



Swinburne Senior Secondary College Privacy Policy

Background

The Department of Education and Training, which includes all Victorian government schools, values the privacy of every person and is committed to protecting information that schools collect.

All staff, service providers (contractors) and agents, paid or unpaid, of the Department at Swinburne Senior Secondary College must comply with Victorian privacy law and this policy.

In Victorian government schools the management of 'personal information' and 'health information' is governed by the *Privacy and Data Protection Act 2014 (Vic)* and *Health Records Act 2001 (Vic)* (collectively, **Victorian privacy law**). This policy explains how our school collects and manages personal and health information, consistent with Victorian privacy law.

Policy adopted by school

This policy was adopted on 15/09/2017.

Current version of this policy

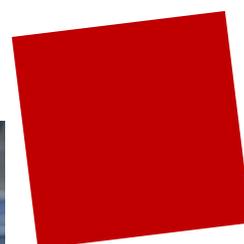
This policy will be reviewed and updated to take account of new laws and technology and the changing school environment when required. Please check the school's website to ensure you have the current version of this policy.

Definitions

Personal information is information or opinion, whether true or not, about a person whose identity is apparent, or can reasonably be ascertained, from the information or opinion – that is recorded in any form. For example, this includes a person's name, address, phone number and date of birth (age). De-identified information about students can also be personal information.

Health information is information or opinion about a person's physical, mental or psychological health or disability, that is also personal information – whether recorded or not. This includes information or opinion about a person's health status and medical history, immunisation status and allergies, as well as counselling records.

Sensitive information is information or opinion about a person's racial or ethnic origin, political opinions, religion, philosophical beliefs, sexual preferences or practices, or criminal record.



Throughout this policy: **the Department** means the Department of Education and Training, including all Victorian government schools, regional and central offices; **information** means personal, health and sensitive information unless stated otherwise; **parents** means parents, guardians and carers; **school** means Swinburne Senior Secondary College; **staff** means staff, agents and service providers (contractors) of the Department, whether paid or unpaid.

What information do we collect?

Our school collects the following type of information:

1. information about students, their parents and families – provided by students, their families and others
2. information about job applicants, staff, volunteers and visitors – provided by job applicants, staff members, volunteers, visitors and others.

Why does our school collect this information?

Primary purposes of collecting information about students and their families

Our school collects information about students and their families only when necessary to:

1. educate students
2. support students' social and emotional wellbeing, and health
3. fulfil legal requirements, including to:
 - a. take reasonable steps to reduce the risk of reasonably foreseeable harm to students, staff and visitors (duty of care)
 - b. make reasonable adjustments for students with disabilities (anti-discrimination law)
 - c. provide a safe and secure workplace (occupational health and safety law)
4. enable our school to:
 - a. communicate with parents about students' schooling matters and celebrate the efforts and achievements of students
 - b. maintain the good order and management of our school
5. enable the Department to:
 - a. ensure the effective management, resourcing and administration of our school
 - b. fulfil statutory functions and duties
 - c. plan, fund, monitor, regulate and evaluate the Department's services and functions
 - d. comply with reporting requirements
 - e. investigate incidents in schools and/or defend any legal claims against the Department, including any of its schools.

Primary purposes of collecting information about others

Our school collects information about staff, volunteers and job applicants:

1. to assess applicants' suitability for employment or volunteering
2. to administer employment or volunteer placement
3. for insurance purposes, including public liability and WorkCover
4. to fulfil various legal obligations, including employment and contractual obligations, occupational health and safety law and to investigate incidents
5. to defend legal claims against our school/the Department.

How does the school collect information?

Our school collects information in a number of ways, including:

1. in person and over the phone: from students and their families, staff, volunteers, visitors and job applicants

2. from electronic and paper documentation: including job applications, emails, enrolment forms, letters to our school, consent forms (for example: enrolment, excursion, Student Support Services and chaplaincy consent forms), our school's website, any online applications of our school (for example, Compass or Sentral) or school-controlled social media
3. through online software products that support our school's functions

Collection notices

When our school collects information about you, our school takes reasonable steps to advise you of certain matters, including the purpose of the collection, and how to access, update and correct information held about you. For information about students and their families, a collection notice is provided to parents upon enrolment.

Unsolicited information about you

Our school may receive information about you that we have taken no active steps to collect. If permitted or required by law, our school may keep records of this information. However, if not so required, we will destroy or de-identify the information when practicable, lawful and reasonable to do so.

When does the school use or disclose information?

Our school uses or discloses information consistent with Victorian privacy law, as follows:

1. for a **primary purpose** – as defined above
2. 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
3. with **consent** – including consent provided on enrolment and other forms
4. when **necessary to lessen or prevent a serious threat** to:
 - a person's life, health, safety or welfare, that is imminent
 - the public's health, safety or welfare
5. 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
6. 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
7. for Department **research or school statistics** purposes
8. to establish, exercise or defend a **legal claim**.

A unique identifier (a CASES21 code) is assigned to each student to enable the school to carry out its functions effectively.

Student transfers between Victorian government schools

When a student has been accepted at, and is transferring to, another Victorian government school, our school transfers information about the student to that school. This may include copies of the student's school records, including any health information. This enables the next school to continue to provide for the education of the student, to support students' social and emotional wellbeing and health, and to fulfil legal requirements.

Responding to complaints

On occasion our school, and the Department's central and regional offices, receive complaints from parents and others. Our school and/or the Department's central or regional offices will use and disclose information as considered appropriate to respond to complaints (including responding to complaints made to external organisations or agencies).

Accessing your information

All individuals, or their authorised representative(s), have a right to access, update and correct information about them that our school holds.

Access to student information

Our school only provides school reports and ordinary school communications to parents who have a legal right to that information. Requests for access to other student information must be made by making a Freedom of Information (FOI) application through the Department's Information Management Unit (see below).

In some circumstances, an authorised representative may not be entitled to information about the student. These circumstances include when granting access would not be in the student's best interests, or would breach our duty of care to the student, or unreasonably impact on the privacy of another person.

Access to staff information

School staff may first seek access to their personnel file by contacting the principal. If direct access is not granted, the staff member may request access through the Department's Information Management Unit.

Storing and securing information

Our school takes reasonable steps to protect information from misuse and loss, and from unauthorised access, modification and disclosure. Our school stores all paper and electronic records securely, consistent with the Department's records management policy and information security standards. All school records are disposed of, or transferred to the Public Records Office Victoria, as required by the relevant Public Records Office Standard.

Updating your information

We endeavour to ensure that information about students, their families and staff is accurate, complete and up to date. To update your information, please contact our school's general office.

Information Management Unit

To make a FOI application contact:

Information Management Unit
Department of Education and Training
2 Treasury Place, East Melbourne VIC 3002
(03) 9637 3961
foi@edumail.vic.gov.au

Complaints

If you wish to complain about how our school has collected or managed your information, please contact:

Privacy Unit
Department of Education and Training
2 Treasury Place, East Melbourne VIC 3002
privacy@edumail.vic.gov.au