

4.0.1 PRIVACY AND CONFIDENTIALITY POLICY

(merged with Kinder Privacy and Confidentiality Policy)

PREAMBLE

Australian law requires that we protect the privacy of every individual's information. The school gathers and uses all sorts of data and information, including personal information, photos, videos and health information, to facilitate its operation. Much of this information is required to enable the school to fulfil its legal obligations. This policy sets out how MECS manages personal information provided to or collected by it; including student and family information, information held about Staff, members of the MECS Board, Association members, job applicants, contractors and other parties who come into contact with the school.

RATIONALE

Protecting the privacy of personal and health of our school community members is a serious moral, professional and legal responsibility that the school recognises and accepts.

Privacy protects individuals in our community from harm that might result from misuse of their information.

Privacy enables the school to serve its school community members by giving them confidence that full and frank information they provide will not be misused.

POLICY SUMMARY

Mount Evelyn Christian School (MECS) adheres to the requirements of the Australian Privacy Principles (APPs) contained in the Commonwealth Privacy Act 1988 and the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

IMPLEMENTATION

We subject all information collected at our school (including enrolment, excursion and medical permission forms, staff details, etc.) to the following principles:

- We only collect the information the school needs for its operation or as required by law.*
- We inform people why we need information and how we will collect, store, use, disclose and dispose of their personal and health information.*
- We endeavour to make sure that the information we collect, use or disclose is accurate, complete and up-to-date.*
- We disclose only the information that is necessary for the purpose of operating the school.*
- We allow people access to their own information.*
- We provide effective procedures to secure and protect the privacy of each individual's personal information against unauthorised use or disclosure*
- We retain all relevant information and records relating to students, parents/guardians, staff and volunteers in secure storage in the office or archives.*

- *We maintain, store and transmit all electronic data securely.*
- *All requests (including requests by staff) for information stored at school must be made to the appropriate office staff.*
- *All requests for information (other than brief, easy to retrieve information solely about the person making the request, or standard information requests from parents about their children, or information requested by staff in the course of their work about students) will be referred to the Principal.*
- *Under no circumstances will we disclose personal private information to unauthorised people.*
- *We ensure that staff personal phone numbers and addresses are not displayed on noticeboards, or electronic social network places (e.g. Facebook).*
- *We ensure the appropriate use of images of students, including being aware of cultural sensitivities and the need for some images to be treated with special care.*
- *We have procedures in place if parents/guardians request that their child's image is not to be taken, published (e.g. MECS website or social network places like Facebook) or recorded, or when a child requests that their photo not be taken. We will make all staff aware of their individual, and our collective, duty of care regarding Privacy and Confidentiality.*
- *We ensure all records and documents are maintained and stored in accordance with Regulations 181 and 183 of the Education and Care Services National Regulations 2011.*
- *A copy of this policy is made available to any members of the MECS community on request and can also be accessed via the MECS website.*

RESOURCES

LINK: AUSTRALIAN PRIVACY PRINCIPLES

The *Australian Privacy Principles (APPs)*, contained in the *Commonwealth Privacy Act 1988* and the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*.

<https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles>

RELEVANT LEGISLATION AND STANDARDS

Relevant legislation and standards include but are not limited to:

- *Education and Care Services National Law Act 2010*
- *Education and Care Services National Regulations 2011: Regulations 181, 183*
- *Freedom of Information Act 1982*
- *Health Records Act 2001 (Vic)*
- *Information Privacy Act 2000 (Vic)*
- *National Quality Standard, Quality Area 7: Leadership and Service Management*
– *Standard 7.3: Administrative systems enable the effective management of a quality service/centre*
- *Commonwealth Privacy Act 1988 (Cth) including the Australian Privacy Principles (APPS) and the Privacy Amendment (Enhancing Privacy Protection) Act 2012.*
- *Public Records Act 1973 (Vic)*

Policy Approved

By: Gerry Beimers On: November 2016

Policy to be reviewed

By: Executive In: November 2018

ADDENDUM A:

PRIVACY PRINCIPLES IN ACTION

1. Collection Processes

1.1 Type of personal and health information to be collected

MECS will only collect the information needed, and for which there is a purpose that is legitimate and related to the school's functions and/or obligations.

