



### 1. PURPOSE

---

Xavier College (the 'School') is committed to respecting the privacy of each individual in its community and complying with the Privacy Act 1988 (Cth) ('Privacy Act') and the Australian Privacy Principles. The School takes its responsibilities for ensuring the security and confidentiality of individuals' information seriously.

The purpose of the Privacy Policy (the 'Policy') is to set out why and how the School collects and manages personal information that is provided to or collected by the School.

This Policy outlines the circumstances in which the School obtains personal information, how it uses that information and how the School manages requests to access and/or change that information.

### 2. CONTEXT

---

Xavier College is bound by the Privacy Act and the Australian Privacy Principles. In relation to health records, the School is also bound by the Health Records Act 2001 (Victoria) ('Health Records Act') and the Health Privacy Principles prescribed in the Health Records Act.

The School may, from time to time, review and update this Policy to take into account new laws and technology, changes to the School's operations and practices and to make sure it remains appropriate to the changing internal and external environment.

### 3. SCOPE

---

This Policy applies to all school employees, Jesuits, directors, students, parents and guardians, third party service providers, volunteers and contractors involved in the school environment.

### 4. POLICY STATEMENT

---

#### 4.1 What kind of personal information does the School collect?

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

- Students, and parents and/or guardians ('Parents'), whether before, during and after the course of a student's enrolment at the School, including but not limited to:
  - Name, contact details (including next of kin), date of birth, previous school and religion
  - 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 and 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 including CCTV footage located at the School.
- Job applicants, staff members, volunteers and contractors, including but not limited to:
  - Name, contact details (including next of kin), date of birth and religion
  - Information on job application
  - Professional development history
  - Salary and payment information, including superannuation details and Tax File Number
  - Medical information (e.g. details of disability and/or allergies and medical certificates)
  - Complaint records and investigation reports
  - Leave details
  - Photos and videos at school events including CCTV footage located at the School
  - Work emails and private emails (when using work email address), and internet browsing history when using work provided equipment or infrastructure (including wireless internet).
- 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.

#### **4.2 How does the School collect personal information?**

The School will generally collect personal information through a number of ways, including but not limited to:

- Forms filled out by parents or students
- Face-to-face meetings including interviews
- Electronic means including emails and telephones
- Consent forms
- Written communication to the School
- Website notification or on-line tools such as apps
- Photographs, videos and CCTV footage
- People other than parents and students.

In some circumstances, the School may be provided with personal information about an individual from a third party (e.g. 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 and any other information that may be relevant to assisting the School to meet the needs of the student including any adjustments.

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 Records Act and Health Privacy Principles.

#### **4.3 Why does the School collect this information?**

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

The primary purposes for which the School collects personal information include but are not limited to:

- To keep Parents informed about matters related to their child's education, through correspondence, newsletters and magazines
- Day-to-day administration of the School
- Looking after students' wellbeing (including educational, social and medical wellbeing)

- Seeking donations and marketing for the School. 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
- To satisfy the School's legal obligations and allow the School to discharge its duty of care to students and staff
- To satisfy the School service providers' legal obligations, including the Jesuit Province or Jesuit Education Australia (JEA), the Catholic Education Commission of Victoria Ltd (CECV) and Catholic Education Melbourne.

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 enroll or continue the enrolment of the student or permit the student to take part in a particular activity.

The School may use and disclose photographs, video, digital or other images of students for marketing and / or fundraising purposes in publications, newsletters, presentations or School intranet. The School will seek separate permissions from affected students' Parents prior to publication of promotional material for the School or otherwise making it available to the public such as on the Internet.

### ***Job Applicants, Staff Members, Contractors and Volunteers***

In relation to the personal information of job applicants, staff members (to the extent not excluded under the employee records exemption) and contractors, the School's primary purpose of the collection of information is to assess and (if successful) engage the applicant, staff member or contractor.

