

## Scope

The purpose of this privacy policy (**Policy**) is to ensure that during Firbank Grammar's activities and operations as a school, Firbank Grammar manages and protects personal information in accordance with the [Privacy Act 1988 \(Cth\) \(Privacy Act\)](#) and the [Australian Privacy Principles \(APPs\)](#).

This Policy outlines the circumstances in which Firbank Grammar obtains personal information, how it uses that information and how it manages requests to access and/or change that information.

This Policy applies to all staff, volunteers and contractors of Firbank Grammar in the course of the provision of services by or to Firbank Grammar.

Firbank Grammar may, from time to time, review and update this Policy to take account of new laws and technology, changes to Firbank Grammar's operations and practices and to make sure it remains appropriate to any changes in the provision of Firbank Grammar's operations.

Under the Privacy Act, the APPs do not apply to an employee record. Accordingly, this Policy does not apply to Firbank Grammar's collection, holding, use and disclosure of employee records if directly related to a current or former employment relationship between Firbank Grammar and the employee.

For the purposes of this policy "Parent" includes legal guardian.

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

Personal information is information or opinion about an individual from which they can be reasonably identified. The collection of personal information depends on the circumstances in which Firbank Grammar is collecting it. If it is reasonable and practical to do so, Firbank Grammar collects personal information directly from the individual and, in particular, from the student (or the student's Parent where applicable). On occasions people other than Parents and students provide personal information.

Depending on the circumstances, Firbank Grammar may collect personal information from or about the individual in their capacity as a student, Parent, friend/ relative of a student and Parent, contractor, volunteer, stakeholder, job applicant or in some other capacity.

Firbank Grammar collects personal information via the following methods:

- Parents/ Students/ nominated friends and relatives: Enrolment forms and documents forms filled out by Parents and/ or students including but not limited to health/ medical forms and other forms containing sensitive information, boarding premises services, the supply of particular services (including but not limited to arts including music, sports, extra-curricular activities, outside school hours care, camps, excursions), face to face meetings and interviews, notes, letters, emails, telephone calls and other communications, via our website, via financial transactions and via surveillance activities such as the use of CCTV cameras or email monitoring, other documents supplied by a Parent including court orders, police reports, criminal records, health and medical reports.
- Contractors: contracts and other agreements, face to face meetings and interviews, notes, letters, emails, telephone calls and other communications, via our website, via financial transactions and via surveillance activities such as the use of CCTV cameras or email monitoring.
- Volunteers: contracts and other agreements, face to face meetings and interviews, notes, letters, emails, telephone calls and other communications, via our website, via financial transactions and via surveillance activities such as the use of CCTV cameras or email monitoring.
- Stakeholders: contracts and other agreements, face to face meetings and interviews, notes, letters, emails, telephone calls and other communications, via our website, via financial transactions and via surveillance activities such as the use of CCTV cameras or email monitoring.
- Job applicants: applications, face to face meetings and interviews, notes, letters, emails, telephone calls and other communications, via our website, via financial transactions and via surveillance activities such as the use of CCTV cameras or email monitoring and via information supplied by third party recruitment agencies and services as well as referees.

In the course of the provision of services by or to Firbank Grammar, Firbank Grammar may collect and hold:

- Personal Information including names, addresses (including residential, business, email) and other contact details; dates of birth; and financial information.
- Sensitive Information including health information, government identifiers (such as TFN), nationality, country of birth, professional memberships, family court orders, Working With Children Checks and criminal records.
- Health Information (particularly in relation to staff, students, and students who reside in the school boarding premises) including medical records, disabilities, immunisation details and psychological reports.

As part of our recruitment processes for employees, contractors and volunteers, Firbank Grammar may collect and hold the following information supplied either directly by the individual or by third party recruitment agencies and services as well as referees:

- **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 health information, 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.

### Solicited Information

Firbank Grammar has, where possible, attempted to standardise the collection of personal information by using specifically designed forms (e.g., our Student Enrolment Contract, International Student Contract and Enrolment Authority Contract). However, given the nature of our operations Firbank Grammar often also receives personal information via other methods outlined above.

