about a Student or Parent, and the information requested is not provided, the College may not be able to enrol or continue the enrolment of the Student or permit the Student to take part in a particular activity.

4.3 Collection of Sensitive Information & Health Information

The College will only collect Sensitive Information and Health Information with an individual's consent where it is reasonably necessary for one or more of the College's functions or activities, unless one of the exceptions under the APPs applies (i.e. a General Permitted Situation or a General Health Situation exists). For example, to satisfy the College's duty of care to Students it may disclose medical information regarding a student to a medical practitioner without consent, should a medical emergency arise.

4.4 Cookies and IP addresses

When an individual accesses the College's website and/or apps, the College or its third-party host or service provider may use software embedded in its website and apps (including JavaScript) and may place small data files (called cookies) on an individual's device to collect information, this allows the server to deliver a page tailored to a particular user. Cookies do not typically contain information that personally identifies a user, but Personal Information that the College stores about an individual may be linked to the information stored in and obtained from cookies.

Cookies can be used by web servers to identify and track users as they navigate different pages on a website and identify users returning to a website. Cookies can also track an individual's machine's IP address, analyse the individual's browsing activity and can be used to aggregate traffic patterns across the College's website. The College may use this information to improve their services and information. The information contained within cookies is information that the user has volunteered already or that the web server already has.

If an individual does not wish to receive cookies, they can modify their browser settings so that their computer does not accept them, however this may affect how they view and access the College's website.

4.5 Social media platforms

An individual can participate in social media platforms used or hosted by the College including blogs, forums and apps. Social media platforms enable information sharing. However, the College cannot be held responsible if an individual shares Personal Information on these platforms that is subsequently used, misused or otherwise appropriated by others.

4.6 Links

The College's website and social media platforms may contain links to other websites and platforms operated by third parties over which the College has no control. The College make no representations or warranties in relation to the privacy practices of any third parties and are not responsible for the privacy policies or content of any third party websites.

4.7 Personal Information provided by other people

In some circumstances the College may receive Personal Information, including Sensitive Information and Health Information, about an individual from a third party, for example a report provided by a medical professional or a reference from another school. Further, the College may become privy to certain Personal Information about an individual, their personal or professional associations, in circumstances where this information has not actively been sought. This information will be treated as private, and unless required by the College for its activities or functions, this information will be treated as unsolicited information and dealt with in accordance with the APPs.

5. PURPOSE OF COLLECTION

The College collects and holds Personal Information, including Sensitive Information and Health Information, for the primary purpose of exercising its functions and activities as an educational institution, and so that the College can fulfil its relevant duties and legal obligations. Personal Information may also be collected and held by the College for other secondary purposes that are related to the primary purpose of collection and which are reasonably expected by that person, or to which the individual has consented.

The College may use Personal Information, including Sensitive Information and Health Information, held about an individual:

- (a) for the primary purpose of collection (i.e. the provision for educational and support services, to which by disclosing the individual has consented);
- (b) for secondary purposes that are directly related to the primary purpose of collection;
- (c) if a Permitted General Situation exists;
- (d) if a General Health Situation exists;
- (e) for any purpose that a reasonable person would expect;
- (f) for any reasons or purpose the individual has consented; or
- (g) in any way permitted or required in accordance with a relevant law.

5.1 Students & Parents

The College collects Personal Information, including Sensitive Information and Health Information, about Students and Parents to provide schooling to Students enrolled at the College, to exercise their duty of care, to facilitate necessary associated administrative activities and to enable Students to take part in all school activities. This includes satisfying the needs of Parents and Students, and the legal obligations of the College and EREA, throughout the whole enrolment period, and where necessary, post enrolment.

The College may use Student and Parent Personal Information to:

- (a) inform Parents about matters relating to their child's schooling, through correspondence,
- (b) newsletters and magazines;
- (c) conduct day-to-day administration of the College;
- (d) manage Student's educational, social and medical wellbeing;

- (e) seek donations and marketing for the College;
- (f) satisfy the College's and EREA's legal and regulatory obligations; and
- (g) allow the College to discharge its duty of care.

