

# POLICY AND PROCEDURES

## PRIVACY POLICY

### GRM 1.7.3

<b>Date Approved:</b>	1/07/2022
<b>Date Effective:</b>	1/07/2022
<b>Scheduled Review Date:</b>	30/06/2023
<b>Policy Category:</b>	Governance and Risk Management
<b>Policy Owner:</b>	Principal

#### 1. Context

Pursuant to Commonwealth privacy laws, SEDA College (Victoria) is required to have a privacy policy which is available to all people associated with the College for whom records are maintained.

Privacy laws regulate how the College can collect, use, hold and disclose personal information. The College is bound by the Australian Privacy Principles contained in the Privacy Act 1988 (Cth). The information the College collects enables it to provide educational services and discharge its duty of care. Any data breaches may be reported by the College to the Office of the Australian Information Commissioner where required in accordance with the Privacy Act 1988 (Cth).

#### 2. Definitions

A reference or term included in this policy is defined as follows;

**"SEDA College"** or **"the College"** refers to SEDA College (Victoria).

**"VET"** means Vocational Education and Training.

**"Personal Information"** is information or an opinion that allows someone to identify the individual that the information or opinion is about. It can range from very detailed information such as medical records to other less obvious types of identifying information such as an email address. Personal information collected about students, parents/guardians, job applicants, staff members, volunteers and contractors includes, but is not limited to name, address, and other contact details; date of birth; next of kin details; previous school; medical information; financial information; photographic images; attendance records professional development history; complaint records and investigation reports and leave details.

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**"Sensitive Information"** is a type of personal information that is given extra protection and must be treated with additional care. It includes:

- information or an opinion about an individual's:
- racial or ethnic origin; or
- political opinions; or
- membership of a political association; or
- religious beliefs or affiliations; or
- philosophical beliefs; or
- membership of a professional or trade association; or
- membership of a trade union; or
- sexual preferences or practices; or
- criminal record; that is also personal information; or
- health information about an individual; or
- genetic information about an individual that is not otherwise health information; or
- biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- biometric templates.

**"Unsolicited personal information"** is personal information we receive that we have taken no active steps to collect such as an employment application sent to us by an individual on their own initiative, rather than in response to a job advertisement.

**"Health information"** is a subset of sensitive information. It is any information or opinion about the health or disability of an individual, the individual has expressed wishes about the future provision of health services and a health service provided, currently or in the future, to an individual that is also personal information. Health information also includes personal information collected in the course of providing a health service. Health information (particularly in relation to student and parent records) includes medical records, disabilities, immunisation details, individual health care plans, counselling reports, nutrition, and dietary requirements.

A **"record"** is defined as a 'document' or an 'electronic or other device'. A 'document' includes anything on which there is writing, anything from which sounds, images or writings can be reproduced, drawings or photographs. Some items are excluded from this definition, including a generally available publication (e.g. a telephone directory), and anything kept in a library, art gallery or museum for the purposes of reference, study, or exhibition.

### **3. Application**

This policy applies to all employees, students, staff, Board members, volunteers, contractors, visitors, and other people who are associated, or come in contact, with the College.

### **4. Statement of Policy**

The College is firmly committed to and bound by the Australian Privacy Principles (APPs) contained in the Privacy Act (1988). This Privacy Policy applies to the College and sets out how the College manages personal information provided to or collected by it.

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Employment records for past and present staff are exempt from the Privacy Act. However, where State or Territory health privacy legislation applies, we are still required to protect the privacy of employee health information. This Privacy Policy will apply in those circumstances.

## 5. Procedures

To properly implement this policy, the College, the Board and/or the Principal must ensure:

- that this policy is endorsed on an annual basis;
- that copies of this policy are made available to parents, students, prospective employees, contractors, volunteers or any other individual the College holds information about, for example on the College internet site.
- that copies of this policy are made available to employees, for example on the College internet site and intranet;
- that this policy is incorporated into the Board's / Principal's record of current policies;
- that this policy is incorporated into the College's induction program, to ensure that all employees are aware of the policy, have read and understood the policy, and acknowledge their commitment to comply with the policy;
- that periodic training and refresher sessions are administered to all employees in relation to this policy; and
- parents are informed that if certain information is not obtained, their child may not be able to enrol.

