

## Privacy Policy

### 1. Introduction

Djerriwarrh Community College (the College) is an independent specialist senior secondary school based in Melton. We deliver the Victorian Pathway Certificate (VPC) and VCE Vocational Major Certificate (VM) for students aged 15-19 years. We provide a safe and inclusive learning environment for young people who may have been disengaged or are at risk of disengaging from education. The College is committed to supporting students to reach their individual personal, social and educational potential.

The College collects personal information about students, parents, guardians and or carers, and staff to carry out its educational and welfare functions. The College is committed to protecting the privacy of all information collected.

The College is bound by the provisions of the *Privacy Act 1998 (Cth)*, the Information Privacy Act 2000 (Vic) and the Health Records Act 2001 (Vic) as well as other laws that impose specific obligations about handling personal and health information that directly or indirectly identifies a person.

The purpose of this policy is to explain clearly how the College collects, stores, uses and disposes of personal information.

### 2. Scope

This policy applies to Djerriwarrh Community College staff, volunteers and current and prospective students and parents, guardians and or carers.

### 3. Definitions

<b>College</b>	Djerriwarrh Community College, 235 Station Road, Melton, 3337
<b>Parent, guardian and carers</b>	Includes parents, guardians, step-parents and/or carers as listed in the Enrolment Application Form.
<b>Principal</b>	The Principal of the College, or the principal's authorised representative
<b>Staff</b>	Includes employed staff, volunteers and contractors
<b>Student</b>	The student named in the Enrolment Application Form

## **4. Responsibilities**

The principal is responsible for ensuring:

- this policy is implemented in accordance with commonwealth and state privacy legislation; and
- information in this policy is kept up to date.

## **5. Communication**

This Privacy Policy is available on the College website, Compass and hard copies can be obtained from the College Reception.

## **6. Policy**

During the ordinary course of a student's enrolment at the College, we will collect personal and health information when necessary to educate the student or to support the student's social and emotional wellbeing or health. Such information will also be collected when required to fulfil a legal obligation, including duty of care, anti-discrimination law and occupational health and safety law. If that information is not collected, the school may be unable to provide optimal education or support to your child or fulfil those legal obligations.

### **6.1 Types of information**

#### **Personal information**

Personal information is information or opinion, whether true or not, about a person whose identity is apparent, or can reasonably be determined, from the information or opinion that is recorded in any form.

Examples include a person's name, address, phone number, date of birth, age, financial information, citizenship, employment references, driver's licence information and educational qualifications.

#### **Health information**

Health information is defined as including information or opinion about a person's physical, mental or psychological health, or disability, which is also classified as personal information. This includes information or opinion about a person's health status and medical history, whether recorded or not. Examples include medical records, disabilities, immunisation details and psychological reports.

#### **Sensitive information**

Sensitive information is information or opinion about a set of specific characteristics, including a person's racial or ethnic origin, political opinions or affiliations, religious beliefs or affiliations, philosophical beliefs, sexual preferences or practices; or criminal record. It also includes health information.

Examples include government identifiers (such as TFN), nationality, country of birth, professional memberships, family court orders and criminal records.

## **6.2 Information the College collects**

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

- students and parents/guardians before, during and after the course of a student's enrolment at the College;
- job applicants, staff members, volunteers and contractors; and
- other people who come into contact with the College.

## **6.3 How information is collected**

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

- forms filled out by parents, guardians and or carers, or students;
- face-to-face meetings and interviews;
- emails and telephone calls;
- job applications and volunteer expressions of interest;
- online tools such as apps, the College's website or College-controlled social media and other software used by the College;
- any CCTV cameras located at the College.

In some circumstances the College may be provided with personal information about a person from a third party, for example a report provided by a medical professional or a reference from another college.

### **Collection notices**

When the College collects information about a person, we take reasonable steps to advise them of how the information will be handled. This includes the purpose of the collection and how to access, update and correct information held about them.

A collection notice is provided to parents/guardians upon enrolment.

### **Unsolicited information**

The College may receive information about a person that we have taken no active steps to collect. If permitted or required by law, the College may keep records of this information. If not, we will destroy or de-identify the information when practicable, lawful and reasonable to do so.