On occasions, information such as academic and sporting achievements, Student activities and similar news is published in various media including (without limitation) College newsletters and magazines, on the College intranet, on the College website, television, billboards, radio, using digital applications and on social media. This may include photographs and videos of Student activities including sporting events, school camps and school excursions. You have consented to the use of this information under the terms of your enrolment contract with the College. Where in the reasonable opinion of the College it is deemed necessary, we may obtain specific permissions from the Student's Parents (and from the Student if appropriate) prior to including photos, videos or other identifying material, in promotional or marketing material or otherwise making this material publicly available such as on the internet. For the avoidance of doubt, the College is under no obligation to obtain specific consent, it is entirely in the sole discretion of the College.

5.2 Job Applicants, Employees and Contractors

The College collects Personal Information and Sensitive Information (including Health Information) for job applicants, Employees and contractors. The purpose of collecting this information is to:

- (a) assess and, if successful, engage the job applicant as an Employee or contractor;
- (b) administer the individual's employment or contract as required;
- (c) for insurance purposes;
- (d) seek donations and marketing for the College; and
- (e) to satisfy the College's and EREA's legal and regulatory obligations, (e.g. complying with child protection legislation).

5.3 Volunteers

The College also collects Personal Information, including Sensitive Information and Health Information, about volunteers who assist the College in their functions or conduct associated activities (including support groups, parents and friends association and alumni associations) to enable the College and the volunteers to work together, and to satisfy the College's and the EREA's legal obligations.

5.4 Anonymity

The College needs to collect identifiable information to facilitate the delivery of educational and support services, the job application process and to fulfil other obligations and processes of the College. However, some activities and interactions with the College may be done anonymously where practicable, which may include making an inquiry, complaint or providing feedback.

5.5 Sensitive Information

Sensitive Information (including Health Information) will only be used and disclosed by the College for the primary purpose which it was provided or a directly related secondary purpose, unless a person agrees otherwise or the use or disclosure of the Sensitive Information is required by law, or an exception under the APPs applies.

5.6 Marketing & Fundraising

The College treats marketing and seeking donations for the future growth and development of the College as an important aspect to ensuring the College continues to provide a quality learning environment where Students and Employees can thrive. Personal Information held by the College may be disclosed to organisations that assist with fundraising (e.g. a school foundation or building fund, parents & friends association, alumni association, old boy events and other College-based support groups).

Parents, Employees, contractors and other members of the wider College community may from time to time receive fundraising information or be contacted in relation to fundraising for the College.

The College's publications include but are not limited to TV and billboard advertisements, newsletters, magazines, websites and social media sites, which include aggregated Personal Information, which may be used for marketing purposes to the general public including at College & old boy events, and in the Edmund Rice Performing Arts Centre which may be used by third parties.

Marketing and fundraising details (including donor information) is securely stored and is only accessed and viewed by authorised people. The College will at no time disclose Personal Information to third parties for non-College related marketing activities without first obtaining written consent.

Students, Parents, Employees, contractors, volunteers and other stakeholders in the College community can elect not to receive marketing materials and information, or request that they not be included in such publications by making a request to the Principal in writing.

5.7 Video Surveillance

The College uses video surveillance systems to monitor and record activity for a range of purposes including providing a safe and secure environment for Students, Employees and visitors, as well as protecting College buildings and assets by deterring incidences of theft and vandalism, both during and after school hours.

Surveillance video recorded by cameras is securely stored and is only accessed and viewed by authorised people. Surveillance video is only retained for its useful life and is deleted typically after 30 days unless required by law enforcement authorities to be preserved.

Surveillance video may be disclosed to third parties in accordance with the APPs. Circumstances under which video may be shown to a third party include:

- (a) for law enforcement purposes (e.g. police);
- (b) where a Permitted General Situation or Permitted Health Situation exists; and
- (c) when otherwise required by law (e.g. court order or mandatory reporting).

6. INFORMATION STORAGE, HANDLING, DISCLOSURE AND RETENTION

6.1 To whom may the College disclose Personal Information and Sensitive Information

The College may disclose Personal Information, including Sensitive Information and Health Information, held about an individual to:

- (a) EREA;
- (b) another school, or staff at another school, where a Student is or seeks to be enrolled;
- (c) government departments including for policy and funding purposes;
- (d) health practitioners;
- (e) people providing educational, support and medical services to the College, including specialist visiting teachers, coaches, volunteers, health practitioners and providers of learning and assessment tools;
- (f) assessment and educational authorities, including the Australian Curriculum, Assessment and Reporting Authority (ACARA) and NAPLAN Test Administration Authorities (who will disclose it to the entity that manages the online platform for NAPLAN);
- (g) people providing administrative and financial services to the College or EREA, including Employees and contractors;
- (h) recipients of College publications, such as newsletters and magazines;
- (i) Parents (and in some circumstances Students);
- (j) anyone to whom an individual authorises the College to disclose information; and
- (k) anyone to whom the College and/or EREA are required or authorised to disclose the information by law, including under child protection laws.

