



VIC-EDU-P-020 Privacy Policy

1. Policy Scope

This policy demonstrates MacKillop Education's commitment to protecting the personal privacy of all members of the school community, including students, parents/guardians/carers (referred to as 'guardians') staff, contractors, volunteers and visitors. It addresses the collection, use, security of and access to information that may be obtained by MacKillop Education in its day-to-day organisation.

2. Policy Outline

Context

Our values of respect, hope, justice, compassion, and collaboration inform the quality of relationships we establish and all that we do to ensure our learning community is a place of welcome and safety. MacKillop Education celebrates diversity, and we are committed to inclusion, so that every student, regardless of race, religion, culture, gender identity or personal circumstances, including barriers to learning, can access education and experience success.

Our model, Reframing Learning and Teaching Environments (ReLATE), supports our trauma-informed practice and highlights the critical partnership between students, guardians, and staff, as we work together, to enhance the learning outcomes for every child.

Purpose

This policy sets out how personal information provided to or collected by MacKillop Education is managed, to ensure MacKillop Education acts in accordance with relevant legislative requirements.

Principles

MacKillop Education will apply a number of principles in collecting and managing personal information. MacKillop Education will:

- manage personal information in an open and transparent way
- obtain consent to collect sensitive information unless specified exemptions apply
- only collect personal information that is reasonably necessary for MacKillop Education's functions or activities
- only use or disclose personal information for the primary purpose of collection unless an exception applies.
- take reasonable steps to protect the personal information MacKillop Education holds from misuse, interference and loss and from unauthorised access, modification or disclosure
- use fair and lawful means to collect personal information

3. Policy

MacKillop Education collects and holds personal information, including health and other sensitive information about students, parents /guardians/carers and others, who come into contact with MacKillop Education.

MacKillop Education will generally collect personal information held about an individual by way of:

- forms
- face-to-face meetings and interviews
- emails and telephone calls
- through MacKillop Education's online portal – SIMON, and check-in system - SinePro

MacKillop Education will use personal information it collects from guardians for the primary purpose of collection, and for such other secondary purposes that are related to the primary purpose of collection and reasonably expected or consented to, by guardians.

MacKillop Education ensures that personal information is stored securely and that access is provided only to persons who need such access. Depending on the nature of the personal information, it may be stored in locked rooms or cabinets (in the case of paper records), on secure digital devices or on MacKillop Education computer systems with appropriate level of access in place.

Exception in relation to employee records

Under the Privacy Act, the Australian Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to MacKillop Education's treatment of an employee record where the treatment is directly related to a current or former employment relationship between MacKillop Education and employee. MacKillop Education handles staff health records in accordance with the Health Privacy Principles in the Health Records Act 2001 (Vic.).

Anonymity

MacKillop Education needs to be able to identify individuals with whom it interacts and to collect identifiable information about them to facilitate the delivery of schooling to its students and its educational and support services, conduct the job application process and fulfil other obligations and processes. However, in some limited circumstances some activities and interactions with MacKillop Education may be done anonymously where practicable, which may include making an inquiry, complaint or providing feedback.

4. Procedures

What information may be collected by the school?

MacKillop Education collects and holds personal information, including health and other sensitive information, including from the following list:

- 1. Students and /Guardians** before, during and after the course of a student's enrolment at MacKillop Education including:
 - Name, contact details (including next of kin), date of birth, gender, language background, previous School and religion
 - Guardians' education, occupation and language background
 - Medical and welfare information (e.g. details of disability and/or allergies, and details of any assistance the student receives in relation to those disabilities including medical reports, cognitive assessments, names of doctors, etc)
 - Conduct and complaint records, or other behaviour notes, school attendance and school reports
 - Information about referrals to government welfare agencies
 - Counselling reports
 - Health Fund details and Medicare number

- Any Court Orders
- Volunteering information (including Working with Children Checks)
- Photographs and videos at School events.

2. Job applicants, staff members, volunteers and contractors, including:

- Name, contact details (including next of kin) and date of birth
- Information on job application
- Information provided by a former employer or a referee
- Professional development history
- Salary and payment information, including Superannuation details
- Medical information (e.g. details of disability and/or allergies and medical certificates)
- Complaint records and investigation reports
- Employee records
- Leave details
- Photos and videos at school events
- Workplace surveillance information
- Work email and private email (using work email address) and internet browsing history.

