



# Holy Eucharist Catholic Primary School St Albans South.



## PRIVACY POLICY

### APPENDIX:

- 1: Information and Privacy - Catholic Schools Operation Guide
2. Standard Collection Notice

#### **Holy Eucharist Catholic Primary School Commitment Statement to Child Safety**

*A safe and nurturing culture for all children and young people at our Catholic school*

'The intention for this statement is to provide a central focus for child safety<sup>1</sup> at our Catholic school, built around a common understanding of the moral imperative and overarching commitments that underpin our drive for improvement and cultural change....

...Holy Eucharist Primary School together with the CECV will stay abreast of current legislation and will meet legislative duties to protect the safety and wellbeing of children and young people in our care, including the Victorian Child Safe Standards (Victorian Government 2016), mandatory reporting, grooming, failure to disclose and failure to protect requirements<sup>2</sup>:

<sup>1</sup>As defined by the Victorian Government Special Gazette No. 2 (2016), 'children and young people' in this document refers to those children and young people enrolled as students in Catholic schools in Victoria.

<sup>2</sup>Holy Eucharist Catholic Primary School Commitment Statement to Child Safety

#### **EVIDENCE OF THIS OCCURRING AT HOLY EUCHARIST**

Holy Eucharist Primary School, together with the guidance of the Catholic Education Commission of Victoria Ltd (CECV) holds the care, safety and wellbeing of children and young people as a central and fundamental responsibility of Catholic education. This commitment is drawn from and inherent to the teaching and mission of Jesus Christ, with love, justice and the sanctity of each human person at the heart of the Gospel.

Our utmost responsibility at Holy Eucharist is to create a child-safe school environment. It is a dynamic process that involves active participation and responsibility by the whole school community.

Holy Eucharist Primary School, in partnership with families, will ensure children and young people, are engaged and active participants in decision-making processes, particularly those that have an impact on their safety. This means that the views of staff, children, young people and families are taken seriously and their concerns are addressed in a just and timely manner.

#### **Introduction:**

This Privacy Policy sets out how the School manages personal information provided to or collected by it. 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 the Health Privacy Principles in that Act.

The School 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.

#### **What kinds of personal information does the School collect and how does the School collect it?**

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

- students and parents and/or guardians ('Parents') before, during and after the course of a student's enrolment at the School including:
  - name, address, contact details (including next of kin), date of birth, gender, language background, previous school and religion
  - Parents' education, occupation, employment status and language background
  - medical information (e.g. details 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, address, contact details (including next of kin), date of birth and religion
  - information on job application/status
  - educational history
  - professional development history
  - salary and payment information, including superannuation details
  - medical information (eg details of disability and/or allergies and medical certificates)
  - complaint records and investigation reports
  - leave details
- photos and videos at school 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 School, including name and contact details and any other information necessary for the particular contact with the School.

**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 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. 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

**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 School and employee. The School 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 will the School use the personal information you provide?**

The School 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 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
- 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, such as [include any alumni associations], to enable the School and the volunteers to work together, to confirm their suitability and to manage their visits.

**Counsellors:** The 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:** The 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 students 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 Foundation or alumni organisation [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 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 and store your information with?**

The School 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, 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 School 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:** The School may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange. However, the School 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 School 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.

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.

The countries in which the servers of cloud service providers and other third party service providers are located may include:

The countries in which the servers of cloud service providers and other third party service providers may be located:

- **CareMonkey:** All personal health information managed by Care Monkey for Asia Pacific customers, is stored in Australia (Sydney) and will never be stored outside of Australia.
- **Google** stores its data in the United States of America and other countries with similar privacy laws to Australia [Source: Catholic Education Melbourne]
- **Class Dojo** is hosted and operated in the United States. If the Service or the ClassDojo Website is accessed from the European Union or the United Kingdom, or any other region with laws governing data collection, protection and use that may differ from United States law, personal information may be transferred outside of those jurisdictions to the United States.
- **SeaSaw** contracts with Amazon Web Services (AWS). By default, data is stored in the United States. If the school has purchased Seesaw for Schools, it can opt to store all data associated with the school in another region such as Canada, Australia, or the EU.
- **SPA** is operated by Orchard Downs Pty Ltd. Student data is processed in Australia.
- **ACER - PAT** store personal information with a third party data storage provider. ACER may disclose personal information: to their related bodies corporate located overseas (including in India and the UK) to assist in delivering products and services; and to overseas educational institutions (including schools and universities) and other organisations or bodies (including government agencies) who are clients and to whom they need to provide personal information in order to deliver their products and services.

