

Privacy Policy

Introduction:

St Brigid's Catholic Learning Community recognises that the protection of an individual's privacy is important and is a requirement of the Australian Privacy Principles (APPs) contained in the Commonwealth Privacy Act 1988. In relation to health records, the School is also bound by the Health Records Act 2001 (Vic.) and the Health Privacy Principles in that Act. This Policy has been created to ensure that all personal, health or sensitive information provided to, collected or generated by the School is used and managed in accordance with the APPs. The school also acknowledges its responsibility to notify the Office of the Australian Information Commissioner (OAIC) where personal information is lost or subjected to unauthorised access, modification, disclosure or misuse in accordance with the Notifiable Data Breach Scheme (NDBS 2018).

The School will, from time to time, review and update this Privacy Policy to take into account new laws and technology, changes to the School's operations and practices and to make sure it remains appropriate to the changing School environment.

Definitions:

Personal information: is information or opinion, whether true or not, about a person whose identity is apparent, or can reasonably be ascertained, from the information or opinion – that is recorded in any form. For example, a person's name, address, phone number and date of birth (age). De-identified information about Students can also be personal information.

Health information: is information or opinion about a person's physical, mental or psychological health or disability, that is also personal information – whether in writing or not. This includes information or opinion about a person's health status and medical history, immunisation status and allergies, as well as counselling records.

Sensitive information: is information or opinion about a set of specific characteristics, including a person's racial or ethnic origin, political opinions or affiliations, religious beliefs or affiliations, philosophical beliefs, sexual preferences or practices; or criminal record. It also includes health information.

Data Breach: occurs where personal information is lost or subjected to unauthorised access, modification, disclosure or misuse in accordance with the Notifiable Data Breach Scheme (NDBS 2018).

Scope:

This policy applies to all permanent, fixed term and casual employees at St Brigid's Catholic Learning Community, teaching & non-teaching. It also extends to contractors and volunteers engaged to undertake work on behalf of the School.

Responsibilities:

School's Responsibility:

The school Principal & Members of the Leadership Team have a responsibility to:

- Collect, use and manage personal, health & sensitive information in accordance with processes outlined in this policy
- Ensure all employees and other relevant individuals are aware of the School's Privacy Policy
- Promptly & appropriately intervene when they become aware of a breach of this policy
- Report any Data Breach that has the potential to cause *serious harm* to the Office of the Australian Information Commissioner (OAIC)
- Comply with legislative requirements

Employee Responsibilities:

- Familiarise themselves with this policy
- Collect, use and manage personal, health & sensitive information in accordance with processes outlined in this policy
- Report any Data Breach to the Principal or a member of the Leadership Team immediately upon becoming aware of the event

The kinds of personal information the school collects and how the school collects it:

The type of information St Brigid's Catholic Learning Community collects and manages includes (but is not limited to) personal information, including health and other sensitive information relating to:

- Students and parents and/or guardians ('Parents') before, during and after the course of a student's enrolment at the School including
- Contact details (including next of kin), dates of birth, gender, language background, previous school, religion, health fund details and Medicare number, as well as relevant financial details
- Medical information (e.g. details of disability and/or allergies, and details of any assistance the student receives in relation to those disabilities, medical reports, names of doctors)
- Parents' education, occupation and language background
- Conduct and complaint records, or other behaviour notes, school attendance and school reports
- Information relating to referrals to government welfare agencies
- Counselling reports
- Any court orders
- Volunteering information (including Working with Children Checks)
- Photos and videos at school events

Information about job applicants, staff member, volunteers and contractors including but not limited to:

- 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 (e.g. details of disability and/or allergies and medical certificates)
- Complaint records and investigation reports
- Leave details
- Photos and videos at school events
- Work emails and private emails (when using work email address) and internet browsing history
- Information from others such as visitors who come into contact with the School, including name and contact details and any other information necessary for the particular contact with the School.

Personal information you provide:

St Brigid's Catholic Learning Community will generally collect personal information through:

- Electronic and paper documentation: including job applications, emails, invoices, enrolment forms, letters to the school, consent forms (for example: enrolment, excursion, Student Support Services consent forms), the School website or school-controlled social media
- Face-to-face meetings, interviews, telephone calls
- Through online tools: such as apps, intranet, portals and other software used by the school.
- Through any CCTV cameras located at the school

From time to time, the School may seek the consent of parents/guardians to use their child's name, image and likeness in materials produced or published by or for the School (including newsletters, the Seesaw app, magazines, posters and other advertising materials to promote the School and its services). Where parents/guardians do not consent to their child's name, image and likeness being used by the School in this manner, the School will refrain from using their child's name, image and likeness.