Firbank Grammar may also collect personal information from other people (e.g., a third-party administrator, referees for prospective employees, medical experts

(where applicable for students with existing health concerns or special circumstances that need to be considered by the school)) or independent sources. However, Firbank Grammar will only do so where it is not reasonable and practical to collect the personal information from the individual directly.

Firbank Grammar may collect information based on how individuals use our website. Firbank Grammar 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. Firbank Grammar does not use this information to personally identify individuals.

### **Unsolicited information**

Firbank Grammar may be provided with personal information without having sought it through the means of collection outlined in this Policy. This is known as “unsolicited information” and is often collected by:

- postal– letters, notes, documents (either misdirected or otherwise)
- electronic– emails, SMS, electronic messages (either misdirected or otherwise)
- Telephone enquiries to reception or other staff members
- Employment applications sent to Firbank Grammar that are not in response to an advertised vacancy
- Additional information provided to Firbank Grammar which was not requested. This may include information supplied by police, government authorities including education or child protection departments and agencies, and medical professionals, including in emergency situations.

Unsolicited information obtained by Firbank Grammar will only be held, used and or disclosed if it is considered as personal information that could have been collected by the means outlined in this Policy. If that unsolicited information could not have been collected by normal means then Firbank Grammar will destroy, permanently delete or de-identify the personal information as appropriate unless it is otherwise

lawful and reasonable for Firbank Grammar to hold, use and disclose that personal information.

### **Collection and use of sensitive information**

Firbank Grammar only collects sensitive information if it is:

- reasonably necessary for one or more of these functions, activities and operations of the school, and Firbank Grammar has the individual's consent
- necessary to protect the welfare of a student or staff member, including by preventing a serious medical or health scenario or threat to life, health, safety and physical and mental wellbeing of students and students
- another permitted general situation
- another permitted health situation.

Firbank Grammar may share sensitive information to other related entities but only if necessary, for Firbank Grammar to provide our products or services or have services provided to Firbank Grammar.

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

Subject to the below, Firbank Grammar only uses personal information that is reasonably necessary for operating as a school and providing education services to students (the primary purpose) or for a related secondary purpose that would be reasonably expected by the individual, or for an activity or purpose to which the individual (or the individual's Parent where applicable) has consented.

In relation to personal information of students/ Parents, Firbank Grammar's primary purpose of collection is to enable Firbank Grammar to provide schooling and educational services to students enrolled at Firbank Grammar, exercise its duty of care and child protection obligations, and perform related administrative activities, which enable students and Parents to participate and be engaged in the services provided by Firbank Grammar. Our services extend to include pastoral care, extracurricular, outside school hours care and incidental health services.

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

- attending to students' educational, social and health wellbeing
- satisfying our legal obligations including our duty of care and child protection obligations
- keeping Parents informed as to school community matters through correspondence, newsletters and magazines, as well as informing the wider community via these means of student academic, sporting and other achievements
- marketing, promotional and fundraising activities
- supporting the activities of school associations such as Firbank Old Grammarians Association (FOGA)
- supporting community-based causes and activities, charities and other causes in connection with the school's functions or activities
- 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
- administering and managing student applications, awards, competitions, scholarships, financial assistance, and grants
- seeking donations and engaging in fundraising activities
- marketing activities
- the employment of staff
- the engagement of volunteers and contractors.

Firbank Grammar will only use or disclose sensitive or health information for a secondary purpose if it would be reasonable to expect Firbank Grammar to use or disclose the information and the secondary purpose is directly related to the primary purpose. For example, in the case of medical emergency.

Firbank Grammar may share personal information to its related entities, but only if necessary, for Firbank Grammar to provide our services or have services provided to

it, including engaging 3<sup>rd</sup> parties for their educational services or extra-curricular activities and services.

Firbank Grammar may disclose information about an individual to overseas recipients only when it is necessary, for example to facilitate a student exchange program or where applicable in relation to Firbank Grammar's International students (e.g. corresponding with a Parent who resides outside of Australia). Firbank Grammar will not send information about an individual outside of Australia without their consent (or the individual's Parent where applicable), which consent may be implied from the circumstances.

