

SHOLEM ALEICHEM COLLEGE PRIVACY POLICY

Policy statement

Sholem Aleichem College is committed to:

- Responsible and transparent collection and handling of health and personal information.
- Protecting the privacy of each individual's health and personal information.
- Ensuring individuals are fully informed regarding the collection, storage, use and disposal of their personal/health information and their access to that information.

In the course of Sholem Aleichem 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) as well as the requirements of the Health Records Act (Vic).

Statement of commitment to Child Safety

Sholem Aleichem College is committed to ensuring a child safe environment exists throughout our College. The safety, wellbeing and rights of all children attending the College are paramount. Sholem Aleichem College's commitment to creating a safe environment for all students who attend the College is endorsed at the highest level by the College Council and the Principal. For more information, please refer to our Child Protection Policy.

Aim

The aim of this policy is to inform anyone working for or dealing with the College of the circumstances in which we obtain personal information, how we use and disclose that information and how we manage requests to access and/or change that information.

Scope

This Policy applies to all employees of Sholem Aleichem College, students, parents/guardians, volunteers and any member of the community that comes into contact with the College.

Related policies

SAC Complaints and Grievances Policy
SAC Records Management Policy
SAC IT Safe Use Policy and Agreement

Policy implementation

How We Collect Personal Information

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 College.

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

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

- **Health Information** (particularly in relation to student and parent 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 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).

It is noted that employee records are not covered by the APPs where they relate to current or former employment relations between the College and the employee.

However, a current or former employee's health records are covered by the Victorian Health Privacy Principles.

Collection of Personal Information

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

Solicited Information

Sholem Aleichem College has, where possible, attempted to standardise the collection of personal information by using specifically designed forms (e.g. an Enrolment Form). However, given the nature of our operations we may 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 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 or it is required as part of a process that the individual has consented to (eg. Recruitment process).

Information Collected from Our Website

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.

Unsolicited information

Sholem Aleichem College 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

- additional information provided to us which was not requested.

Unsolicited information obtained by Sholem Aleichem 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 individual's 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 organisation structure, but only if necessary, for us to provide our services.

How do we use personal information?

Sholem Aleichem College only uses 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 for an activity or purpose to which you have consented.

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

- providing education, pastoral care, extra-curricular and health services
- satisfying our legal obligations including our duty of care and child protection obligations
- keeping parents informed as to College community matters through correspondence, newsletters and magazines
- marketing, promotional and fundraising activities
- supporting the activities of College associations
- supporting the activities of the College
- 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
- College administration including for insurance purposes
- the employment of staff
- the engagement of volunteers.

We will only use or disclose sensitive or health 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.

We may share personal information to related bodies corporate, but only if necessary, for us to provide our services.

The College may disclose information about an individual to overseas recipients only when it is necessary, but will not however send information about an individual outside of Australia without their consent.

Storage and Security of Personal Information

Sholem Aleichem College 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.

Sholem Aleichem College takes all reasonable steps to protect the personal information we hold from misuse, loss, unauthorised access, modification or disclosure.

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 Sholem Aleichem College's premises is secured at all times.
- implementing physical security measures around the College buildings and grounds to prevent break-ins
- ensuring our 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
- 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.

Our public website may contain links to other third-party websites outside of Sholem Aleichem College. Sholem Aleichem College is not responsible for the information stored, accessed, used or disclosed on such websites and we cannot comment on their privacy policies.

Data breaches

A data breach can take many forms and have many causes. The breach may involve human error, a system fault or a deliberate hacking of a database. Depending on the circumstances of the incident, the extent of interference with personal information will vary, as will the harm suffered by the individuals affected by the interference.

Our legal obligations for reporting an incident can vary depending on the circumstances of the incident.

Sholem Aleichem College has established the following work systems, practices, policies and procedures for responding to and reporting suspected and actual data breaches both internally and externally. This includes:

- Terminology
- Guide to Data Breach Identification (see below)
- Remedial Action
- Data Breach Response Plan (See Appendix A)

The process for responding to data breaches shown in Appendix A is designed to assist our staff in making decisions with respect to identifying different data breaches and when a breach will be a Notifiable Data Breach. The Privacy Officer (for contact see below) must be notified of any data breach.

