Privacy Policy

1. Introduction

Emmanuel College acknowledges the significant amount of personal information it collects, holds and manages in order to provide educational services to families who seek to enrol their children at the College. The College respects the confidentiality of this information and is careful to comply with Privacy legislation and the Australian Privacy Principles.

2. Scope

This policy applies to students, parents, College Board and committee members, employees and volunteers, employers, contractors, and people visiting the College campus. This policy outlines how the College collects, uses and protects Personal Information.

3. Related Legislation, Documentation & Policies

• Privacy Act 1988 (Cth)
• Privacy Amendment (Enhancing Privacy Protection) Act 2012
• Privacy Amendment (Notifiable Data Breaches) Act 2017
• Australian Privacy Principles
• Office of the Australian Information Commissioner's (OAIC) Guide *Data Breach Notification: a guide to handling personal information security breaches*
• Emmanuel College - Formal Complaints Policy
• Emmanuel College Application for Enrolment Form
• Emmanuel College Enrolment Contract
• Emmanuel College Student Protection Policies & Procedures
• Emmanuel College Policies for Students with Disabilities
• Emmanuel College Information Security Policy
• Data Breach Response Plan (Privacy)

4. Definitions

a) Breach means unauthorised access and unauthorised disclosure of personal information of individuals including in circumstances where there has been a possible unauthorised access or disclosure which compromises personal data.

b) Eligible data refers to personal information of a (confidential) sensitive nature which could result in significant harm / damage or risk to those affected by a breach.
Examples of eligible data breaches include:

- Disclosures of medical records or financial accounts;
- Disclosure of mental illness, disability, or home addresses of “protected people”.

The consequences of eligible data breaches can include:

- Threat to emotional wellbeing;
- Damage to reputation;
- Defamation.

c) Employee means all employees employed by the College, including applicants and prospective employees.

d) Employee Record means a record as defined in the Act. (Employment Records are exempt from Privacy protection.)

e) Health Information is a subset of sensitive information. It is information or an opinion about the health or disability of an individual and information collected to provide, or in providing a health service.

f) Health Service includes an activity performed to assess, record, maintain or improve an individual's health, to diagnose an illness or disability, to treat an individual, or the dispensing on prescription of a drug or medicinal preparation by a pharmacist.

g) Mandatory Notification means that the College must notify the Australian Information Commissioner when an eligible breach has occurred.

h) Notice is a legal notice from a statutory or legal authority with respect to personal information.

i) Parent is the parent / guardian / carer of a student.

j) Personal information is information or an opinion, whether true or not, and whether recorded in material form or not, about an identified individual or an individual whose identity is reasonably apparent, or can be determined, from the relevant information or opinion.

k) Sensitive information is a type of personal information. It includes information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preference or practice, or criminal record. Sensitive information also includes biometric information that is used for the purpose of automated biometric verification, biometric identification or biometric templates.

l) Student means prospective, current or past student of the College.

m) Response Team is a small group of delegated staff whose role is to respond to alleged or known breaches of personal information held by the college.

n) Response Plan means the Plan followed by the Response Team following an actual or suspected breach of data.

5. What kind of Personal Information does the College Collect and how does the College collect it?

The type of information the College collects and holds includes (but is not limited to) personal information, including sensitive information, about:

- Students and parents and/or guardians (hereinafter called "parents") before, during and after the course of a student's enrolment at the College;
- Job applicants, staff members, volunteers and contractors;
- Employee Candidates. If the person is a candidate seeking employment with the College, the College may collect and hold information about the candidate including the candidate's name, address, email address, contact telephone number, gender, age, employment history, references, resume, medical history, emergency contact information, taxation details, qualifications and payment details; and
- Other people who come into contact with the College.

Unsolicited information provided to the College by third parties will be destroyed unless required to be addressed by law.

6. Transparency and Process of Collection

The College will generally collect personal information by way of forms completed by parents or pupils, email, face-to-face meetings and interviews, and telephone calls. On occasions people other than parents and pupils provide personal information. However, 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, a reference from another school, Family Court Orders.

7. Employment Candidates and Exception in Relation to Employee Records

Under the Privacy Act and Principles, employee records are not protected from disclosure. Examples of employee records which are not covered (and about which information **can be properly shared** between employers) are:

- The engagement, training, disciplining or resignation of the employee/potential employee;
- The terms of any termination of the employment;
- The terms and conditions of the hiring/employment of the employee;
- The employee's personal and emergency contact details;
- The employee's performance or conduct issues, if any;
- The employee's hours of employment;
- The employee's salary or wages;
- The employee's membership of a professional or trade association;
- The employee's trade union membership;
- The employee's annual, long service, personal, parental or other leave;
- The employee's taxation, banking or superannuation affairs; or
- The employee's Health Information.

