

Xavier College

Privacy Policy



1. BACKGROUND

Xavier College Ltd ABN 51 621 514 172 (the '**College**') has adopted the following Privacy Policy (the 'Policy').

The College is committed to respecting the privacy of each individual in its community. The College takes its responsibilities for ensuring the security and protection of individuals' information seriously.

This Privacy Policy explains the College's approach for managing personal information and health information collected as part of the College's activities. This Policy forms the foundation of the College's procedures, practices, decision-making processes and ultimately the College's culture with respect to privacy.

The management of personal information and health information at the College is governed by the Privacy Act 1988 (Cth) ('**Privacy Act**'), the Australian Privacy Principles ('**APPs**') contained in the Privacy Act and the Health Records Act 2001 (Vic) and the Health Privacy Principles in that Act.

This Policy is designed to be published on the College's public website, referenced in other mediums as appropriate, and used in the ongoing training of College Board members, staff, volunteers, contractors and third party and educational service providers.

The College may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to the College's operations, practices and to make sure it remains appropriate to the College's authorising environment as it may change from time to time.

This Privacy Policy was last updated in October 2024.

2. PURPOSE

This Policy provides the framework for:

- The development of College systems, practices, procedures and guidelines for privacy compliance.
- The circumstances in which the College collects personal information, how it uses that information and how the College manages requests to access and/or change that information.
- The training and awareness of privacy obligations and this policy.
- Compliance with laws, regulations and standards relevant to Privacy.

3. WHAT IS PERSONAL INFORMATION?

In this Privacy Policy, 'personal information' has the meaning set out in the Privacy Act. Under the Privacy Act, 'personal information' is information or an opinion about an identified individual or an individual who is reasonably identifiable. Common examples include a person's name, address, telephone number and date of birth.

Some types of personal information are designated as 'sensitive information'. Sensitive information is subject to additional protection under the Privacy Act. For example, this can include information about a person's health, racial or ethnic origin, or membership of a trade union.

4. SCOPE

This Policy applies to the management of personal information collected at all campuses of the College in the course of our operations, including that which is collected by solicited and unsolicited means, and is applicable to the management of any personal information which is held by the College.

This Policy applies to the College environment, which includes any campus of the College, virtual environments and other locations provided by the College or through a third-party provider in its activities. The Policy also applies to the College boarding environment.

This Policy applies to all College employees (partners in mission), Jesuits, directors, students, parents and carers, third party service providers, educational service providers, volunteers and contractors in connection with the College environment or College activities.

This policy is not applicable to information which is under the control of any third party to which the College provides personal information in accordance with this policy, except where the College has the right or power to deal with the information in the hands of the third party (for example, some technology service providers).

Under the Privacy Act, the Australian Privacy Principles do not apply in some instances 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. In these circumstances, the College complies with other applicable laws, including the *Fair Work Act 2009* and its regulations. The College handles staff health records in accordance with the Health Privacy Principles in the Health Records Act 2001 (Vic).

5. POLICY STATEMENT

5.1 What kinds of personal information does the College collect and hold?

The College collects and holds personal information, including health and other sensitive information, about:

- Students, whether before, during or after the course of a student's enrolment at the College, including but not limited to:
 - name, address, contact details (including next of kin), date of birth, gender, language background, previous School and religion
 - medical and welfare information (e.g., details of disability and/or allergies and details of any assistance the student receives in relation to those disabilities, medical reports, cognitive and other medical assessments and names of doctors, health fund details and Medicare number)
 - conduct and complaint records, or other behaviour or disciplinary records, school attendance and school academic reports
 - information about referrals to government welfare agencies
 - information obtained during counselling
 - any court orders
 - volunteering information (including Working with Children Checks)
 - photos and videos at College events and on College premises, including footage from security systems located at the College.

- Parents and carers and students' families, whether before, during or after the course of a student's enrolment at the College, including but not limited to:
 - name, address and contact details
 - education, occupation and language background
 - health fund details and Medicare number
 - financial and business information
 - any court orders, parenting plans or other parenting and access arrangements
 - volunteering information as outlined below (including Working with Children Checks)
 - photos and videos at College events and on College premises including footage from security systems located at the College.

- Job applicants, staff members, volunteers and contractors, including but not limited to:
 - name, contact details (including next of kin), date of birth and religion
 - information on job applications
 - skills and qualifications
 - professional development history
 - Information from the Victorian Institute of Teaching or other professional registration body
 - salary and payment information, including superannuation details and Tax File Number
 - medical information (e.g., details of disability and/or allergies and medical certificates)
 - complaint records and investigation reports
 - employee records including leave details
 - photos and videos at College events and on College premises, including footage from security systems located at the College
 - all emails, files and transactions processed by College information systems, including any email sent or received by a College-controlled email address and any files stored on College-issued computers or mobile devices.