### 5.1 What kind of personal information do we collect?

We will only collect personal information that is relevant to our relationship with the individual. The type of personal information we collect, and hold includes, sensitive and unsolicited personal information, about:

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

The types of personal information that the College collects and holds depends on the circumstances of collection. For students, the College collects information such as name, age, contact details, academic record, and history, and may collect sensitive information (such as information about a student's health or racial or ethnic origin). For persons who deal with the College in some other capacity (for example, as a staff member, parent or guardian, former student, volunteer, contractor, or visitor), the College may collect the relevant individual's name, contact details, and any other information they choose to provide to the College.

### 5.2 How SEDA College collects personal information?

The information collected by the School about students, parents, and guardians, may be collected before, during or after the student is enrolled at the School. Information about students and parents may be collected in a number of ways including:

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- directly from students and parents by telephone, in enrolment, excursion or medical forms or in person;
- from other parties (such as medical practitioners or other schools); and
- from publicly available sources.

It is usual practice for SEDA College to collect personal information directly from the individual. In many circumstances the student's parents and or guardians will be required to have input (most commonly this is for students under the age of 18 years). The College will treat consent given by parents or guardians as consent given on behalf of the student, and notice given to parents or guardians will act as notice given to the student.

Sensitive information will only be collected with the individual's consent and where the collection is reasonably necessary for one or more of SEDA College's functions or activities (unless a legal exemption applies).

SEDA College collects information about students on behalf of its Vocational Education and Training (VET) providers according to the requirements of the Standard VET Funding Contract Skills First Program, Standards for Registered Training Organisations (RTOs) 2015, Higher Education Support Act 2003, Victorian VET Student Statistical Collection Guidelines and Data Provision Requirements. SEDA College also collects data from stakeholders about the services provided by SEDA College. These surveys are voluntary and respondents may exercise their right of anonymity.

### **5.3 Purposes for collecting information**

SEDA College will collect, hold, use and disclose personal information about an individual that is reasonably necessary for one or more of its functions or activities.

SEDA College's functions or activities include;

- providing educational services to students in an independent College environment. SEDA College's functions or activities are sometimes delivered via enrolment with an external registered training organisation.
- looking after students' educational, social, emotional, and medical well-being;
- satisfying the College's legal obligations and allowing the College to discharge its duty of care;
- protecting the security of our offices, staff, students, visitors, and the property held on our premises;
- recruiting staff and contractors to assess and (if successful) to engage the applicant or contractor, as the case may be;
- marketing the College including direct marketing, campaigns, and events.
- reporting to state or national regulators.
- reporting in circumstances related to public interest, such as law enforcement and public or individual safety.

We may also collect, hold, use and disclose personal information for other purposes, explained at the time of collection, which are required or authorised by or under law or for which permission has been provided.

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In relation to students, SEDA College's primary purpose of collection is to provide educational services and related support services including health and wellbeing support. This means that SEDA College staff working with a particular student will be provided with necessary personal information, including sensitive information, for the purpose of providing education and related support services. This includes information disclosed to and held by the Student Connect wellbeing staff which might otherwise have been expected to have remained confidential and only be held by Student Connect.

In relation to the personal information of staff, SEDA College's primary purpose of collection is to facilitate employment and administer the staff member's benefits and other entitlements.

#### **5.4 Disclosure of information**

As part of its functions or activities, SEDA College may disclose personal information, including sensitive information to other individuals and organisations including:

- students and parents or guardians (unless otherwise requested in writing or restricted by a Court Order);
- Anyone you authorize the College to disclose information to;
- Other schools;
- Assessment and educational authorities;
- Government departments or authorities;
- People providing services to the College that assist it to conduct its functions or activities;
- medical practitioners and other healthcare or emergency service providers;
- industry organisations related to the functions or activities of SEDA College such as the sporting and building and trade partners; and
- any other individual or organisation SEDA College is required to disclose the information to by law.