The type of information collected and held includes (but is not limited to) personal information, including health information and other sensitive information, regarding:

- students and parents/guardians prior to, during and after the student's attendance at school (this information is collected in order to provide and/or administer services to students and parents/guardians for the purposes of schooling)
- MECS staff, Board and Association members, job applicants, volunteers and contractors (this information is collected in order to manage the relationship and fulfil the school's legal obligations)
- contact details of other parties that the school deals with.

1.2 Collection of personal and health information

Personal information about individuals, either in relation to themselves or their children enrolled at the school, will generally be collected via forms filled out by parents/guardians or students, both paper and online, face-to-face meetings and interviews, emails and telephone calls. Other information may be collected from job applications, face-to-face interviews and telephone calls. On occasion people other than parents and students provide personal information. Individuals from whom personal information is collected will be provided access to the school's privacy statement.

When personal information (e.g. psychological report; reference from another school) is received from a source (third party) other than directly from the individual or the parents/guardians of the student concerned, the person receiving the information will notify the individual or the parents/guardians of the student to whom the information relates of receipt of this information. The school will advise that individual of their right to request access to this information.

Access will be granted in accordance with the relevant legislation. Please note that the legislation allows MECS to deny access in accordance with the limited reasons for denial that are contained in the legislation.

1.3 Anonymity

Wherever it is lawful and practicable, individuals will have the option of not identifying themselves when entering into transactions with MECS.

2. Use and Disclosure of Personal Information

2.1 Use of information

MECS will use personal information collected for the primary purpose of collection (refer to the table below), meeting the individual needs of the students and their families and other members of the school community. The school may also use this information for any secondary purposes directly related to the primary purpose of collection, to which the individual has consented, or could reasonably be expected to consent.

The following table identifies the personal information that will be collected by the school the primary purpose for its collection and some examples of how this information will be used.

¹ Information Privacy Act 2000

Information collected	Primary purpose of collection	Examples of how the school will use (including sensitive) information	Consent obtained by what mechanism	Duration of consent
Personal and health information concerning Students and Parents/ Guardians	<ul style="list-style-type: none"> To enable the school to provide for the education and care of the student attending the school To promote the school (permission requested for the use of photographs and videos) To fulfil Government compliance obligations 	<ul style="list-style-type: none"> Day-to-day administration and delivery of school services [keeping parents informed about matters relating to their child's schooling (e.g. emails, newsletters, magazines etc.) and the use of online education tools and services etc.] Provision of a place for their child in a particular year level/class (where information is not obtained, the school may not be able to continue the enrolment). For correspondence with parents/guardians relating to their child's attendance, educational, social, cultural and medical wellbeing (e.g. generating school reports, marks, references, incidents etc.) To satisfy the school's legal obligations and to allow it to discharge its duty of care. 	<ul style="list-style-type: none"> Through the enrolment process Medical & Parent Contact Information – annual updates (MECS and MECS Kindergarten) Refer to visual images below for consent regarding use of photographs/videos etc 	<ul style="list-style-type: none"> While the student is enrolled Annual updates of specific information
Academic records	<ul style="list-style-type: none"> To manage student learning To fulfil Government compliance obligations 	<ul style="list-style-type: none"> Issue school reports Issue certificates and transcripts of results Report results to relevant authorities 	<ul style="list-style-type: none"> Implied on enrolment 	<ul style="list-style-type: none"> Permanent as required by law

Information collected	Primary purpose of collection	Examples of how the school will use (including sensitive) information	Consent obtained by what mechanism	Duration of consent
Visual images (both still and moving) of students and Parents/ Guardians	<ul style="list-style-type: none"> • To promote the school • To enhance community within the school 	<ul style="list-style-type: none"> • Images are included in school newsletters, school magazines, emails and attachments to emails, school website, learning management system and appropriate social media. 	<ul style="list-style-type: none"> • Specific consent form concerning images and their specific uses. • Consent obtained at time of enrolment; annual updates should preference change; parents to notify of change. • From time to time, overall database updates may be performed and require consent updates. • MECS Kindergarten: Annual consent re visual images 	<ul style="list-style-type: none"> • While the student is enrolled or the consent is revoked in writing. • In some cases where an image is used in a published form that may endure after a student has left MECS, extended permission to use photos of these students will either be obtained via the exiting/departure process or specific ongoing permission will be obtained in writing.