- Staff of the College's suppliers, including but not limited to:
 - name and contact details
 - position held.

- Other people who come into contact with the College, for example emergency contacts, including but not limited to:
 - name and contact details
 - any other information necessary for the particular contact with the College.

5.2 How does the College collect and hold personal information?

Personal information provided

The College will generally collect personal information through a number of ways, including but not limited to:

- forms filled out by staff, students, parents or carers
- in-person and over the phone, including interviews
- interactions between College staff and students, for example in classroom and other learning environments
- electronic means including emails and telephone calls
- through College portals and other digital platforms
- consent forms
- written communication to the College
- photographs, videos and recordings taken by or supplied to the College, including through any CCTV cameras located at the College
- in some circumstances, through authorised information sharing arrangements with other services.

Personal information provided by other people

On occasion, people other than staff, students, parents or carers, such as job applicants and contractors, provide personal information to the College.

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 reference from another school. The type of information provided to the College may include but is not limited to:

- academic records and/or achievement levels
- any other information that may be relevant to assisting the College to meet the needs of the students, including any supports and adjustments.

Device information and activity

When visiting any of the College's digital platforms, we may collect information about your device and activity. This includes your IP address, login information, browser type and version, time zone setting, operating system and platform, and the type of device.

5.3 How will the College use the personal information it collects and holds?

The College will generally use personal information it collects for the primary purpose of collection, and for such other secondary purposes that are related to the primary purpose of collection (or in the case of sensitive information, directly related to the primary purpose of collection) and reasonably expected by the relevant individual. The College will

otherwise use personal information where it has received the consent of the individual, where it is required or authorised by law, or otherwise in accordance with the Privacy Act.

Students, parents and carers

In relation to the personal information of students, parents and carers, the primary purposes for which the College collects personal information are generally to provide schooling to students enrolled at the College (including educational and support services for the student), exercise its duty of care and perform necessary associated administration activities which will enable students to take part in the activities of the College. This includes satisfying the needs of parents and carers, the needs of the student and the needs of the College throughout the whole period the student is enrolled at the College and in some cases, before or after the time of their enrolment.

In particular, the purposes for which the College collects and uses the personal information of students, parents and carers include but are not limited to:

- educating students
- providing for, protecting and accommodating a students' health and wellbeing including educational, social, emotional and medical wellbeing
- keeping parents and carers informed about matters related to their child's education, through correspondence, newsletters and magazines and other forms of communication
- day-to-day administration of the College
- seeking donations and marketing for the College
- satisfying the College's legal obligations, including:
 - meeting the College's duty of care to students, staff and visitors to the College
 - making reasonable adjustments for students with disabilities in accordance with anti-discrimination law obligations
 - providing, as far as reasonably practicable, College workplaces that are safe and free from risks to health and safety for workers and other people
- satisfying the College's administrative and regulatory requirements, including to the Victorian Catholic Education Authority Limited, the Victorian Registration and Qualifications Authority, the Commission for Children and Young People and any other statutory oversight bodies
- satisfying the requirements that apply due to its governance structure to The Australian Province of the Society of Jesus, The Society of Jesus in Australia Limited, The Society of Jesus in Victoria and other related bodies corporate (including affiliated ministries and educational institutions).

In some cases where the College requests personal information about a student, parent or carer, if 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, or provide a particular service.

Photographs and images of students

The College may use and disclose photographs, video, digital or other images ('**images**') of students for College educational and communication purposes and will seek annual

consent for the use of these images which may be used in publications, newsletters or on digital platforms accessible by the College community. We may also use the images for marketing and/or fundraising purposes in publications, newsletters, or presentations to the public. Where students' images are prominently featured the College will seek separate specific consent from affected students' parents or carers prior to each publication of promotional material for the College or otherwise where we are making it available to the public such as on the Internet, including through Social Media.

Employment Applicants and contractors

In relation to the personal information of applicants for employment with the College and contractors, the College's primary purpose of collecting of information is to assess the suitability of and (if successful) engage the applicant, or contractor.

The purposes for which the College uses personal information of employment applicants and contractors include, but are not limited to:

- administering the individual's (application for) employment or contract
- providing, as far as practicable, a safe workplace, including in relation to questions of fitness for duty, making adjustments for workers with disabilities, and discharging occupational health and safety and duty of care obligations to others
- for insurance purposes
- seeking donations and marketing for the College
- satisfying the College's legal obligations, including in relation to its commitment to provide child safe environments.

Volunteers

The College also obtains personal information about volunteers who assist the College in its functions or conduct associated activities.

The purposes for which the College uses the personal information of volunteers include but are not limited to:

- enabling the College to manage the engagement process of volunteers
- for insurance purposes
- satisfying the College's legal obligations, including in relation to its commitment to provide child safe environments
- to assess their suitability and to manage their presence on College premises and learning environments.

