



# Avila College

## PRIVACY POLICY

<b>Title</b>	Privacy Policy
<b>Date</b>	March 2015
<b>Author</b>	Principal People and Culture
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### **RATIONALE:**

This Policy has been prepared to comply with the Australian Privacy Principles (APPs) and based on an extract from the document Privacy Compliance Manual, prepared by Minter Ellison Lawyers for schools and systems represented by the National Catholic Education Commission. The document was made available to Catholic schools in Victoria in November 2013.

Avila College is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act 1988. In relation to health records, the school is also bound by the Health Records Act 2001 (includes a set of Health Privacy Principles) VIC.

Avila 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.

### **POLICY STATEMENT:**

#### **PURPOSE**

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

## COLLECTION OF INFORMATION

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

- students and parent(s)/guardian(s) before, during and after the course of a student's enrolment at the College
- job applicants, staff members, volunteers and contractors
- other people who come into contact with the College (including prospective families).

**Personal Information you provide:** Avila College will generally collect personal information held about an individual by way of forms filled out by parent(s)/guardian(s) or students, face-to-face meetings and interviews, emails and telephone calls. On occasions people other than parent(s)/guardian(s) and students provide personal information.

**Personal Information provided by other people:** In some circumstances Avila 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.

**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 organizational policy, where the treatment is directly related to a current or former employment relationship between the College and employee. The School handles staff health records in accordance with the Health Privacy Principles in the Health Records Act 2001 (Vic)

## USE OF PERSONAL INFORMATION

Avila College will use personal information it collects 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 Parent(s)/Guardian(s):** In relation to personal information of students and parent(s)/guardian(s), Avila 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 College. This includes satisfying the needs of parent(s)/guardian(s), the needs of the student and the needs of the College throughout the whole period the student is enrolled at Avila College. The purposes for which Avila College uses personal information of students and parent(s)/guardian(s) include:

- to keep parent(s)/guardian(s) 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
- to seek donations and assist with the marketing of the College
- to satisfy Avila College's legal obligations and allow the school to discharge its duty of care
- to satisfy Avila College's service providers' legal obligations, including the Catholic Education Commission of Victoria Ltd (CECV) and the Catholic Education Offices.

In some cases where Avila College requests personal information about a student or parent(s)/guardian(s), 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, staff members and contractors:** In relation to personal information of job applicants, staff members and contractors, Avila 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 Avila 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
- to seek donations and the marketing of the College
- to satisfy Avila College's legal obligations, for example, in relation to child protection legislation.

**Volunteers:** Avila College also obtains personal information about volunteers who assist the College in its functions or conduct associated activities, such as Alumnae and Parents & Friends Association (PFA), to enable the College and the volunteers to work together, to confirm their suitability and to manage their visits.

Volunteers working on behalf of the College, for example parents, will be made aware of the Privacy Policy Principles and will be expected to adhere to the guidelines in relation to the treatment of personal information.

**Marketing and fundraising:** Avila 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 alumnae 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 and sometimes people's images, may be used for marketing purposes

## **IMPLEMENTATION**

### **DISCLOSURE AND STORAGE OF PERSONAL INFORMATION**

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

- 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, document and data management services, or applications to schools and school systems including the Integrated Catholic Online Network (ICON) and Google's G Suite, including Gmail 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 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 to 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 College Students with Disability:**

The school is required by the Federal Australian Education Regulation (2013) and 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:** Avila 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 (in some cases this consent will be implied)
- otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

Avila College may also store personal information in the 'cloud', which may mean that it resides on servers, which are situated outside Australia.

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's G Suite, including Gmail) 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 Australia and the United States of America

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.

## **TREATMENT OF SENSITIVE INFORMATION**

In referring to 'sensitive information', Avila 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 agreed otherwise with the parent(s)/guardian(s), or the use or disclosure of the sensitive information is allowed by law.

## **MANAGEMENT AND SECURITY OF PERSONAL INFORMATION**

Avila College's staff are required to respect the confidentiality of students and parent(s)/guardian(s) personal information and the privacy of individuals.

Avila College has steps in place 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.

The School 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 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 parent(s)/guardian(s), 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 Avila College holds about you or your daughter, please advise the College in writing. Avila 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**

Avila College respects every parent(s)/guardian(s) right to make decisions concerning their daughter's education.

Generally, Avila College will refer any requests for consent and notices in relation to the personal information of a student to the student's parent(s)/guardian(s). The school will treat consent given by parent(s)/guardian(s) as consent given on behalf of the student, and notice to parent(s)/guardian(s) will act as notice given to the student.

As mentioned above, parent(s)/guardian(s) may seek access to personal information held by Avila College about them or their daughter by contacting the College. 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 student.

Avila College may, at its discretion, upon 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 parent(s)/guardian(s). This would normally be done only when the maturity of the student and/or the student's personal circumstances so warranted.

## **ENQUIRIES AND CONCERNS**

If you would like further information about the way Avila College manages the personal information it holds or wish to discuss a concern that the College has breached the Australian Privacy Principles please contact the College Principal. Avila College may require a concern to be outlined in writing. The College will investigate concerns and will notify you of the decision in relation to your complaint as soon as is practicable after it has been made.

## **PRIVACY OFFICER**

For 2018, the College's privacy officer is the Executive Assistant to the Principal.

## **COMMUNICATION PLAN:**

This policy will be included in the College Staff Handbook and an electronic copy can be located on the College intranet via SIMON/Knowledge Banks\_Staff Handbook and on the College website.

The College will be responsible for ensuring that parent(s)/guardian(s), students, employees, contractors, volunteers and alumnae has access to this Privacy Policy and all Collection Notices/forms via the College website as part of a communication plan.

**RELATED DOCUMENTS:**

- Collection of Information Notice
- Alumnae Collection Notice
- Employment Collection of Information Notice
- Students Disclosure Statement for Counselling
- Media and Marketing Consent Form
- Breach of Privacy Concern Form

**VERSION HISTORY**

<b>Version</b>	<b>Date Issued</b>	<b>(Minor, Major Change)</b>
March 2015	March 2015	
July 2018	16 July 2018	Minor

<b>Policy approved by the Principal</b>	
<b>Next Review Date</b>	April 2019
<b>People Responsible</b>	Principal People and Culture