In some instances where Firbank Grammar requests personal information and that information requested is not provided, Firbank Grammar may not be able to provide, or continue to provide, services to an individual. This may include that Firbank Grammar may not be able to enrol, or continue the enrolment, of a student or permit a student to participate in a particular activity.

In relation to personal information of contractors, volunteers, stakeholders and job applicants, Firbank Grammar's primary purpose of collection is to assess, engage and communicate with the individual, as the case may be, and to facilitate the provision of the relevant services by or to Firbank Grammar.

The purposes for which Firbank Grammar uses personal information of job applicants include, administering the individual's employment or contract, as the case may be; for insurance purposes, satisfying Firbank Grammar's legal obligations, for example, in relation to child protection legislation.

Firbank Grammar also obtains personal information about contractors, volunteers and stakeholders who assist it in its functions or conduct associated activities, such as events and functions, boards and committees, to enable Firbank Grammar and the contractors, volunteers and stakeholders to provide services and/ or be provided with services.

Firbank Grammar also engages in marketing and fundraising for its growth and development and as an important part of ensuring that it continues to provide a quality learning environment. Personal information held by Firbank Grammar may be disclosed to organisations that assist in marketing and fundraising activities.

Parents, staff, contractors, volunteers, stakeholders and other members of the wider community may from time to time receive fundraising information. Publications, like emails, newsletters, and magazines, which include personal information, may be used for marketing purposes.

Sensitive information (including health information) will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless an individual/ Parent agrees otherwise, or the use or disclosure of the sensitive information is permitted by law or court order.

### **How long do we hold personal information, and when is it destroyed or deidentified?**

Firbank Grammar will take reasonable steps to destroy or de-identify the personal information it holds once the personal information is no longer needed for any purpose for which the personal information may be used or disclosed under this Policy and the APPs, save where Firbank Grammar is required by law or a court order to retain the personal information.

### **Storage and security of personal information**

Firbank Grammar stores personal information in a variety of formats including, but not limited to:

- databases
- hard copy and paper-based files
- personal devices, including laptop computers and mobile phones
- third party storage providers such as cloud storage facilities

Firbank Grammar takes all reasonable steps to protect the personal information it holds from misuse, loss, unauthorised access, modification or disclosure. Firbank Grammar's staff, contractors, volunteers and stakeholders are required to respect the confidentiality of an individual's personal information that they access, and the privacy of individuals, in the provision of services by or to Firbank Grammar.

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 and update their passwords regularly
- ensuring hard copy files are stored in lockable filing cabinets in lockable rooms. Staff access is subject to user privilege
- ensuring access to Firbank Grammar's premises are always secured
- ensuring 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, third party contractors who are engaged to facilitate services to students (educational or otherwise) on behalf of the school and cloud service providers, to ensure as far as practicable that they are compliant with the Australian Privacy Principles or a similar privacy regime
- the destruction, deletion or de-identification of personal information it holds that is no longer required for the purpose that it was collected unless required to be retained by any other laws

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

### **Responding to data breaches**

Firbank Grammar 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 our internal security procedures, taking remedial internal action, notifying affected individuals and the Office of the Australian Information Commissioner (OAIC). If Firbank Grammar is unable to notify individuals, it will publish a statement on the 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 Firbank Grammar, or for purposes which are directly related to one or more of the school's operations. Personal information may be disclosed to government agencies, 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.

Firbank Grammar may disclose personal information without consent or in a manner which an individual would reasonably expect if:

- it 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.
- Another permitted health situation exists.

Firbank Grammar may disclose personal information, including sensitive information, held about an individual for educational, administrative and support purposes. This may include to disclosure to the following:

- students' Parents, and nominated friends and relatives
- other educational institutions, and teachers at those institutions
- government departments
- medical practitioners, medical professionals including nurses, paramedics and others that provide health and medical services
- people providing educational, support and health services, including specialist visiting teachers, sports coaches, volunteers, counsellors and providers of learning and assessment tools
- assessment and educational authorities
- people providing administrative, marketing and financial services to Firbank Grammar
- recipients of Firbank Grammar publications, such as emails, newsletters and magazines
- anyone who an individual authorises Firbank Grammar to disclose information to; and

- anyone to whom Firbank Grammar is required or authorised to disclose the information to by law, including child protection laws.

