



Privacy Policy 2019

Introduction:

St Simon's Primary School recognises that the protection of an individual's privacy is important and is a requirement of 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 the Health Privacy Principles in that Act.

The School also acknowledges its responsibility to notify the Office of the Australian Information Commissioner (OAIC) where personal information is lost or subjected to unauthorised access, modification, disclosure or misuse in accordance with the Notifiable Data Breach Scheme (NDBS 2018).

This policy has been created to ensure that all personal, health or sensitive information provided to, collected or generated by the School is used and managed in accordance with the APPs. The School will, 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.

Definitions:

Personal information: is information or opinion, whether true or not, about a person whose identity is apparent, or can reasonably be ascertained, from the information or opinion – that is recorded in any form. For example, a person's name, address, phone number and date of birth (age). De-identified information about students can also be personal information.

Health information: is information or opinion about a person's physical, mental or psychological health or disability, that is also personal information – whether in writing or not. This includes information or opinion about a person's health status and medical history, immunisation status and allergies, as well as counselling records.

Sensitive information: is information or opinion about a set of specific characteristics, including a person's racial or ethnic origin, political opinions or affiliations, religious beliefs or affiliations, philosophical beliefs, sexual preferences or practices; or criminal record. It also includes health information.

Data Breach: occurs where personal information is lost or subjected to unauthorised access, modification, disclosure or misuse in accordance with the Notifiable Data Breach Scheme (NDBS 2018).



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Scope:

This policy applies to all permanent, fixed term and casual employees at St Simon's Primary School, teaching & non-teaching. It also extends to contractors and volunteers engaged to undertake work on behalf of the school.

Responsibilities:

School's Responsibility:

The school Principal & Members of the Leadership Team have a responsibility to:

- collect, use and manage personal, health & sensitive information in accordance with processes outlined in this policy;
- ensure all employees and other relevant individuals are aware of the school's Privacy Policy;
- promptly & appropriately intervene when they become aware of a breach of this policy;
- report any Data Breach that has the potential to cause *serious harm* to the Office of the Australian Information Commissioner (OAIC);
- comply with legislative requirements.

Employee Responsibilities:

- familiarise themselves with this policy
- collect, use and manage personal, health & sensitive information in accordance with processes outlined in this policy
- report any Data Breach to the Principal or a member of the Leadership Team immediately upon becoming aware of any event.

The Kinds Of Personal Information The School Collects And How The School Collects It:

The type of information St Simon's Primary School collects and manages includes (but is not limited to) personal information, including health and other sensitive information relating to:

- information about students and their family, provided by students, their family and others;
- information about job applicants, staff member, volunteers and visitors; provided by job applicants, staff members, volunteers, visitors and others.
- religion and involvement in the Parish, its groups, activities and works.



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Personal information you provide: St Simon's Primary School will generally collect personal information through:

- electronic and paper documentation: including job applications, emails, invoices, enrolment forms, letters to our school, consent forms (for example: enrolment, excursion, Student Support Services consent forms), the school website or school-controlled social media
- face-to-face meetings, interviews and telephone calls
- through online tools: such as Care Monkey, SkoolBag app, nForma, intranet, portals and other software used by our school
- through any CCTV cameras located at our school.

From time to time, the School may seek the consent of parents/guardians to use their child's name, image and likeness in materials produced or published by or for the School (including newsletters, magazines, posters and other advertising materials to promote the School and its services). Where parents/guardians do not consent to their child's name, image and likeness being used by the School in this manner, the School will refrain from using their child's name, image and likeness.

Personal information provided by other people: In some circumstances the School 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: In accordance with the Commonwealth Privacy Act 1988 (Cth), 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 unless required by law or organisational policy where the treatment is directly related to a current or former employment relationship between the School and employee. The School also handles staff health records in accordance with the Health Privacy Principles in the Health Records Act 2001 (Vic.).

Anonymity: The School 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.

How the school uses personal information that you provide:

St Simon's Primary School generally only uses personal information for the primary purpose for which the information was collected 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.