## **6.4 Purpose of collecting information**

The College will use personal information it collects from a person 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 to which they have consented.

### **Students and parents, guardians and or carers**

In relation to personal information of students and parents, guardians and or carers, the College's primary purpose of collection is to enable the College to provide education for the student. This includes satisfying both the needs of parents, guardians and or carers, the needs of the student and the needs of the College throughout the whole period that the student is enrolled at the College.

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

- to keep parents, guardians and or carers informed about matters related to their child's schooling, through correspondence and newsletters
- day-to-day administration of the College;
- looking after students' educational, social and medical wellbeing;
- celebrating the efforts and achievements of students;
- fundraising and marketing for the College;
- to satisfy the College's legal obligations; and
- to allow the College to discharge its duty of care.

In some cases where the College requests personal information about a student or parents, guardians and or carers, if the information requested is not obtained, 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.

### **Staff, volunteers and others**

In relation to personal information of 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 College collects information about staff, volunteers and job applicants:

- to assess applicants' suitability for employment or volunteering
- to administer employment or volunteer placement
- for insurance purposes, including public liability and WorkCover

- to fulfil various legal obligations, including employment and contractual obligations, occupational health and safety law, child protection legislation and to investigate incidents
- to respond to legal claims against The College.

## **6.5 Use and disclosure of information**

Where consent for the use and disclosure of personal information is required, including the use of photographs in school or other publications, the school will seek consent from the appropriate person. In the case of a student's personal information, the College will generally seek the consent of the student's parents/guardians and will treat consent given by the parent/guardian as consent given on behalf of the student.

School staff will only share a student's personal or health information with other staff who need to know to enable the school to educate or support the student or fulfil a legal obligation.

In some limited circumstances, information may be disclosed outside of the school. The school will seek your consent for such disclosures unless the disclosure is allowed or mandated by law.

The College uses or discloses information consistent with Victorian privacy law, as follows:

- for a primary purpose – as defined in Section 7.4;
- for a related secondary purpose that is reasonably to be expected – for example, to enable the school council to fulfil its objectives, functions and powers;
- with notice and/or consent – including consent provided on enrolment and other forms;
- when necessary to lessen or prevent a serious threat to:
  - a person's life, health, safety or welfare
  - the public's health, safety or welfare
- when required or authorised by law – including as a result of our duty of care, anti-discrimination law, occupational health and safety law, reporting obligations to agencies such as Department of Health and Human Services and complying with tribunal or court orders, subpoenas or Victoria Police warrants;
- to investigate or report unlawful activity, or when reasonably necessary for a specified law enforcement purpose, including the prevention or investigation of a criminal offence or seriously improper conduct, by or on behalf of a law enforcement agency;
- for Departmental research or school statistics purposes;
- to establish or respond to a legal claim.

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, counsellors and sports coaches, College Doctor;
- recipients of College publications, such as newsletters and magazines;
- parents, guardians and or carers;
- anyone you authorise the College to disclose information to; and
- anyone to whom we are required or authorised to disclose the information to by law.

### **Photographs**

The College will take photographs of staff, students and other community members during school activities for internal use and marketing. Photographic consents for students are individually obtained at the commencement of each year. Any requests for a student or staff member to be discounted from any published photos for legal reasons should be via a written statement to the principal.

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

Under the *Privacy Act* and the *Health Records Act*, the Australian Privacy Principles and Health Privacy Principles do not apply to an employee record. As a result, this *Privacy Policy* does not apply to the College's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between the College and employee.

## **6.6 Storing and securing information**

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.

The College may use online tools, such as apps and other software, to effectively collect and manage information about students for teaching and learning purposes, parent communication and engagement; student administration; and school management purposes. When the College uses these online tools, we takes steps to ensure that student and parent/guardian information is secure.

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

Under the *Privacy Act* and the *Health Records Act*, an individual has the right to obtain access to any personal information and health records respectively which the College holds about them and to advise the College of any perceived inaccuracy.

The College will give individuals access to personal or health information we hold about them on request. We will also correct information if the individual believes that the information we hold is inaccurate, incomplete or out of date. Requests for access to and correction of personal and health information should be made to the Principal.

