

# 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

(APP's). The Policy must conform with the APP's found in the Privacy Act 1988 (Cth) and the Privacy Amendment (Enforcement and Other Measures) Act 2022 (Cth). The Policy outlines:

- I. the types of personal information we collect
- II. the purposes for which we collect, hold, use and/or disclose personal information
- III. the purposes for which we collect, hold, use and/or disclose personal information
- IV. how we will deal with such a complaint
- V. 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)	The Australian Privacy Principles (or APPs) are

Term	Definition

Role	Responsibilities
	<ul style="list-style-type: none"> <li>o potential privacy impact</li> <li>o the general application of privacy law to EREA activities</li> <li>o what to consider when deciding whether or not to carry out a Privacy Impact Assessment</li> <li>o 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 <a href="#">149.71</a>

## Implementation

What is personal information and how

- 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 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 purposes described in (a) to (j) of section 7(0) of the Access to Information Act.

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

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Stores personal information in a variety of formats

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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,



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) 94263200

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

We can be contacted on an anonymous basis or by using a pseudonym. However, if you choose not to identify yourself, we will not be able to respond to your request.

## Breach of this Policy

Individuals who breach this policy may be subject to disciplinary action, including ~~and~~ 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

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PolicyType/GovernanceDomain	Compliance
Priority Rating	High- Adopt
Date Approved	November 2023