



Privacy Policy and Procedures

Emmaus College is a school, which operates with the consent of the Catholic Archbishop of Melbourne and is owned, operated and governed by Melbourne Archdiocese Catholic Schools Ltd (MACS).

Purpose

This policy sets out how personal information provided to or collected by the College is managed, to ensure the College acts in accordance with relevant legislative requirements.

Scope

This policy applies to information held and acquired by the College.

Principles

The College will apply a number of principles in collecting and managing personal information. It will:

- manage personal information in an open and transparent way.
- only collect personal information that is reasonably necessary for the College's functions or activities.
- use fair and lawful means to collect personal information.
- obtain consent to collect sensitive information unless specified exemptions apply.
- take reasonable steps to protect the personal information the College holds from misuse, interference and loss and from unauthorised access, modification or disclosure.
- only use or disclose personal information for the primary purpose of collection unless an exception applies.

Policy

The College collects and holds personal information, including health and other sensitive information about students, parents /guardians/carers and others, who come into contact with the College.

Generally, the College will collect personal information held about an individual by way of:

- forms filled out by parents / guardians / carers or students
- face-to-face meetings and interviews
- emails and telephone calls
- through the College's online portal – Operoo, Funnel, Emmlink, Synergetic Community Portal
- job applicants and contractors can provide personal information

The College will use personal information it collects from parents / guardians / carers for the primary purpose of collection, and for such other secondary purposes that are related to the primary purpose of collection and reasonably expected or consented to, by parents / guardians / carers.

The College ensures that personal information is stored securely and that access is provided only to persons, who need such access. Depending on the nature of the personal information, it may be stored in locked rooms or cabinets (in the case of paper records), on secure digital devices or on the College computer systems with appropriate level of access in place.

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 College and employee. The College 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 College may be done anonymously where practicable, which may include making an inquiry, complaint or providing feedback.

Procedures

What information may be collected by the College?

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

- students before, during and after the course of a student's enrolment at the College including:
 - name, 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 assessments, names of doctors)
 - conduct and complaint records, or other behaviour notes, school attendance and school reports
 - information about referrals to government welfare agencies
 - information obtained during counselling
 - any court orders
 - photos and videos at College events.
 - parents/guardians/carers¹ of students including:
 - name, address and contact details
 - education, occupation and language background
 - health fund details and Medicare number
 - any court orders
 - volunteer information (including Working with Children Check).
 - job applicants, staff members, volunteers and contractors, including:
 - name, contact details (including next of kin), date of birth and religion
 - information on job application
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- information provided by a former employer or a referee
- 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
- employee records
- photos and videos at College 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.

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 new school to meet the needs of the student, including any adjustments.

How will the school collect and hold personal information?

Students and parents / guardians / carers

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

In relation to the personal information of students and parents/guardians/carers, the College's primary purpose of collection is to enable the College 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 administrative activities, which will enable students to take part in all the activities of the school. This includes satisfying the needs of parents/guardians/carers, the needs of the student and the needs of the College throughout the whole period the student is enrolled at the College.

In particular, the purposes for which the College uses the personal information of students and parents/guardians/carers include:

- to keep parents/guardians/carers 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 to discharge its duty of care
- to satisfy the legal obligations of the school's governing authority – Melbourne Archdiocese Catholic Schools Ltd (MACS) and the Catholic Education Commission of Victoria Ltd (CECV)
- to satisfy the College service providers' legal obligations.

Job applicants and contractors

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

The purposes for which the College uses the 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 College
- satisfying the College's legal obligations, for example, in relation to child protection.

Volunteers

The College also obtains personal information about volunteers, who assist the College in its functions or conduct associated activities, such as Emmaus, St Leo's Old Collegians.

The purposes for which the College uses the personal information of volunteers includes:

- enabling the College to manage the engagement process of volunteers
- for insurance purposes
- satisfying the College's legal obligations, for example, in relation to child protection
- to confirm their suitability and to manage their visits.

Counsellors

The College contracts with external providers to provide counselling and/or psychology services for some students. The College Principal may require the counsellor and/or psychologist to inform them or other teachers of any issues the College Principal and the counsellor and/or psychologist 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.