Note: A prospective new employer must ASK the questions; there is no obligation for a previous employer to volunteer the information.

The exemption applies to current or former employees. It does not apply to contractors, volunteers or prospective employees.

8. Anonymity

The Privacy Principles provide the option for individuals not to identify themselves when entering into transactions with an organisation wherever this is lawful and practical. However, given the needs of a school to collect and use personal information for educational purposes ANONYMITY is not likely to be practical or even possible for any number of reasons including the College's duty of care, insurance purposes, administration purposes, etc. Most "transactions" would require a person's details in some form. Examples of where individuals would be able to remain anonymous would be:

- where an individual requests a College prospectus and it can be provided without collecting the individual's personal information (e.g., at a College Open Day); or
- where a survey is conducted and there is no need to collect a respondent's personal information such as their name and address.

9. Purpose of Collection

a) From Families

The **primary purpose** for which the College uses personal information (initially and on-going) is to assess and respond to the educational needs of students and fulfil relevant duties and obligations.

The **secondary purposes** related to the Primary Purpose include:

- Keeping parents informed about matters related to their child's schooling through correspondence, newsletters and magazines;
- Day-today administration;
- Looking after pupils' pastoral and medical wellbeing;
- Fee payment;
- Assessing hardship requests;
- Seeking donations and marketing for the College;
- Satisfying the College's legal obligations and discharging its duty of care.

Full and frank disclosure is a fundamental requirement without which the initial and/or ongoing enrolment of the student may be compromised.

b) From Job Applicants, Staff Members And Contractors

The College's primary purpose of collection is to assess and (if successful) to engage the applicant, staff member or contractor, as the case may be.

The purposes for which the College uses personal information of job applicants, staff members and contractors include:

- In administering the individual's employment or contract, as the case may be;
- For insurance purposes;
- Seeking funds and marketing for the College;
- To satisfy the College's legal obligations, for example, in relation to child protection legislation.

c) From Volunteers

The College also obtains personal information about volunteers who assist the College in its functions or conduct associated activities, (such as alumni associations), to enable the College and the volunteers to work together.

10. To Whom Might the College Disclose Personal Information?

The College may disclose personal information, including sensitive information, held about an individual to:

- Another School;
- Government departments;
- Medical practitioners;
- People providing services to the College, including specialist visiting teachers and sports coaches;
- Recipients of College publications, like newsletters and magazines;
- Parents
- Public Health, Safety or Police Authorities, including as mandated by law;
- Law Enforcement Authorities; and
- By consent or to anyone you authorise the College to disclose information to.

11. Sending Information Overseas

The College will not send personal information about an individual outside Australia without:

- Obtaining the consent of the individual (in some cases this consent will be implied); or
- Otherwise complying with the Australian Privacy Principles.

Information may be disclosed to a reputable overseas entity such as a cloud-hosting service provider for the purposes of delivering educational and support services across the College.

Where student use of an online or cloud-based service requires parental consent, and the College deems the use of the service is appropriate for the provision of educational or administrative services, parental consent is implied by acceptance of this policy, (by continuing enrolment), in place of a separate signed parental consent for each of these individual services.

12. How does the 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, sexual preferences or criminal record, that is also personal information; and health 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 consent is given, or agreed to, or the use or disclosure of the sensitive information is allowed for legal purposes.

13. Marketing and Fundraising

Personal information will be used for marketing purposes only with consent. The College treats marketing for the future growth and development of the College as an important part of ensuring that the College continues to be a quality learning environment in which both students and staff thrive.

Personal information held by the College may be disclosed to an organisation that assists in the College's fundraising, for example, Friends of Emmanuel or Emmanuel Alumni organisations.

Parents, staff, contractors and other members of the wider College community may from time to time receive fundraising information.

The College also allows individuals to "opt out" through selection on the Standard Collection Notice as part of the Enrolment process.

14. Management and Security of Personal Information

College employees are required to respect the confidentiality of students' and parents' personal information and the privacy of individuals.

The College has in place reasonable steps to protect the personal information it holds from misuse, loss, interference, unauthorised access, modification or disclosure.

The College will destroy or de-identify information when it is no longer needed or not subjected to Notice.

Hard Copy Files
Hard Copy Files are to be stored in locked storage, be it onsite or offsite. Access to these records is restricted to authorised College employees.

