



# Privacy Collection Statement Procedure

<b>Approval Date:</b> June 2022	<b>Next Review:</b> June 2021 (and every 2 years or thereafter in accordance with the College's review cycle, or more frequently as required).
<b>Version:</b> 1.1	
<b>Approved By:</b>	<b>Published Location:</b> <input checked="" type="checkbox"/> Intranet <input checked="" type="checkbox"/> Parent Portal <input type="checkbox"/> External Website <input type="checkbox"/> POGS <input checked="" type="checkbox"/> HR Onboard <input type="checkbox"/> Enrol HQ
<b>Constructed / Reviewed by:</b> Director Governance	
<b>Implementation Date:</b> November 2020	

## 1. Statement of Context and Purpose

The Privacy Collection Statement Procedure is set in the context of the mission and vision of St Kevin's College (the **College**), where we seek to live, learn and teach with the values of the Catholic Church and those of the College – *compassion, integrity, and excellence*. The College is committed to standards of excellence in the formation of young people. We lead through the values of the Gospel and in the spirituality of Edmund Rice. We strive with compassion and integrity to build a better world.

This procedure is to provide specific guidance and procedures to follow where you are collecting private information. This includes required wording that is to accompany the collection notice. This maybe provided on any forms or systems being used to collect private information – for example on enrolment forms, information collection forms, in consent to go collection processes, job applications, contract tender forms.

## 2. Child Safety

The College is an inclusive school committed to providing a safe and educationally supportive environment for students where there is zero tolerance policy for child abuse. To support this safeguarding, the College complies with the Child Safe Standards and the requirement of the *Ministerial Order No. 1359 – Implementing the Child Safe Standards – Managing the risk of child abuse in schools and school boarding premises*.

This policy sets out the strategies and actions that the College will implement to meet the above requirements

## 3. Related Documents

### Policies and Procedures

- *Privacy policy and program module*
- *Student Duty of Care Policy*

- *ICT policy and programs*

### Legislation, Regulations and Standards

- *Australian Privacy Principles (APPs)*
- *Privacy Act 1988.*

## 4. Application

This Procedure applies to all College staff, volunteers, contractors and council advisory members.

This Procedure applies to all College activities during and outside of school hours. This includes College activities that are occurring on school campus, offsite, online, extracurricular, sport activities and programs, excursions, camps, interstate and overseas travel.

## 5. Definitions

<b>Child Safe Standards</b>	Means the standards made under Section 17 of the <i>Child Wellbeing and Safety Act 2005</i> (Vic). The aim of the Child Safe Standards is to promote child safety, ensure that child abuse is prevented, and ensure that allegations of child abuse are properly addressed.
<b>MO 1359</b>	Means <i>Ministerial Order No. 1359 – Implementing the Child Safe Standards – Managing the risk of child abuse in schools and school boarding premises.</i>
<b>Staff</b>	Means all person identified in Section 4 of this policy.

## 6. Overview

### Privacy Collection Notice – minimum standards

Under the Privacy Act the College must provide a privacy collection notice before or at the time personal information is being collected, or as close as is reasonably practicable to the time the information is being collected. The notice must relate to the specific information being collected and is designed to provide sufficient information to enable the individual to decide whether to provide the personal information.

### The collection notice is required to contain the following:

1. The following statement:
  - a) “The College is part of Edmund Rice Education Australia (EREA), which is an organisation consisting of schools, entities and offices offering a Catholic education in the tradition of Blessed Edmund Rice.”
2. how the information is being collected, for example from written information, conversations, 3rd parties
3. whether the collection is required or authorised by law
4. the purposes of collection: for example to provide educational services and discharge a duty of care

5. the consequences if personal information is not collected: for example, not proceeding with an enrolment or recruitment
6. to whom would this information usually be provided: for example, external sporting providers (if not employees) in the case of students
7. Information about the Privacy Policy: how to access it, contents relating to accessing and correcting personal information, and complaints which should say:

The Privacy Policy is accessible via the College website or from the College office. The Privacy Policy also sets out how you can make a complaint about a breach of the APPs and how the complaint will be handled. If you have any queries with respect to its content you should contact the College Privacy Officer at [privacy@stkevins.vic.edu.au](mailto:privacy@stkevins.vic.edu.au).

8. Whether the entity is likely to disclose personal information to overseas recipients, and if practicable, the countries where they are located, and referring to the Privacy Policy for further information.

### Privacy Collection Notice – storage arrangements

Please liaise with IT to confirm the collection, handling and storage information if unsure or unknown.

If you have approval and the collection is to be hosted on servers / cloud outside by third party and/or outside of Australia the following information collection notice must be provided.

The College for this data is using cloud computing / external service providers to store personal information (which may include sensitive information) on their servers in the 'cloud'. These servers may be located in or outside Australia. This may mean that personal information may be stored or processed outside Australia.

The Privacy Policy is accessible via the College website or from the College office.

