

# EREA Colleges Ltd

## Privacy Policy

### 1.0 Purpose

EREA Colleges 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.

### 2.0 Policy Statement

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 and the accompanying Procedures outline 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.

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)*.

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

### 3.0 Scope and Application

This policy applies to the EREA Colleges Ltd Board and Board Sub Committees.

This policy applies to all Educational Bodies, including School Advisory Councils, governed by EREA Colleges Ltd.

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.

### 4.0 Roles and Responsibilities

Role	Responsibilities
EREA Colleges Ltd Board (EREA)	Approves the Privacy Policy and is obliged to monitor trends, methods of rectification and compliance with this policy (reports from the CEO). Ensures this Policy is reviewed as necessary.
Chief Executive Officer (CEO) / ELT	Oversees the development, implementation, and assurance of procedures to ensure compliance with this policy and with applicable legislation Manages incidents that are escalated above School level.

Role	Responsibilities
	<p>Other responsibilities include:</p> <ul style="list-style-type: none"> <li>Overseeing and ensuring that Principals are complying with their obligations under this Policy</li> <li>Ensuring that all Schools have appropriate funding to ensure adequate privacy management procedures are implemented</li> <li>Communicating and actively demonstrating the importance of effective privacy management to Schools and Principals</li> <li>Promoting continual improvement with Principals and Schools</li> <li>Ensuring that all privacy management matters align with the direction of EREA</li> </ul>
Principals and Educational Bodies	<p>Develop, implement and manage processes in their schools in accordance with this policy and any regulatory requirements. This includes:</p> <ul style="list-style-type: none"> <li>Keeping up to date with knowledge of privacy matters and obligations for the School under their control</li> <li>Ensuring that reporting obligations are complied with</li> <li>Ensuring that employees attend appropriate training to understand their privacy compliance obligations</li> <li>Appointing an appropriately qualified Privacy Officer(s) for their School</li> </ul>
Privacy Officer(s)	<p>Core functions:</p> <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 potential privacy impact</li> <li>○ the general application of privacy law to EREA/School 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> </ul> </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/School personal information holdings</li> <li>• assisting with the preparation of Privacy Impact Assessments</li> <li>• measuring and documenting EREA/School 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/School responses to data breaches</li> </ul>
Employees, volunteers, contractors and other relevant persons	<p>Follow reasonable instructions/training provided by EREA to assist them in complying with their privacy obligations</p> <p>Identify and report any actual or perceived data breach(es) to the School's Privacy Officer</p> <p>Report any breaches of this policy</p> <p>Otherwise comply with this policy</p>

## 5.0 Procedures

How EREA Colleges Ltd (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 record. 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.

Please refer to the **Procedures** associated with this policy for further information on how EREA manages the information it collects.

## 6.0 Definitions

Definitions specific to this policy are contained in the table below.

Term	Definition
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>
OAIC	means the Office of the Australian Information Commissioner. The independent national regulator for privacy and freedom of information.
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.

## 7.0 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.

## 8.0 Policy Review

This policy will be reviewed every three (3) years unless there is a legislative or regulatory requirement to do so earlier.

## 9.0 Related Policies, Procedures and Legislation

### Related Legislative Instruments:

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

- Privacy Act 1988 (Cth)
- Health based privacy legislation in various State jurisdictions

### 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

### Related Information

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

Privacy Policy	
Policy Owner	CEO - EREA Colleges Ltd
Approving Body/Role	EREA Colleges Ltd - Approver
Subject Matter Adviser	Director Risk & Compliance – EREA Colleges Ltd
Priority Rating	High - Adopt
Date Approved	12 February 2024
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