All authorised College employees must ensure that all papers and files relating to College employees are stored in locked areas at night, when authorised employees are absent from the office or at other times when authorised employees are not working on such papers or files.

Any destruction of copies of documents or unwanted pieces should be by way of secure destruction bin or shredding.

Electronic Files
All electronic correspondence or other electronic documents containing Personal Information are filed in the appropriate employee file in the College's document storage solution. Only authorised employees have access to these files. Authorised employees may only access electronic or hard copy files for the purposes set out under Section 5 and for no other purpose

Any person who accesses a file for an unauthorised purpose will be subject to disciplinary action, including where appropriate, dismissal.

15. Accuracy and Updating of Personal Information

The College endeavours to ensure that the personal information it holds is accurate, complete and up to date. A person may seek to update their personal information held by the College by contacting the Student Services Office of the College.

16. You Have the Right to Check What Personal Information the College Holds About You

Parents may seek access to personal information held by the College about them or their children by contacting the College Principal. However, there will 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's duty of care to the student.

Students will generally have access to their personal information through their parents, but adult students (students 16 years and older) may seek access themselves.

To make a request to access any information the College holds about you, or your child, please contact the College Principal in writing.

The College may require you to verify your identity and specify what information you require. The College 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 College will advise the likely cost in advance.

If a request for access is refused in accordance with the APPs, the College will provide written reasons why the request was refused. Details on how to make a complaint will also be included in this response.

The bases upon which access to records can be refused are as follows:

- In the case of Personal Information other than Health Information, that providing access would pose a serious and imminent threat to the life or health of any individual;
- In the case of Health Information, that providing access would pose a serious threat to the life or health of any individual;
- Providing access would have an unreasonable impact upon the privacy of other individuals; The request for access is frivolous or vexatious;
- The information relates to existing or anticipated legal proceedings between the College and the individual, and the information would not be accessible through the process of discovery in those proceedings;
- Providing access would reveal the College's intentions in relation to negotiations with the individual in such a way as to prejudice those negotiations;
- Providing access would be unlawful;
- Denying access is required or authorised by or under law (such as in relation to legally privileged information);
- Providing access would be likely to prejudice an investigation of possible unlawful activity;
- Providing access would be likely to prejudice:
  - i) The prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;
  - ii) The enforcement of laws relating to the confiscation of the proceeds of crime;
  - iii) The protection of the public revenue;
  - iv) The prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or
  - v) The preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders.

17. Archived Materials

Personal information is stored in hard copy and electronically. The Australian Privacy Principles do not state any specific time that records are to be archived. They simply provide that a school is not required to store personal information longer than "necessary for its purposes". It is College policy to maintain complete student files and employee records for a reasonable time following the student's departure from the College. This is done to protect the interests of both the College and the relevant individual in terms of enquiries or allegations that may be made at any time in the future. The College reserves the right to charge a fee for access to non-current enrolments or employment records as outlined above.

18. De-Identification and Destruction of Records

Hardcopy Tax File Number (TFN) Declarations
Where the College receives completed hard copy TFN Declaration Forms, the Tax File Number must be "blacked" out once the details have been entered into the payroll system. The Form should then be placed in the employee's personnel file.

Electronic Tax File Number (TFN) Declarations
Where Employees submit their TFN Declaration electronically, the record is contained electronically in the organisation's document storage solution. Only authorised employees have access to these files.

Archiving and Destruction
Unless subject to a relevant Notice, the College is required to keep time and wages records for its employees for seven years.

Privacy legislation does not state how long archives are to be kept.

19. Overseas Disclosure and Cloud

The College may disclose Personal Information about an individual overseas; this is likely to occur if the College uses "cloud" service providers.

When disclosing Personal Information the College will take all steps reasonable to ensure that the overseas recipient complies with the APPs.

20. Data Breaches and Mandatory Notification to the Office of The Australian Information Commissioner (OAIC)

A Notifiable Data Breach occurs when Personal Information of an individual held by the College is accessed by, or is disclosed to, an unauthorised person, or is lost, and:

- a reasonable person would conclude that the unauthorised access or disclosure would likely result in serious harm to the relevant individual; or
- in the case of loss (e.g., leaving a laptop containing Personal Information on a bus);
- unauthorised access or disclosure of Personal Information is likely to occur, and a reasonable person would conclude that the unauthorised access or disclosure would likely result in serious harm to the relevant individual.