Information collected	Primary purpose of collection	Examples of how the school will use (including sensitive) information	Consent obtained by what mechanism	Duration of consent
Personal and health information concerning the Board members, employees, Association members, Parents/Guardians etc.	<ul style="list-style-type: none"> For the management of the school 	<ul style="list-style-type: none"> For communication with, and between the school Board, Association Members, Staff and/or the school Parents/Guardians To satisfy the school's legal obligations 	<ul style="list-style-type: none"> Various forms and agreements as appropriate 	<ul style="list-style-type: none"> While the particular association with the school endures
Personal and health information concerning Job Applicants, Volunteers, Contractors, Students on training placements	<ul style="list-style-type: none"> To assess and (if necessary) to engage the applicant, employee, contractor, volunteers or trainee, as the case may be To administer the employment, contract or trainee placement 	<ul style="list-style-type: none"> Administering the individual's employment, contract or placement, as the case may be (e.g. tax file no, banking details, resumes, references, contact details etc.) Ensuring the health and safety of the individual Insurance purposes Teaching Staff: Requirements of the National Standards for Teachers (AITSL), Victorian Institute of Teaching, Police Checks etc. Promoting the school through external media, including the school website To satisfy the school's legal obligations (e.g. in relation to child protection legislation) 	<ul style="list-style-type: none"> Various forms and agreements as appropriate 	<ul style="list-style-type: none"> While the particular association with the school endures
Personal information concerning enquirers	<ul style="list-style-type: none"> To communicate information about the school 	<ul style="list-style-type: none"> Arranging school tours, responding to enquiries. Facilitation of Open Days and follow up of visitors to open days. 	<ul style="list-style-type: none"> When members of the public enquire about the school they are asked for consent to use the information to communicate with them. 	<ul style="list-style-type: none"> Until advised otherwise by the enquirer.

2.2 Disclosure of personal information, including health information

The school may disclose some personal information held about an individual to:

- government departments or agencies, as part of its legal and funding obligations
- local government authorities, in relation to enrolment details for planning purposes
- organisations providing services related to staff entitlements and employment
- insurance providers, in relation to specific claims or for obtaining cover
- another school
- health organisations, medical practitioners and/or families in circumstances where the person requires urgent medical assistance and is incapable of giving permission
- recipients of school publications, such as newsletters and magazines
- anyone to whom the individual authorises the school to disclose information
- anyone to whom we are required to disclose the information by law.

Students may seek references for scholarships and entry into university places and in so doing are implying consent to have the information shared with those to whom the references are addressed. In other cases, there may be a legal obligation to disclose details such as in a child protection case. In any situation outside the usual business of the school, permission to disclose such information will be sought.

MECS may send information about individual students overseas in order to facilitate an exchange or to help a student gain a place in an overseas university. In cases such as these, the student and family, in applying for this support, are implying consent for such information to be shared. However, MECS will not send through personal information about an individual outside Australia without:

- obtaining the consent of the individual (in some cases, this consent will be implied) or,
- otherwise complying with the Australian Privacy Principles and other applicable privacy legislation.

MECS may disclose personal information about an individual to overseas recipients, for instance, when storing personal information with 'cloud' service providers which may be situated outside Australia, or when customised reports are being created. MECS will seek assurance from providers of such services that they are aware of their obligations under the Amended Privacy Act. It is important to note that such information is unlikely to be regarded as sensitive information.

2.3 Disclosure of sensitive information

Sensitive information will be used and disclosed only for the purpose for which it was collected or a directly related secondary purpose, unless the individual agrees otherwise, or where the use or disclosure of this sensitive information is allowed by law.

In referring to 'sensitive information', this may mean: information relating to a person's racial or ethnic origin, political opinions, religion, philosophical beliefs, sexual orientation or practices; health information and biometric information about an individual; family circumstances such as relationship breakdowns, counselling notes; instances where the school seeks legal advice etc.