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 the use or disclosure of the sensitive information is allowed by law.

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

The School's staff are required to respect the confidentiality of students' and Parents' personal information and the privacy of individuals.

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 seek and obtain access to any personal information and health records respectively which the 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.

To make a request to access or to update any personal information the School holds about you or your child, please contact the [School Principal] or [School Administrator] 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.

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

Generally, the School will refer any requests for consent and notices in relation to the personal information of a student to the student's Parents. The 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] or [School Administrator] 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 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 and complaints and contact details**

If you would like further information about the way the School manages the personal information it holds about you, or wish to complain that you believe that the School has breached its privacy obligations, please contact the [School Principal] by writing or telephone at [insert contact details here]. The School will investigate your 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.

If you are not satisfied with the School's decision you 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

[www.oaic.gov.au](http://www.oaic.gov.au)

#### **Evaluation**

This policy will be evaluated in conjunction with Holy Eucharist's School Improvement Plan.

#### **Staff Members Involved**

Michael Bonnici (Deputy Principal)

#### **Date of Ratification**

March 2020

#### **Reviewed:**

December 2022

## **INFORMATION AND PRIVACY**

### **Catholic Schools Operation Guide**

#### **Access to Information**

If a school is involved in litigation records may be required to be disclosed to a court before the trial of the action if they contain information relevant to matters in dispute. In these circumstances, the information and documents may have to be made available to other parties in the discovery process prior to trial.

Certain information such as students' medical details, addresses and personal information are given to the school in confidence and the school has a duty not to disclose such information without authority of the persons providing the information. Only staff who 'need to know' and have authorisation from the principal should have access to the relevant information.

The **Personal Information** section of the NCEC publication *Privacy Compliance Manual*, provides important advice about the *Privacy Act 1988* (Cth) (amended 2000), and its implications for school records that hold personal information. The amended Act significantly expands the access rights of students, parents, school contractors and prospective employees to files which hold personal information about them. Compliance procedures are therefore required to ensure that:

- policy and procedures are in place to meet access requests and to determine whether any exceptions, restrictions or conditions of access might apply;
- such records are kept reliable, accurate, complete and up to date;
- records are corrected if 'disputed' information reveals inaccuracies.

Issues of access to personal information and of procedures for managing this information are discussed in the [Privacy Compliance Manual](#) (NCEC 2015). See particularly Section 12: **Access and Correction**.

#### **Rights of students and parents/guardians**

Prior to the enactment of the *Privacy Act 1988* (Cth), records and files concerning students and their families were the property of the school. Parents/guardians and students had no right of access to such records. Under the Act, students and parents or guardians have rights to request access to personal information that the school holds about them.

In instances where students request access, the Act does not specify an age after which individuals can make their own privacy requests and decisions. Schools are advised that in many circumstances the contract with the parents or guardians will govern their relationship with the student in relation to privacy, and thus requests authorised by parents or guardians will be required.

Similarly, consents for the collection of information given by parents or guardians will act as consents given on behalf of the student, and a school's collection notices to a parent or guardian will act as collection notice to the student.

- For further information see the [Privacy Compliance Manual](#) (NCEC 2015), in particular Section 12: **Access and Correction** and Section 16: **Special Issues for Schools** (Consent and Young People).

#### **Rights of employees**

Privacy obligations do not extend completely to personal information held in the school records of current and past employees, i.e. information that is directly related to their employment, such as salary, terms and conditions of service, and superannuation details. For example, they may be accessed by Fair Work Inspectors and union officials. The *Workplace Relations Act 1996* (Cth) and *Workplace Relations Regulations 2006* (Cth) required that certain employee records must be held by employers, similar provisions apply under the *Fair Work Act* and Regulations of 2009, e.g. time and wages records must be kept for 7 years (see [Fairwork](#)).

The principal should be mindful when collecting personal information (e.g. references, making notes and reports) that teaching staff may seek access to the records of personal information held about them. Further, at the time of seeking such information, principals are required to inform such staff of the purposes for which the information is being collected, to whom the information will be disclosed, and their rights of access to that information.

