



Doctrina Vitae

Bacchus Marsh
Grammar

School Board Policy

Governance

GOV-017 Privacy Policy

(source: Complispace)

Approved by the School Board 27 October 2021





Privacy Policy

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1 Scope of Policy and Source of Obligation

1.1.1 In the course of Bacchus Marsh Grammar's (the School) activities, the School manages and protects personal information in accordance with the *Privacy Act 1988* (Cth) (Privacy Act) and the 13 Australian Privacy Principles (APPs), as well as the requirements of the Health Records Act (Vic).

1.2 Scope of Policy

1.2.1 This policy outlines the circumstances in which the School obtains personal information, how the School uses and discloses that information and how the School manages requests to access and/or change that information.

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

2.1.1 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, alumni, visitors or others that come into contact with the School.

2.1.2 In the course of providing services the School may collect and hold:

2.1.2.1 Personal Information including names, addresses and other contact details; dates of birth; next of kin details; photographic images; attendance records and financial information.

2.1.2.2 Sensitive Information (particularly in relation to student and parent records) including government identifiers (such as TFN), religious beliefs, nationality, country of birth, professional memberships, family court orders and criminal records.

2.1.2.3 Health Information (particularly in relation to student and parent records) including medical records, disabilities, immunisation details and psychological reports.

2.1.3 As part of the School's recruitment processes for employees, contractors and volunteers, the School may collect and hold:

2.1.3.1 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.

2.1.3.2 Sensitive Information including government identifiers (such as TFN), nationality, country of birth, professional memberships, family court orders and criminal records.

2.1.3.3 Health Information (particularly in relation to prospective staff and student records) including medical records, disabilities, immunisation details and psychological reports.

2.1.4 Generally, the School will seek consent from the individual in writing before their sensitive information (including health information) is collected.

2.1.5 It is noted that employee records are not covered by the APPs where they relate to current or former employment relations between the school and the employee. However, a current or former employee's health records are covered by the Victorian Health Records Act.

3 Collection of personal information

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

3.2 Solicited Information

3.2.1 The School has, where possible, attempted to standardise the collection of personal information by using specifically designed forms (e.g. an Enrolment Form or Health Information Disclosure Form). However, given the nature of the School's operations, the School also receive personal information by email, letters, notes, the School's website, 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.

- 3.2.2 The School may also collect personal information from other people (e.g. a third-party administrator, referees for prospective employees) or independent sources. However, the School will only do so where it is not reasonable and practical to collect the personal information from the individual directly.
- 3.2.3 The School may collect information based on how individuals use the School's website. The School uses "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 the School's website. This information is collected to analyse and improve the School's website, marketing campaigns and to record statistics on web traffic. The School does not use this information to personally identify individuals.

3.3 Unsolicited information

- 3.3.1 The School may be provided with personal information without having sought it through our normal means of collection. This is known 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; and
 - Additional information provided to the School which was not requested.
- 3.3.2 Unsolicited information obtained by the School 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 the School will destroy, permanently delete or de-identify the personal information as appropriate.

4 Collection and use of sensitive information

- 4.1.1 The School only collects sensitive information if it is:
- reasonably necessary for one or more of these functions or activities, and the School has the individual's consent;
 - necessary to lessen or prevent a serious threat to life, health or safety;
 - another permitted general situation; and
 - another permitted health situation.
- 4.1.2 The School may share sensitive information to other entities in its organisation structure, but only if necessary for the School to provide its products or services.
- 4.1.3 The School may request and share information in accordance with the Child Information Sharing Scheme (CISS) and the Family Violence Information Sharing Scheme (FVISS).

5 How does the School use personal information?

- 5.1.1 The School only uses personal information that is reasonably necessary for one or more of its functions or activities (the primary purpose) or for a related secondary purpose that would be reasonably expected by an individual, or for an activity or purpose to which the individual has consented.
- 5.1.2 The School's primary uses of personal information includes, but is not limited to:
- providing education, pastoral care, extra-curricular and health services;
 - school bus services;
 - satisfying legal obligations including the School's duty of care and child safe obligations;
 - keeping parents/guardians informed as to school community matters through correspondence, newsletters and magazines;
 - marketing, promotional and fundraising activities;
 - supporting community based causes and activities, charities and other causes in connection with the School's functions or activities;

