

# EREA Ltd

## Privacy Policy

### Background

EREA Ltd [EREA] is bound by Privacy legislation, in accordance with the Australian Privacy Principles and state-based legislation and regulations, for managing privacy compliance obligations. EREA aims to be proactive in its approach to privacy protection and will assess the privacy impacts of major initiatives and projects and embed privacy considerations into the design and architecture of information technology, student and staff experiences and business processes.

### Purpose

EREA is committed to protecting personal privacy and recognises that staff and students have a reasonable expectation that EREA will protect and appropriately manage the personal information it holds about them. This Policy outlines 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.

### Principles

The *Privacy Act 1988 (Cth)* requires EREA to handle any personal information (including 'sensitive' information) we collect about individuals in accordance with the thirteen Australian Privacy Principles (APP's). The Policy must conform with the APP's found in the Act and with the *Privacy Legislation Amendment (Enforcement and Other Measures) Act 2022 (Cth)*. In accordance with the APP's, our Privacy Policy outlines:

- I. the types of personal information we collect and hold
- II. how we collect and hold personal information
- III. the purposes for which we collect, hold, use and/or disclose personal information
- IV. how an individual can access their personal information and seek a correction of the information
- V. how an individual may complain about our compliance with the APP's and how we will deal with such a complaint
- VI. whether we are likely to disclose personal information to any overseas recipients, and if so, the countries in which those recipients are based

Where applicable, the Policy will also conform to state-based legislation and reporting requirements in relation to health records.

### Scope

- This policy applies to the EREA Ltd Board and Board Sub Committees.
- This policy applies to all EREA Ltd employees.
- This policy is intended to operate in conjunction with other EREA policies, including but not limited to the Code of Conduct, Complaints Handling Policy and Guidelines, Child Safeguarding Policy, Cyber Security Policy, Risk Management Policy and Compliance Policy.

## Definitions

Term	Definition
Assurance	means the EREA software and digital storage system used to record, store and report on compliance related matters in the organisation.
Australian Privacy Principles (APP's)	<p>The Australian Privacy Principles (or APPs) are the cornerstone of the privacy protection framework in the <a href="#">Privacy Act 1988</a> (Privacy Act). They apply to any organisation or agency the Privacy Act <a href="#">covers</a>.</p> <p>There are 13 <a href="#">Australian Privacy Principles</a> and they govern standards, rights and obligations around:</p> <ul style="list-style-type: none"> <li>• the <a href="#">collection, use and disclosure</a> of <a href="#">personal information</a></li> <li>• an organisation or agency's governance and accountability</li> <li>• integrity and <a href="#">correction</a> of personal information</li> <li>• the rights of individuals to <a href="#">access</a> their personal information</li> </ul> <p>The Australian Privacy Principles are principles-based law. This gives an organisation or agency flexibility to tailor their personal information handling practices to their business models and the diverse needs of individuals. They are also technology neutral, which allows them to adapt to changing technologies.</p> <p>A breach of an Australian Privacy Principle is an 'interference with the privacy of an individual' and can lead to regulatory action and penalties.</p>
Board	means EREA Ltd Board
NED	means the National Executive Director of EREA Ltd.
Contractor	means someone engaged by EREA to perform specific tasks. Contractors are not employees of EREA.
Employee	means any person employed through an employment contract by EREA Ltd.
EREA	means Edmund Rice Education Australia Ltd.
Implementation	means the Implementation section of this policy.
Incident	<p>An actual or alleged event or situation that:</p> <ul style="list-style-type: none"> <li>• Causes harm or creates a risk of harm to a Student's health, safety or wellbeing either directly or indirectly while under the care or supervision of the school.</li> <li>• Impacts a Student and is brought to the attention of the school, regardless of when or where it occurred, provided it is impacting on the Student or other Students within the school environment.</li> <li>• Causes harm or creates a risk of causing harm to the health, safety or wellbeing of employees, contractors, or volunteers either directly or indirectly in the School setting.</li> <li>• Affects or risks affecting the continuity of school operations, including matters of security (including cyber security), property damage and emergencies.</li> <li>• Requires police notification or involves matters of serious misconduct.</li> <li>• Is a WorkSafe notifiable incident.</li> </ul>
OAIC	means the Office of the Australian Information Commissioner. The independent national regulator for privacy and freedom of information.

Term	Definition
PolicyConnect	means the online storage and access platform for policy and information.
Principles	means Principles section of this policy.
Principal	means the appointed authority of an EREA Ltd School or member entity.
Privacy Breach	means a security violation, in which sensitive, protected or confidential data is copied, transmitted, viewed, stolen, altered or used by an individual or organisation unauthorised to do so. Includes unintentional information disclosures, data and information leaks and data spills.
Privacy Officer	is the first point of contact for advice on privacy matters and coordinates a range of functions to help with regulatory compliance.
Purpose	means Purpose section of this policy.
Risk	means risk of death, injury or illness.
Risk Management	means processes undertaken in order to identify hazards, assess risks, decide on control measures to prevent, minimise or eliminate the risk, implementing control measures and monitoring and reviewing the effectiveness of the measures.
School	means any School or entity within the EREA Ltd network of schools, including Early Learning Centres.
Staff	means person(s) employed by EREA Ltd.
Teacher	means a person employed in a School who is qualified in that jurisdiction to practice as a teacher of children and young people of school age.
Visitors	means persons who may attend EREA or a School's premises from time to time for reasons other than for the performance of work of any type.
Volunteer	means a person associated with a School who does unpaid work for that School by agreement with the School.