Specific incidents where sensitive information will be retained:

- 1) Counselling Session Information - counselling notes from current/recent sessions with the Student Welfare Officer will be stored in a locked filing cabinet in that staff member's office. Once this information has been archived, it is placed in a marked sealed envelope ("confidential counselling sessions"), with the student's name on it as well as the date range of the counselling sessions, it is then stored in the student's school file.
- 2) Legal Advice – where the school seeks legal advice about a parent or student, this information will be stored in the family folder.
- 3) Court Orders – disclosure of information to parents is bound by court orders, and can only operate on the information disclosed by parents.
- 4) Separated Parents – in the absence of court orders, MECS will ask on enrolment how best to communicate with separate families, following instructions from parents and asking that should any change occur that the school be informed of this change.

All requests for disclosure of sensitive information will be referred to the Principal. There will 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 the school's duty of care to the student. Sensitive information will be disclosed should this be required or authorised by or under an Australian law or a court/tribunal.

3. Storage and Security of Personal Information

In order to protect the personal information from misuse, loss, unauthorised access, modification or disclosure, MECS staff will ensure that, in relation to personal information:

- access will be limited to authorised staff or other individuals who require this information in order to fulfil their responsibilities and duties
- information will not be left in areas that allow unauthorised access to that information
- all materials will be physically stored in a secure cabinet or storage area in the MECS office or in the applicable area of the school (e.g. Primary School/Senior School etc)
- computerised records containing personal or health information will be stored safely and secured with a password for access with firewalls and other security technology to be in place.
- there is security in transmission of the information via email, fax or telephone, as detailed below:
 1. emails will only be sent to a person authorised to receive the information
 2. faxes will only be sent to a secure fax, which does not allow unauthorised access
 3. telephone – limited and necessary personal information will be provided over the telephone to persons authorised to receive that information
- transfer of information interstate and overseas will only occur with the permission of the person concerned or their parents/guardians.

4. Data Quality

We will endeavour to ensure that the personal information it holds is accurate, complete, up-to-date and relevant to its functions and/or activities.

5. Disposal of Information

Personal information will not be stored any longer than necessary. In disposing of personal information, those with authorised access to the information will ensure that it is either shredded or destroyed in such a way that the information is no longer accessible.

6. Access to Personal Information

6.1 Access to information and updating personal information

Under the Commonwealth Privacy Act 1988, individuals have the right to ask for access to personal information which the school holds about them without providing a reason for requesting access. In most cases, parents will be updating this information, but where students are over 18 years, they may seek access and correction themselves.

Under the privacy legislation, an individual has the right to:

- request access to personal information that the school holds about them
- access this information
- make corrections if they consider the data is not accurate, complete or up-to-date.

There are some exceptions set out in the *Information Privacy Act 2000*, where access may be denied in part or in total. Examples of some exemptions are where:

- the request is frivolous or vexatious
- providing access would have an unreasonable impact on the privacy of other individuals or would pose a serious threat to the life or health of any person
- the school is involved in the detection, investigation or remedying of serious improper conduct and providing access would prejudice that.

6.2 Process for considering access requests

A person may seek access, to view or update their personal or health information:

- if it relates to their child, by contacting the MECS Office

Personal information may be accessed in the following way:

- view and inspect the information
- take notes
- obtain a copy.

Individuals requiring access to, or updating of, personal information should nominate the type of access required and specify, if possible, what information is required. MECS Office Staff will endeavour to respond to this request within 10 business days of receiving the request. Access will be provided in line with the privacy legislation.

If the requested information cannot be provided, the reasons for denying access will be given in writing to the person requesting the information. All requests for information (other than brief, easy to retrieve information solely about the person making the request, or standard information requests from parents about their children, or information requested by staff in the course of their work about students) will be referred to the Principal. There will 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 the school's duty of care to the student.

The privacy legislation also provides an individual about whom information is held by the school, the right to request the correction of information that is held. MECS will respond to the request within 10 business days of receiving the request for correction. If the individual is able to establish to the school's satisfaction that the information held is incorrect, we will endeavour to correct the information.

7. Enquiries, Feedback and Complaints

For further information about the way MECS manages personal information, individuals should contact the school Administration Manager.

If an individual wishes to complain that the school has breached the Australian Privacy Principles, that individual should contact the Principal and/or if the breach involves the Principal then any member of the MECS Board. The school will investigate any complaint in accordance with its grievance and dispute resolution policy and will notify the individual of a decision in relation to the complaint as soon as is practicable after the complaint has been made.