6.2 Sending and Storing Information Overseas

The College may disclose Personal Information, including Sensitive Information and Health Information, about an individual to overseas recipients, for instance, to facilitate a school exchange, International student enrolment or tour/immersion. However, the College will not send Personal Information about an individual outside Australia without either:

- (a) obtaining the consent of the individual; or
- (b) taking reasonable steps to ensure the recipient is complying with the APPs or otherwise applicable privacy legislation.

The College may use online or 'cloud' service providers to store Personal Information and to provide services to the College 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 on a cloud service provider which may be situated outside Australia on the condition that the College has taken reasonable steps in the circumstances to ensure that the overseas recipient complies with the APPs or otherwise applicable privacy legislation.

7. MANAGEMENT AND SECURITY OF PERSONAL INFORMATION

Employees are required to respect the confidentiality of Students, Parents, other Employees and the privacy of individuals.

The College uses various methods to secure and protect the Personal Information it holds from misuse, interference, loss, unauthorised access, modification or disclosure, these include locked storage of paper records and appropriate information security technologies to protect computerised records.

The College employs sophisticated user access rights and protocols in its computer databases to ensure that access to Personal Information is only granted to those personnel who need such access for the functions which they perform. The College also employs sophisticated backup software and hardware to ensure that data can be readily restored if required.

All staff receive an induction from the Director of Human Resources which ensures all staff are trained in matters relating to the use of Personal Information and maintaining confidentiality.

7.1 Notifiable Data Breaches scheme

The College complies with the requirements of the NDBS. According to the NDBS, it is deemed that an 'eligible data breach' has occurred if:

- (a) there has been unauthorised access to, or unauthorised disclosure of Personal Information about one or more individuals (the affected individuals);
- (b) a reasonable person would conclude there is a likelihood of serious harm to any affected individuals as a result; and
- (c) the entity has not been able to prevent the likely risk of serious harm by taking remedial action.

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

7.2 What happens if a data breach occurs?

If the College suspects that an eligible data breach has occurred, it must immediately:

- (a) notify the persons involved where practical to do so. If it is not practicable to notify the affected individuals separately, the College will publish a copy of the statement on its website, or publicise it in another manner;
- (b) activate its Data Breach Response Plan; and

- (c) 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 and that remedial action taken by the College has failed, then the College will be required to lodge a statement to OAIC. An exception to the requirement to notify the OAIC exists if there is a data breach and immediate remedial action is taken, and as a result of that action:

- (d) there is no unauthorised access to, or unauthorised disclosure of, the information; and
- (e) 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.

7.3 Access and Correction of Personal Information

Under the APPs, an individual has the right to seek and obtain access to any Personal Information which the College holds about them and to advise of any perceived inaccuracy. There are some exceptions to this right set out in the APPS, including where release of the Personal Information would have an unreasonable impact on the privacy of others, or where the release may result in a breach of the College's duty of care to the Student.

Students will generally be able to access and update their Personal Information through their Parents, but older Students may be permitted to seek access and correction themselves. To make a request to access or to update any Personal Information the College holds about a person or their child, the Principal should be contacted in writing. The College may require that person to verify their identity and specify what information they require. The College may charge a fee to cover the cost of verifying their application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the likely cost will be advised in advance. If the College cannot provide the person with access to that information, it will provide that person with written notice explaining the reasons for refusal. The College will take reasonable steps to ensure that any Personal Information is accurate, up to date, complete, relevant and not misleading.

7.4 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. There will be occasions when access is denied due to the exceptions set out in the APPs. This includes 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's duty of care to a Student. The College may in 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 warrant it.

7.5 Enquiries and Complaints

For further information about the way the College manages the Personal Information which they hold, or to make a complaint about a breach of the APPs, you should contact the Principal in writing. The College will respond within a reasonable timeframe. The College 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.

DOCUMENT ADMINISTRATION

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| <i>Authorised by:</i> | College Leadership Team | <i>Date:</i> | 14 November, 2018 |
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PRINT WARNING - Printed copies of this Policy or part thereof should not be relied upon as a current reference document.
ALWAYS refer to the electronic copy available on the College's website for the latest version.