## Roles and Responsibilities

Role	Responsibilities
<b>EREA Ltd Board (EREA)</b>	Approves the Privacy Policy and is obliged to monitor trends, methods of rectification and compliance with this policy (reports from the NED). Ensures this Policy is reviewed as necessary.
National Executive Director (NED)	Oversees the development, implementation, and assurance of procedures to ensure compliance with this policy and with applicable legislation Manages incidents that are escalated above EREA Ltd level.  Other responsibilities include: <ul style="list-style-type: none"> <li>Overseeing and ensuring that EREA Ltd staff are complying with their obligations under this Policy</li> <li>Communicating and actively demonstrating the importance of effective privacy management across all EREA entities</li> <li>Promoting continual improvement with each EREA entity</li> <li>Ensuring that all privacy management matters align with the direction of EREA</li> </ul>
Privacy Officer	Core functions: <ul style="list-style-type: none"> <li>providing privacy guidance and advice internally on: <ul style="list-style-type: none"> <li>the development of new initiatives that have a</li> </ul> </li> </ul>

Role	Responsibilities
	<ul style="list-style-type: none"> <li>○ potential privacy impact</li> <li>○ the general application of privacy law to EREA activities</li> <li>○ what to consider when deciding whether or not to carry out a Privacy Impact Assessment</li> <li>○ what safeguards to apply to mitigate any risks to the privacy of individuals</li> <li>● liaising with the OAIC</li> <li>● co-ordinating the handling of internal and external privacy enquiries, privacy complaints, and requests for access to, and correction of, personal information</li> <li>● maintaining a record of EREA personal information holdings</li> <li>● assisting with the preparation of Privacy Impact Assessments</li> <li>● measuring and documenting EREA performance against its privacy management plan.</li> <li>● deliver training to staff</li> <li>● proactively monitor compliance with regulation</li> <li>● assist with managing EREA responses to data breaches</li> </ul>
Employees, volunteers, contractors and other relevant persons	<ul style="list-style-type: none"> <li>● Follow reasonable instructions/training provided by EREA to assist them in complying with their privacy obligations</li> <li>● Identify and report any actual or perceived data breach(es) to the Privacy Officer</li> <li>● Report any breaches of this policy</li> <li>● Otherwise comply with this policy</li> </ul>
Visitors	Comply with any reasonable direction or instructions given by EREA in the interest of complying with privacy obligations

## Policy

### Guidelines

How EREA handles information collected about individuals is very important for two main reasons:

- People we deal with expect us to handle their personal information properly; and
- We have a legal obligation to do so.

There are substantial penalties for serious or repeated breaches of the Privacy Act and the APP's. Non-compliance with our privacy obligations also poses a risk of reputational damage to schools and the organisation if the privacy of an individual is breached, and further damaged if the breach is managed poorly.

### Child Safety

Child Protection laws in every state and territory, and family/domestic violence laws in some, enable schools to *share or receive* information about students and other relevant people with external agencies or individuals, both verbally and in writing, in certain circumstances and for particular purposes. This information can usually be shared without the consent of the relevant individual or, in the case of a student, of their parent/carer. These laws override the privacy requirements of the Privacy Act.

### Exception in relation to employee records

Under the Privacy Act, the APP's do not apply to an employee records. As a result, this Privacy Policy does not apply to EREA's treatment of an employee record, unless required by law or organisational policy, where the treatment is directly related to a current or former relationship between EREA and an employee. EREA handles staff health records in accordance with any applicable state based legislation.

## Implementation

### ***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, alumni, visitor, employee, member of EREA Board or Board subcommittee and/or others who come into contact with the school.

In the course of providing services and conducting its operations, EREA 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, 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 an 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 EREA is collecting it. If it is reasonable and practical to do so, we collect personal information directly from the individual.

### ***Solicited Information***

EREA 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 our operations we also receive personal information by email, letters, notes, via our 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.

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 websites across the entirety of EREA. 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(s). 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***

EREA 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 EREA 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***

EREA will only collect sensitive information if it is:

- reasonably necessary for one or more of the disclosed 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

EREA may share sensitive information with other entities in our organisational structure, but only if it is necessary for us to provide our services.

### ***How do we use personal information?***

EREA only uses personal information, for which it has received consent 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, or for an EREA activity or purpose.

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

- satisfying our legal obligations including our duty of care and child protection obligations
- marketing, promotional and fundraising activities
- supporting community-based causes and activities, charities and other causes in connection with our 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.

We will only use or disclose sensitive or health information for a secondary purpose if it is reasonably expected of us to use or disclose the information and the secondary purpose is directly related to the primary purpose.