The policy sets out how you may seek access to, and correction of your personal information which the College 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 College's duty of care obligations. Any refusal will be notified in writing with reasons if appropriate.

### Student enrolment – information collection notice

The following is the collection notice requirements with enrolment and initial consent to go setup for new and potential students.

This Collection Notice explains in general terms how we protect the privacy of the personal information you provide when you are enrolling your child or your child is enrolled at the College. In reviewing this Collection Notice and providing us with your personal information, you consent to our collection, use and disclosure of that information in the manner set out below, unless you tell us otherwise.

1. *College 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 College. This may be in writing or in the course of conversations. The primary purpose of collecting this information is to enable the College 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 College.*

2. *Some of the information the College collects is to satisfy the College's legal obligations, particularly to enable the College to discharge its duty of care.*
3. *Laws governing or relating to the operation of a College require certain information to be collected and disclosed. These include relevant Education Acts and Public Health and Child Protection laws.*
4. *The College may request medical reports and health information about students from time to time to discharge its legal duty of care to the student and to other students and staff. This includes a student's asthma and anaphylaxis action plans, as well as any other health or medical information which is reasonably likely to impact on the College's ability to provide educational, first aid and related services.*
5. *A student's health and medical information will be disseminated and used within the College to best meet the College's duty of care responsibilities. This may include the use of photographs with health action plans to facilitate the identification of students who may be at heightened risk. Health information about students is sensitive information within the terms of the Australian Privacy Principles (APPs) under the Privacy Act 1988.*
6. *The College 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:*
  - *government departments;*
  - *third party service providers that provide online educational and assessment support services or applications (apps), which may include email and instant messaging;*
  - *another College to facilitate the transfer of a student;*
  - *medical practitioners, and people providing educational support and health services to the College, 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 College;*
  - *anyone you authorise the College to disclose information to; and*
  - *anyone to whom the College is required or authorised to disclose the information to by law, including under child protection laws.*
7. *If this duty of care student information is not provided to us, the College: views this as an unacceptable risk and will not proceed with the enrolment.*
8. *The College will engage in fundraising activities from time to time. Information received from you may be used for these purposes. It may also be disclosed to the College's Parent & Friends Association who assist in the fundraising activities of the College. We will not disclose your personal information to third parties for their own marketing purposes without your consent.*
9. *The College may also use cloud computing service providers to store personal information (which may include sensitive information) on their servers in the 'cloud'. The Privacy Policy contains further information about its use of cloud and other third-party service providers and any of their overseas locations.*

10. *The Privacy Policy is accessible via the College website or from the College office. The policy sets out how parents, guardians or students may seek access to, and correction of their personal information which the College 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 College'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.*
11. *The Privacy Policy also sets out how parents, guardians, students and their family can make a complaint about a breach of the APPs and how the complaint will be handled.*
12. *On occasions information such as academic and sporting achievements, student activities and similar news is published in College newsletters and magazines, on physical displays throughout the College and on our intranet. This may include photographs and videos of student activities such as sporting events, College camps and College excursions. The College will obtain separate permissions from the student's parent or guardian (and from the student if appropriate) prior to including such photographs or videos or other identifying material in our promotional material or otherwise making this material available to the public, such as on the internet.*
13. *The College will obtain separate permissions from the student's parent or guardian prior to including personal information on class lists or College directories.*
14. *If you provide the College with the personal information of others, such as other family members, doctors or emergency contacts, we encourage you to inform them that you are disclosing that information to the College and why, that they can request access to and correction of that information if they wish and to also refer them to the Privacy Policy for further details.*

### **Job applicants – information collection notice**

The following is the collection notice requirements with collecting and requesting job applications.

1. *The College collects personal information, including sensitive information about job applicants. This includes information provided in your job application, in the course of conversation or as collected from third parties on your behalf, such as employment referees. The primary purpose of collecting this information is to enable the College to consider your application for employment with the College.*
2. *Some of the information the College collects is to satisfy the College's legal obligations, particularly to enable the College to discharge its duty of care to enrolled students.*
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. *In order to consider your application for employment and to facilitate and manage your employment relationship with the College, you consent to our collecting personal information about you from recruitment agencies, law enforcement agencies for criminal checks and working with children checks, educational institutions to verify your qualifications, and other individuals or businesses we contact for the purpose of reference-checking as agreed with you.*
5. *The personal information that is collected about you will be stored securely in a recruitment record. If you are successful and become an employee then an employee record will be created and the personal information we have collected will be stored in this file. Employee records are exempt from the Australian Privacy Principles (APPs) under the Privacy Act 1988.*

