



# NOTRE DAME COLLEGE

## PRIVACY POLICY & PROCEDURE

### 1.0 Introduction

This Privacy Policy sets out how Notre Dame College manages personal information provided to or collected by it.

The College is bound by the Australian Privacy Principles (APPs) contained in the Commonwealth Privacy Act 1988. In relation to health records, the School is also bound by the Victorian Health Records Act 2001 (Vic) and the Health Privacy Principles in that Act.

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 and practices and to make sure it remains appropriate to the changing school environment.

### 2.0 Responsibility for Implementation of the Policy

The College Principal is responsible for the implementation of the College's Privacy Policy.

### 3.0 Definitions

**Personal Information** - Personal information means information or an opinion about an identified individual or an individual who is reasonably identifiable whether the information is true or not, and whether the information is recorded in a material form or not. It includes all personal information regardless of its source. In other words, if the information or opinion identifies an individual or allows an individual to be identified it will be 'personal information' within the meaning of the C/W Privacy Act (1988). Some common types of personal information include;

- names
- date of birth
- addresses
- email addresses
- medical records etc

Personal information does not include information that has been de-identified so that the individual is no longer identifiable either from the information or from the information when combined with other information reasonably available to the College. Examples of de-identification techniques include removing identifiers, using pseudonyms and using aggregated data. Where practicable, the College will use de-identified information.

**Sensitive Information** - Sensitive information is a type of personal information that is given extra protection and must be treated with additional care. It includes any information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, or criminal record. It also includes health information and biometric information.

**Health information** - Health information is a subset of sensitive information. It is any information or opinion about the health or disability of an individual, the individual's expressed wishes about the future provision of health services and a health service provided, currently or in the future, to an individual that is also personal information. Health information also includes personal information collected in the course of providing a health service.

**Record** - The Privacy Act regulates personal information contained in a 'record'. A 'record' includes a 'document' or an 'electronic or other device'. The definition is inclusive and therefore covers a wide variety of material which might constitute a record. There are some items which are excluded from the definition of 'record'. The exclusions relevant to a School are:

- a) a generally available publication (eg. a telephone directory); and
- b) anything kept in a library, art gallery or museum for the purposes of reference, study or exhibition.

**Document** - A 'document' is defined to include anything on which there is writing, anything from which sounds, images or writings can be reproduced, drawings or photographs.

## **4.0 Protocols and Procedures**

### **4.1 What kinds of personal information does the College collect and how does the College collect it?**

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

- ***Students and parents and/or guardians before, during and after the course of a student's enrolment at the College. This includes;***
  - name, contact details (including next of kin), date of birth, gender, language background, previous school and religion
  - Parents' education, occupation and language background
  - 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)
  - 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 (students only)
  - any court orders
  - volunteering information (including Working With Children Checks)
  - photos and videos at school events.
- ***Job applicants, staff members, volunteers and contractors. This includes;***
  - 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 (eg details of disability and/or allergies and medical certificates)
  - complaint records and investigation reports
  - leave details
  - photos and videos at school events
  - workplace surveillance information
  - work emails and private emails (when using work email address) and internet browsing history.
- ***Other people who come into contact with the College, including name and contact details and any other information necessary for the particular contact with the College.***

#### ***a. Personal Information you provide:***

The College will generally collect personal information held about an individual by way of forms filled out by Parents or students, face-to-face meetings and interviews, emails and telephone calls. On occasions, people other than Parents and students (such as job applicants and contractors) provide personal information to the College.

#### ***b. 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 reference from another school. The type of information the College may collect from another school may include:

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

**c. 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 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. The College handles staff health records in accordance with the Health Privacy Principles in the Health Records Act 2001 (Vic).

**d. 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, conduct the job application process 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, complaint or providing feedback.

**4.2 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 by you, or to which you have consented.

**a. Students and Parents:**

In relation to personal information of students and parents/guardians, the College's primary purpose of collection is to enable the College to provide schooling for the students enrolled at the College (including educational and support services for the student). This includes satisfying the needs of parents/guardians, the needs of the student and the needs of the College throughout the whole period the student is enrolled at the College.

The purposes for which the College uses personal information of students and parents/guardians include:

- to keep parents/guardians 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.
- seeking donations and marketing for the College.
- to satisfy the College's legal obligations and allow the College to discharge its duty of care.
- to satisfy the College service providers' legal obligations, including the Catholic Education Commission of Victoria Ltd (CECV) and the Catholic Education Office.

In some cases, where the College requests personal information about a student or parent/guardian, 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.

**b. Job applicants and contractors:**

In relation to personal information of job applicants 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:

- administering the individual's employment or contract, as the case may be.

