

RATIONALE

The College is committed to managing personal information in an open and transparent way. The College will take all reasonable steps under the circumstances to implement practices, procedures and systems relating to the College's functions or activities that:

- will ensure compliance with the Australian Privacy Principles; and
- will enable the College to deal with enquiries or complaints about compliance with the Australian Privacy Principles.

The College may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to College operations and practices, and to ensure it remains appropriate to the changing College environment. The College will make every effort to communicate any significant changes to the College community and affected parties.

Australian Privacy Principles

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

IMPLEMENTATION

What kind of personal information does the College collect and how is it collected?

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

- students and parents/carers/guardians ("parents") before, during and after the course of a student'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 completed 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 College may be provided with personal information about an individual from a third party, for example a report provided by a medical professional, or a report or reference from another school.

Exception in relation to employee records:

Under the Privacy Act and the Health Records Act, the Australian Privacy Principles and Health 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, where the treatment is directly related to a current or former employment relationship between the College and employee.

Photographs:

The College will take photographs of staff, students and other community members during College activities for internal use and marketing. Photographic consents for students are individually obtained at the commencement of enrolment. Any requests for a student or staff member to be discounted from any published photos for legal reasons should be via a written statement with details of the legal requirements to the Principal.

HOW WILL THE COLLEGE USE THE PERSONAL INFORMATION YOU PROVIDE?

The College 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, or to which you have consented.

Students and Parents:

In relation to personal information of students and parents, the College's primary purpose of collection is to enable the College to provide schooling for the student. This includes satisfying both the needs of parents, the needs of the student and the needs of the College throughout the whole period that the student is enrolled at the College.

The purposes for which the College 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 College;
- looking after students' educational, social and medical wellbeing;
- celebrating the efforts and achievements of students;
- fundraising and marketing for the College;
- to satisfy the College's legal obligations; and
- to allow the College to discharge its duty of care.

In some cases where the College requests personal information about a student or parent, if the information requested is not obtained, 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.

Job Applicants, Staff members and Contractors:

In relation to personal information of job applicants, staff members and contractors, the College'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 College uses personal information of job applicants, staff members and contractors include:

- assessing the suitability for employment;
- administering the individual's employment or contract, as the case may be;
- for insurance purposes, such as public liability or Workcover;
- fundraising and marketing for the College;
- satisfying the College's legal obligations, for example, in relation to child protection legislation; and
- investigating incidents or defending legal claims about the College, its services or staff.

Volunteers:

The College also obtains personal information about volunteers who assist the College in its functions or conduct associated activities, such as the P & F (Parents and Friends Association) to enable the College and the volunteers to work together.

Marketing and Fundraising:

The College treats marketing and fundraising for the future growth and development of the College as an important part of ensuring that the College continues to be a quality learning environment in which both students and staff thrive. Personal information held by the College may be disclosed to an internal organisation that assists in the College's fundraising, for example, the P & F.

Parents, staff, contractors and other members of the wider College community may from time to time receive fundraising information. College publications, such as *Stepping Stones*, general newsletters and other magazines, which include personal information, may be used for marketing purposes.

WHO MIGHT THE COLLEGE DISCLOSE PERSONAL INFORMATION TO?

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

- another school or College;
- the Lutheran Church of Australia and/or its affiliates;
- Government departments;
- medical practitioners;
- people providing services to the College, including specialist visiting teachers, counsellors and sports coaches;
- recipients of College publications, such as newsletters and magazines;
- parents;
- anyone you authorise (in writing) the College to disclose information to, such as real estate agents and financial institutions; and
- anyone to whom we are required to disclose the information by law.

Sending information overseas:

The College may disclose personal information about an individual to overseas recipients, for instance, when storing personal information with “cloud” service providers which are situated outside Australia, or to facilitate a school exchange programme, trip/tour or partnership.

However, the College will not send personal information about an individual outside Australia without:

- obtaining the written 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.

