



Geelong Lutheran College is committed to providing a safe environment for all our students and staff when they are in the care of the College.

### **Definitions**

**The College:** Geelong Lutheran College St John's Newtown and Armstrong Creek.

**Parents:** Parents, Guardians, Caregivers

### **Rationale**

Protecting the personal and health information of staff and students is a serious moral, professional and legal responsibility that the College recognises and accepts.

### **Aims**

To collect, handle, use, store and disclose personal and health information in a manner compliant with the *Health Records Act 2001*, the *Privacy Act 1988 & the Privacy Amendment (Enhancing Privacy Protection) Act 2012* and the *Privacy Amendment (Notifiable Data Breaches) Act 2017*.

### **Implementation**

The College will comply with the National Privacy Principles contained in the Commonwealth Privacy Act 1988 which provides the guidelines regarding how the College manages personal information provided to or collected by it.

### **What kind of personal information does the College collect and how is it collected?**

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

- students and parents 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

### ***Personal information you provide:***

The College will generally collect personal information held about an individual by way of forms completed by parents or students, face-to-face meetings and interviews, emails and telephone calls. On occasions, people other than parents and students, provide personal information.

### ***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 report or reference from another school.

### ***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.



**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 upon enrolment. Any requests for a contract staff member to be discounted from any published photos should advise the Human Resource, Risk & Compliance Manager. Refer to the College Photography and Video Policy.

**Students and Parents:** In relation to personal information of students and parents, the College's primary purpose of collection is to enable the College to provide schooling for the student. This includes satisfying the needs of parents, 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 personal information of students and parents include:

- to keep parents 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; and
- to satisfy the College's legal obligations and allow the College to discharge its duty of care.

In some cases where the College requests personal information about a student or parent, 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, staff members and contractors:** 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 purposes for which the College uses personal information of job applicants, staff members and contractors include:

- assessing the suitability for employment;
- in administering the individual's employment or contract, as the case may be;
- for insurance purposes;
- seeking donations, fundraising and marketing for the College;
- to satisfy the College's legal obligations, for example, in relation to child protection legislation;
- investigating incidents or defending legal claims about the College, its services or staff.

**Volunteers:** The College also obtains personal information about volunteers who assist the College in its functions or conduct associated activities, such as Parents & Friends Association to enable the College and the volunteers to work together.

**Marketing and fundraising:** The 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's fundraising, for example, the College's Parents & Friends Association and Alumni. Parents, staff, contractors and other members of the wider College community may from time to time receive fundraising information. College publications, such as newsletters and magazines, which includes personal information may be used for marketing purposes.



**To whom might the College disclose personal information?**

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

- another College within the Interstate Student Data Transfer Note (ISDTN) and protocol established
- the Lutheran Church of Australia and/or its affiliates;
- Government departments;
- medical practitioners;
- people providing services to the College, including specialist visiting teachers, counsellors and sports coaches;
- recipients of College publications, such as newsletters and magazines;
- parents;
- anyone to whom we are required to disclose the information to by law.

***Sending information overseas:*** The College may disclose personal information about an individual to overseas recipients, for instance, when storing personal information with 'cloud' service providers which are situated outside Australia or to facilitate a College exchange. However, 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 or other applicable privacy legislation.

**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, 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 agreed otherwise, or the use or disclosure of the sensitive information is allowed by law.

The College can disclose sensitive information for another purpose when:

- the person provides written consent;
- it is necessary to lessen or prevent serious or imminent threat to life, health or safety; or
- it is required by law or for law enforcement purposes.

**Management and security of personal information**

The College's staff are required to respect the confidentiality of students' and parents' 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.

***Notifiable data breaches***

Schools are required to take reasonable measures to protect information from misuse, interference and loss, as well as unauthorised access, modification or disclosure. The Notifiable Data Breach Scheme will require schools to notify the Office of the Australian Information Commissioner (OAIC) and the affected individual(s), in the event of a notifiable data breach.



A data breach occurs when personal information is lost or subject to unauthorised access, modification, disclosure, or other misuse or interference.

Pursuant to section 26WE of the Privacy Amendment (Notifiable Data Breaches) Act 2017, an eligible data breach, which would require notification, occurs in circumstances where:

- There is an unauthorised access or unauthorised disclosure of information and a reasonable person would conclude that access or disclosure would be likely to result in serious harm to any of the individuals to whom the information relates; or
- Information is lost in circumstances where such unauthorised access or disclosure is likely to occur and a reasonable person would conclude that, assuming such access or disclosure did occur, it would be likely to result in serious harm to any individuals to whom that information relates.