Parish

The College will not disclose any personal information to the College parish to facilitate religious and sacramental programs, or other activities such as fundraising, without consent.

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 occasion, external fundraising organisations.

Parents/guardians/carers, 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 and sometimes people's images, may be used for marketing purposes.

Who might the school disclose personal information to?

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

- College service providers, which provide educational, support and health services to the College, either at the College or off campus
- people providing educational support such as sports coaches, 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, training and support services, hosting services, and software-as-a-service applications, such as the Integrated Catholic Online Network (ICON) and Google G Suite
- authorised agencies and organisations to enable the College to discharge its responsibilities, e.g. under the Australian Education Regulation 2013 (Regulation) and the *Australian 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, school nursing services, dental vans. Specific consent is obtained to collect and disclose this type of sensitive and health information as part of a service request, which may include release of relevant medical or allied health reports, educational planning and evaluation documents such as personalised learning/behaviour/medical management plans
- 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/guardians/carers
- support the training of selected staff in the use of the school's systems, such as ICON and ROSAE
- another school including to its teachers to facilitate the transfer of a student
- federal and state government departments and/or agencies engaged by them
- health service providers
- recipients of College publications, such as newsletters and magazines
- students/parents/guardians/carers and their emergency contacts
- assessment and educational authorities including the Victorian Curriculum and Assessment Authority (VCAA) and the Australian Curriculum, Assessment and Reporting Authority (ACARA)
- anyone to whom the parent/guardian/carer authorises the College to disclose information
- anyone to whom the College is required or authorised to disclose the information by law, including under child protection and information sharing laws.

Nationally Consistent Collection of Data on School Students with Disability

The College is required by the Australian Education Regulation 2013 (Cth) and *Australian Education Act 2013* (Cth) to collect and disclose certain information to inform the Students with a Disability (SwD) loading via the NCCD. The College provides the required information at an individual student level to 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 a school exchange or a student overseas tour, however, the College will not send personal information about an individual outside Australia without either:

- obtaining the consent of the individual

- 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 and Gmail), which may be accessible by the parent/guardian/carer. 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 (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 Australian Privacy Principles.

The countries in which the servers of cloud service providers and other third-party service providers are located may include: USA, Chile, Ireland, Finland, Netherlands, Denmark, Belgium, Taiwan and Singapore.

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

Otherwise, it is not practicable to specify in this policy the countries in which overseas recipients of personal information are likely to be located.

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 the parent/guardian/carer agrees otherwise, or the use or disclosure of the sensitive information is allowed by law.

Management and security of personal information

The College's staff are required to respect the confidentiality of students' and parents/guardians/carers' 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 the College assesses 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.

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 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/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/guardians/carer or children, please contact the College Principal, 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 verifying the 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 the College cannot provide access to that information, we will provide 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/guardian/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 parents/guardians/carers. The College will treat consent given by parents/guardians/carers as consent given on behalf of the student and notice to parents/guardians/carers will act as notice given to the student.

Parents/guardians/carers may seek access to personal information held by the College about them or their child by contacting the College Principal, 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, 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/carers. This would normally be done only when the maturity of the student and/or the student's personal circumstances warrant it.

Complaints

If parents/guardians/carers wish 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 Principal in writing at:

College Principal,
Emmaus College

503 Springvale Road, Vermont South VIC 3133

Email: principal@emmaus.vic.edu.au

The College will investigate the complaint and will notify the parent/guardian/carer of the making of a decision in relation to the complaint as soon as is practicable after it has been made.

If the parents/guardians/carers are 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 5218, Sydney, NSW 2001

Telephone: 1300 363 992

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

Related policies and documents

Supporting documents

College Standard Collection Notice

College Photographic and Recording Permission Form

Related MACS policies and documents

Privacy Policy for MACS Schools

Recordkeeping Policy – Schools

Legislation and standards

Australian Education Act 2013 (Cth)

Australian Education Regulation 2013 (Cth)

Health Records Act 2001 (Vic.)

Privacy Act 2001 (Cth)

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