



# Privacy Policy

## Scope of Policy and Source of Obligation

The purpose of this policy is to ensure that in the course of Marcellin College's activities, we manage and protect personal information in accordance with the Privacy Act 1988 (Cth) (Privacy Act) and the 13 Australian Privacy Principles (APPs).

## Scope of policy

This policy outlines the circumstances in which we obtain personal information, how we use that information and how we manage requests to access and/or change that information.

This policy applies to all staff, volunteers and contractors of Marcellin College and its related bodies.

## What is personal information and how do we collect it?

Personal information is information or an opinion about an individual from which they can be reasonably identified. Depending on the circumstances, we may collect personal information from the individual in their capacity as a student, contractor, volunteer, stakeholder, job applicant or in some other capacity.

In the course of providing services we may collect and hold:

- Personal Information including names, addresses and other contact details; dates of birth; and financial information.
- Sensitive Information including government identifiers (such as TFN), nationality, country of birth, professional memberships, family court orders and criminal records.
- Health Information (particularly in relation to prospective staff and customer records) including medical records, disabilities, immunisation details and psychological reports.

As part of our recruitment processes for employees, contractors and volunteers, we may collect and hold:

- Personal Information including names, addresses and other contact details, dates of birth, financial information, citizenship, employment references, regulatory accreditation, media, directorships, property ownership and driver's licence information.
- Sensitive Information including government identifiers (such as TFN), nationality, country of birth, professional memberships, family court orders and criminal records.
- Health Information (particularly in relation to prospective staff and student records) including medical records, disabilities, immunisation details and psychological reports.

Generally, we will seek consent from the individual in writing before we collect their sensitive information (including health information).

## Collection of personal information

The collection of personal information depends on the circumstances in which Marcellin College is collecting it. If it is reasonable and practical to do so, we collect personal information directly from the individual.

## Solicited Information

Marcellin College has, where possible, attempted to standardise the collection of personal information by using specifically designed forms (e.g. our Application Forms). However, given the nature of our operations we often also receive personal information by email, letters, notes, via our website, over the telephone, in face-to-face meetings and through financial transactions.

We may also collect personal information from other people (e.g. a third-party administrator, referees for prospective employees) or independent sources. However, we will only do so where it is not reasonable and practical to collect the personal information from the individual directly.

We may collect information based on how individuals use our website. We use "cookies" and other data collection methods to collect information on website activity such as the number of visitors, the number of pages viewed and the internet advertisements which bring visitors to our website. This information is collected to analyse and improve our website, marketing campaigns and to record statistics on web traffic. We do not use this information to personally identify individuals.

### **Collection and use of sensitive information**

We only collect sensitive information if it is:

- reasonably necessary for one or more of these functions or activities, and we have the individuals consent
- necessary to lessen or prevent a serious threat to life, health or safety
- another permitted general situation
- another permitted health situation.

We may share sensitive information to other entities in our company group, but only if necessary for us to provide our products or services.

### **How do we collect your personal information?**

How we collect personal information will largely be dependent upon whose information we are collecting. If it is reasonable and practical to do so, we collect personal information directly from you.

Where possible the school has attempted to standardise the collection of personal information by using specifically designed forms (e.g. an Enrolment Form or a Health Information Disclosure Form). However, given the nature of our operations, we often also receive personal information by email, letters, notes, over the telephone, in face to face meetings, through financial transactions and through surveillance activities such as the use of CCTV security cameras or email monitoring.

We may also collect personal information from other people (e.g. a personal reference) or independent sources (e.g. a telephone directory), however we will only do so where it is not reasonable and practical to collect the information from you directly.

### **Unsolicited information**

Sometimes we may be provided with your personal information without having sought it through our normal means of collection. We refer to this as "unsolicited information" and is often collected by:

- Misdirected postal mail – Letters, Notes, Documents
- Misdirected electronic mail – Emails, electronic messages
- Employment applications sent to us that are not in response to an advertised vacancy
- Additional information provided to us which was not requested.

Unsolicited information obtained by Marcellin College will only be held, used and or disclosed if it is considered as personal information that could have been collected by normal means. If that unsolicited information could not have been collected by normal means then we will destroy, permanently delete or de-identify the personal information as appropriate.

### **Collection and use of sensitive information**

We only collect sensitive information if it is:

- reasonably necessary for one or more of these functions or activities, and we have the individuals consent
- necessary to lessen or prevent a serious threat to life, health or safety
- another permitted general situation
- another permitted health situation.

We may share sensitive information to other entities in our company group, but only if necessary for us to provide our products or services.