3. Other people who come into contact with MacKillop Education, including name and contact details and any other information necessary for the particular contact with MacKillop Education.

Personal Information Provided by Other People

In some circumstances MacKillop Education may be provided with personal information about an individual from a third party, for example a report provided by a medical professional or a reference from another school. The type of information MacKillop Education may collect from another School may include:

1. academic records and/or achievement levels
2. information that may be relevant to assisting the new School meet the needs of the student including any adjustments.

How will MacKillop Education collect and hold the personal information?

Students and Guardians

In some cases where the school requests personal information about a student or guardian, if the information requested is not provided, the school may not be able to enrol or continue the enrolment of the student or permit the student to take part in a particular activity.

In relation to the personal information of students and guardians, the school's primary purpose of collection is to enable the school to provide schooling to students enrolled at the school (including educational and support services for the student), exercise its duty of care and perform necessary associated administrative activities which will enable students to take part in all the activities of the school. This includes satisfying the needs of guardians, the needs of the student and the needs of the school throughout the whole period the student is enrolled at the school.

In particular, the purposes for which the school uses the personal information of students and guardians include:

- to keep guardians informed about matters related to their child's schooling, through correspondence, newsletters and magazines

- day-to-day administration of the school
- looking after students' educational, social and medical wellbeing
- seeking donations and marketing for the school
- Seeking feedback from students and guardians on school performance and improvement, including through school improvement surveys
- to satisfy the school's legal obligations to discharge its duty of care
- to satisfy the legal obligations of the school's governing authority - Melbourne Archdiocese Catholic Schools Ltd (MACS) and the Catholic Education Commission of Victoria Ltd (CECV)
- to satisfy the school service providers' legal obligations.

Job applicants and contractors

In relation to personal information of job applicants and contractors, MacKillop Education's primary purpose of collection is to assess and (if successful) to engage the applicant, or contractor.

The purposes for which MacKillop Education uses personal information of job applicants and contractors include:

- administering the individual's employment or contract, as the case may be
- for insurance purposes
- seeking donations and marketing for MacKillop Education
- satisfying MacKillop Education's legal obligations, for example, in relation to child protection legislation.

Volunteers

MacKillop Education also obtains personal information about volunteers who assist MacKillop Education in its functions or conduct associated activities, such as excursions, student support, learning support, breakfast club, etc.

The purposes for which the school uses the personal information of volunteers includes:

- enabling the school to manage the engagement process of volunteers
- for insurance purposes
- satisfying the school's legal obligations, for example, in relation to child protection
- to confirm their suitability and to manage their visits.

Counsellors

MacKillop Education may contract with external providers to provide counselling and/or psychology services for some students. The principal may require the counsellor and/or psychologist to inform him or her or other teachers of any issues the principal and the counsellor and/or psychologist believe may be necessary for MacKillop Education to know for the wellbeing or development of the student who is counselled or other students at the school.

Parish

MacKillop Education will not disclose any personal information to the school parish to facilitate religious and sacramental programs, or other activities such as fundraising, without consent.

Marketing and Fundraising

MacKillop Education treats marketing and seeking donations for the future growth and development of MacKillop Education as an important part of ensuring that MacKillop Education continues to provide a quality learning environment in which both students and staff thrive. Personal information held by MacKillop Education may be disclosed to organisations that assist in MacKillop Education's

fundraising, for example, MacKillop Education's Foundation or alumni organisation, or on occasions, external fundraising organisations.

Guardians, staff, contractors and other members of the wider school community may from time to time receive fundraising information. School publications, such as newsletters and magazines, which include personal information and sometimes people's images, may be used for marketing purposes.

Who might the school disclose personal information to?