### **Disclosure of personal information to overseas recipients**

Personal information about an individual may be disclosed to an overseas organisation in the course of the provision of services, for example to facilitate a student exchange or when storing information with a “cloud service provider” which stores data outside of Australia. Firbank Grammar will however take all reasonable steps not to disclose an individual’s personal information to overseas recipients unless Firbank Grammar:

- has the individual’s consent (which may be implied);
- has satisfied itself that the overseas recipient is compliant with the Australian Privacy Principles, or a similar privacy regime, or if there is a suitable agreement in place with the overseas recipient;
- has formed 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
- is taking appropriate action in relation to suspected unlawful activity or serious misconduct.

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

Firbank Grammar 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.

If Firbank Grammar becomes aware that the personal information is incorrect or out of date, Firbank Grammar will take reasonable steps to rectify the incorrect or out of date information.

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

Individuals may submit a request/ application to access the personal information held by Firbank Grammar, or request that Firbank Grammar change the personal information. Upon receiving such a request, Firbank Grammar will take steps to verify the individual’s identity before granting access or correcting any perceived inaccuracy. If the rejection relates to a request/ application to change personal

information, an individual may make a statement about the requested change and Firbank Grammar will include this statement with the relevant record. Students will generally be able to access, correct and update their personal information via their Parents, but older students may seek access, corrections and updates of their information themselves.

There are some exceptions to these rights, as set out in applicable legislation.

To make a request/ application to access or to update any personal information Firbank Grammar holds about an individual, please contact Firbank Grammar's Privacy Officer by telephone on 03 9591 5188 or in writing: email [privacy@firbank.vic.edu.au](mailto:privacy@firbank.vic.edu.au). An applicant for access will be required to verify their identity and to specify what information is sought to be accessed, corrected or updated. Firbank Grammar may charge a fee to cover the cost of verifying an application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, Firbank Grammar will advise the likely cost in advance.

There may be occasions when access is denied. Such occasions would include where release of the information would have an unreasonable impact on the privacy of others, or where the release may result in a breach of Firbank Grammar's duty of care to the student. If Firbank Grammar cannot provide an applicant access to that information, it will provide the applicant with written notice explaining the reasons for refusal.

There are some exceptions to these rights, as set out in applicable legislation.

Firbank Grammar may, at its discretion, on the request of a student, grant that student access to information held by Firbank Grammar 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 maturity of the student and/or the student's personal circumstances warrant it.

Firbank Grammar respects every Parent's right to make decisions concerning their child's/ student's education. Generally, Firbank Grammar will refer any requests for consent and notices in relation to the personal information of a student to the student's Parents. Firbank Grammar will treat consent given by Parents as consent given on behalf of the student and notice to Parents will act as notice given to the student.

## Complaints

An individual can make a complaint about how Firbank Grammar manages personal information by notifying the School in writing as soon as possible. Firbank Grammar will respond to the complaint within a reasonable time (usually no longer than 30 days). Firbank Grammar may seek further information in order to provide a full and complete response.

Firbank Grammar does not charge a fee for the handling of complaints.

If the individual is not satisfied with the response, they 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 OAIC should be a last resort once all other avenues of resolution have been exhausted.

## How to contact us

Firbank Grammar can be contacted about this Privacy Policy or about personal information generally, by contacting the Principal, Jenny Williams

- Emailing – [privacy@firbank.vic.edu.au](mailto:privacy@firbank.vic.edu.au)
- Calling – 03 9591 5188

If practical, the School can be contacted anonymously (i.e., without identification) or by using a pseudonym. However, if you choose not to identify yourself, Firbank Grammar may not be able to give the information, or provide the assistance you might otherwise receive if it is not practical to do so.

## Changes to our privacy and information handling practices

This Privacy Policy is subject to change at any time. Please check the Privacy Policy on the website (<https://www.firbank.vic.edu.au>) regularly for any changes.