21. Response Plan/Process for Known or Alleged Breach

If the College knows or reasonably suspects that a Notifiable Data Breach has occurred,

- It will call together the Response Team;
- The Response Team will activate the 4-Step Response Plan/Process;
- The Response Team will conduct a reasonable and expeditious initial assessment to determine the nature and extent of the breach and if there are reasonable grounds to believe that a Notifiable Data Breach has occurred;
- It will take all reasonable steps to ensure that a full assessment is completed within 30 days of becoming aware of the suspected Notifiable Data Breach.

22. Notification

Subject to any restriction under the Act, in the event a Notifiable Data Breach occurs, the College will, as soon as practicable, prepare a statement outlining details of the breach, and:

- notify the individual of the unauthorised access, disclosure or breach; and
- notify the Office of the Australian Information Commissioner of the unauthorised access, disclosure or breach.

23. Complaints Process

If an individual believes that the College has breached the APPs a complaint can be made to the College.

All complaints should be in writing and directed to the Principal. The College will investigate complaints in a timely manner in accordance with its Formal Complaints Policy and respond in writing.

If an individual is not satisfied with the College's response, a complaint can be lodged with the Office of the Australian Information Commissioner on the following website http://www.oaic.gov.au/privacy/making-a-privacy-complaint.

The College also allows individuals to "opt out" through selection on the Standard Collection Notice, or on the enrolment agreement.

24. Review

This policy will be updated bi-annually or as necessitated by law.

Appendices attached

A. Emmanuel College – Privacy Statement and Standard Collection Notice

B. Alumni Association Collection Notice

C. Employment Collection Notice

Appendix A - Privacy Statement and Standard Collection Notice

Emmanuel College – Privacy Statement
In accordance with requirements of the *Commonwealth Privacy Act 1998*, *as amended, and the Privacy, (Notifiable Breaches) Act 2017* the College is bound by the thirteen (13) Australian Privacy Principles under the compliance authority of the Office of the Information Commissioner and set out in the Act – see www.privacy.gov.au. Accordingly, all personal, sensitive and health data/information of parents/guardians, students, and relevant others including prospective employees are private. The College will use the information collected and recorded to fulfil both legal requirements and the educational mission of Emmanuel College.

A. The College collects personal information, including sensitive information about students and parents or guardians 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 provide education to students enrolled at the College, exercise its duty of care, engage in marketing/fundraising and perform necessary associated administrative activities, which will enable students to take part in all the activities of the College.

B. Some of the information we collect is to satisfy the College's legal obligations, particularly to enable the College to discharge its duty of care.

C. 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.

D. Health information about students is sensitive information within the terms of the Australian Privacy Principles (APPs) under the Privacy Act 1988. We may ask you to provide medical reports about students from time to time.

E. The College may disclose personal and sensitive information for educational, legal, administrative, marketing and support purposes. This may include to:

- other Colleges and teachers at those Colleges;
- government departments (including for policy and funding purposes);
- medical practitioners;
- people providing educational, support and health services to the College, including specialist visiting teachers, sports coaches, volunteers, and counsellors;
- providers of learning and assessment tools;
- assessment and educational authorities, including the Australian Curriculum, Assessment and Reporting Authority (ACARA) and NAPLAN Test Administration Authorities (who will disclose it to the entity that manages the online platform for NAPLAN);
- 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 by law, including child protection laws, to disclose the information.

F. Personal information collected from students is regularly disclosed to their parents or guardians.

G. The College may use online or 'cloud' service providers to store personal information and to provide services to the College 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 College's use of on online or 'cloud' service providers is contained in the College's Privacy Policy.

H. The College's Privacy Policy, accessible on the College's website, sets out how parents 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, where access may result in a breach of the College's duty of care to a student, or where students have provided information in confidence. Any refusal will be notified in writing with reasons if appropriate.

I. The College's Privacy Policy also sets out how parents and students can make a complaint about a breach of the APPs and how the complaint will be handled.

J. The College 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 College'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.

K. On occasions information such as academic and sporting achievements, student activities and similar news is published in College newsletters and magazines, on our intranet and on our website, this may include photographs and videos of student activities such as sporting events, College camps and College excursions. The College will obtain permission from the student's parent or guardian (and from the student if appropriate) if we would like 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.

L. We may include students' and students' parents' contact details in a class list and College directory.

M. If you provide the College with the personal information of others, such as doctors or emergency contacts, we encourage you to inform them that you are disclosing that information to the College and why.

N. The College will send information about a student overseas (student transfer or study exchange) only with consent of the parents/guardians and following enquiry that security measures are in place for reception.

