



## POLICY TITLE: PRIVACY POLICY

## DEVELOPED / REVIEWED BY

Director Business Services  
Risk and Compliance Manager  
Human Resources Manager  
Siena College Policy Committee  
MACS (Melbourne Archdiocese Catholic Schools)

## REVIEW SUMMARY

Existing policy forwarded to Director Business Services and Risk and Compliance Manager for consideration and review against current legislation and VRQA.

## DOCUMENT DEVELOPMENT PROCESS

Reviewed policy tabled at Policy Committee meeting July 2022. Updates approved. Policy to be sent to Board for ratification.

## RATIONALE

Under the Australian Privacy Principles, the Privacy Policy is required to inform individuals about how personal information provided to or collected by Siena College, is used and managed. It serves as a guide to the College staff, students, parents, volunteers and contractors of the standards to be observed when handling personal information in order to ensure consistency in the College approach to privacy.

## DEFINITIONS

<b>Australian Privacy Principles</b>	Principles enshrined in the Privacy Act 1988 (Cth.) that set out minimum standards, rights, and obligations in relation to how organisations deal with the collection, use and disclosure, handling and storage, access and correction of personal information.
<b>personal information</b>	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 reasonable identifiable. Examples include name, address, telephone number, date of birth, commentary, or opinion about a person.
<b>health information</b>	Any information or opinion about the health or disability of an individual, an individual's expressed wishes about the future provision of health services to him or her, or a health service provided, or to be provided to an individual. Examples include health records, certificates, details of medical background, health assessment results and appointment details.

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<b>sensitive information</b>	Information related to an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs or affiliations, membership of a trade union, political association or professional or trade association, sexual preferences or practices, or criminal record; health information and biometric information about an individual.
<b>data breach</b>	A data breach occurs when personal information (including health and sensitive information) held by an organisation is lost or subjected to unauthorised access or disclosure.

## PRINCIPLES / GUIDING PRINCIPLES

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

The school is bound by the Australian Privacy Principles (APPs) contained in *Privacy Act 1988* (Cth.). 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.

## PROCEDURES

### What kinds of personal information does Siena College collect and hold?

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

- Students before, during and after the course of a student's enrolment at the College including:
  - Name, contact details (including next of kin), date of birth, gender, language background, previous school, and religion
  - Medical and welfare information (e.g. details of disability and/or allergies, and details of any assistance the student receives in relation to those disabilities, medical reports, cognitive assessments, names of doctors)
  - Conduct and complaint records, or other behaviour notes, school attendance and academic records
  - Information about referrals to government welfare agencies
  - Information obtained during counselling
  - Any court orders
  - Photos and videos at College events
- Parents/guardians/carers of students including:
  - Name, address, and contact details
  - Education, occupation, and language background
  - Health fund details and Medicare number
  - Any court orders
  - Volunteer information (including Working with Children Check)
- Job applicants, staff members, volunteers, and contractors, including:

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- Name, contact details (including next of kin), date of birth and religion
  - Information on job application
  - Information provided by a former employer or a referee
  - Professional development history
  - Salary and payment information, including superannuation details
  - Medical information (e.g. details of disability and/or allergies and medical certificates)
  - Complaint records and investigation reports
  - Employee records
  - Photos and videos at school events
  - Work emails and private emails (when using work email address) and internet browsing history
- Other people who come into contact with the College, including name and contact details and any other information necessary for the particular contact with the College

### **Exception in relation to employee records**

Under the Privacy Act, the Australian Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to the College treatment of an employee record where the treatment is directly related to a current or former employment relationship between Siena College and employee. The College handles staff health records in accordance with the Health Privacy Principles in the *Health Records Act 2001* (Vic.).

### **How will Siena College collect and hold personal information?**

#### **Personal information provided**

Siena College will generally collect personal information held about an individual by way of:

- Forms filled out by parents/guardians/carers or students
- Face-to-face meetings and interviews
- Emails and telephone calls
- Through the school's online portals

On occasion, people other than parents/guardians/carers and students, such as job applicants and contractors, provide personal information to the College.

#### **Personal information provided by other people**

In some circumstances the College may be provided with personal information about an individual from a third party, for example a report provided by a medical professional or a reference from another school. The type of information the College may collect from another school may include:

- Academic records and/or achievement levels
- Information that may be relevant to assisting the new school to meet the needs of the student, including any adjustments

#### **Anonymity**

Siena College 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 College may be done anonymously where practicable, which may include making an inquiry, complaint or providing feedback.

