Privacy Policy

Policy No. 17

Approved by College Board
June 2023

Privacy Policy

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

The College is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act 1988. In relation to health records, the College is also bound by the Victorian Health Records Act 2001.

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 College environment.

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

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

- pupils and parents and/or guardians ('parents') before, during and after the course of a pupil's enrolment at the College;
- job applicants, staff members, volunteers and contractors; and
- other people who come into contact with the College.

Personal Information you provide: The College will generally collect personal information held about an individual by way of forms filled out by parents or pupils, face-to-face meetings and interviews, emails, and telephone calls. On occasions people other than parents and pupils provide personal information.

Personal Information provided by other people: In some circumstances the College may be provided with personal information about an individual from a third party, for example a report provided by a medical professional or a reference from another College.

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.

How will the College use the personal information you provide?

The College will collect personal information that is reasonably necessary.

The Use of Personal Information

Pupils and Parents: In relation to personal information of pupils and parents, the College's primary purpose of collection is to enable the College to provide schooling for the pupil enrolled at the College, exercise its duty of care, and perform necessary associated administrative functions, which will enable students to take part in all the activities of the College. This includes satisfying the needs of parents, the needs of the pupil and the needs of the College throughout the whole period the pupil is enrolled at the College.

The purposes for which the College uses personal information of pupils and parents include:

- to keep parents informed about matters related to their child's schooling, through correspondence, newsletters and magazines;
- day-to-day administration of the College;
- looking after pupils' educational, social, mental, and medical wellbeing;
- seeking donations and marketing for the College; and
- to satisfy the College's legal obligations and allow the College to discharge its duty of care.

In some cases where the College requests personal information about a pupil or parent, if the information requested is not provided, the College may not be able to enrol or continue the enrolment of the pupil or permit the pupil to take part in a particular activity.

Job applicants, staff members and contractors: In relation to personal information of job applicants, staff members and contractors, the College's primary purpose of collection is to assess and (if successful) to engage the applicant, staff member or contractor, as the case may be.

The purposes for which the College uses personal information of job applicants, staff members and contractors include:

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

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.

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 pupils and staff thrive. Personal information held by the College may be disclosed to organisations that assist in the College's fundraising.

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.

Who might the College disclose personal information to?

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

- another College;
- government departments;
- medical practitioners;
- people providing services to the College, including specialist visiting teachers, counsellors and sports coaches;
- providers of specialist advisory services and assistance to the College, including in the area of Human Resources, child protection and students with additional needs;
- providers of learning and assessment tools;
- assessment and educational authorities, including the Australian Curriculum, Assessment and Reporting Authority (ACARA) and NAPLAN Test Administration Authorities (who will disclose it to the entity that manages the online platform for NAPLAN);
- agencies and organisations to whom we are required to disclose personal information for education, funding and research purposes;
- people providing administrative and financial services to the College;
- recipients of College publications, such as newsletters and magazines;
- the appropriate students' parents;
- anyone you authorise the College to disclose information to; and
- anyone to whom we are required to disclose the information to by law.

Sending information overseas: The College may disclose personal information about an individual to overseas recipients, for instance, when storing personal information with 'cloud' service providers which are situated outside Australia or to facilitate a College exchange. However, the College 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 College may use online or 'cloud' service providers to store personal information and to provide services to the College that involve the use of personal information, such as services relating to email, instant messaging and education and assessment applications. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may be stored in the 'cloud' which means that it may reside on a cloud service provider's servers which may be situated outside Australia.

An example of such a cloud service provider is Microsoft 365. Microsoft 365 provides Microsoft including Outlook, and stores and processes limited personal information for this purpose. School personnel and the AIS 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 and ensuring the platform's proper use.

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.

Privacy Amendment (Notifiable Data Breaches) Act 2017

From oaic.gov.au:

> The NDB (Notifiable Data Breach) scheme introduced an obligation to notify individuals whose personal information is involved in a data breach that is likely to result in serious harm. This notification must include recommendations about the steps individuals should take in response to the breach. The Australian Information Commissioner must also be notified of eligible data breaches.

The College is required by law to inform the Australian Government as well as the individual(s) impacted if a data breach occurs that is likely to result in serious harm. Not all data breaches will be NDBs. A NDB is defined as "a data breach that is likely to result in serious harm to any of the individuals to whom the information relates. Serious harm could include serious physical, psychological, emotional, economic and financial harm, as well as serious harm to reputation."

If the College suspects that an eligible data breach has occurred, the following steps must be taken:

1. The College must conduct a risk assessment which involves:
    a. assessing whether there are reasonable grounds to believe that the relevant circumstances amount to an eligible data breach. This must be as prompt and efficient as practicable in the circumstances; and

    b. taking all reasonable steps to ensure that the assessment is completed within 30 days after becoming aware of the breach.
2. If the risk assessment reveals that an eligible data breach has occurred, the College must then prepare a statement to notify the OAIC and the affected individual following the notification requirements under the Privacy Amendment Act 2017.
    a. The College must take steps as are reasonable in the circumstances to notify the individuals to whom the relevant information relates and/or individuals who are at risk from the eligible data breach.

At any point during an assessment, the College will take steps to reduce potential harm to individuals involved in the eligible data breach. If remedial action is successful in preventing serious harm to affected individuals, notification is not required.

In case of a Notifiable Data Breach, Kerang Christian College will follow procedure as outlined in its Data Breach Response Plan.

Management and security of personal information

The College's staff are required to respect the confidentiality of pupils' and Parents' personal information and the privacy of individuals.

The College has in place steps to protect the personal information the College holds from misuse, interference 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.

Access and correction of personal information

Under the Commonwealth Privacy Act and the Victorian Health Records Act, an individual has the right to obtain access to any personal information which the College holds about them and to advise the College of any perceived inaccuracy. Pupils will generally be able to access and update their personal information through their Parents, but older pupils 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.

Consent and rights of access to the personal information of pupils

The College respects every Parent's right to make decisions concerning their child's education.

Generally, the College will refer any requests for consent and notices in relation to the personal information of a pupil to the pupil's Parents. The College will treat consent given by Parents as consent given on behalf of the pupil, and notice to Parents will act as notice given to the pupil.

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

The College may, at its discretion, on the request of a pupil grant that pupil access to information held by the College about them, or allow a pupil 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 pupil and/or the pupil's personal circumstances so warranted.

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. 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.

Responsibilities

The Principal has overall responsibility for the implementation of this policy.

Evaluation

This policy will be reviewed as part of the College's three-year review cycle.

References

Victorian Health Records Act
www.health.vic.gov.au/healthrecords/

Independent Colleges Council of Australia and National Education Commission: Privacy Compliance Manual (APRIL 2023)
https://connect.iseducation.com.au/getmedia/19c13440-9e07-4502-abb7-232e04531491/COM_Privacy-Compliance-Manual.pdf.aspx?ext=.pdf

Notifiable Data Breaches Scheme
https://www.oaic.gov.au/privacy-law/privacy-act/notifiable-data-breaches-scheme

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