### **Student information**

Our school only provides school reports and ordinary school communications to parents, guardians and or carers who have a legal right to that 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 and or carers. The College will treat consent given by parents, guardians and or carers as consent given on behalf of the student, and notice to parents, guardians and or carers will act as notice given to the student.

Parents, guardians and or carers may seek access to personal information held by the College about them or their child by contacting the principal. However, there will be occasions when access is denied. Such occasions would include where release of the information would not be in the student's best interests or would breach our duty of care to the student, would be contrary to a mature minor student's wishes or would unreasonably impact on the privacy of another person.

The 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 and or carers. This would normally be done only when the maturity of the student and/or the student's personal circumstances so warranted.

### **Staff information**

School staff may seek access to their personnel file by contacting the principal.

## **6.8 Updating information**

The College will endeavour to ensure that personal information we hold is accurate, complete, and up to date. Individuals may seek to update their personal information held by the College by contacting College Reception in writing at any time.

## 6.9 Breach of privacy

If you believe that the College has breached your privacy, please contact the principal.

If you are still not satisfied, you have the right to complain to the Victorian Information Commissioner. The Commissioner will try to conciliate your complaint. Where conciliation is not reasonably possible or fails, complaints may go to the Victorian Civil and Administrative Appeals Tribunal (VCAT).

In the event that any employee is found to be in breach of this Policy, disciplinary action, including termination of employment may be taken.

Further information about privacy is available from the Office of the Victorian Information Commissioner at <https://ovic.vic.gov.au/>.

## 6.10 Notifiable Data Breaches (NDB)

The College has an obligation to notify individuals whose personal information is involved in a data breach that is likely to result in serious harm. This notification will include recommendations about the steps individuals should take in response to the breach. The Australian Information Commissioner will be notified of eligible data breaches.

Staff must report suspected data breaches to the principal. The principal will determine, using an objective assessment, whether the breach is likely to result in serious harm.

An eligible data breach arises when the following three criteria are satisfied:

- there is unauthorised access to or unauthorised disclosure of personal information, or a loss of personal information, that an entity holds;
- this is likely to result in serious harm to one or more individuals; and,
- the entity has not been able to prevent the likely risk of serious harm with remedial action.

The College recognises that a data breach may have a serious impact on a Student's wellbeing and has taken appropriate steps to protect the personal information it holds (refer to Section 7.6).

## 7. Associated documents and legislation

<b>Associated policies and procedures</b>	Complaints Policy and Procedure Child Safety Code of Conduct Policy Notifiable Data Breach Procedure Records Management Policy
<b>Relevant legislation</b>	<i>Education and Training Reform Act 2006 (Vic)</i> <i>Education and Training Reform Regulations 2017 (Vic)</i> <i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i>



	<p><i>Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic)</i></p> <p><i>Child Wellbeing and Safety Act 2005 (Vic)</i></p> <p><i>Education and Training Reform Act 2006 (Vic)</i></p> <p><i>Education and Training Reform Regulations 2017 (Vic)</i></p> <p><i>Freedom of Information Act 1982 (Vic)</i></p> <p><i>Health Records Act 2001 (Vic)</i></p> <p><i>Information Privacy Act 2000 (Vic)</i></p> <p><i>Privacy and Data Protection Act 2014 (Vic)</i></p> <p><i>Privacy Act 1988 (Cth)</i></p> <p><i>Privacy and Other Legislation Amendment Act 2024 (Cth)</i></p>
<b>Other associated documents</b>  <b>External</b>	<p>VRQA Guidelines to the Minimum Standards and Requirements for School Registration</p> <p>Australian Privacy Principles – Privacy Fact Sheet 17 at :  <a href="http://www.oaic.gov.au/privacy/privacy-resources/privacy-fact-sheets/other/privacy-fact-sheet-17-australian-privacy-principles">http://www.oaic.gov.au/privacy/privacy-resources/privacy-fact-sheets/other/privacy-fact-sheet-17-australian-privacy-principles</a></p> <p>Notifiable Data Breaches scheme – How to notify:  <a href="https://www.oaic.gov.au/privacy-law/privacy-act/notifiable-data-breaches-scheme#how-to-notify">https://www.oaic.gov.au/privacy-law/privacy-act/notifiable-data-breaches-scheme#how-to-notify</a></p>

## 8. Issuance and approval

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