Sholem Aleichem 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). For more information refer to **Appendix A**. Notifiable Data Breach Response Plan.

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.

Guide to Data breach identification

Terminology

Data Breach

It is important to note that although the Privacy Act regulates the handling of personal information, not “data”, the Office of the Australian Information Commissioner (OAIC) uses the term data breach rather than “personal information security breach” in its guidance to organisations on how to respond to an incident.

A data breach occurs when personal information held by Sholem Aleichem College is misused, interfered with, lost or subject to unauthorised access, modification or disclosure. In other words, a data breach may occur as a result of a failure by Sholem Aleichem College to protect the security of:

- personal information, in accordance with APP 11: Security of Personal Information; and/or
- credit information, in accordance with the Privacy Act and Credit Reporting Code.

Examples of data breaches include:

- lost or stolen laptops, removable storage devices, or paper records containing personal information
- databases containing personal information being ‘hacked’ or otherwise illegally accessed by individuals outside of the College
- employees accessing or disclosing personal information outside the requirements or authorisation of their employment
- paper records stolen from insecure recycling or garbage bins
- the College mistakenly providing personal information to the wrong person, for example by sending details to the wrong address.

Data breaches that are likely to result in serious harm to any of the individuals to whom the information relates may be a Notifiable Data Breach.

Likely means ‘more probable than not’.

Notifiable Data Breach

A Notifiable Data Breach occurs where the College holds personal information relating to one or more individuals, is required to ensure the security of that personal information, and:

- there is unauthorised access to or disclosure of information, and a reasonable person would conclude that this 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 unauthorised access to or disclosure of information is likely to occur, and a reasonable person would conclude that, assuming this were to occur, it would be likely to result in serious harm to any of the individuals to whom the information relates.

Under the Privacy Act, these types of data breaches are referred to as “eligible data breaches”, however for the purposes of this policy, the College has adopted the phrase Notifiable Data Breach as in the OAIC's guidance materials.

Serious Harm

This term is not defined in the Privacy Act. The term could include serious physical, psychological, emotional, economic and financial harm, as well as serious harm to reputation.

The Act sets out a list of factors to consider when determining whether a reasonable person would conclude that an incident of access to, or a disclosure of, information:

- would be likely; or
- would not be likely,

to result in serious harm to any of the individuals to whom the information relates.

Those factors are:

- the kind/s of information
- the sensitivity of the information
- whether the information is protected by one or more security measures
- if the information is protected by one or more security measures – the likelihood that any of those security measures could be overcome
- the persons, or the kinds of persons, who have obtained, or who could obtain, the information
- if a security technology or methodology was used in relation to the information and was designed to make the information unintelligible or meaningless to persons who are not authorised to obtain the information, the likelihood that the persons, or the kinds of persons, who:
 - have obtained or, or who could obtain the information
 - have, or are likely to have, the intention of causing harm to any of the individuals to whom the information relates
- have obtained, or could obtain, information or knowledge required to circumvent the security technology or methodology
- the nature of the harm
- any other relevant matters.

Remedial Action

Remedial action is action taken to contain a suspected data breach and to prevent the likely risk of serious harm occurring.

For example, if a staff member accidentally sends an email containing personal information to the wrong recipient, the Privacy Officer and the staff member may be able to take action to remedy the breach so that a reasonable person would conclude that the breach would likely not result in serious harm to any person to whom the information relates. Action could include recalling the email or contacting the recipient who agrees to delete the email.

Successful Remedial Action

If remedial action is successful, and the likely risk of serious harm occurring has been prevented, the breach will not amount to a Notifiable Data Breach and notification to the OAIC and affected individuals will not be required.

Unsuccessful Remedial Action

If remedial action is unsuccessful, meaning that the likely risk of serious harm occurring has not been prevented, the data breach will be a Notifiable Data Breach and, it may be appropriate for the Privacy Officer to escalate the matter to the Data Breach Response Team as outlined in the Plan in Appendix A.