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### **Holding Personal Information**

Siena College endeavours to store personal information securely and that access is provided only to persons who need such access. Depending on the nature of the personal information, it may be stored in locked rooms or cabinets (in the case of paper records), on secure digital devices or on College computer systems with appropriate password protection.

### **How will Siena College use the personal information you provide?**

Siena College will use personal information it collects from parents/guardians/carers for the primary purpose of collection, and for such other secondary purposes that are related to the primary purpose of collection and reasonably expected or consented to, by parents/guardians/carers.

### **Students and Parents/Guardians/Carers**

In relation to the personal information of students and parents/guardians/carers, the College's primary purpose of collection is to enable the College to provide schooling to enrolled students (including educational and support services for the student), exercise its duty of care and perform necessary associated administrative activities which will enable students to take part in all the activities of the College. This includes satisfying the needs of parents/guardians/carers, the needs of the student and the needs of the College throughout the whole period the student is enrolled at the College.

The purposes for which the College uses the personal information of students and parents/guardians/carers include:

- To keep parents/guardians/carers informed about matters related to their child's schooling, through correspondence, newsletters, and magazines
- Day-to-day administration of the College
- Looking after students' educational, social, and medical wellbeing
- Seeking donations and marketing for the College
- To satisfy the legal obligations of the College to discharge its duty of care
- To satisfy the legal obligations of the College governing authority – Melbourne Archdiocese Catholic Schools Ltd (MACS), Catholic Education Commission of Victoria Ltd (CECV) and Dominican Education Australia

In some cases where the College requests personal information about a student or parent/guardian/carer, if the information requested is not provided, the College 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 the personal information of job applicants and contractors, the College primary purpose of collection is to assess and (if successful) engage the applicant, or contractor, as the case may be.

The purposes for which the College uses the 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 College
- Satisfying the College legal obligations, for example, in relation to child protection

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### Volunteers

The College obtains personal information about volunteers who assist the College in its functions or conduct associated activities, such as Siena Parents Association and Siena Alumnae Association.

The purposes for which Siena College uses the personal information of volunteers includes:

- Enabling the College to manage the engagement process of volunteers
- For insurance purposes
- Satisfying the College legal obligations, for example, in relation to child protection
- To confirm their suitability and to manage their visits

### Marketing and Fundraising

Siena College treats marketing and seeking donations for the future growth and development of the College as an important part of ensuring that the College continues to provide a quality learning environment in which both students and staff thrive. Personal information held by the College may be disclosed to organisations that assist in the College fundraising, for example, Siena Parents' Association, or on occasion, external fundraising organisations.

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

### Who might Siena College disclose personal information to?

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

- School service providers which provide educational, support and health services to the College, either on or off campus
- People providing educational support such as sports coaches, volunteers, counsellors, and providers of learning and assessment tools
- Third party service providers that provide online educational and assessment support services, document and data management services, training and support services, hosting services, and software-as-a-service applications
- Authorised agencies and organisations to enable the College to discharge its responsibilities, e.g. under the Australian Education Regulation 2013 and the Australian Education Act 2013 (Cth) relating to students with a disability, including Nationally Consistent Collection of Data (NCCD) quality assurance processes, participation in the Australian Early Development Census and government audits
- Authorised organisations and persons who support the College by providing consultative services or undertaking assessments for the purpose of educational programming or providers of health services such as counsellors, psychologists, school nursing services, dental vans. Specific consent is obtained to collect and disclose this type of sensitive and health information as part of a service request which may include release of relevant medical or allied health reports, educational planning, and evaluation documents such as personalised learning/behaviour/medical management plans
- Other third parties which the College uses to support or enhance the educational or pastoral care services for its students or to facilitate communications with parents/guardians/carers
- Another school including to its teachers to facilitate the transfer of a student
- Federal and state government departments and/or agencies engaged by them
- Health service providers

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- Recipients of College publications, such as newsletters and magazines
- Students/parents/guardians/carers and their emergency contacts
- Assessment and educational authorities including the Victorian Curriculum and Assessment Authority and the Australian Curriculum, Assessment and Reporting Authority
- Anyone to whom the parent/guardian/carer authorises the College to disclose information
- Anyone to whom the College is required or authorised to disclose the information by law, including under child protection and information sharing laws

#### **Nationally Consistent Collection of Data on School Students with Disability**

Siena College is required by the Australian Education Regulation 2013 (Cth) and *Australian Education Act 2013* (Cth) to collect and disclose certain information to inform the Students with a Disability loading via the NCCD. The College provides the required information at an individual student level to 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.