- for insurance purposes.
- seeking donations and marketing for the College.
- satisfying the College's legal obligations, for example, in relation to child protection legislation.

**c. Volunteers:**

The College also obtains personal information about volunteers who assist the College in its functions or conduct associated activities, to enable the College and the volunteers to work together to confirm their suitability and to manage their visits.

**d. Counsellors:**

The College may at times contract 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 College to know for the wellbeing or development of the student who is counselled or other students at the College.

**e. Parish:**

The College may disclose limited personal information to the parishes associated with the College to facilitate religious and sacramental programs, and other activities such as fund raising.

**f. 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. Personal information held by the College may be disclosed to organisations that assist in the College's fundraising, for example, the College's Foundation or alumni organisation or, on occasions, external fundraising organisations.

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

**4.3 Who might the College disclose personal information to and store your information with?**

**a. *The College 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 College (either at the College 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 including the Integrated Catholic Online Network (ICON) and Google's G Suite, Microsoft Office 365 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 party service providers which the College uses to support or enhance the educational or pastoral care services for its students or to facilitate communication with parents/guardians. Eg. Learning and Teaching programmes such as Edrolo, Renaissance, SPA, Quick Smart
- another school including to its teachers to facilitate the transfer of a student.
- Federal and State government departments and agencies.
- health service providers.
- recipients of College publications, such as newsletters and magazines.
- assessment and educational authorities, including the Australian Curriculum Assessment and Reporting Authority.
- anyone a parent/guardian authorises the College to disclose information to.

- anyone to whom we are required or authorised to disclose the information to by law, including child protection laws.

**b. Nationally Consistent Collection of Data on School Students with Disability**

The College is required by the Federal Australian Education Regulation 2013 (the Regulation) to collect and disclose certain information under the Nationally Consistent Collection of Data on students with a disability. The College 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 will not explicitly identify any student.

**c. Sending and storing information overseas:**

The College may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange. 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 applicable privacy legislation.

The College 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 G Suite, Microsoft Office 365 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.

College personnel and the College'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 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 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:

- United States
- Canada
- Chile
- Taiwan
- Singapore
- Ireland
- Netherlands
- Finland
- Belgium
- Hong Kong
- South Korea

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.

#### **4.4 Data Transfer Risk Assessment**

Before we pass on any personal, sensitive or health information to a third party provider, a 'data transfer risk assessment' will be completed by the College to ensure that the provider who has requested the information meets the requirements of our Privacy Policy.

#### **4.5 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 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 the use or disclosure of the sensitive information is allowed by law.

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

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

The College has in place steps to protect the personal information the College 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 College 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 College know immediately.

#### **4.7 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 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/guardians, but older students may seek access and correction themselves.

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

To make a request to access or update any personal information the College holds about you or your child, please contact the College Principal in writing. The College may require you to verify your identity and specify what information you require. The College 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 College 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.

There may be circumstances where the reason for refusal is not provided, if doing so may breach the privacy of another person.

#### **4.8 Consent and rights of access to the personal information of students**

The College respects every parent's/guardian'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/guardians. The College will treat consent given by parents/guardians as consent given on behalf of the student, and notice to parents/guardians will act as notice given to the student.

Parents/guardians may seek access to personal information held by the College about them or their child by contacting the College Principal 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, 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, on the request of a student grant that student access to information held by the College about them, or allow a student to give or withhold consent to the use of their personal information, independently of their parents/guardians. This would normally be done only when the maturity of the student and/or the student's personal circumstances so warrant it.

#### **4.9 Enquiries and complaints**

If you would like further information about the way the College manages the personal information it holds, or wish to complain that you believe that the College has breached the Australian Privacy Principles please contact the College Principal in writing. The College will investigate any complaint and will notify you of the making of a decision in relation to your complaint as soon as is practicable after it has been made.

If you are not happy with the College'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.oasic.gov.au](http://www.oasic.gov.au)

#### **5.0 Professional Development**

Professional development will be provided to staff as appropriate

#### **6.0 Communication**

This policy is communicated to all staff via email and the College Intranet and to parents and members of the community via the College website under Key Policies and Documents. Parents also receive a copy of the policy at enrolment.

#### **7.0 Associated Policies, Procedures, Agreements, Guidelines or Legislation**

- National Catholic Education Commission and National Council of Independent School's Council of Australia – Privacy Compliance Manual: April 2018.
- The Privacy Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Act 2012 (CW).

#### **8.0 Review Timeline**

Last updated March 2020.

The College's Privacy Policy and Procedure will be reviewed when any changes to legislation or regulations occur or in 2023 whichever comes first.

#### **9.0 Appendices**

Not applicable