- See the [Privacy Compliance Manual](#) (NCEC 2015), in particular Section 17: **Relevant Exemptions**.

### **Rights of potential employees and contractors**

Prospective employees (job applicants) and contractors (people who supply services to the school, such as specialist coaches, music teachers, consultants) may seek access to records of personal information which the school holds about them. The school should be mindful of this when collecting personal information (e.g. references, notes and reports).

Similarly, where a school usually discloses personal information to a contractor for the purposes of his or her duties, it is the responsibility of the school to ensure that the contract includes very clear provisions about the purpose for which the contractor is to use the information. The school should have contractual provisions in place to ensure that the contractor does not make unauthorised disclosures. Further, provision should be made for how the contractor is to keep the information secure and what must be done with the information when the contracted-out activity is completed.

- See the [Privacy Compliance Manual](#) (NCEC 2015), in particular Section 16: **Special Issues for Schools**.

### **Disclosure and Transfer of Personal Information**

A school may disclose personal information, including sensitive information, held about an individual to 'third parties' (such as another school, a government department, a sector/system authority, a local parish or a medical practitioner) provided that reasonable steps have been taken to ensure that:

- the use constitutes a 'primary' purpose of collection, disclosed to the individual at the time of collection
- the individual has consented to the use and disclosure, and is clear about who will use/receive it
- the personal information is accurate, complete and up-to-date.

See the [Privacy Compliance Manual](#) (NCEC 2015), in particular Section 8: **Use and Disclosure**, Section 12: **Access and Correction**, Section 16: **Special Issues for Schools** and Section 17: **Relevant Exemptions**.

### **Health Records**

The *Privacy Act 1988* (Cth), as amended 2000, regards health information that a school collects as a subset of 'sensitive information'. This requires that it be handled with extra confidentiality and security. Schools are also required to comply with the *Health Records Act 2001* (Vic.) which sets out a number of health privacy principles, one of which concerns the requirements for the storage and retention of data. The Act also gives individuals a legally enforceable right of access to health information held about them. The eleven privacy principles contained in this Act are similar to those of the Commonwealth Act.

In most circumstances health information is sought to enable the school's statutory obligations to be met or to enable it to discharge its duty of care. Nonetheless, when collecting health information, the privacy compliance obligations of collection, use and access must also be met.

Schools are advised to develop and promulgate a school policy on how health information is managed. Such a policy should inform students and parents about why health information is collected, to whom it is usually disclosed, their rights of access to this information and the school's security arrangements.

- For more detailed definitions, see the [Privacy Compliance Manual](#) (NCEC 2015), in particular Section 18: **Health Record Legislation**.
- The principles, regulations and compliance requirements of the *Victorian Health Records Act 2001* are outlined on the [Victorian Government Health Information website](#).

### **Information from Emergency, Casual and Relieving Teachers**

Under the *Privacy Act 1988* (Cth), as amended 2000, employers seeking information from casual and emergency relief teachers, contractors, and specialist teachers must take reasonable steps to make these people aware of the purposes for which the information is being collected, to whom the information will be disclosed, and their rights of access to that information. The school's 'Employment Collection Notice' should be issued to such people at the earliest stage of interaction. Further, the school should be mindful when collecting personal information (e.g. references, making notes and reports) that such people may seek access to the records of personal information held about them.

- Refer to the [Privacy Compliance Manual](#) (NCEC 2015). An example of a school **Employment Collection Notice** mentioned above is provided in this manual.

## **Information Retention**

Guidelines about minimum periods of file retention include information published by the Public Record Office Victoria (PROV). The Australian Standard on Records Management (AS 4390.1– 4390.6) should also be referred to as a guide to records management strategies, procedures and practices. The Australian Standard – Records Management – AS 4390 covers both manual and computerised systems designed to manage records and to meet legal, evidential and accountability requirements. Neither the *Education and Training Reform Act 2006* (Vic.) nor any regulation requires that student records be kept for any particular length of time. However it would be prudent for records to be kept for a minimum of 6 years from the date upon which students ceased to be enrolled at the school. This is because legal actions generally need to be commenced at any period within 6 years from the date upon which the cause of an action arose (*Limitations of Actions Act 1958* (Vic.)). Exceptions to this relate to student accident and injury reports, which should be retained for significantly longer periods. A negligence action by a student who has suffered personal injury while at school can be legitimately delayed until the child has attained 18 years-of- age, followed by the statutory period of 6 years.