Personal information provided by other people:

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

- Academic records and/or achievement levels
- Information that may be relevant to assisting the new School meet the needs of the student including any adjustments.

Exception in relation to employee records:

In accordance with the Commonwealth *Privacy Act*, the Australian Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to the School'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 School and employee. The School also handles staff health records in accordance with the Health Privacy Principles in the *Health Records Act 2001 (Vic.)*

Anonymity

The School needs to be able to identify individuals with whom it interacts and to collect identifiable information about them to facilitate the delivery of schooling to its students and its educational and support services, conduct the job application process and fulfil other obligations and processes. However, in some limited circumstances some activities and interactions with the School may be done anonymously where practicable, which may include making an inquiry, complaint or providing feedback.

How the School uses personal information that you provide:

St Brigid's Catholic Learning Community generally only uses personal information for the primary purpose for which the information was collected or for secondary purposes when permitted by the *Privacy Act* or to which individuals have consented. Generally, the School collects personal information for the purpose of facilitating its ability to function as an educational institution.

Students and Parents:

In relation to personal information of students and Parents, the School's primary purpose of collection is to enable the School to provide schooling to students enrolled at the School (including educational and support services for the student), exercise its duty of care and perform necessary associated administrative activities which will enable students to take part in all the activities of the School. This includes satisfying the needs of Parents, the needs of the student and the needs of the School throughout the whole period the student is enrolled at the School.

The purposes for which the School uses personal information of Students and Parents include:

- Keeping Parents informed about matters related to their child's schooling & School events through correspondence, newsletters, magazines, e-news, online tools such as apps, intranet, portals and other software used by the School
- Day-to-day administration of the School
- Ensuring students' educational, social and medical wellbeing
- Addressing queries or resolving complaints
- To satisfy the School's legal obligations and allow the School to discharge its duty of care
- Seeking feedback from Students and Parents on School performance and improvement, including through school improvement surveys

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- To comply with the requirements of government authorities and similar organisations
- To engage in fundraising and marketing activities for the School and Parish
- To keep Parents informed about matters relating to the Parish, its groups, activities and work.

In some cases where the School requests personal information about a Pupil or Parent, if the information requested is not provided, the School 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 and Contractors:

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

- Administering the individual's employment or contract, as the case may be
- For screening purposes
- For insurance purposes
- Seeking donations and marketing for the School
- Satisfying the School's legal obligations, e.g., with relation to child safety standards and child protection legislation

Volunteers:

St Brigid's Catholic Learning Community also obtains personal information about volunteers who assist the School in its functions or conduct associated activities. This may include copies of their Working with Children Check (WWCC), reference checks, codes of conduct for activities such as involvement in the School Advisory Board, Parent Association, assisting in the classroom, sporting events, attending excursions and camps, to enable the School and the volunteers to work together, to confirm their suitability and to manage their visits.

Counsellors:

The School contracts with external providers to provide counselling services for some students. The Principal may require the Counsellor to inform him or her or other teachers of any issues the principal and the Counsellor believe may be necessary for the School to know for the well-being or development of the student who is counselled or other students at the School.

Parish:

The School may disclose limited personal information to the school parish to facilitate religious and sacramental programs, and other activities such as fundraising.

Marketing and fundraising:

The School treats marketing and seeking donations for the future growth and development of the School as an important part of ensuring that the School continues to provide a quality-learning environment in which both pupils and staff thrive. Personal information held by the School may be

disclosed to organisations that assist in the School's fundraising, for example, the School's Parent's Association or alumni organisation or, on occasions, external fundraising organisations.

Parents, staff, contractors and other members of the wider School community may from time to time receive fundraising information. School publications, like newsletters and magazines, which include personal information and sometimes people's images, may be used for marketing purposes.

Who might the School disclose personal information to and store this information with?