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Students & 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:

- keeping parents informed about matters related to their child's schooling & school events through correspondence, newsletters, magazines, e-news, online tools such as apps and other software used by the school.
- 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 comply with the requirements of government authorities and similar organisations;
- to engage in fundraising and marketing activities for the School and Parish
- 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 pupil 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;
- for screening purposes
- for insurance purposes
- seeking funding and marketing for the School
- satisfying the School's legal obligations, eg, with relation to child safety standards and child protection legislation.



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Volunteers: St Simon's Primary School also obtains personal information about volunteers who assist the School in its functions or conduct associated activities. This may include copies of their Working With Children Check (WWCC), reference checks, codes of conduct for activities such as assisting in the classroom at sporting events, attending excursions, camps, parent association activities etc.

Counsellors: St Simon's Primary School contracts with external providers to provide counselling services for some students. The principal may require the counsellor to inform him or her or other teachers of any issues the principal and the Counsellor believe may be necessary for the School to know for the well-being or development of the student who is counselled or other students at the School.

Parish: The School may disclose limited personal information to the school parish to facilitate religious and sacramental programs, and other activities such as fundraising.

Marketing And Fundraising: St Simon's Primary School treats marketing and seeking donations for the future growth and development of the School as an important part of ensuring that the School continues to provide a quality learning environment in which both pupils and staff thrive. Personal information held by the School may be disclosed to organisations that assist in the School's fundraising, for example, the School's Parent's Association or on occasions, external fundraising organisations.

Parents, staff, contractors and other members of the wider School community may from time to time receive fundraising information. School publications, like newsletters, which include personal information and sometimes people's images, may be used for marketing purposes.

Personal information disclosure:

St Simon's Primary School may disclose personal information, including sensitive information, held about an individual 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) 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



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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 School Students with Disability

St Simon's Primary 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:

The School will not send personal information about individuals associated with the school outside of Australia without:

- obtaining consent of the individual;
- otherwise complying with the Australian Privacy Principles (APP) or other applicable privacy legislation.

The School may also store information by way of electronic cloud, in which case it may be stored on servers outside of Australia. School personnel and 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 ensuring their proper use.

The school 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.



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Treating Sensitive Information:

In referring to 'sensitive information', St Simon's Primary 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 the use or disclosure of the sensitive information is allowed by law.

Management and security of personal information:

St Simon's Primary School staff members are required to respect the confidentiality of student and parental personal information and the privacy of individuals.

St Simon's Primary School will take reasonable steps to protect personal information it holds from misuse, 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 us 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 respectively which St Simon's Primary School holds about them and to advise the school 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.



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Updating Personal Information:

To make a request to access or to update any personal information St Simon's Primary School holds about you or your child, please contact our Acting Principal Maree Fatouros by telephone or in writing. The school may require you to verify your identity and specify what information you require. The School 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 School 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 personal information of students:

St Simon's Primary School respects every Parent's right to make decisions concerning their child's education.

Generally, we will refer any requests for consent and notices in relation to the personal information of a student to the student's Parents. St Simon's Primary School 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 School Principal. 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 School's duty of care to the student.

The School 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.

Enquiries or Complaints

Individuals that would like further information about the way the School manages personal information or wish to complain as they believe that the School has breached the Australian Privacy Principles (APP) please contact the Principal via principal@ssrowville.catholic.edu.au or (03) 9755 4222. The School will investigate any complaint and will provide a response to the complainant as soon as is practical.

The School reserves the right to refuse to investigate and deal with a complaint if the School considers it to be vexatious or frivolous.



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Breaches of this Policy

St Simon's Primary School expects that all permanent, fixed term and casual employees who become aware of a breach of this policy will advise the Principal or a Member of the Leadership Team immediately.

The school will consider each breach of this policy in the context in which it has occurred and will determine the significance of the breach. Where the breach is deemed 'eligible' in accordance with the Notifiable Data Breach Scheme, the school will inform the Office of the Australian Information Commissioner (OAIC).

A serious breach may result in disciplinary action, in termination of employment.