### **How we use personal information**

We only use personal information that is reasonably necessary for one or more of our functions or activities (the primary purpose) or for a related secondary purpose that would be reasonably expected by you, or to which you have consented.

Our primary uses of personal information include but are not limited to:

- providing education, pastoral care, co-curricular and health services;
- satisfying our legal obligations including our duty of care and child protection obligations;
- keeping parents informed as to school community matters through correspondence, The Eagle (eNewsletter) and publications;
- marketing, promotional and fundraising activities;
- supporting the activities of College associations such as Marcellin College Community Association (MCCA);
- supporting the activities of the Marcellin College Foundation;
- supporting community based causes and activities, charities and other causes in connection with the College's functions or activities;
- helping us to improve our day to day operations including training our staff; systems development; developing new programs and services; undertaking planning, research and statistical analysis;
- school administration including for insurance purposes;
- the employment of staff;
- the engagement of volunteers (such as: Marcellin College Community Association (MCCA), College's alumni (MOCA) or the College's Foundation).

We only collect sensitive information reasonably necessary for one or more of these functions or activities, if we have the consent of the individuals to whom the sensitive information relates, or if the collection is necessary to lessen or prevent a serious threat to life, health or safety, or another permitted general situation (such as locating a missing person) or permitted health situation (such as the collection of health information to provide a health service) exists.

If we do not have the relevant consent and a permitted health situation or permitted general situation does not exist, then we may still collect sensitive information provided it relates solely to individuals who have regular contact with the school in connection with our activities. These individuals may include students, parents, volunteers, former students and other individuals with whom the school has regular contact in relation to our activities.

We will only use or disclose sensitive information for a secondary purpose if you would reasonably expect us to use or disclose the information and the secondary purpose is directly related to the primary purpose.

Parents, staff, contractors and other members of the wider College Community may from time to time receive fundraising information. College publications, which include personal information (which may include names and/or images), may be used for marketing purposes. Publications are tools used on a range of print and digital platforms by the College, such as The Eagle (eNewsletter), our website, our Twitter and LinkedIn accounts and YouTube Channel or the annual Ad Altissima magazine.

#### *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:*

- 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.

Where personal and sensitive information is retained by the CECV by a cloud service provider to facilitate HR and staff administrative support, this information will be stored on servers located within Australia. This includes the ICON system.

#### **Storage and Security of Personal Information**

We store personal information in a variety of formats including on databases, in hard copy files and on personal devices including laptop computers, mobile phones, cameras and other recording devices.

The security of your personal information is of importance to us and we take all reasonable steps to protect the personal information we hold about you from misuse, loss, unauthorised access, modification or disclosure.

These steps include:

- Restricting access to information on the school databases on a need to know basis with different levels of security being allocated to staff based on their roles and responsibilities and security profile.
- Ensuring all staff are aware that they are not to reveal or share personal passwords.
- Ensuring where sensitive and health information is stored in hard copy files that these files are stored in lockable filing cabinets in lockable rooms. Access to these records is restricted to staff on a need to know basis.
- Implementing physical security measures around the school buildings and grounds to prevent break-ins.
- Implementing ICT security systems, policies and procedures, designed to protect personal information storage on our computer networks.
- Implementing human resources policies and procedures, such as email and internet usage, confidentiality and document security policies, designed to ensure that staff follow correct protocols when handling personal information.
- Undertaking due diligence with respect to third party service providers who may have access to personal information, including cloud service providers, to ensure as far as practicable that they are compliant with the Australian Privacy Principles or a similar privacy regime.
- The destruction, deletion or de-identification of personal information we hold that is no longer needed, or required to be retained by any other laws.

Personal information we hold that is no longer needed is destroyed in a secure manner, deleted or de-identified as appropriate.

Our website may contain links to other websites. We do not share your personal information with those websites and we are not responsible for their privacy practices. Please check their privacy policies.

#### **Responding to data breaches**

Marcellin College will take appropriate, prompt action if we have reasonable grounds to believe that a data breach may have, or is suspected to have occurred. Depending on the type of data breach, this may include a review of our internal security procedures, taking remedial internal action, notifying affected individuals and the Office of the Australian Information Commissioner (OAIC).

If we are unable to notify individuals, we will publish a statement on our website and take reasonable steps to publicise the contents of this statement.