Where such breach occurs, the College undertakes to prepare a statement in accordance with the Privacy Amendment (Notifiable Data Breaches) Act 2017 and notify the Office of the Australian Information Commissioner (OAIC) and affected individuals as soon as practicable after the school becomes aware of the eligible data breach except where exempted under the Act.

#### ***Updating personal information***

The College endeavours to ensure that the personal information it holds is accurate, complete and current. A person may seek to update their personal information held by the College by contacting the Human Resource, Risk and Compliance Manager (staff) or Student Services (student).

#### ***Interacting with us anonymously or by use of a pseudonym***

You can interact with the College anonymously or by a pseudonym (e.g., an email address that doesn't contain your actual name) in some circumstances, such as when you make general inquiries about enrolment or employment opportunities. However, we'll need to know your identity should you wish to make an enrolment or be employed before we can provide you with our products and services.

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

Under the Commonwealth Privacy Act [and the Health Records Act], an individual has the right to obtain access to any personal information which the 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, but older students may seek access and correction themselves. There are some exceptions to these rights set out in the applicable legislation. To make a request to access or update any personal information the College holds about you or your child, please update PAM on SIMON. 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 the College cannot provide you with access to that information, we will provide written notice explaining the reasons for refusal.

#### **Consent and rights of access to the personal information of students**

The College respects every parent's right to make decisions concerning their child's education. 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. The College will treat consent given by parents as consent given on behalf of the student and notice to parents will act as notice given to the student.



As mentioned above, parents may seek access to personal information held by the College about them or their child by contacting the Executive 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.

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

### **Enquiries and complaints**

For further information about the way the College manages personal information, it holds or wish to complain that you believe that the College has breached the Australian Privacy Principles, please contact the Executive Principal. The College will investigate any complaint and will notify you of the making of a decision in relation to your complaint as soon as is practicable after it has been made.

### **Standard Collection Notice**

Geelong Lutheran College is bound by the Australian Privacy Principles contained in the Commonwealth Privacy (Private Sector) Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Act 2012. In relation to health records, the College is also bound by the Health Privacy Principles contained in the Health Records Act 2001 (Vic).

The College is committed to managing personal information in an open and transparent way. This statement specifically itemises the reasons for collecting information about students and their families, and the way in which information will be used by the College, as per this Privacy Policy.

### **Standard Collection Notice**

1. The College collects personal information, including sensitive information about students and parents 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 schooling to the student and to enable them to take part in all the activities of the College.
2. 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.
3. Laws governing or relating to the operation of a school require certain information to be collected and disclosed. These include relevant Education Acts, Public Health and Child Protection laws.
4. Health information about students is sensitive information within the terms of the Australian Privacy Principles under the Privacy Act. We may ask you to provide medical reports about students from time to time.
5. The College from time to time discloses personal and sensitive information to others for administrative and educational purposes, including to facilitate the transfer of a student to another school. This includes to other schools, government departments, Lutheran Education Victoria, New South Wales and Tasmania (LEVNT), Lutheran Education Australia, the College's local district and the parish, Schools within Lutheran Education, medical practitioners and people providing services to the College, including specialist visiting teachers, [sports] coaches, volunteers and counsellors.



6. Failure to obtain such information referred to in the above may impede the ability of the College to be able to enrol or continue the enrolment of students.
7. Personal information collected from students is regularly disclosed to their parents.
8. The College may from time to time store personal information in the cloud which may mean that it resides on servers which are situated outside Australia.
9. The College's Privacy Policy sets out how parents or students may seek access to personal information collected about them. However, there will be occasions when access is denied. Such occasions would include 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 the student, or where students have provided information in confidence.
10. The Complaints Policy (4.05 AB) also sets out how you may complain about a breach of privacy and how the College will deal with such a complaint.
11. The College from time to time engages 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.
12. On regular occasions, information such as academic and sporting achievements, student activities and similar news is published in College newsletters and magazines and on our website.
13. Photographs of student activities such as sporting events, school camps and school excursions may be taken for publication in College newsletters and magazines and on our website. The College will obtain permissions from the students' parents prior to publication at the time of enrolment.
14. The College may include contact details in a class list or on the College's information database. Such information is used solely to make contact with parents for the purposes of reporting emergencies, making other necessary contact or the fulfilment of the purposes of educational, financial and clerical administration.
15. If parents provide the College with the personal information of others, such as doctors or emergency contacts, we encourage you to inform these people that such information has been disclosed to the College; why the information has been disclosed; and that they are able to access that information.

### **Evaluation**

This Policy will be reviewed as part of the College's five-year review cycle.

### **Policy Administration**

<b>Responsible Person/s</b>	<b>Approver</b>	<b>Date Approved</b>	<b>Next Review</b>
Executive Principal	College Board	September 2023	September 2028