Other Acts or regulations require various records to be kept for much longer periods e.g. an employer must keep records of health surveillance for 30 years or longer under *the Occupational Health Act Regulation 2007* (Vic.).

Under the *Privacy Act 1988* (Cth), schools are required to have in place systems for destroying or de-identifying personal information that is no longer needed for authorised purposes. The period after which personal information is 'no longer required' will be a matter for the school to determine and should be based on the following considerations:

- whether there is a legal requirement to retain the information
- whether it is likely that the information will be required at a later date
- whether destroying the information would likely have a prejudicial effect on the school.

In addition, a 2006 amendment to the *Crimes Act 1958* (Vic.) creates a new offence in relation to the destruction of a document or other object that is, or is reasonably likely to be, required as evidence in a legal proceeding. See *Evidence (Document Unavailability) Act 2006* (Vic.)/*Crimes (Document Destruction) Act 2006* (Vic.).

- Issues of retention and disposal of files containing personal information are discussed in the [Privacy Compliance Manual](#) (NCEC 2015), see in particular Section 10: [Data Security](#).

## **Information Security**

It is essential that schools have in place comprehensive confidentiality and security arrangements for school files, particularly those containing sensitive and personal information. The level of security should be in proportion to the level of sensitive material held in the files.

In respect of electronic records of files containing personal information, steps must be taken to ensure that personal information contained in databases is appropriately secure. This would often include having restricted access, passwords that limit such access and other appropriate measures to prevent unauthorised access, modification and disclosure. Policies and procedural guidelines for email transmissions and internet communications should also be established and subsequently monitored for security compliance.

- Issues of security, particularly in relation to files containing personal information, are discussed in the [Privacy Compliance Manual](#) (NCEC 2015), particularly Section 10: [Data Security](#).

## **National Criminal History Record Check**

A National Criminal History Record Check and a Working with Children Check is compulsory for:

- new employees of Catholic schools in Victoria;
- current employees transferring to another school or being promoted to a new position within their current school;
- teachers undertaking casual or relief teaching;
- trainee teachers undertaking practicum placements in a school; and
- volunteer staff and adults whose work involves direct contact with students in situations not under the direct supervision of a teacher or other responsible officers of the school. There are additional categories of people for whom a National Criminal History Record Check may be desirable as a matter of local school policy. These include those who work on the school premises and may be in contact with children or handle school property, such as contractors, job skills participants, volunteers and after-care workers. School practices should be developed that allow sufficient time for a National Criminal History Record Check to be carried out before a



prospective employee commences duty.

- See [The Department of Justice](#).
- See [Victoria Police](#)

Amendments to the *Privacy Amendment (Private Sector) Act 1988–2000* (Cth) place clear and more expansive requirements on school regarding the personal information it collects, uses and discloses in relation to students, parents, alumni members, service providers, contractors (external coaches, tutors, teachers) and job applicants.

Under the amended Act, personal information is defined as information or an opinion about an individual whose identity is apparent or can reasonably be ascertained as follows: 'information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion'. It can range from very detailed information such as health records to other less obvious types of identifying information, such as an email address.

Personal information may include what is described as 'sensitive information', namely discrete personal information or opinions about an individual. Sensitive Information is defined as meaning: '...Information or an opinion about an individual's:

(a) (i) racial or ethnic origin; or (ii) political opinions; or (iii) membership of a political association; or (iv) religious beliefs or affiliations; or (v) philosophical beliefs; or (vi) membership of a professional or trade association; or (vii) membership of a trade union; or (viii) sexual preferences or practices; or (ix) criminal record;

(b) (i) that is also personal information; or (ii) health information about an individual; or (iii) genetic information about an individual that is not otherwise health information.'

Under the obligations of the Act, schools are subject to a set of 10 National Privacy Principles and concomitant obligations related to collection, use and disclosure, data quality, security and access.