- helping the School to improve its day-to-day operations including training its staff;
 - systems development; developing new programs and services; undertaking planning, research and statistical analysis;
 - school administration including for insurance purposes;
 - the employment of staff; and
 - the engagement of volunteers.
- 5.1.3 The School will only use or disclose sensitive or health information for a secondary purpose if an individual would reasonably expect us to use or disclose the information and the secondary purpose is directly related to the primary purpose.
- 5.1.4 The School may share personal information to related bodies corporate, but only if necessary for the School to provide its services.
- 5.1.5 The School may disclose information about an individual to overseas recipients only when it is necessary, for example to facilitate a student exchange program. The School will not however send information about an individual outside of Australia without the individuals consent.
- 5.1.6 Philanthropic support and marketing activities are important to the future development and growth of the School. Individuals may be contacted from time to time to seek such philanthropic support for the School, or receive marketing communication by mail or email. The opportunity to opt out of receipt of such materials will be made available with each communication.
- 5.1.7 The School may request and share information in accordance with the Child Information Sharing Scheme (CISS) and the Family Violence Information Sharing Scheme (FVISS).

6 Storage and Security of Personal Information

- 6.1.1 The School stores Personal Information in a variety of formats including, but not limited to:
- databases
 - hard copy files
 - personal devices, including laptop computers
 - third party storage providers such as cloud storage facilities
 - paper based files.
- 6.1.2 The School takes all reasonable steps to protect the personal information it holds from misuse, loss, unauthorised access, modification or disclosure.
- 6.1.3 These steps include, but are not limited to:
- Restricting access and user privilege of information by staff depending on their role and responsibilities;
 - Ensuring staff do not share personal passwords;
 - Ensuring hard copy files are stored in lockable filing cabinets in lockable rooms. Staff access is subject to user privilege;
 - Ensuring access to the School's premises are secured at all times;
 - Implementing physical security measures around the school buildings and grounds to prevent break-ins;
 - Ensuring the School's IT and cyber security systems, policies and procedures are implemented and up to date;
 - Ensuring staff comply with internal policies and procedures when handling the information;
 - Undertaking due diligence with respect to third party service providers who may have access to personal information, including customer identification providers and cloud service providers, to ensure as far as practicable that they are compliant with the APPs or a similar privacy regime; and
 - The destruction, deletion or de-identification of personal information the School holds that is no longer needed, or required to be retained by any other laws.
- 6.1.4 The School's public website may contain links to other third-party websites outside of the School. The School is not responsible for the information stored, accessed, used or disclosed on such websites and we cannot comment on their privacy policies.

7 Responding to data breaches

- 7.1.1 The School will take appropriate, prompt action if it has 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 the School's internal security procedures, taking remedial internal action, notifying affected individuals and the Office of the Australian Information Commissioner (OAIC).
- 7.1.2 If the School is unable to notify individuals, the School will publish a statement on its website and take reasonable steps to publicise the contents of this statement.

8 Disclosure of personal information

- 8.1.1 Personal information is used for the purposes for which it was given to the School, or for purposes which are directly related to one or more of the School's functions or activities.
- 8.1.2 Personal information may be disclosed to government agencies, other parents, other schools, recipients of school publications, visiting teachers, counsellors and coaches, our services providers, agents, contractors, business partners, related entities and other recipients from time to time, if the individual:
- Has given consent; or
 - Would reasonably expect the personal information to be disclosed in that manner.
- 8.1.3 The School may disclose personal information without consent or in a manner which an individual would reasonably expect if:
- The School is required to do so by law;
 - The disclosure will lessen or prevent a serious threat to the life, health or safety of an individual or to public safety;
 - Another permitted general situation applies;
 - Disclosure is reasonably necessary for a law enforcement related activity; and
 - Another permitted health situation exists.
- 8.1.4 The School may disclose personal information to unrelated bodies corporate for the purposes of providing services such as:
- Arthur Reed Photography
 - Bus companies including Christians Bus Company, Firefly and Hollands Bus Lines;
 - Coach Australia Group;
 - Cranston Psychology;
 - Department of Education and Training (Conveyance Allowance, Camps Sports and Excursions Fund);
 - Department of Health and Human Services;
 - EdSmart;
 - Independent Schools Victoria;
 - Metro Canteen;
 - Moorabool Shire Council;
 - Noone Imagewear;
 - Roll Call;
 - Victorian Curriculum and Assessment Authority;
 - Worksafe.

8.2 Disclosure of an individual's personal information to overseas recipients

- 8.2.1 Personal information about an individual may be disclosed to an overseas organisation in the course of providing the School's services, for example when storing information with a "cloud service provider" which stores data outside of Australia.
- 8.2.2 The School will however take all reasonable steps not to disclose an individual's personal information to overseas recipients unless:
- The School has the individual's consent (which may be implied);

- The School is satisfied that the overseas recipient is compliant with the APPs, or a similar privacy regime;
- The School forms 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
- The School is taking appropriate action in relation to suspected unlawful activity or serious misconduct.