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

We may disclose information about an individual to overseas recipients only when it is necessary, for example to facilitate a student exchange program. We will not however send information about an individual outside of Australia without their consent.

### ***Nationally Consistent Collection of Data (NCCD) on School Students with Disability***

Catholic Education Commissions (CEC) in the relevant jurisdictions where EREA schools operate may provide assistance to schools so they can meet their obligations under the Commonwealth *Australian Education*

*Regulation 2013* (the Regulations). The Regulations require schools to provide the Commonwealth Department of Education and Training (DET) with certain information under the NCCD on students with a disability, including category of disability and level of adjustment. Schools collect the required information at an individual student level and may provide it to their respective CEC as an Approved Authority (for funding). Approved Authorities must comply with reporting, record keeping and data quality assurance obligations under the NCCD. Student information provided to the DET for the purpose of the NCCD does not explicitly identify any student.

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

EREA 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.

We take 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 EREA's premises are secured at all times.
- Implementing physical security measures around EREA buildings and grounds to prevent break- ins.
- Ensuring our IT and cyber security systems, policies and procedures are implemented and proactively monitored and subject to regular audits and testing.
- 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.

EREA's public website and the public websites of our schools may contain links to other third- party websites outside of EREA. EREA is not responsible for the information stored, accessed, used or disclosed on such websites and we cannot comment on their privacy policies.

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

EREA 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.

### ***Disclosure of personal information***

Personal information is used for the purposes for which it was given to EREA, 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 school publications, visiting teachers, counsellors and coaches, our services providers, agents, contractors, business partners, related entities and other recipients from time to time, if an individual:

- Has given consent; or
- Would reasonably expect the personal information to be disclosed in that manner.

EREA 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; or
- 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.

EREA takes a commonsense approach when dealing with students’ personal information and will generally 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 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.

### ***The quality of personal information***

EREA takes 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 we become aware of personal information which is incorrect or out of date, we will take reasonable steps to rectify the incorrect or out of date information.

### ***Access and correction of personal information***

Requests may be submitted to EREA to access or change the personal information we hold. 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 EREA manages personal information, including a breach of the APPs or any state-based legislation in relation to health records, by notifying us in writing as soon as possible. We will respond to the complaint in line with the EREA Complaints Handling Policy and we may seek further information in order to provide a full and complete response. EREA does not charge a fee for the handling of complaints.

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](#) or by mail, fax or email. A referral to the OAIC should be a last resort once all other avenues of resolution have been exhausted.

### ***How to contact us***

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

Emailing [privacy@erea.edu.au](mailto:privacy@erea.edu.au)

Phoning (03) 9426 3200

Writing to EREA's Privacy Officer at 420 St Kilda Rd, Lv 10, Melbourne, VIV 3004

We can be contacted on an anonymous basis or by using a pseudonym. However, if you choose not to identify yourself, we may not be able to provide the information or assistance you might otherwise receive if it is not practical to do so.

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

EREA's Privacy Policy is subject to change at any time. Please check our Privacy

Policy on our website (<http://www.erea.edu.au/>) regularly for any changes.

## Breach of this Policy

Individuals who breach this policy may be subject to disciplinary action, including and up to termination of their employment. In some circumstances, a breach of this policy will amount to a breach of relevant legislation. In these circumstances, the individual may be liable for further penalties under the legislation.

Individuals who become aware of an actual or suspected breach of this policy are obliged to report it. They may speak to their line manager or lodge a Whistleblower report through the website/hotline of EREA's external service provider (*see the EREA Whistleblower Policy and Procedures for further information*). All reports are treated confidentially.

## Policy Review

This policy will be reviewed every four (4) years unless there is a legislative or regulatory requirement to do so earlier.

The EREA Ltd Board is responsible for approving this Policy and for ensuring it is reviewed and updated as needed.

## EREA Related Policies, Procedures and Legislation

### 1. Related Legislative Instruments:

The following legislation, standards and regulations apply, and this policy aligns with these mandated requirements:

- Commonwealth Privacy Act 1988
- Privacy Legislation Amendment (Enforcement and Other Measures) Act 2022
- Privacy Amendment (Notifiable Data Breaches) Act 2017
- Health Records (Privacy and Access) Act 1997 [ACT]

### 2. EREA Policy Linkage

This policy should be read in conjunction with the following related documents:

- EREA Code of Conduct
- EREA Child Safeguarding Policy
- EREA Risk Management Policy
- EREA Incident Notification Policy
- EREA Complaints Handling Policy
- EREA Compliance Policy
- EREA Whistleblower Protection Policy & Guidelines
- EREA Cybersecurity Policy
- EREA Health Safety & Wellbeing Policy

### 3. Related Information

- EREA Privacy Program – web-enabled content on *PolicyConnect*

Privacy Policy	
Policy Owner	NED - EREA Ltd
Approving Body/Role	EREA Ltd - Approver
Subject Matter Adviser	N/A

Policy Type/Governance Domain	Compliance
Priority Rating	High - Adopt
Date Approved	xx month 2023
Effective Date	xx month 2023
Date of Next Review	month 2027