HOW DOES THE COLLEGE TREAT 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, philosophical beliefs, sexual preferences or practices, or criminal record that is also personal information; and 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.

The College can disclose sensitive information for another purpose when:

- the person provides written consent;
- it is necessary to lessen or prevent serious or imminent threat to life, health or safety; or
- it is required by law or for law enforcement purposes.

Management and security of personal information

College staff 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, interference or loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and password access rights to digital records.

Requests to access personal information

Under the Privacy Act and 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. There are some exceptions to this right, as set out in the Privacy Act.

Students will generally have access to their information through their parents, however older students may seek access themselves. Requests to access any information the College holds must be in writing and addressed to the Privacy Officer.

The College may require verification of identity and specific details of the information required. Depending on the extent of the information required, the College may charge a fee to cover the cost of verifying the application and locating, retrieving, reviewing and copying any information requested. If the information sought is extensive, the College will advise the likely cost in advance. If the College cannot provide access to the information requested, a written notice explaining the reasons for refusal will be provided.

Updating personal information

The College endeavours to ensure that the personal information it holds is accurate, complete and current. A person may seek to update their personal information held by the College through Parent Lounge or by contacting the Reception, who will direct your enquiry to the appropriate staff member responsible.

Interacting with us anonymously or by use of a pseudonym

You can interact with us anonymously or by a pseudonym (e.g. an email address that doesn't contain your actual name) in some circumstances, such as when you make general inquiries about enrolment or employment opportunities. However, we'll need to know your identity should wish to make an enrolment or be employed before we can provide you with our products and services.

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.

As mentioned above, parents may seek access to personal information held by the College about them or their child by contacting the Privacy Officer. 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's duty of care to the student.

The College may, at its discretion, upon 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.

ONLINE INFORMATION

Victory Lutheran College website

The Victory Lutheran College web server will keep a record of all visits to the College website (www.vlc.vic.edu.au) and will log information on users' online experience for statistical purposes only. Information collected does not identify individual users, but does identify the computer used to access the site, including:

- Visitor server IP addresses and domain names;
- The times and dates the site was visited;
- The pages accessed and files downloaded; and
- Visitors' browsers and operating systems.

In the event of an investigation, a law enforcement or government agency may exercise its legal authority to have access to the College's web server logs.

Cookies

The College website may use cookies, which are small text files that are generated by the College web server and stored onto the user's computer, to allow recognition of returning users and to register preferences.

A cookie is sent from the College web server and automatically placed on the user's computer without notification. Personal preferences or information may be stored in the cookie, which is then sent back to the server on completion of the session. Cookies may be turned off within the user's browser, however, this may make some sections of the College website unusable.

Staff and student internet and email usage

The College keeps records of all emails coming in to and going out of all school email addresses. The College also keeps records of internet browsing history when accessed from school resources. Staff and student accessing school resources should be aware of the College's Information & Communication Technology & eSafety Accepted Use Agreement (4.1.24).

Online payments and financial details

The use of the College's online payment system requires users to accept the Privacy and Security policies in regard to the collection and use by the College of any information provided for payment purposes.

Identifiable information collected through online payment will be used only for the purpose of processing that individual payment transaction. Non-identifying information may be used for statistical, reporting and research purposes.

The College may store parent credit card or bank account details for the purposes of fee payment for the duration of a student's enrolment at the College. The College may also store bank account details for the purposes of salary payment for the duration of a staff member's employment at the College.

USE OF STUDENT IMAGES AND WORK SAMPLES

General

The College publishes photographs and work samples of students in the course of their schooling at Victory Lutheran College primarily to acknowledge certain College events, display student works and celebrate personal achievements.

Whilst these are of great interest to the community and add significantly to the appeal of both our College magazines and websites, the safety of students is paramount in all we do.

Images of individuals in photographs or film are treated as personal information under the Privacy Act where the person's identity is clear or can reasonably be worked out from that image.