6. *If you are not offered a position or if you decline an offer of a position at the College the information stored in your recruitment record will be stored for 12 months, unless you advise us to destroy the records at an earlier time. At this time, the College will take reasonable steps to destroy or de-identify the information as appropriate.*
7. *The College 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:*
  - *government departments;*
  - *people providing administrative and financial services to the College;*
  - *anyone you authorise the College to disclose information to; and*
  - *anyone to whom the College is required or authorised to disclose the information to by law, including under child protection laws.*
8. *Failure to provide the information to the College will affect the College's ability to evaluate your application and may result in the recruitment process not proceeding.*
9. *The Privacy Policy is accessible via the College website or from the College office. The Policy sets out details on our use of cloud and other third-party service providers, how job applicants and employees may seek access to, and correction of their personal information which the College 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 College's duty of care obligations. Any refusal will be notified in writing with reasons if appropriate.*
10. *The Privacy Policy also sets out how job applicants and employees can make a complaint about a breach of the APPs and how the complaint will be handled.*
11. *If you provide the College with the personal information of others, such as other employment referees, doctors or emergency contacts, we encourage you to inform them you are disclosing that information to the College and why, that they can request access to and correction of that information if they wish and to also refer them to the Privacy Policy for further details.*

### **General College Information Collection Notice: Volunteers and Contractors**

This collection notice requirements with collecting and requesting information from our volunteers and contractors.

1. *College collects personal information, including sensitive information about contractors and volunteers before and during the course of their engagement with the College. This may be in writing or in the course of conversations or in our passtab sign in or SAMS 4 school contractor system. The primary purpose of collecting this information is to enable the College to potentially engage your services and facilitate and administer your involvement with the College.*
2. *Some of the information the College collects is to satisfy the College's legal obligations, particularly to enable the College to discharge its duty of care to enrolled students.*
3. *Laws governing or relating to the operation of a College require certain information to be collected and disclosed. These include relevant Education Acts and Public Health and Child Protection laws.*

4. *In order to consider your suitability as a contractor/volunteer and to facilitate and manage your relationship with College, you consent to our collecting personal information about you from recruitment agencies, law enforcement agencies for criminal checks and working with children checks, educational institutions to verify your qualifications, and other individuals or businesses we contact for the purpose of reference-checking as agreed with you.*
5. *The personal information we collect about you will be stored securely in a recruitment record. If you become a volunteer/contractor then an appropriate record will be created and the personal information we have collected about you will be stored in this file. We will hold this information for the agreed period of the contract or duration of the volunteer work. If after the recruitment process you are not engaged as a volunteer/contractor by the College the information stored in your recruitment record will be stored for 12 months unless you advise us to destroy it at an earlier time.*
6. *After the completion of your volunteer work or contracted period, or after 5 years have elapsed from the date the College decided not to engage you as a volunteer, contractor, the College will take reasonable steps to destroy or deidentify your personal information.*
7. *The College 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:*
  - government departments;
  - third party service providers that provide online educational and assessment support services or applications (apps), which may include email and instant messaging;
  - medical practitioners, and people providing educational support and health services to the College, including specialist visiting teachers, sports coaches, volunteers, counsellors and providers of learning and assessment tools;
  - people providing administrative and financial services to the College;
  - anyone you authorise the College to disclose information to; and
  - anyone to whom the College is required or authorised to disclose the information to by law, including under child protection laws.
8. Failure to provide this information will present an unacceptable risk to the College and we may not proceed with our relationship with you.
9. The College may also use cloud computing service providers to store personal information (which may include sensitive information) on their servers in the 'cloud'. These servers may be located in or outside Australia. This may mean that personal information may be stored or processed outside Australia. The Privacy Policy contains further information about its use of cloud and other third-party service providers and any of their overseas locations.
10. The Privacy Policy is accessible via the College website or from the College office. The policy sets out how volunteers and contractors may seek access to, and correction of their personal information which the College 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 College's duty of care obligations. Any refusal will be notified in writing with reasons if appropriate.
11. The Privacy Policy also sets out how volunteers and contractors can make a complaint about a breach of the APPs and how the complaint will be handled.

12. The College will obtain your consent prior to including photographs or videos or other identifying material of you in our promotional material or otherwise making this material available to the public, such as on the internet.
13. If you provide the College 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 College and why, that they can request access to and correction of that information if they wish and to also refer them to the Privacy Policy for further details.

## 7. Exemptions

Nil

## 8. Consequences of Breach

Breaches of these Guidelines will be taken seriously.

The College will respond in accordance with its requirements under law, relevant industrial agreements, and its policies and procedures.

## 9. Concerns and Complaints

Any concerns arising in respect of these Guidelines should be raised with the College in first instance. The College will respond to such concerns in accordance with its *Internal Grievance Policy*.

## 10. Acknowledgement and Review

Staff must annually acknowledge that they have read, understood, and agree to abide by this Policy. This acknowledged process will be implemented through the College's Learning Management System.

## 11. Where to get help?

For enquiries on this policy, contact the **Director of Governance**

For general policy enquires, contact the **Risk and Compliance Manager**

You can provide feedback on this policy by emailing [policy@stkevins.vic.edu.au](mailto:policy@stkevins.vic.edu.au)

For enquiries on the Colleges' handling of a breach of this policy, please contact the **Director of Governance**.