



## PRIVACY POLICY

<b>Replaces Policy:</b>		<b>Dated:</b>	
<b>Developed By:</b>	Assistant to the Principal	<b>Dated:</b>	2012
<b>Ratified By:</b>	Principal	<b>Dated:</b>	2012
	College Executive	<b>Latest Update Ratified:</b>	21 February 2018
<b>Policy Review:</b> A review of this policy will be conducted on a 3-year basis or earlier if required.			

This Privacy Policy applies to Xavier College, Melbourne. The policy sets out how the School manages personal information provided to or collected by it.

The School is bound by the Australian Privacy Principles 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.

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

### **What kind of personal information does the School collect and how does the School collect it?**

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

- students and parents and/or guardians ('Parents') before, during and after the course of a student's enrolment at the School including:
  - name, contact details (including next of kin), date of birth, previous school and religion
  - medical information (e.g. details of disability and/or allergies and details of any assistance the student receives in relation to those disabilities)
  - conduct and complaint records, or other behaviour notes, school attendance and school reports
  - information about referrals to government welfare agencies
  - counselling reports
  - health fund details and Medicare number
  - any court orders
  - volunteering information (including Working with Children Checks)
  - photos and videos at school events.
- job applicants, staff members, volunteers and contractors, including:
  - 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
- other people 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:** The School will generally collect personal information held about an individual by way of forms filled out by parents or students, face-to-face meetings, interviews, emails and telephone calls. On occasions, people other than parents or students (such as job applicants and contractors) provide personal information to the School.

**Personal information provided by other people:** In some circumstances, the School may be provided with personal information about an individual from a third party, e.g. a report provided by a medical professional or a reference from another school. The type of 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:** Under the *Privacy Act*, the Australian Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to the School's treatment of an employee record where the treatment is directly related to a current or former employment relationship between the School and employee. The School 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 will the School use the personal information you provide?**

The School 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 by you, or to which you have consented.

**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:

- to keep Parents informed about matters related to their child's schooling, through correspondence, newsletters and magazines
- day-to-day administration of the School
- looking after students' educational, social and medical wellbeing
- seeking donations and marketing for the School
- to satisfy the School's legal obligations and allow the School to discharge its duty of care
- to satisfy the School service providers' legal obligations, including the Jesuit Province, the Catholic Education Commission of Victoria Ltd (CECV) and the Catholic Education Offices.

In some cases where the School requests personal information about a student or Parent, if the information requested is not provided, the School may not be able to enroll or continue the enrolment of the student or permit the student to take part in a particular activity.

Some applications used for providing an enhanced educational experience and other online services store and process personal information for the purposes of providing its service and to keep its users secure and improve their product experience. Examples include: Google Apps for Education and Microsoft Office 365.

The School may use and disclose photographs, video, digital or other images of students for marketing and / or fundraising purposes in publications, newsletters, presentations or School intranet. The school will seek separate permissions from students' parents or guardian prior to publication of promotional material for the School or otherwise make it available to the public such as on the Internet.

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

- administering the individual's employment or contract, as the case may be;
- for insurance purposes;
- seeking donations and marketing for the School; and
- to satisfy the School's legal obligations, e.g. in relation to child protection legislation.

**Volunteers:** The School also obtains personal information about volunteers who assist the School in its functions or conduct associated activities, such as alumni associations, 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 staff 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.

**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 be a quality learning environment in which both students and staff thrive. Personal information held by the School may be disclosed to an organisation that assists in the School's fundraising, e.g. the School's Development and Community Relations Office, or on occasion, 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, may be used for marketing purposes.

### **Who might the School disclose personal information to and store your information with?**

The School may disclose personal information, including sensitive information, held about an individual for **educational, administrative and support purposes**. This may include to:

- 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, document and data management services, or applications to schools and school systems and, where necessary, to support the training of selected staff in the use of these services
- 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 to its teachers to facilitate the transfer of a student
- State and Federal 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
- parents;
- parent associations;
- co-curricular groups;
- assessment and educational authorities including the Australian Curriculum, Assessment and Reporting Authority
- 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.

Applications, online services and other data providers which we currently provide information to include:

- Google Apps for Education
- Microsoft Office 365
- Other cloud hosted services where student data resides.

### ***Nationally Consistent Collection of Data (NCCD) on School Students with Disability***

The School is required by the Federal *Australian Education Regulation 2013 (the Regulation)* to provide certain information under the NCCD on students with a disability. The school provides the required information to the CECV, as an approved authority, to provide on the school's behalf. Under the NCCD, the following information is required for each student with a disability:

- their level of education (i.e. primary or secondary)
- their category of disability (i.e. physical, cognitive, sensory or social/emotional)
- their level of adjustment (i.e. support provided within quality differentiated teaching practice, supplementary, substantial or extensive adjustment).

Student information provided for the purpose of the NCCD does not explicitly identify any student. However, the School will disclose students' names to the CECV, to enable CECV to undertake financial modelling about funding for particular students, including ongoing evaluation of the adequacy of the funding for individual students under the NCCD. The CECV will not disclose a student's identity for the NCCD.

**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 the 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.

The School may also store personal information [including sensitive information] in the 'cloud'. This means that the information is held on the servers of third party cloud service providers engaged by the School. The servers may be situated in or outside Australia.

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 such as Synergetic and SEQTA, 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.

As not all countries are bound by laws which provide the same level of protection for personal information provided by the APPs, the School makes reasonable efforts to be satisfied about the security of any personal information collected, processed and stored outside Australia, including that of cloud and third-party service providers.

The countries in which the servers of cloud service providers and other third-party service providers are located may include but not limited to Australia, United States and Singapore.

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

### **How does the School treat 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; 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.

### **Management and security of personal information:**

The School's staff are required to respect the confidentiality of students' and parents' personal information and the privacy of individuals.

The School has in place steps to protect the personal information the School holds from misuse, interference and loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and password access rights to computerised records. 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:**

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 information, please contact the office of the Principal or to update any personal information the School holds about you or your child, please contact the

School's Data Administration Manager 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 the personal information of students:**

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

Generally, the School will refer any requests 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.

As mentioned before, parents may seek access to personal information held by the School about them or their child by contacting the Principal. 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 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 so warranted.

**Enquiries and complaints and contact details:**

If you would like further information about the way the School manages the personal information it holds about you or wish to complain that you believe that the School has breached its privacy obligations, please contact the Principal by writing or telephone (9854 5411). The School will investigate your 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.

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](http://www.oaic.gov.au)