

Privacy Policy 2020

Introduction

This Privacy Policy sets out how the College manages personal information provided to or collected by the College. The School 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 Health Records Act 2001 (Vic) and Health Privacy Principles in that Act.

The College may from time to time, review and update this 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.

This policy outlines the circumstances in which we obtain personal information, how we use that information and how we manage requests to access and or change that information.

This policy applies to all staff, volunteers and contractors of Emmaus College and its related bodies.

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

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

- Students and parents or guardians ('parents') before, during and after the course of the student's enrolment at the College including:
 - 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. degree 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
 - 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. degree of disability and or allergies and medical certificates)
 - complaint records and investigation reports
 - leave details
 - photos and videos at school events
 - workplace surveillance information
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- 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.

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 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 School.

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 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

Exemption 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 College and an employee. The School handles staff health records in accordance with the Health Privacy Principles in the Health Records Act 2001 (Vic)

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 School may be done anonymously where practicable, which may include making an inquiry, complaint or providing feedback.

Solicited Information

Emmanuel College has, where possible, attempted to standardise the collection of personal information by using specifically designed forms (e.g. our Enrolment Application Forms). However, given the nature of our operations we often also receive personal information by email, letters, notes, via our website, over the telephone, in face to face meetings and through financial transactions.

We may also collect personal information from other people (e.g. a third party administrator, referees for prospective employees) or independent sources. However, we will only do so where it is not reasonable and practicable to collect the personal information from the individual directly.

Information Collected from our Website

We may collect information based on how individuals use our website. We use "cookies" and other data collection methods to collect information on website activity such as the number of visitors, the number of pages viewed and the internet advertisements which bring visitors to our website. This information is collected to analyse and improve our website, marketing campaigns and to record statistics on web traffic. We do not use this information to personally identify individuals.

Unsolicited information

Emmanuel College may be provided with personal information without having sought it through our normal means of collection. This is known as “unsolicited information” and is often collected by:

- Misdirected postal mail – letters, notes, documents
- Misdirected electronic mail – emails, electronic messages
- Employment applications sent to us that are not in response to an advertised vacancy
- Additional information provided to us which was not requested

Unsolicited information obtained by Emmanuel College will only be held, used and or disclosed if it is considered as personal information that could have been collected by normal means. If that unsolicited information could not have been collected by normal means then we will destroy, permanently delete or de-identify the personal information as appropriate.

How do we use personal information?

Emmanuel College only uses personal information that is reasonably necessary for one or more of our functions or activities (the primary purpose) or for a related secondary purpose that would be reasonably expected by the individual, or for an activity or purpose to which the individual has consented.

We only collect sensitive information if it is:

- reasonably necessary for one or more of these functions or activities, and we have the individual's consent
- necessary to lessen or prevent a serious threat to life, health or safety
- another permitted general situation
- another permitted health situation.

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
- seeking feedback from students and parents on school performance and improvement, including through school improvement surveys.
- 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 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 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 insurance purposes
- seeking donations and marketing for the School
- satisfying the School's legal obligations, for example, 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, to enable the School and the volunteers to work together, to confirm their suitability and to manage their visits.

School Counsellors

The College employs counsellors to provide counselling services to students. The Principal (or his delegate) may require the Counsellor to inform him or her or other teachers of any issues the Principal (or his delegate) 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.

Marketing and Fundraisers

Marketing, and the solicitation of donations, for the future growth and development of the School is important in ensuring that the School continues to provide a quality learning environment in which both students and staff thrive.

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 College disclose personal information to and store your information with?

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 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) 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
- 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.

Nationally Consistent Collection of Data on School Students with a Disability

The College is required by the Federal Australian Education Regulation (2013) and the 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 and storing information overseas

The College may disclose personal information about an individual to overseas recipients, for instance to facilitate an overseas 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) which may be accessible by you. Some personal information (including sensitive information) may be collected, processed or stored by these providers in connection with these services. These online services may be located in or outside Australia.

School personnel, 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 to ensure 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.

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.

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; 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

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

The College 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 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, 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 update any personal information the College holds about you or your child, please contact the Registrar by telephone or in writing. The College may require you to verify your identity and specify what information you require. 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.

Consent and rights of access to the personal information of students

The College respects every parent's right to make decisions regarding 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. The College 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 Registrar by telephone or in writing. There may, however, 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 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.

Complaints

An individual can make a complaint about how Emmaus College manages personal information by notifying us in writing as soon as possible. The College will respond to the complaint within a reasonable time (usually no longer than 30 days) and may seek further information in order to provide a full and complete response.

The College does not charge a fee for the handling of complaints. If the individual is not satisfied with the College response, they may refer the complaint to the Office of the Australian Information Commissioner (OAIC). A complaint can be made using the OAIC online [Privacy Complaint form](#) or by mail, fax or email.

A referral to OAIC should be a last resort once all other avenues of resolution have been exhausted.

How to contact us

Emmaus College can be contacted about this Privacy Policy or about personal information generally, by:

- Emailing [privacy@emmaus.vic.edu.au]
- Calling **9845 3376**
- Writing to:
Privacy Officer – Emmaus College
503 Springvale Road
VERMONT SOUTH VIC 3133

If practical, you can contact us anonymously (i.e. without identifying yourself) or by using a pseudonym. However, if you choose not to identify yourself, we may not be able to give you the information or provide the assistance you might otherwise receive if it is not practical to do so.

Changes to our Privacy and Information Handling Practices

The College 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. Please check our Privacy Policy on our website www.emmaus.vic.edu.au regularly for any changes.

Relevant Legislation

Australian Education Act (2013) (Cth) (AE Act)
Federal Australian Regulation (2013)
Health Records Act 2001 (Vic)
Privacy Act 1988 (Cth)

References

Please click the links below to access these resources.

[Australian Privacy Principles \(APPs\)](#)

[Health Privacy Principles](#)

[Nationally Consistent Collection of Data \(School Students with Disability\) \(NCCD\)](#)

[Privacy Compliance Manual – Independent Schools Council of Australia and National Catholic Education Commission ©ISCA & CEC](#)

Review

This Privacy Policy was approved by the Board in May 2019. It has since been reviewed in line with the Circular to Principals of Catholic Schools in the Archdiocese of Melbourne 28 February 2020.ⁱ

ⁱ The changes are minor in nature but draw on a review of the Privacy Compliance Manual which was updated in February 2020.