MacKillop Education may disclose personal information, including sensitive information, held about an individual for educational, administrative and support purposes. This may include to:

- school service providers which provide educational, support and health services to the school, either at the school or off campus
- people providing educational support such as sports coaches, volunteers, counsellors, sports coaches and providers of learning and assessment tools
- third party service providers that provide online educational and assessment support services, document and data management services, training and support services, hosting services, and software-as-a-service applications, such as SIMON, Essential Assessments, Microsoft SharePoint, Synergetic, etc.
- authorised agencies and organisations to enable the school to discharge its responsibilities, e.g. under the Australian Education Regulation 2013 (Regulation) and the Australian Education Act 2013 (Cth) relating to students with a disability, including Nationally Consistent Collection of Data (NCCD) quality assurance processes, participation in the Australian Early Development Census (AEDC) and government audits
- authorised organisations and persons who support the school by providing consultative services or undertaking assessments for the purpose of educational programming or providers of health services such as counsellors, psychologists, school nursing services, dental vans. Specific consent is obtained to collect and disclose this type of sensitive and health information as part of a service request which may include release of relevant medical or allied health reports, educational planning and evaluation documents such as personalised learning/behaviour/medical management plans
- other third parties which the school uses to support or enhance the educational or pastoral care services for its students or to facilitate communications with guardians
- support the training of selected staff in the use of the school's systems
- another school including to its teachers to facilitate the transfer of a student
- federal and state government departments and/or agencies engaged by them
- health service providers
- recipients of school publications, such as newsletters and magazines
- students/guardians and their emergency contacts
- assessment and educational authorities including the Victorian Curriculum and Assessment Authority (VCAA) and the Australian Curriculum, Assessment and Reporting Authority (ACARA)
- anyone to whom the guardian authorises the school to disclose information
- anyone to whom the school is required or authorised to disclose the information by law, including under child protection and information sharing laws.

Nationally Consistent Collection of Data on School Students with Disability

MacKillop Education is required by the Australian Education Regulation 2013 (Cth) and *Australian Education Act 2013* (Cth) to collect and disclose certain information to inform the Students with a Disability (SwD) loading via the NCCD. MacKillop Education provides the required information at an individual student level to an approved authority. Approved authorities must comply with reporting, record-keeping and data quality assurance obligations under the NCCD. Student information

provided to the federal government for the purpose of the NCCD does not explicitly identify any student.

Sending and storing information overseas

MacKillop Education may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange or a student overseas tour. However, MacKillop Education will not send personal information about an individual outside Australia without either:

- obtaining the consent of the individual
- otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

MacKillop Education may from time to time use the services of third-party online service providers (including for the delivery of services and third-party online applications, or apps relating to email, instant messaging and education and assessment, such as Microsoft SharePoint and Outlook) which may be accessible by the guardian. Some personal information, including sensitive information, may be collected and processed or stored by these providers in connection with these services. These online service providers may be located in or outside Australia.

MacKillop Education personnel and MacKillop Education's service providers may have the ability to access, monitor, use or disclose emails, communications (e.g. instant messaging), documents and associated administrative data for the purposes of administering the system and services ensuring their proper use.

MacKillop Education makes reasonable efforts to be satisfied about the security of any personal information that may be collected, processed and stored outside Australia, in connection with any cloud and third-party services and will endeavour to ensure the cloud is located in countries with substantially similar protections as the Australian Privacy Principles.

The countries in which the servers of cloud service providers and other third-party service providers are located may include:

- Singapore
- United States.

Where personal and sensitive information is retained by a cloud service provider on behalf of MacKillop Education to facilitate human resources and staff administrative support, this information may be stored on servers located in or outside of Australia.

Otherwise, it is not practicable to specify in this policy the countries in which overseas recipients of personal information are likely to be located.

How does the school treat sensitive information?

In referring to sensitive information, MacKillop Education means: information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, philosophical beliefs, sexual orientation or practices or criminal record, that is also personal information; health information and biometric information about an individual.

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

Management and security of personal information

MacKillop Education staff are required to respect the confidentiality of students' and guardians' personal information and the privacy of individuals.

MacKillop Education has in place steps to protect the personal information held from misuse, interference and loss, unauthorised access, modification, or disclosure by use of various methods including locked storage of paper records and appropriate security to limit access to digital records. These processes are outlined in the *VIC-EDU-P-004 Child Safety Recordkeeping Policy* and *VIC-EDU-P-033 Child Safety Recordkeeping Procedure*.