Voluntary Notification to OAIC and/or Individuals

Not all data breaches require notification to the OAIC and affected individuals. If there are reasonable grounds to suspect that there may have been a Notifiable Data Breach, we must comply with the notification requirements set out in the Privacy Act.

If a data breach is not a Notifiable Data Breach, the College is not legally required to notify the OAIC and affected individuals but may choose to do so as a matter of best practice. A decision to voluntarily notify the OAIC and/or affected individuals will be made on a case-by-case basis having regard to the following factors:

- notification as a reasonable security safeguard: to help protect information from misuse, interference or loss
- notification as openness about privacy practices: being open and transparent when something goes wrong
- notification as restoring control over personal information: where it will assist individuals to regain control of the information
- notification as a means of rebuilding public trust, where it will demonstrate to the public that the College takes its privacy obligations seriously

OAIC Contact Details

If we decide to notify the OAIC we will do so using one of the following contact options:

- Email: enquiries@oaic.gov.au
- Telephone: 1300 363 992
- Facsimile: + 61 2 9284 9666
- Post: GPO Box 5218, Sydney NSW 2001

Information Collecting

Various steps in the Data Breach Response Plan require the collection of information.

In the event that the Data Breach Response Plan is activated, the Privacy Officer will ensure that:

- evidence is preserved that may be valuable to determine the context of the data breach and a list of affected individuals, or possible affected individuals
- information will be compiled for external notification processes and internal reporting
- records of the information are kept.

Disclosure of Personal Information

Personal information is used for the purposes for which it was given to Sholem Aleichem College, or for purposes which are directly related to one or more of our functions or activities.

Personal information may be disclosed to government agencies, other parents, other schools, recipients of College 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.

Sholem Aleichem College may disclose personal information without consent or in a manner which an individual would reasonably expect if:

- we are 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
- another permitted health situation exists.

Disclosure of Personal Information to Overseas Recipients

Personal information about an individual may be disclosed to an overseas organisation in the course of providing our services, for example when storing information with a “cloud service provider” which stores data outside of Australia.

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)
- we have satisfied ourselves that the overseas recipient is compliant with the APPs, or a similar privacy regime
- 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
- we are taking appropriate action in relation to suspected unlawful activity or serious misconduct.

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 Sholem Aleichem 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 College’s duty of care to the student.

The Quality of Personal information

We take all reasonable steps to ensure the personal information we hold, use and disclose is accurate, complete and up-to-date, including at the time of using or disclosing the information.

If the College becomes aware that the personal information is incorrect or out of date, we will take reasonable steps to rectify the incorrect or out of date information. We expect parents/ guardians to be proactive in notifying us of any changes to either their or student personal information that we

require in order to deliver our services (eg. Contact details, Individual Health plans such as Asthma or Anaphylaxis etc.)

Access and Correction of Personal Information

You may submit a request to us to access the personal information we hold, or request that we change the personal information. Upon receiving such a request, we will take steps to verify your identity before granting access or correcting the information.

If we reject the request, you will be notified accordingly. Where appropriate, we will provide the reason/s for our decision. If the rejection relates to a request to change personal information, an individual may make a statement about the requested change and we will attach this to their record.

Complaints

You can make a complaint about how the College manages personal information, including a breach of the APPs 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 may seek further information in order to provide a full and complete response.

Sholem Aleichem College does not charge a fee for the handling of complaints. Please refer to our Complaints and Grievances Policy.

If you are not satisfied with our response, you may refer the complaint to the OAIC. A complaint can be made using the OAIC online [Privacy Complaint form](https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=APC_PC&tmFormVersion) (https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=APC_PC&tmFormVersion) 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

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

- Emailing our Privacy Officer, Constantine Roubos, at CRoubos@sholem.vic.edu.au with a subject "Privacy Inquiry"
- Calling 8527 3000
- Writing to our Privacy Officer at 11 Sinclair St, Elsternwick, 3185

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.

Review

This Privacy Policy was last reviewed and endorsed by College Council in June 2022 and is subject to change at any time. Please check our Privacy Policy on our public website regularly for any changes.

Appendix A. Data Breach Response Plan