#### **When we disclose personal information**

We only use personal information for the purposes for which it was given to us, or for purposes which are related (or directly related in the case of sensitive information) to one or more of our functions or activities. We may disclose your personal information to CECV, Marist Schools Australia, government agencies, other parents, other schools, recipients of College publications, visiting teachers, counsellors and coaches, our service providers, agents, contractors, business partners and other recipients from time to time, only if one or more of the following apply:

- you have consented;
- you would reasonably expect us to use or disclose your personal information in this way;
- we are authorised or required to do so by law;
- disclosure will lessen or prevent a serious threat to the life, health or safety of an individual or to public safety;
- where another permitted general situation or permitted health situation exception applies;
- disclosure is reasonably necessary for a law enforcement related activity.

#### **Personal Information of Students**

The Privacy Act does not differentiate between adults and children and does not specify an age after which individuals can make their own decisions with respect to their personal information.

At Marcellin College, we take a common-sense approach to dealing with a student's personal information and generally will refer any requests for personal information to a student's parents/carers. We will treat notices provided to parents/carers as notices provided to students and we will treat consents provided by parents/carers as consents provided by a student.

We are however cognisant of the fact that children do have rights under the Privacy Act, and that in certain circumstances (especially when dealing with older students and especially when dealing with sensitive information), it will be appropriate to seek and obtain consents directly from students. We also acknowledge that there may be occasions where a student may give or withhold consent with respect to the use of their personal information independently from their parents/carers. There may also be occasions where parents/carers are denied access to information with respect to their children, because to provide such information would have an unreasonable impact on the privacy of others, or result in a breach of the school's duty of care to the student.

#### **Disclosure of personal information to overseas recipients**

We may disclose personal information about an individual to overseas recipients in certain circumstances, such as when we are organising an overseas excursion, facilitating a student exchange, or storing information with a "cloud service provider" which stores data outside of Australia. Some of the countries or regions that the College discloses personal and sensitive information to are:

- United States
- Netherlands
- Ireland
- Singapore
- Hong Kong

We will however take all reasonable steps not to disclose an individual's personal information to overseas recipients unless:

- We have the individual's consent (which may be implied); or
- We have satisfied ourselves that the overseas recipient is compliant with the Australian Privacy Principles, or a similar privacy regime; or
- We form the opinion that the disclosure will lessen or prevent a serious threat to the life, health or safety of an individual or to public safety; or
- We are taking appropriate action in relation to suspected unlawful activity or serious misconduct

#### **How we ensure the quality of your personal information**

We take all reasonable steps to ensure the personal information we hold, use and disclose is accurate, complete and up to date. These steps include ensuring that the personal information is accurate, complete and up to date at the time of collection and when using or disclosing the personal information. On an ongoing basis, we maintain and update personal information when we are advised by individuals or when we become aware through other means that their personal information has changed.

You should contact us if your details change or if you believe that the information we have about you is not accurate, complete or up to date. A person may seek to update their personal information held by the College by contacting the Office of the Registrar at the College or by logging in through the online Community portal.

#### **How to gain access to your personal information we hold**

You may request access to the personal information we hold about you, or request that we change the personal information, by contacting us.

If we do not agree to provide you with access, or to amend your personal information as requested, you will be notified accordingly. Where appropriate we will provide you with the reason/s for our decision. If the rejection relates to a request to change your personal information you may make a statement about the requested change and we will attach this to your record.

#### **Privacy Complaints**

An individual can make a complaint about how Marcellin College manages personal information by notifying us in writing as soon as possible. We will respond to the complaint within a reasonable time (usually no longer than 30 days) and we make seek further information in order to provide a full and complete response.

Marcellin College does not charge a fee for the handling of complaints.

If the individual is not satisfied with our response, they may refer the complaint to the Oaic. A complaint can be made using the Oaic online Privacy Complaint form or by mail, fax or email.

A referral to Oaic should be a last resort once all other avenues of resolution have been exhausted.

#### **How to Contact Us**

You can contact us about this Policy or about your personal information by:

- Emailing [info@marcellin.vic.edu.au](mailto:info@marcellin.vic.edu.au)
- Calling + 61 3 9851 1540
- Writing to our **Privacy Officer**, Adriano Di Prato at **160 Bulleen Road, Bulleen. VIC 3105** or by facsimile at **+61 3 9851 1555**

If practical, you can contact us anonymously (i.e. without identifying yourself) or by using a pseudonym. However, if you choose not to identify yourself, we may not be able to give you the information or provide the assistance you might otherwise receive if it is not practical to do so.

#### **Changes to our privacy and information handling practices**

This Privacy Policy is subject to change at any time. Please check our Privacy Policy on our website [www.marcellin.vic.edu.au](http://www.marcellin.vic.edu.au) regularly for any changes.

This Privacy Policy was last reviewed: May 2018