Photos, video footage and work samples of students are used regularly by schools for a number of purposes and under current legislation this practice can continue.

These situations are generally for the purpose of acknowledging the efforts of the student or the College, or for promotion of the College. They are reasonably expected use of students' images when enrolling at a school.

University students

University students completing pre-service placements at the College will be advised that photographs taken of students during the course of their placement may only be used for study or assignment purposes, and may not be published or distributed for any other purpose.

Families, Friends and Community Members

Any photos or video of students taken by families, friends and/or community members at College activities must be for personal use only and not used in any public places outside the College including social networking websites.

RESPONSIBILITIES

Parent Responsibilities

Parents should notify the College administration Office immediately if any circumstance arises that would prevent the College from using their child's photo, video images or work samples.

College Responsibilities

College Registrar

The College Registrar will note on the College database any instance where parents have advised that consent has not been given or has been withdrawn.

Staff involved in publication of student photographs

College staff involved in any publication of student photographs or work samples should:

- endeavour to be aware of any instance where consent to publish has not been given;
- consider the likely audience, the nature and detail of information and risks, even where consent has been given, e.g.
 - reasons for the publication e.g. outstanding achievements;
 - student situation e.g. age;
 - identification of the students e.g. publishing first names only and/or publishing group rather than individual photographs;

- ability of others to digitally enhance published medium; and
- if it can be considered "reasonably in the best interests" of the subject of the photograph for that photograph to be published.

If in doubt, contact should be made with the subject's parent/guardian prior to use.

Situations Where Photography is not permitted

Any equipment capable of taking a still or moving picture (including but not limited to cameras, video recorders and mobile phones) are prohibited from use in changing rooms, warm up areas and toilets. The only exception to this is a mobile phone which is used as a phone only.

Pre-performance/competition team or individual photos must be conducted away from the warm up area, changing rooms and/or toilets.

Where an external venue prohibits photography, this restriction should be noted by all Victory community members.

Storing Forms and Photographs

Photographs are Victory Lutheran College records. Thus management and disposal of records must comply with the Records Management Policy (draft).

Legislative Context - who owns the photo

The general rule is that the person who takes the photograph is the owner of the photograph and can use that photograph in any way they please, which may include publishing it in an advertisement for the College.

However, if an employee takes a photograph as part of his or her job, the first owner of copyright will be the employer, unless they have made an agreement to the contrary.

Therefore, if a staff member takes a photo of the children involved in a College activity the photograph belongs to the College.

The exception to this is under the Copyright Act, when a person arranges and pays for a photographer to take a photo of:

1. Their family (e.g. a portrait);
2. Their wedding party; and/ or
3. Children (either their own children, or any children)

In circumstances 1 and 2 above, the person who arranged for the photos to be taken owns the photos and not the person who took the photos.

In circumstance number 3, the photographer will be the first owner of copyright for any photograph taken on or after 30 July 1998, unless the photographer and client agree otherwise. For photographs taken before this date the first owner of copyright in a commissioned photograph is the commissioning client, unless the photographer and client agreed otherwise.

The College requires commissioned photographers to assign their copyright and moral rights for photography and/or video images to the College.

All photographs will be stored without identifying individuals (no names).

ENQUIRIES

Requests for further information about the way the College manages the personal information it holds can be directed to the Privacy Officer.

If you wish to make a complaint regarding the handling of your personal information or notify of a breach of the Australian Privacy Principles, please provide our Privacy Officer with full details of your complaint and any supporting documentation:

- by e-mail at privacy@vlc.vic.edu.au, or
- by letter to The Privacy Officer, Victory Lutheran College, PO BOX 822, Wodonga, Victoria 3690

Our Privacy Officer will endeavour to:

- provide an initial response to your query or complaint within 10 business days, and
- investigate and attempt to resolve your query or complaint within 30 business days or such longer period as is necessary and notified to you by our Privacy Officer.

EVALUATION

This policy will be reviewed as part of the College's review cycle, or as required by legislation.