This includes responding to any incidents which may affect the security of the personal information it holds. If MacKillop Education assesses that anyone whose information is affected by such a breach is likely to suffer serious harm as a result, we will notify them and the Office of the Australian Information Commissioner of the breach.

Access and correction of personal information

Under the Privacy Act and the Health Records Act, an individual has the right to seek and obtain access to any personal information and health records respectively which MacKillop Education holds about them and to advise of any perceived inaccuracy. Students will generally be able to access and update their personal information through their guardians, but older students may seek access and correction themselves.

There are some exceptions to the access rights set out in the applicable legislation.

To make a request to access or to update any personal information MacKillop Education holds about guardians or children, please contact the relevant Campus Principal or Office Manager by telephone or in writing (MacKillopEducationPrincipals@mackillop.org). MacKillop Education may require verification of identity and specification of what information is required.

MacKillop Education may charge a fee to cover the cost of verifying the application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, MacKillop Education will advise the likely cost in advance. If MacKillop Education cannot provide access to that information, we will provide written notice explaining the reasons for refusal.

There may be circumstances where the reason for refusal is not provided, if doing so may breach the privacy of another person.

Consent and rights of access to the personal information of students

MacKillop Education respects every guardian's right to make decisions concerning their child's personal information.

Generally, MacKillop Education will refer any requests for consent and notices in relation to the personal information of a student to the student's guardians. MacKillop Education will treat consent given by guardians as consent given on behalf of the student and notice to guardians will act as notice given to the student.

Guardians may seek access to personal information held by MacKillop Education about them or their child by contacting Campus Principal or Office Manager by telephone or in writing (MacKillopEducationPrincipals@mackillop.org). However, 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 the school's duty of care to the student.

MacKillop Education may, at its discretion on the request of a student, grant that student access to information held by the school about them, or allow a student to give or withhold consent to the use of their personal information, independently of their guardians. This would normally be done only when the maturity of the student and/or the student's personal circumstances warrant it.

Complaints

If guardians wish to complain that MacKillop Education has interfered with their privacy because of an alleged breach of the Australian Privacy Principles, they should contact the Campus Principal in writing at:

Campus	Caulfield	Geelong	Maidstone
Address	PO Box 2154 Caulfield North, VIC, 3161	25-33 Oxford St, Whittington, VIC, 3219	10-12 Gilda St Maidstone, VIC, 3012
Email	MacKillopEducationPrincipals@mackillop.org		

The Campus Principal will investigate the complaint and will notify the guardian of the making of a decision in relation to the complaint as soon as is practicable after it has been made.

If the guardians are not satisfied with Campus Principal's decision, a complaint in relation to an alleged breach of the Australian Privacy Principles can be made to the MacKillop Family Services Chief Executive Officer (MFS, CEO) for review as outlined in the *VIC-EDU-P-004 Complaints Policy*.

MacKillop Family Service
Chief Executive Officer
237 Cecil St
South Melbourne VIC 3025
enquiry@mackillop.org.au

If guardians are not satisfied with the MFS CEO decision, a complaint may be made to the Office of the Australian Information Commissioner (OAIC). An online privacy complaint form is available from www.oaic.gov.au. The OAIC contact details are:

GPO Box 5218, Sydney, NSW 2001
Telephone: 1300 363 992

5. Related legislation, policy, guidelines and resources

Australian Education Act 2013 (Cth)

Australian Education Regulation 2013 (Cth)

Health Records Act 2001 (Vic.)

Privacy Act 2001 (Cth)

MacKillop Education Enrolment Form

VIC-EDU-P-004 Child Safety Recordkeeping Policy

VIC-EDU-P-005 Complaints Policy

VIC-EDU-P-033 Child Safety Recordkeeping Procedure

VIC-EDU-P-051 Guardian Code of Conduct Guardian Code of Conduct

6. Approval and Review Details

This policy is available on the MacKillop Education website.

Approval and Review	Details
Approval Authority	Group Director, The MacKillop Institute and MacKillop Education
Approval Date	28 March 2024
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