9 Personal information of students

- 9.1.1 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.
- 9.1.2 The School takes 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/guardians. The School will treat notices provided to parents/guardians as notices provided to students and the School will treat consents provided by parents/guardians as consents provided by a student.
- 9.1.3 The School is 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. The School also acknowledges 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/guardians.
- 9.1.4 There may also be occasions where parents/guardians 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.

10 The quality of personal information

- 10.1.1 The School takes all reasonable steps to ensure the personal information it holds, uses and discloses is accurate, complete and up-to-date, including at the time of using or disclosing the information.
- 10.1.2 If the School becomes aware that the Personal Information is incorrect or out of date, the School will take reasonable steps to rectify the incorrect or out of date information.

11 Access and correction of personal information

- 11.1.1 An individual may submit a request to us to access the personal information the School holds, or request that the School changes the personal information. Upon receiving such a request, the School will take steps to verify the individuals identity before granting access or correcting the information.
- 11.1.2 If the School rejects the request, the individual making the request will be notified accordingly. Where appropriate, the School will provide the reason/s for its decision. If the rejection relates to a request to change personal information, an individual may make a statement about the requested change and the School will attach this to their record.

12 Complaints

- 12.1.1 An individual can make a complaint about how the School manages personal information, including a breach of the APPs or the Health Privacy Principles, by notifying the School in writing as soon as possible. The School will acknowledge a complaint by responding to the complaint within 10 business days. If the complaint is urgent, a faster response may occur.
- 12.1.2 If an investigation is required, the School will endeavour to conduct and conclude an investigation of the complaint within 28 business days of acknowledgement of complaint.
- 12.1.3 If an investigation cannot be concluded within 28 days, notification to the complainant will be made advising of an estimate of the additional time required. In most cases this will be a further 28 business days.
- 12.1.4 The School does not charge a fee for the handling of complaints.

- 12.1.5 Complainants will be afforded a number of avenues throughout the complaints handling process should they feel that their complaint is not being handled as they see fit, including:
- 12.1.5.1 Seeking alternative dispute resolution other than through the School's Complaints Handling Program, for example through counselling and mediation which involves the assistance of an independent third party who helps parties to negotiate a settlement of the complaint or dispute;
 - 12.1.5.2 Seeking legal advice, should a complaint escalate to a dispute, to ensure that they know their rights relating to the issue at hand;
 - 12.1.5.3 Making a request for an alternative investigator for the complaint where the complainant perceives a conflict of interest, or potential for conflict of interest.
- 12.1.6 If a complaint remains unresolved or if you are dissatisfied with the outcomes, the complainant has the right to seek other avenues of appeal through authorities such as the Office of the Australian Information Commissioner (OAIC). A complaint can be made using the OAIC online Privacy Complaint form or by mail, fax or email.
- 12.1.7 A referral to OAIC should be a last resort once all other avenues of resolution have been exhausted.

13 How to contact the School

The School can be contacted about this Privacy Policy or about personal information generally, by:

- Emailing privacy@bmg.vic.edu.au
- Calling (03) 5366 4800
- Writing to the School's Privacy Officer at PO BOX 214, Bacchus Marsh VIC 3340 or by facsimile at (03) 5366 .4850.

If practical, an individual can contact the School anonymously (i.e. without identifying themselves) or by using a pseudonym. However, if an individual chooses not to identify themselves, the School may not be able to give them the information or provide the assistance they might otherwise receive if it is not practical to do so.

14 Changes to the School's privacy and information handling practices

This Privacy Policy is subject to change at any time. Please check the School's Privacy Policy on the School's website www.bmg.vic.edu.au regularly for any changes.

15 Related Legislation

Child Wellbeing and Safety Act 2005
 Family Violence Protection Act 2008
 Health Records Act (Vic)
 Privacy Act 1988 (Cth)
 Public Health and Wellbeing Act 2008 (Vic)

16 Authorisation

Board Document No.	GOV.017	
Board Document Name	Privacy Policy	
Approval Authority	Chair of the School Board	
Approval Signature	Cathy Jeffkins Chair of the School Board Bacchus Marsh Grammar	
Administrator	Company Secretary	Greg Gough
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Date of Next Review	27 October 2022	To be reviewed annually
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17 History

Date	Amendment
22 October 2019	1. Reviewed and minor changes made - new format 2. Added section 5.1.6
28 October 2020	3. Reviewed
27 October 2021	4. Revised section on complaints and added reference to the CISS and FVISS