These principles and obligations are described more fully in the [Privacy Compliance Manual](#) (NCEC 2007), in particular Section 2: [What types of information are covered by the Act?](#)

- Also see Office of [Privacy Commissioner](#)

### **References for a Student**

The principal will often be requested to write a reference for a student. With the consent of the student, the principal may respond factually to letters or telephone requests for comment on the capacity of the particular student to perform particular tasks, or for a confidential reference to a potential employer. It can be presumed that where a student has made a request for a reference, then that student consents to the provision of a reference by the principal. Copies of letters and adequate records of telephone conversations concerning these matters should be retained in the student's file. Individual staff members may be asked to supply a personal reference for a student. The reference should state factual matters in a fair and reasonable way. Always retain a copy of any reference provided.

Never provide a reference that is false, misleading or inaccurate. Someone will be relying on the reference to assess the character or capabilities of the student.

Principals and staff are reminded that under the *Privacy Act 1988* (Cth), as amended 2000, students have a right to access personal information that is held on school files about them. Schools will need to be mindful of this when preparing references for students.

### **Working with Children Check**

In April 2006 the *Working with Children Act 2005* (Vic.) became operational. Under this Act, a Working with Children Check (WWCC) was introduced for all non-teaching employees and volunteers to ensure their suitability for child-related work in schools. Educational institutions and their employees were expected to comply with the Act by 30 December 2007.

- Also see [The Department of Justice](#)



# Holy Eucharist Catholic Primary School



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Phone: 8312 0900 Fax: 9366 8192

[www.hestalbanssth.catholic.edu.au](http://www.hestalbanssth.catholic.edu.au)

## **STANDARD COLLECTION NOTICE**

1. The School collects personal information, including sensitive information about students and parents or guardians and family members before and during the course of a student's enrolment at the School. This may be in writing, through technology systems or in the course of conversations and may be direct from the individual or from another source. The primary purpose of collecting this information is to enable the School, Catholic Education Offices and the Catholic Education Commission of Victoria Ltd (CECV) to meet its educational, administrative and duty of care responsibilities to the student to enable them to take part in all the activities of the School.
2. Some of the information the School collects is to satisfy the School's legal obligations, particularly to enable the School to discharge its duty of care.
3. 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.
4. Health information about students (which includes information about any disability as defined by the *Disability Discrimination Act 1992*) is sensitive information within the terms of the Australian Privacy Principles (APPs) under the *Privacy Act 1988*. The School may require medical reports about students from time to time and may otherwise collect sensitive information about students and their families.
5. If any personal information requested by the School is not provided, this may affect the School's ability to enrol a student, respond to enquiries, provide the student with educational and support services or allow a person to visit the School.
6. The School may disclose personal and sensitive information for administrative, educational and support purposes (or may permit the information to be directly collected by third parties). This may include to:
  - School service providers such as the CECV, Catholic Education Offices, school governing bodies and other dioceses
  - third party service providers that provide online educational and assessment support services or applications (apps) such as Student Performance Analyser (SPA), Australian Council for Educational Research (ACER)/Progressive Achievement Tests (PAT), CareMonkey, Class Dojo, Seasaw Class App or services in relation to school improvement surveys, which may include email and instant messaging
  - School systems, including the Integrated Catholic Online Network (ICON) and Google's 'G Suite' including Gmail. Limited personal information such as Mid year and End of Year Reports and Individualised Learning Plans (ILPs) ^ may be collected and processed or stored by these providers in connection with 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, including ongoing evaluation of funding adequacy for individual students
  - CECV to support the training of selected staff in the use of schools' systems, such as ICON
  - another school to facilitate the transfer of a student
  - Federal and State government departments and agencies acting on behalf of the government e.g. for audit purposes
  - health service providers, and people providing educational support and health services to the School, including specialist visiting teachers, sports coaches, volunteers, counsellors and providers of learning and assessment tools
  - assessment and educational authorities, including the Australian Curriculum, Assessment and Reporting Authority
  - people providing administrative and financial services to the School

- anyone you authorise the School to disclose information to; and
  - anyone to whom the School is required or authorised to disclose the information to by law, including under child protection laws.
7. 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.
  8. Personal information collected from students is regularly disclosed to their parents or guardians.
  9. If you make an enrolment application to another School, personal information including health information provided during the application stage may be collected from, or shared with, the other school.
  10. The School may use online or 'cloud' service providers to store personal information and to provide services to the School that involve the use of personal information, such as services relating to email, instant messaging and education and assessment applications. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may reside on a cloud service provider's servers which may be situated outside Australia. Further information about the School's use of an online or 'cloud' service providers is contained in the School's Privacy Policy.