The purposes for which the School uses personal information of job applicants, staff members and contractors includes but is not limited to:

- Administering the individual's (application for) employment or contract
- Insurance purposes
- Seeking donations and marketing for the School
- Satisfying the School's legal obligations (e.g. in relation to child protection legislation).

The School also obtains personal information about volunteers who assist the School in its functions or conduct associated activities to enable the School and the volunteers to work together, to confirm their suitability and to manage their visits.

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 staff of any issues the Principal and the Counsellor believe may be necessary for the School to know for the wellbeing or development of the student who is counselled or other students at the School.

### ***Other***

In relation to the personal information of other people who come into contact with the School, the School's primary purpose of the collection is to administer and manage our relationship with you.

## **4.4 Use of personal information**

We may use personal information that was collected for a particular purpose (the primary purpose) for:

- the purpose for which it was collected;
- any related purpose for which it would reasonably be expected to be used or disclosed;
- a purpose required or permitted by law; or

- a purpose for which the individual (or, where applicable, a Parent on behalf of the individual) has provided consent.

#### **4.5 Unsolicited Information**

From time to time, the School may receive personal information without having solicited that information (e.g. misdirected postal or electronic mail).

If this is the case and the School is authorised and/or required by law, it may keep this information. However, the School may destroy or de-identify the personal information when practicable, lawful and reasonable to do so.

#### **4.6 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 but is not limited 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 Melbourne, 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, information technology services, document and data management services, or applications to schools and school systems and, where necessary, to support the training of selected staff in the use of these services
- 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
- The Jesuit Province or Jesuit Education Australia
- Another school including to its teachers to facilitate the transfer of a student
- State and Federal government departments and agencies
- Health service providers including medical professionals
- 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 the School is required or authorised to disclose the information to by law, including child protection laws.

Personal information held by the School may be disclosed to an organisation that assists in the School's fundraising. 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, may be used for marketing purposes.

Applications, online services and other data providers which the School currently provides personal information include:

- Google Apps for Education
- Microsoft Office 365
- Other cloud hosted services where student data resides.

These online service providers may be located in or outside Australia. We will take reasonable steps to ensure that these online service providers do not disclose or use the personal information for any purpose other than for the benefit of the School in accordance with this policy.

#### **4.7 Disclosure of your information to overseas recipients**

The School may disclose personal information about an individual to overseas recipients (e.g. 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 privacy legislation consistent with Australian standards.

The countries in which the servers of cloud service providers and other third-party service providers including Human Resources and staff administrative support are located in but not limited to Australia, United States and Singapore. We will take reasonable steps to ensure that these online service providers do not disclose or use the personal information for any purpose other than for the benefit of the School in accordance with this policy.

#### **4.8 How does the School treat sensitive information?**

Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose unless the individual concerned (or their Parent) agrees otherwise, or the use or disclosure of the sensitive information is allowed or required by law.

#### **4.9 Quality of personal information**

The School takes all reasonable steps to ensure the personal information it collects, holds, uses and discloses is accurate, complete and current, including at the time of using or disclosing the information.

To update any personal information the School holds about you or your child, please contact the School's Data Administration Manager by telephone or in writing.

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

The School respects the privacy of personal information and the privacy of all individuals. The School takes all reasonable steps to protect the personal information it holds from misuse, interference, loss and unauthorised access, modification or disclosure. These steps include but are not limited to taking steps to:

- ensure that staff comply with internal policies and procedures relating to the security of personal information
- ensure that staff do not share personal passwords with other staff members
- ensure that hard copy files are stored in lockable cabinets within secure locations. Staff access is only limited to user privilege.
- restrict access to information by staff depending on their role and responsibilities
- ensure that IT Security policies and procedures are fully implemented across the School
- ensure the destruction, deletion and de-identification of personal information that is no longer used or required to be retained by any laws.

The School recommends that all individuals, including parents and the School community, adopt secure practices to protect themselves. You should ensure that all your passwords are strong and regularly updated and that your log-in details are kept secure. You should 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 contact the School immediately.