O. The College will take reasonable steps to keep personal information accurate/up-to-date and complete. Parents/guardians are relied upon to assist the College in keeping information accurate and up to date

P. The College will take reasonable steps to secure and protect all information held from misuse, interference, loss, unauthorised access, modification or disclosure. The College will respond promptly to security breaches, notifying those affected, as appropriate, and in compliance with mandatory reporting/notification of *eligible data breaches* to the Office of the Australian Information Commissioner

Q. Parents/guardians have a right to make a written complaint **internally** to the Principal if they consider these Privacy Principles have been breached or **externally** to the Office of the Australian Information Commissioner. The College Privacy Policy outlines the process available to those parties who wish to bring a complaint alleging a breach of privacy by the College. It is readily available on the College website or by request.

R. Parents/guardians may seek access to personal information collected about them and their students by contacting the College. Adult students may also seek access to personal information about themselves. However, there will be occasions when access is denied. Such occasions would include where access would have an unreasonable impact on the privacy, health and safety or others, where access may result in a breach of the College's duty of care to a student or where access is denied by law.

Appendix B - Alumni Association Collection Notice

Emmanuel College – Privacy Statement
In accordance with requirements of the *Commonwealth Privacy Act 1998*, *as amended, and the Privacy, (Notifiable Breaches) Act 2017* the College is bound by the thirteen (13) Australian Privacy Principles under the compliance authority of the Office of the Information Commissioner and set out in the Act – see www.privacy.gov.au. Accordingly, all personal, sensitive and health data/information of parents/guardians, students, and relevant others including prospective employees are private. The College will use the information collected and recorded to fulfil both legal requirements and the educational mission of Emmanuel College.

A. The Emmanuel College Alumni Association may collect personal information about you from time to time. The primary purpose of collecting this information is to enable us to inform you about our activities and the activities of the College and to keep alumni members informed about other members.

B. We must have the information referred to above to enable us to continue your membership of the Alumni Association.

C. As you know, from time to time we engage in fundraising activities. The information received from you may be used to make an appeal to you. It may also be used by the College to assist in its fundraising activities. If you do not agree to this, please advise us now.

D. We may publish details about you in our Alumni magazine, the College's website and intranet. If you do not agree to this, you must advise us now.

E. The College's Privacy Policy, accessible on the College's website, contains details of how you may seek access to and correction of your personal information which the College has collected and holds, and how you may complain about a breach of the Australian Privacy Principles.

F. The College may use online or 'cloud' service providers to store personal information and to provide services to the College that involve the use of personal information, such as email services. 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 College 's use of on online or 'cloud' service providers is contained in the College 's Privacy Policy.*

G. If you provide us with the personal information of others, we encourage you to inform them that you are disclosing that information to the School and why.

Appendix C - Employment Collection Notice

Emmanuel College – Privacy Statement

In accordance with requirements of the *Commonwealth Privacy Act 1998*, *as amended, and the Privacy, (Notifiable Breaches) Act 2017* the College is bound by the thirteen (13) Australian Privacy Principles under the compliance authority of the Office of the Information Commissioner and set out in the Act – see www.privacy.gov.au. Accordingly, all personal, sensitive and health data/information of parents/guardians, students, and relevant others including prospective employees are private. The College will use the information collected and recorded to fulfil both legal requirements and the educational mission of Emmanuel College.

A. In applying for this position, you will be providing Emmanuel College with personal information. We can be contacted as follows:

1. By post – Director of College People, Emmanuel College, Locked Bag 5, Nerang , Queensland , 4211.
2. By email: hr@emmanuel.qld.edu.au
3. By telephone: 07 5561 4000

B. If you provide us with personal information, for example, your name and address or information contained on your resume, we will collect the information in order to assess your application for employment. We may keep this information on file for six months if your application is unsuccessful in case another position becomes available.

C. The College's Privacy Policy, accessible on the College's website, contains details of how you may complain about a breach of the Australian Privacy Principles and 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. Any refusal will be notified in writing with reasons if appropriate.

D. We usually disclose this kind of information to the following types of organisations : suppliers that provide new staff onboarding services e.g., ExRef for reference checking.

E. We are required to collect information under Child Protection laws. We may also collect personal information about you in accordance with these laws.

F. The College may use online or 'cloud' service providers to store personal information and to provide services to the College that involve the use of personal information, such as email services. 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 College's use of on online or 'cloud' service providers is contained in the College's Privacy Policy.

G. If you provide us with the personal information of others, we encourage you to inform them that you are disclosing that information to the College and why.