St Brigid's Catholic Learning Community may disclose personal information, including sensitive information, held about an individual to: **educational, administrative and support purposes**. This may include:

- School service providers which provide educational, support and health services to the School, (either at the School or off campus) including the Catholic Education Commission of Victoria Ltd (CECV), Catholic Education Offices, specialist visiting teachers, volunteers, counsellors, sports coaches and providers of learning and assessment tools
- Third party service providers that provide online educational and assessment support services, services in relation to school improvement surveys, document and data management services, or applications to schools and school systems including the Integrated Catholic Online Network (ICON) and Google's G Suite, including Gmail and, where necessary, to support the training of selected staff in the use of these services.
- CECV, and Catholic Education offices, to discharge its responsibilities under the *Australian Education Regulation 2013* (Regulation) and the *Australian Education Act 2013* (Cth) (AE Act) relating to students with a disability, other third parties which the school uses to support or enhance the educational or pastoral care services for its students or to facilitate communications with Parents
- Another school including its teachers to facilitate the transfer of a student
- Federal and State government departments and agencies
- Health service providers
- Recipients of School publications, such as newsletters and magazines
- Student's parents or guardians and their emergency contacts
- Assessment and educational authorities including the Australian Curriculum, Assessment and Reporting Authority
- Specialty visiting teachers, counsellors, sports coaches and other dioceses
- Medical practitioners
- Anyone you authorise the School to disclose information to
- Anyone who we are required or authorised to disclose the information to by law, including child protection laws
- Anyone to whom the school is required or authorised to disclose the information to by law such as the Department of Health & Human Services (DHHS), Commission of Children and Young People, Victoria Police

National Consistency Collection of Data on School Students with Disabilities:

St Brigid's Catholic Learning Community 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 information overseas:

The School may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange. However, the School will not send personal information about an individual outside Australia without:

- Obtaining consent of the individual or
- Otherwise complying with the Australian Privacy Principles (APP) or other applicable privacy legislation

The School may from time to time use the services of third party online service providers (including for the delivery of services and third party online applications, or Apps relating to email, instant messaging and education and assessment, such as Google's G Suite, including Gmail) which may be accessible by you. Some personal information [including sensitive information] may be collected and processed or stored by these providers in connection with these services. These online service providers may be located in or outside Australia.

School personnel and the school's service providers, and the CECV and its service providers, may have the ability to access, monitor, use or disclose emails, communications (e.g. instant messaging), documents and associated administrative data for the purposes of administering the system and services ensuring their proper use.

The school makes reasonable efforts to be satisfied about the security of any personal information that may be collected, processed and stored outside Australia, in connection with any cloud and third party services and will endeavour to ensure the cloud is located in countries with substantially similar protections as the APPs.

The countries in which the servers of cloud service providers and other third party service providers are located may include:

Americas

Berkeley County, South Carolina
 Council Bluffs, Iowa
 Douglas County, Georgia
 Jackson County, Alabama
 Lenoir, North Carolina
 Mayes County, Oklahoma
 Montgomery County, Tennessee
 Quilicura, Chile
 The Dalles, Oregon
 Henderson, Nevada

Asia

Changhua County, Taiwan
 Singapore
 Mumbai, India

Europe

Dublin, Ireland
 Eemshaven, Netherlands
 Hamina, Finland
 St Ghislain, Belgium

Where personal and sensitive information is retained by a cloud service provider on behalf of CECV to facilitate Human Resources and staff administrative support, this information may be stored on servers located in or outside Australia.

Treating Sensitive Information:

In referring to 'sensitive information', the School 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, 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 if the use or disclosure of the sensitive information is allowed by law.

Management and security of personal information:

St Brigid's Catholic Learning Community staff members are required to respect the confidentiality of Student and Parent's personal information and the privacy of individuals.

The School will take reasonable steps to protect personal information it holds from misuse, loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and password access rights to computerised records. Where information is passed to external organisations or service providers acting on the school's behalf, adequate privacy safeguards will be implemented prior to the release of any information. This includes responding to any incidents, which may affect the security of the personal information it holds. If we assess that anyone whose information is affected by such a breach is likely to suffer serious harm as a result, we will notify them and the Office of the Australian Information Commissioner of the breach.

It is recommended that parents and the school community adopt secure practices to protect themselves. You should ensure that all passwords you use are strong and regularly updated and that your log in details are kept secure. Do not share your personal information with anyone without first verifying their identity and organisation. If you believe any of your personal information has been compromised, please let the School know immediately.

Access and correction of personal information

St Brigid's Catholic Learning Community endeavours to ensure that the personal information it holds is accurate, complete and up-to-date. Any person may seek to update their personal information held by the School by contacting the School's Administration Officer at any time.