#### **4.11 Access and correction of personal information**

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, irrelevance, incompleteness or misleading or outdated nature of the personal information. 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 information, please contact the office of the Principal. However, there will be occasions when access may be denied, as contemplated by the Privacy Act, the Health Records Act or any other applicable legislation. Such occasions would include where release of the information would have an unreasonable impact on the privacy of others or where the release would be unlawful.

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 so warranted.

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 giving access to the personal information. If the information sought is extensive, the School will advise the likely cost in advance. If the School does not approve your request for access to that information, it will provide you with written notice explaining the reasons for refusal.

Generally, unless the circumstances warrant, in the School's reasonable discretion otherwise, 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.

#### **4.12 Anonymity**

The School needs to be able to identify individuals with whom it interacts and to collect personal information about them to facilitate the delivery of educational and support services to its students, conduct the job application process and fulfil its other functions and activities. 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. In such cases where an individual requests anonymity, the School will maintain measures to respect and maintain the individual's anonymity.

#### **4.13 Nationally Consistent Collection of Data (NCCD) on School Students with Disability**

The School is required by the Federal Australian Education Regulation 2013 (Cth) and Australian Education Act 2013 (Cth) 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 Catholic Education Melbourne 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.

#### **4.14 Mandatory Breach Notification**

The School acknowledges the Privacy Amendment (Notifiable Data Breaches) Act 2017 and has developed a data breach response plan.

## 5. DEFINITIONS

---

Key terms in this Policy are:

**Health information** means:

(a) Information or an opinion about:

- (i) The physical, mental or psychological health (at any time) of an individual or a disability (at any time) of an individual; or
- (ii) An individual's expressed wishes about the future provision of health services to him or her; or
- (iii) A health service provided, or to be provided, to an individual, that is also personal information; or

(b) other personal information collected to provide, or in providing, a health service; or

**Personal information** means information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual, or an individual who is reasonably identifiable.

**Record** is defined in the Privacy Act.

**School environment** means:

Any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours, or otherwise in accordance with its functions and activities, including:

- a campus of the school
- online school environments (including email and intranet systems)
- other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events).

**Sensitive information** is defined in the Privacy Act.

## 6. RELATED POLICES, PROCEDURES AND DOCUMENTS

---

- Privacy Act 1988 (Cth)
- Australian Privacy Principles
- XC Data Breach Response Plan February 2018
- Standard Collection Notice (Accessible on the College Website)
- Australian Education Regulation 2013 (Cth) and the Australian Education Act 2013 (Cth)
- Health Records Act 2001 (Victoria)
- Health Privacy Principles

## 7. BREACHES OF THIS POLICY

---

If you believe that the School has breached its privacy obligations, please contact the Principal by writing or telephone. The School will investigate your notification and will inform you of the outcome as soon as is practicable after a decision has been made.

The School can be contacted on:

- Telephone: (03) 9854 5411
- In Writing: The Principal, Xavier College, 135 Barkers Road KEW, VIC 3101
- Email: [Principal@xavier.vic.edu.au](mailto:Principal@xavier.vic.edu.au)

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:

- Address: GPO Box 5218, Sydney, NSW 2001
- Telephone: 1300 363 992
- Website: [www.oaic.gov.au](http://www.oaic.gov.au)

## 8. FURTHER INFORMATION

---

If you would like further information about the way the School manages the personal information it holds about you please contact the School's Data Administration Manager based at the Senior Campus or the Director of Campus.

### **POLICY RATIFICATION AND REVIEW:**

Xavier College policies are ratified by the Xavier College Board and are generally reviewed on a three - year basis or earlier if required.

Please note: This Policy may be varied by the School from time to time at its discretion and the School may, at its discretion, depart from this Policy in circumstances where it deems it appropriate to do so.

### **POLICY REFERENCE NUMBER: 1.1**