



# Privacy Policy

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## Introduction

St Bernard's College is committed to using and managing personal information provided to or collected by it in accordance with the Australian Privacy Principles ('APPs') contained in the Commonwealth *Privacy Act 1988*. Laws governing or relating to the operation of a school require certain information to be collected and disclosed. These include relevant Education Acts and Public Health and Child Protection laws.

## Policy

1. The College will collect certain data, consistent with its *Data Collection Notice*, in order to fulfil its duty of care.
2. The guidelines below set out how the College manages personal information provided to or collected by it.

## Guidelines

### 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:

- students and parents and/or caregivers ('Parents') before, during and after the course of a student'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 (electronic or hardcopy) filled out by Parents or students, face-to-face meetings and interviews, emails and telephone calls. On occasions people other than Parents and students 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 unless required by law or organisational policy 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 collect identifiable information to facilitate the delivery of educational and support services, the job application process and fulfil other obligations and processes. However, some activities and interactions with the College may be done anonymously where practicable, which may include making an inquiry, complaint or providing feedback.

**Solicited information:** St Bernard's College may collect information based on how individuals use our website or Facebook page. We use "cookies" and other data collection methods to collect information on website/Facebook activity such as the number of visitors and the number of pages viewed. 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.

## **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.

### ***Students and Parents***

In relation to personal information of students and Parents, the College's primary purpose of collection is to enable the College to provide educational and support services for the student. This includes satisfying the needs of Parents, 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 include:

- to keep parents informed about College matters related to their child 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; 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 student or Parent, 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.

### ***Digital Images***

The College may take digital photographs of staff, students and other community members during College activities for internal use and marketing. Photographic consents for students are individually obtained at the commencement of enrolment. Any requests for a student or staff member to be excluded from any published photos should be via a written statement, with details of the request, to the College Principal. Student activities and similar news is published in College newsletters and magazines, on our intranet, website, and College sanctioned social media outreach. This may include photographs and videos of student activities such as sporting events, school camps and school excursions.

### ***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, or contractor, as the case may be.

The purposes for which the College 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 College; and
- satisfying 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, such as [alumni associations], 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 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. We will not disclose your personal information to third parties for their own marketing purposes without your consent.

**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 to:

- College service providers, including the Catholic Education Commission of Victoria, (CECV), Catholic Education Offices specialist visiting teachers, counsellors and sports coaches, and other diocese;
- third party service providers that provide educational support services to Colleges and College systems such as the Integrated Catholic Online Network system (ICON);
- another College to facilitate the transfer of a student;
- government departments;
- assessment and educational authorities, including the Australian Curriculum, Assessment and Reporting Authority;
- people providing administrative and financial services to the College;
- medical practitioners;
- recipients of College publications, such as newsletters and magazines;
- the student's parents or caregivers;
- anyone you authorise the College to disclose information to;
- anyone to whom we are required or authorised to disclose the information to by law;
- the Catholic Education Offices and the CECV, as an approved authority for the collection and disclosure of certain individual student information under the Nationally Consistent Collection of Data (NCCD) on students with a disability; and
- the Federal government, which requires the identified student data in order to comply with reporting, record keeping and data quality assurance obligations under the NCCD.

### ***Sending and storing information overseas***

The College may disclose personal information about an individual to overseas recipients, for instance, 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 also store personal information in the 'cloud' which may mean that it resides on servers which are situated outside Australia.

The College uses applications or programs where the servers are located outside of Australia. These countries have adopted the Safe Harbor Privacy Principles and offer similar privacy protection to the APPs. These include Singapore, the United States and the European Union.

Where personal and sensitive information is retained by the CECV by a cloud service provider to facilitate HR and staff administrative support, this information will be stored on servers located within Australia. This includes the Integrated Catholic Online Network (ICON) system.

### **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, religion, 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.

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

The College's 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 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 Health Records Act, an individual has the right to 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, but students who are 18 years or over 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 by telephone or 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 students**

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 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 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. This would normally be done only when the student is 18 years and over and/or the student's personal circumstances warrant it.

## **Data Breach**

A data breach is when personal information held by an entity is lost or subjected to unauthorised access, modification, disclosure or other misuse or interference, for example:

- A device containing personal information is lost or stolen.
- The College's database is hacked.
- Personal information is mistakenly provided to the wrong person.

## **Data Breach Response Plan**

A data breach response must be enacted within 24 hours of discovering a data breach. A quick response can substantially decrease the impact on the affected individuals. A data breach response plan is a framework which outlines the roles and responsibilities for managing an appropriate response to a data breach. The aim of the data breach response plan is to:

- Meet obligations under the Privacy Act;
- Protect the personal information of staff, students, volunteers and parents;
- Deal with adverse media or stakeholder attention from a breach or suspected breach; and
- Instill public confidence in the College's capacity to protect personal information by properly responding to the breach.

Staff who become aware of a Privacy Breach must immediately notify the Privacy Officer or a member of the Senior Leadership Team who will notify the Data Breach Response Team (see 'Data Breach Response Team' below). The notification should include:

- The time and date of the suspected breach;
- Personnel involved;
- The cause and extent of breach; and
- Who may be affected.

### Data Breach Response Plan (continued)

In the event of a data breach occurring remedial action will be taken to ensure the privacy of the information and prevent the risk of serious harm.

If the remedial action is successful and likely risk of harm has been prevented the breach will not amount to a notifiable data breach and notification to the Office of the Australian Information Commissioner (OAIC) and the affected individual is not required.

If the remedial action is unsuccessful and serious harm has not been prevented the data breach will be a Notifiable Data Breach and it may be appropriate for the Privacy Officer to escalate and notify the individual and the OAIC.

The Data Breach Response Team will utilise the *Data Breach Matrix* and the *Notifications Checklist* resources to make a judgement about the risk associated with the data breach and the appropriate actions required.

If the College decides to notify the OAIC we will do so using one of the following contact options:

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

Telephone: 1300 363 992

Facsimile: + 61 2 92849666

Post: GPO Box 5218, Sydney NSW 2001

### Data Breach Response Team

The Data Breach Response Team (DBRT) consists of the Privacy Officer (HR Manager), Principal, Deputy Principal, Head of Information Technology, and Business Manager.

### Enquiries, complaints, requests to update data

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 by writing or telephone. 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.

From time to time, the College will ask parents to verify data to ensure its correctness. Students or parents' personal data about them at any time by contacting the College in accordance with the *Protocols for Home School Communication* document, available on the College website.

### Review

The Privacy Policy will be reviewed periodically or as the College Board determines to ensure that the policy reflects new laws and technology and any other changes applicable to the school environment.

### Related documents

Data Breach Response Plan

Data Collection Notice

Protocols for Home School Communication

### Policy Review

<b>Ratified:</b>	25 June 2020
<b>Last Reviewed:</b>	June 2020
<b>Next Review Date:</b>	June 2023