The Australian Privacy Principles require the School to store personal information no longer than necessary.

Under the Privacy Act and the Health Records Act, an individual has the right to seek and obtain access to any personal information and health records respectively which the School holds about them and to advise the School of any perceived inaccuracy. Students will generally be able to

access and update their personal information through their Parents, but older students may seek access and correction themselves.

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

To make a request to access or to update any personal information the School holds about you or your child, please contact the School Principal or School Administrator by telephone or in writing. The School may require you to verify your identity and specify what information you require. The School 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, the School will advise the likely cost in advance. If we cannot provide you with access to that information, we will provide you with written notice explaining the reasons for refusal.

Consent and rights of access to personal information of students:

St Brigid's Catholic Learning Community respects every Parent's right to make decisions concerning their child's education.

Generally, the School will direct any request for consent and notices in relation to the personal information of a student, to the student's Parents. The School 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 School about them or their child by contacting the School's Principal. However, there may be occasions when access is denied, such as 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 School's duty of care to the student.

The School may, at its discretion, on the request of a Student, grant that Student access to information held by the School 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.

Past students have the right to request access to any personal information held about them by the School with consideration given to the relevant APPs. Any such requests must be made to the School Principal.

In addition to the above, the School may from time to time refuse an individual access to the information the School holds about the individual, in accordance with the relevant legislation. Where the School refuses access, the School will give an explanation for the refusal in writing.

Notifiable Data Breach Scheme (NDBS)

In accordance with Section 26 of the Commonwealth Privacy Act 1988; St Brigid's Catholic Learning Community will immediately report any Eligible Breach of Data immediately to the Office of the Australian Information Commissioner (OAIC).

Eligible Data Breach occurs when personal information is lost or subject to unauthorised access, modification, disclosure, misuse or interference. Where a data breach has occurred and it is likely to result in 'serious harm' (physical, psychosocial, emotional, economic, financial harm or reputation damage) notification to the OAIC is required.

Where the School suspects or believes that an Eligible Data Breach has occurred, the School will within 30 days conduct a risk assessment to determine the contributing factors and anticipated degree of harm to determine if the breach is 'eligible'. Examples of breaches which may be 'eligible' for notification may include:

- Loss or theft of a laptop or other device containing personal information of Students or Staff Members
- Hacking of databases containing personal information
- The provision of personal information to the wrong person

When a Breach of Data has been identified as 'eligible' the School will prepare and submit a Data Breach Statement to the OAIC as soon as is practical. This statement will include all relevant information; including:

- A description of the breach
- The type of information involved in the breach (personal, health, sensitive, financial)
- Anticipated degree of harm
- Recommended actions for notifying those affected
- Recommended actions to prevent reoccurrence

For further information, refer to the St Brigid's Catholic Learning Community's Notifiable Data Breach Procedure.

Breaches of this Policy

St Brigid's Catholic Learning Community expects that all permanent, fixed term and casual employees who become aware of a breach of this policy will advise the Principal or a Member of the Leadership Team immediately.

The School will consider each breach of this policy in the context in which it has occurred and will determine the significance of the breach. Where the breach is deemed 'eligible' in accordance with the Notifiable Data Breach Scheme, the school will inform the Office of the Australian Information Commissioner (OAIC).

A serious breach may result in disciplinary action, in termination of employment.

Enquiries or Complaints

Individuals that would like further information about the way the School manages personal information, or wish to complain as they believe that the School has breached the Australian Privacy Principles (APP)

Contact the Principal via email: principal@sbgisborne.catholic.edu.au or call (03) 5428 2220. The School will investigate any complaint and will provide a response to the complainant as soon as is practical.

If you are not satisfied with the School's decision, you may make a complaint to the Office of the Australian Information Commissioner (OAIC) whose contact details are:

GPO Box 5218, Sydney, NSW 2001

Telephone: 1300 363 992

www.oaic.gov.au

References:

Catholic Education Commission Victoria 2018; Sample Privacy Act;

Commonwealth Government 1988, *Privacy Act*;

Commonwealth Government 2013; Australian Education Regulation

Office of the Australian Information Commissioner (OAIC) 2014, Australian Privacy Principals;

Victorian Department of Education & Training 2018, Information & Privacy Guidelines;

Victorian Government 2001, *Health Records Act*;