The countries in which the servers of cloud service providers and other third party service providers may be located:

- **CareMonkey:** All personal health information managed by Care Monkey for Asia Pacific customers, is stored in Australia (Sydney) and will never be stored outside of Australia.
  - **Google** stores its data in the United States of America and other countries with similar privacy laws to Australia [Source: Catholic Education Melbourne]
  - **Class Dojo** is hosted and operated in the United States. If the Service or the ClassDojo Website is accessed from the European Union or the United Kingdom, or any other region with laws governing data collection, protection and use that may differ from United States law, personal information may be transferred outside of those jurisdictions to the United States.
  - **SeaSaw** contracts with Amazon Web Services (AWS). By default, data is stored in the United States. If the school has purchased Seesaw for Schools, it can opt to store all data associated with the school in another region such as Canada, Australia, or the EU.
  - **SPA** is operated by Orchard Downs Pty Ltd. Student data is processed in Australia.
  - **ACER - PAT** store personal information with a third party data storage provider. ACER may disclose personal information: to their related bodies corporate located overseas (including in India and the UK) to assist in delivering products and services; and to overseas educational institutions (including schools and universities) and other organisations or bodies (including government agencies) who are clients and to whom they need to provide personal information in order to deliver their products and services.
11. The School's Privacy Policy, accessible on the School's website, sets out how parents or students may seek access to and correction of their personal information which the School has collected and holds. However, access may be refused in certain circumstances such as where access would have an unreasonable impact on the privacy of others, where access may result in a breach of the School's duty of care to the student, where students have provided information in confidence or where the School is otherwise required or authorised by law to refuse access. Any refusal will be notified in writing with reasons (unless, given the grounds for refusal, it would be unreasonable to provide reasons).
  12. The School makes reasonable efforts to be satisfied about the protection 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 it will be located in countries with substantially similar protections as the APPs.
  13. Where personal, including sensitive information is held by a cloud computing service provider on behalf of CECV for educational and administrative purposes, it may be stored on servers located within or outside Australia.
  14. 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

ICON system and ensuring its proper use.

15. The School may disclose limited personal information to the school parish to facilitate religious and sacramental programs, and other activities such as fundraising.
16. The School's Privacy Policy is accessible via the school website, newsletter, handbook, or from the School office. The policy sets out how parents, guardians or students may seek access to, and correction of their personal information which the School has collected and holds. However, access may be refused in certain circumstances such as where access would have an unreasonable impact on the privacy of others, or may result in a breach of the School's duty of care to the student, or where students have provided information in confidence. Any refusal will be notified in writing with reasons if appropriate.
17. The School's Privacy Policy also sets out how parents and students can make a complaint if they believe there has been a breach of the APPs and how the complaint will be handled.
18. The School may engage in fundraising activities. Information received from you may be used to make an appeal to you. [It may also be disclosed to organisations that assist in the School's fundraising activities solely for that purpose.] We will not disclose your personal information to third parties for their own marketing purposes without your consent.
19. On occasions information such as academic and sporting achievements, student activities and similar news is published in School newsletters and magazines, on our intranet [and on our website]. This may include photographs and videos of student activities such as sporting events, school camps and school excursions. The School will obtain permissions from the student's parent or guardian (and from the student if appropriate) prior to publication to enable the school to include such photographs or videos [or other identifying material] in our promotional material or otherwise make this material available to the public such as on the internet. The school may obtain permissions annually, or as part of the enrolment process. Permissions obtained at enrolment may apply for the duration of the student's enrolment at the school unless the school is notified otherwise. Annually, the school will remind parents and guardians to notify the school if they wish to vary the permissions previously provided. [We may include student's and parents' or guardians' contact details in a class list and School directory.] †
20. If you provide the School with the personal information of others, such as other family members, doctors or emergency contacts, we encourage you to inform them you are disclosing that information to the School and why.

<sup>^</sup> If the school is also regularly uploading other information such as student/individual learning plans, add these additional types of information here.

<sup>†</sup> Schools may wish to seek specific consent to publish contact details in class lists and School directories.