Counsellors

The College contracts with external providers to provide counselling and/or psychology services for some students. The Principal may require the Counsellor and/or Psychologist to inform him or her or other staff of any issues the Principal or the Counsellor and/or Psychologist believe may be necessary for the College to know for the safety, wellbeing or development of the student who is counselled or other students at the College.

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 students and staff thrive. Limited personal information held by the College for example, contact details and year of

enrolment, may be disclosed to organisations that assist in the College's fundraising, for example, the Xavier College Foundation or Old Xavierians Association, or on occasion, external fundraising organisations.

College publications, like newsletters and magazines, which include personal information and sometimes people's images, may be used for marketing purposes.

Unsolicited information

From time to time, the College may receive personal information without having solicited that information (e.g., misdirected postal or electronic mail). If this is the case and the College is authorised or required by law, it may keep this information. However, the College may destroy or de-identify the personal information when practicable, lawful and reasonable to do so.

Other permitted uses

We may also use personal information for other purposes where required or authorised by law.

5.4 Who might the College disclose personal information to and why?

The College may disclose personal information, including sensitive information, held about an individual for the purposes for which it was collected, as set out above. This may include but is not limited to disclosure to:

- College service providers which provide educational, support and health services to the College either at the College or off campus including personnel at The Society of Jesus, The Society of Jesus in Australia Limited and Jesuit Education Australasia Ltd
- people providing educational support, such as specialist visiting teachers and supervisors, placement teachers, volunteers, counsellors, sports coaches and providers of learning and assessment tools
- third party service providers that provide online applications, services or hosting to the College, and where required for the training of staff in these platforms or services. The College will take reasonable steps to ensure that online service providers do not disclose or use the personal information for any purpose other than for the benefit of the College in accordance with this policy, except where they may be legally permitted or required to disclose or use it for another purpose
- other third parties which the College uses to support or enhance the educational or pastoral care services for its students or to facilitate communications with parents and carers
- The Society of Jesus, Jesuit Education Australasia Ltd, The Society of Jesus in Australia Limited, the Society of Jesus in Victoria and other related bodies corporate to satisfy the oversight requirements that apply to the College owing to its governance structure
- Xavier College Foundation Limited to enhance financial support of the College and its students and their families
- The Victorian Catholic Education Authority Limited as the peak body for Catholic schools to enable the College to discharge its responsibilities regarding compliance with the minimum standards for school regulation and funding, including under the Education and Training Reform Act 2006 (Vic) and the Education and Training Reform Regulations 2017 (Vic)

- other authorised agencies and organisations to enable the College to discharge its legal responsibilities, for example under the Australia Education Regulations 2013 (Regulation) and the Australia Education Act 2013 (Cth) relating to students with a disability, including Nationally Consistent Collection of Data (NCCD), quality assurance processes, participation in the Australian Early Development Census (AEDC) and government audits
- authorised organisations and persons who support the College by providing consultative services or undertaking assessments for the purpose of educational programming or providers of health services such as counsellors, psychologists, College health services, or dental vans. Specific consent is obtained (except where otherwise required or permitted by law) to collect and disclose sensitive information, such as health information, as part of a service request which may include release of relevant medical or allied health reports and educational planning and evaluation documents such as personalised learning/behaviour/medical management plans
- another School including to its teachers to facilitate the transfer of a student
- federal and state government departments or agencies
- health service providers including medical professionals
- insurance providers for claim and incident management
- legal service providers and courts in the context of litigation and other legal claims
- recipients of College publications, such as newsletters and magazines
- students' parents and carers and their emergency contacts
- assessment and educational authorities including the Victorian Curriculum and Assessment Authority (VCAA), the Australian Curriculum, Assessment and Reporting Authority (ACARA), and the Victorian Regulation and Qualifications Authority
- anyone to whom the parent or carer authorises the College to disclose information
- prescribed organisations to whom the Child and Family Violence Information Sharing Schemes allow the sharing of confidential information to promote the wellbeing or safety of children, or to assess or manage family violence risk
- anyone who the College is required or authorised to disclose the information to by law, including under child protection and information sharing laws
- an organisation that assists in the College's fundraising.

Sending and storing information overseas

The College may disclose personal information about an individual to overseas recipients for the purposes of facilitating a school exchange, a student overseas tour. However, the College will not send personal information about an individual outside Australia without:

- obtaining the consent of the individual; or
- otherwise complying with the Australian Privacy Principles or other privacy legislation.

The College may from time to time use the services of third-party online service providers which may be accessible by the parents. 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. College personnel and the College's service providers may have the ability to access, monitor, use or disclose emails, communications, documents and associated data for the purposes of administering the system and services ensuring their proper use.

The College 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 third-party services and where practical will endeavour to ensure personal information controlled by the

College is located in countries with substantially similar protections as the Australian Privacy Principles.