#### **5.5 Sending information overseas**

We may disclose personal information to parties located overseas in the following situations:

- Parents and guardians of students who live overseas.
- Promotional material will be posted on the College's official social media accounts. Otherwise, staff members are not permitted to copy any personal information about anyone in the College community to any social media sites.
- The College will use cloud-based services, which require some personal information to be sent to data centres external to Australia. Only organisations that have similar regulatory requirements as that of the Commonwealth Privacy Act are used. One such example is an email service that sends bulk email to our parents. In this situation, only the parents' names and email addresses are uploaded. No information is provided that is irrelevant to the operation.
- Individual staff will also use cloud-based services as part of the day-to-day management or assessment of the students in their care. Examples of such services include Office 365, iCloud, Dropbox, and Google Docs.

In the unusual event that a request is made for another purpose, SEDA College will comply with the Australian Privacy Principles.

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## 5.6 Integrity of information

The College will take such steps that are reasonable to protect personal information from:

- misuse, interference, and loss; and
- unauthorised access, modification, or disclosure.

This includes taking appropriate security measures to protect electronic materials and material stored and generated in hard copy.

The College will take reasonable steps to ensure that information is destroyed or de-identified when it is no longer required by law. Refer to the Record Keeping and Information Management Policy for further details.

## 5.7 Information Quality

SEDA College will take reasonable steps to ensure that the personal information it holds is accurate, complete, and up to date. Subject to legal exceptions, an individual may seek access to and seek the correction of personal information SEDA College holds about them. Access and correction requests can be made to SEDA College directly via the Registrar.

## 5.8 Access to Information

The College will, on request by an individual, give that individual access to any personal information held by the College about that individual.

In particular:

- parents may seek access to personal information collected about their child. It is the responsibility of the College to ensure that they do not disclose information which 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 and legal obligations.
- 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 student involved had reached 18 years of age, but the College could do so in other circumstances when the maturity of the student and/or the student's personal circumstances so warranted.

Before providing information, a staff member must be satisfied:

- of the identity of the individual seeking the information; and
- that the individual is entitled to access.

## 5.9 Data Breaches

SEDA College takes all data breaches such as unauthorised access to or disclosure or loss of personal information extremely seriously.

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All data breaches will be investigated thoroughly by the College's Data Breach Response Team, in accordance with the College's Data Breach Response Plan.

Data breaches likely to result in "serious harm" to an individual such as physical, psychological, emotional, financial, or reputational harm will be reported to the Office of the Australian Information Commissioner (and in accordance with the Notifiable Data Breaches scheme effective 22nd February 2018).

### **5.10 Complaints & Monitoring**

If you have any questions about this Privacy Policy, any concerns or a complaint regarding the treatment of your privacy or a possible breach of privacy, please contact the Privacy Officer:

Email: [privacy@scv.vic.edu.au](mailto:privacy@scv.vic.edu.au)

Address: Privacy Officer  
Level 2, 415 Riversdale Road  
Hawthorn East VIC 3123

The College may seek further information from you in order to complete an investigation and will endeavour to respond to you with 14 days.

Contact with the College can be anonymous or via the use of a pseudonym. However, should you choose not to identify yourself, the College may not be able to give you the information or provide the assistance you might otherwise receive if your identity is known.

While SEDA College encourages its staff and students to raise concerns with SEDA College directly, external privacy complaints can be made to the Office of the Australian Information Commissioner.

## **6. Referenced Documents**

This Privacy Policy is to be read in conjunction with other related school policies, procedures, and legislation. These include:

- Privacy Act 1988 (Cth)
- Standard VET Funding Contract Skills First Program
- Standards for Registered Training Organisations (RTOs) 2015
- Higher Education Support Act 2003
- Victorian VET Student Statistical Collection Guidelines
- Data Breach Response Plan

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## 7. Policy History

Version	Policy Owner	Approval Date	Effective Date	Summary of Changes
V1	Principal	20/12/16	20/12/16	
	Principal	20/12/17	20/12/17	Removal of arts reference, replace with Building and Trade reference
V2	Principal	19/11/19	19/11/19	Inserted section relating to Data Breaches. Inserted updated policy name for Concerns, Complaints & Grievances Policy – Students, and included the Grievance Policy – Staff. Minor text changes.
V3	Principal	01/07/2022	01/07/2022	Updated to new template and letterhead including address details. Added comprehensive definition section.

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