#### **The steps Siena College will take to protect your personal information**

##### **How does Siena College treat sensitive information?**

In referring to sensitive information, the College means: information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, philosophical beliefs, sexual orientation or practices or criminal record, that is also personal information; health information and biometric information about an individual.

Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless the parent/guardian/carer agrees otherwise, or the use or disclosure of the sensitive information is allowed by law.

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

Siena College staff are required to respect the confidentiality of students' and parents/guardians/carers' personal information and the privacy of individuals.

The College has in place steps to protect the personal information the College holds from misuse, interference and loss, unauthorised access, modification, or disclosure by use of various methods including locked storage of paper records and password access rights to computerised records. This includes responding to any incidents which may affect the security of the personal information it holds. If the College assesses 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.

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

Under the Privacy Act 1988 (Cth.) and the Health Records Act 2001 (Vic.), an individual has the right to seek and obtain access to any personal information and health records respectively which Siena College holds about them and to advise the College of any perceived inaccuracy. Students will generally be able to access and update their personal information through their parents/guardians/carers, but older students may seek access and correction themselves.

There are some exceptions to the access rights set out in the applicable legislation.

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To make a request to access or to update any personal information the College holds about parents/guardians/carer or children, please contact the Principal in writing. The College may require verification of identity and specification of what information is required. The College may charge a fee to cover the cost of verifying the application and locating, retrieving, reviewing, and copying any material requested. If the information sought is extensive, the College will advise the likely cost in advance. If the College cannot provide access to that information, we will provide 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**

Siena College respects every parent/guardian/carer's right to make decisions concerning their child's personal information.

Generally, the College will refer any requests for consent and notices in relation to the personal information of a student to the student's parents/guardians/carers. Siena College will treat consent given by parents/guardians/carers as consent given on behalf of the student, and notice to parents/guardians/carers will act as notice given to the student.

Parents/guardians/carers may seek access to personal information held by Siena College about them or their child by contacting the Principal. However, there may be occasions when access is denied. Such occasions would include where release of the information would have an unreasonable impact on the privacy of others, or where the release may result in a breach of the College duty of care to the student.

Siena College may, at its discretion on the request of a student, grant that student access to information held by the College about them, or allow a student to give or withhold consent to the use of their personal information, independently of their parents/guardians/carers. This would normally be done only when the maturity of the student and/or the student's personal circumstances warrant it.

### **Complaints**

If parents/guardians/carers wish to complain that the College has interfered with their privacy because of an alleged breach of the Australian Privacy Principles, they should contact the Principal in writing.

Siena College will investigate the complaint and will notify the parent/guardian/carer of the making of a decision in relation to the complaint as soon as is practicable after it has been made.

If the parents/guardians/carers are not satisfied with the College decision, they 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

An online privacy complaint form is available from [www.oaic.gov.au](http://www.oaic.gov.au).

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## RESPONSIBILITY

- Principal (Primary responsibility)
- Director Business Services
- Risk and Compliance Manager

## RELATED LEGISLATION

- Australian Education Act 2013 (Cth.)
- Australian Education Regulation 2013 (Cth.)
- Privacy Act 1988 (Cth.)
- Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth.)
- Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth.)
- Privacy and Data Protection Act 2014 (Vic.)
- Australian Privacy Principles (APP) in the privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth.)
- Health Records Act 2001 (Vic.)

## RELATED SIENA COLLEGE POLICIES

- Enrolment Policy 2021
- Reportable Conduct Policy 2022
- Mandatory Reporting Policy 2022
- Student Pastoral Care Policy 2022

## RELATED DOCUMENTS

- [Privacy Compliance Manual](#) (2020). Catholic Education Commission of Victoria Ltd (CECV) (CEVN website)
- [Public Record Office Victoria Recordkeeping Standards](#)

## NEXT REVIEW

June 2025

## POLICY LOCATION

<https://sienacentral.siena.vic.edu.au/send.php?id=62801>

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