Finally, the College may disclose limited personal information, including sensitive information, to entities affiliated with The Society of Jesus in Australia Limited in Rome and the Vatican City State for the limited purpose of ensuring that both Australian and canon (Church) law safeguarding requirements are met.

5.5 Quality of personal information

The College takes reasonable steps to ensure the personal information it collects, holds, uses and discloses is accurate, complete and current, including at the time of using or disclosing the information.

Where a parent, carer, alumni, employee or third party engaged by the College has changed personal information or otherwise believes the information held by the College may be inaccurate, updated information can be provided to the College through the relevant digital platform or other reasonable means of communications.

5.6 Management and security of personal information

The College takes reasonable steps to protect the personal information it holds from misuse, interference, loss and unauthorised access, modification or disclosure.

The College recommends that all individuals, including parents and carers and the College community, adopt secure practices to protect themselves. You should ensure that all your passwords are strong and regularly updated and that your log-in details are kept secure. You should 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 contact the College immediately.

5.7 Access to and correction of personal information

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 information respectively which the College holds about them and to advise the College of any perceived inaccuracy. Students will generally be able to access and update their personal information through their parents and carers, 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 College holds about parents or carers or children, please contact the Principal or the College Student Services team by telephone or in writing. The College may require verification of identity and specification of what information is required. The College may charge a fee to cover the cost of locating, retrieving, reviewing and providing any material requested. If the information sought is extensive, the College will advise you of the likely cost in advance. If the College cannot provide access to that information, we will provide written notice explaining the reasons for refusal.

College staff may contact the People and Culture team for corrections to personal information.

There may be circumstances where the reason for refusal is not provided, where it is unreasonable to provide a reason (for example where giving a reason may prejudice action by the College to respond to unlawful activity).

5.8 Consent and rights of access to the personal information of students

The College respects every parent and carer's right to make decisions concerning their child's personal information.

Generally, the College will refer any requests for consent and notices in relation to the personal information of a student to the student's parent(s) or carer(s). The College will treat consent given by a parent or carer as consent given on behalf of the student, and notice to parents or carers will act as notice given to the student.

Parents and carers may seek access to personal information held by the College about themselves or their child by contacting the College Principal or Student Services team by telephone or in writing. However, there may 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, where the College reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, where it would breach the College's duty of care to the student, or where it would be contrary to a mature minor student's wishes.

5.9 Anonymity

The College 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, manage its workforce and fulfil other obligations and processes.

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

5.10 Complaints

If any individual wishes to complain that the College has interfered with their privacy because of an alleged breach of the Australian Privacy Principles, they should contact the College's Complaints Officer in writing at:

Complaints Officer
Xavier College
135 Barkers Road, Kew
riskcompliance@xavier.vic.edu.au

The College will investigate the complaint in accordance with the College's Complaints Handling Policy.

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

GPO Box 5288, Sydney, NSW 2001
Telephone: 1300 363 992

An online privacy complaint form is available from www.aic.gov.au.

Certain incidents might be covered by the College's Whistleblower Policy which can be found here.

The Principal is responsible for ensuring that material breaches of this Policy and underlying policies, guidelines and procedures are escalated to the College's Child Safety & Risk Committee as soon as possible.

A breach of this Policy by a staff member or contractor may lead to disciplinary action including possible termination of employment or appointment and/or referral to the appropriate authorities.

5.11 Reporting Privacy Concerns

Staff, volunteers, third party service providers, contractors, external education providers, students, parents, carers and other community members who have concerns on privacy compliance or believe that a privacy breach may have occurred should immediately report this to the College's Privacy Officer.

The Privacy Officer's details are provided below:

Campus	Position	Phone	Email
All campuses	Risk and Assurance Manager	03 9854 5362	riskcompliance@xavier.vic.edu.au

5.14 Review of Privacy Policy and Procedures

The College will review its compliance with this Privacy Policy on a bi-annual basis or earlier if required. This review may be performed internally, or an external consultant will be engaged.

The College will also consider any breaches, complaints, concerns and safety and wellbeing incidents which are analysed to identify causes and systemic failures and will be used to inform continuous improvement.

The outcomes of these reviews will be reported to the College Executive and Board.

6. RELATED POLICES, PROCEDURES AND DOCUMENTS

- Jesuit Province Code of Conduct
- Privacy collection statements (these are usually provided at the point of collecting personal information)
- Privacy procedure documents to implement this policy
- Information Security Policy and associated guidelines

Note that some of the above may not be publicly available.

7. FURTHER INFORMATION

If you would like to request further information about the way the College manages its privacy compliance, the first point of contact is to the Privacy Officer (see contact details above).

POLICY APPROVAL AND REVIEW:

This policy is approved by the Xavier College Ltd Board.