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MERCY EDUCATION POLICY 1.07

PRIVACY

Introduction:

Mercy Education Limited (Mercy Education) requires privacy principles in order to *respect* the rights of all those with whom it interacts and promote *justice* in its dealings with them. Mercy Education is bound by the Australian Privacy Principles (APPs) contained in the Commonwealth *Privacy Act* 1998. In relation to health records Mercy Education is also bound by legislation under the *Health Records Act* 2001 (Vic) relevant only to those schools operating in the State of Victoria.

Purpose:

To provide guidance on how Mercy Education and its schools manage personal information provided by or collected from its school communities and other individuals.

Definitions:

Parent: includes all other forms of legal guardianship.

Mercy Education: refers to Mercy Education Limited – an Australian company limited by guarantee which operates thirteen schools across Australia.

Policy Coverage:

This Privacy Policy applies to schools governed by Mercy Education and sets out how Mercy Education, through its Board of Directors, Principals and Staff at each school manages personal information provided to or collected by it.

Mercy Education Limited is a legal entity under the *Commonwealth Corporations Act* (2001) and is responsible for the governance of thirteen Mercy ministry schools, namely:

- Mercedes College, Perth WA
- Academy of Mary Immaculate, Fitzroy VIC
- Sacred Heart College, Geelong VIC
- Emmanuel College, Warrnambool VIC
- Catherine McAuley College, Bendigo VIC
- St Aloysius College, Adelaide SA
- St Aloysius College, North Melbourne VIC
- Sacred Heart College, Kyneton VIC
- Mount Lilydale Mercy College, Lilydale VIC
- St Joseph's College, Mildura VIC
- Our Lady of Mercy College, Heidelberg VIC
- St Brigid's College, Lesmurdie WA
- Santa Maria College, Attadale WA

Policy Statement:

A01 Mercy Education may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to schools' operations and practices and to make sure it remains appropriate to the changing school environment.

A02 What kinds of personal information does a school collect and how does a school collect it?

Schools collect and hold personal information, including health and other sensitive information, about:

- students and parents before, during and after the course of a student's enrolment at the school including:
 - name, contact details (including next of kin), date of birth, gender, language background, previous school and religion;
 - parents' education, occupation and language background
 - medical information (e.g. details of disability and/or allergies and details of any assistance the student receives in relation to those disabilities, medical reports, names of doctors);
 - 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); and
 - photos and videos at school events;
- job applicants, staff members, volunteers and contractors, including:
 - name, contact details (including next of kin), date of birth and religion;
 - information on job application;
 - professional development history;
 - salary and payment information, including superannuation details;
 - medical information (eg details of disability and/or allergies and medical certificates);
 - complaint records and investigation reports;
 - leave details;
 - photos and videos at school events;
 - workplace surveillance information
 - work emails and private emails (when using work email address) and internet browsing history; and
- other people who come into contact with the school, including name and contact details and any other information necessary for the particular contact with the school.

If a School has implemented workplace surveillance systems, including CCTV or monitoring of computer systems, networks and facilities, people interacting with the School or using those systems may be monitored. If a person is being monitored, even through their computer use, personal information may be collected.

Personal Information you provide: A school will generally collect personal information held about an individual by way of forms filled out by parents or students, face-to-face meetings and interviews, emails and telephone calls. On occasions people other than parents and students (such as job applicants and contractors) provide personal information to the School.

Personal Information provided by other people: In some circumstances a school 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 a school may collect from another school may include:

- academic records and/or achievement levels;
- information that may be relevant to assisting the new school meet the needs of the student including any adjustments

Exception in relation to employee records: Under the *Privacy Act* and relevant State legislation: *Health Records Act 2001* (Vic) for Victorian schools, the Australian Privacy Principles and Health Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to a school's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between the school and employee.

Anonymity: The school 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, the job application process and fulfil other obligations and processes. However, in some limited circumstances, some activities and interactions with the school may be done anonymously where practicable, which may include making an inquiry, complaint or providing feedback.

A03 **How will a school use the personal information you provide?**

A school will use personal information it collects from you 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 to which you have consented.

Students and Parents: In relation to personal information of students and parents, a 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 a school. This includes satisfying the needs of parents, the needs of the student and the needs of Mercy Education and school throughout the whole period the student is enrolled at the school.

The purposes for which Mercy Education and/or a school uses personal information of students and parents include:

- to keep parents informed about matters related to their child's schooling, through correspondence, newsletters and magazines;
- day-to-day administration;
- looking after students' educational, social, spiritual and medical wellbeing;
- seeking donations and marketing for the school;

- seeking feedback from students and parents on school performance and improvement, including through school improvement surveys;
- to satisfy Mercy Education and the school's legal obligations and allow the school to discharge its duty of care; and
- to satisfy the School service providers' legal obligations, including the Catholic Education Commissions and the Catholic Education Offices.

In some cases where a school requests personal information about a student or parent, 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.

Job applicants, staff members and contractors: In relation to personal information of job applicants, staff members and contractors, a school's primary purpose of collection is to assess and (if successful) to engage the applicant, staff member or contractor, as the case may be.

The purposes for which a school uses personal information of job applicants, staff members and contractors include:

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

Volunteers: A school also obtains personal information about volunteers who assist the school in its functions or conduct associated activities, such as College Council members, committee representatives, alumni associations, to enable the school and the volunteers to work together, to confirm their suitability and to manage their visits.

Counsellors: The school contracts with external providers to provide counselling services for some students. The Principal may require the Counsellor to inform him or her or other teachers of any issues the Counsellor believes may be necessary for the school to know for the well-being or development of the student who is counselled or other students at the school.

Parish: The school may disclose limited personal information to the school parish to facilitate religious and sacramental programs, and other activities such as fundraising.

Marketing and fundraising: Schools treat marketing and seeking donations for the future growth and development of the school as an important part of ensuring that the school continues to be a quality learning environment in which both students and staff thrive. Personal information held by a school may be disclosed to an organisation that assists in the school's fundraising, for example, the school's Foundation or alumni organisation or, on occasions, external fundraising organisations.

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

Exception in relation to related schools: The Privacy Act allows each school, being legally related to each of the other schools conducted by Mercy Education to share personal (but not sensitive) information with other schools conducted by Mercy Education. Other Company schools may then only use this personal information for the purpose for which it was originally collected by Mercy Education. This allows schools to transfer information between them, for example, when a student transfers from a Company school to another school conducted by Mercy Education.

A04 **Who might a school disclose personal information to and store your information with?**

A school may disclose personal information, including sensitive information, held about an individual for educational, administrative and support services. This may include to:

- school service providers which provide educational, support and health services to a school, either at the school or off campus, including the Catholic Education Commissions, Catholic Education Offices, specialist visiting teachers, volunteers, counsellors, sports coaches and providers of learning and assessment tools;
- third party service providers that provide educational support services, services in relation to school improvement surveys, document and data management services, training and support services, hosting services, and software-as-a-services applications to schools and school systems such as the Integrated Catholic Online Network (ICON - VIC), AOS (WA) and Google's G Suite)
- Catholic Education Commissions and Catholic Education Offices to discharge its responsibilities under the *Australian Education Regulation 2013* (Regulation) and the *Australian Education Act 2013* (Cth) (AE Act) relating to students with a disability;
- other third parties which a school uses to support or enhance the educational or pastoral care services for its students or to facilitate communications with parents;
- another school including to its teachers to facilitate the transfer of a student;
- State and Federal government departments and agencies;
- health service providers;
- recipients of school publications, such as newsletters and magazines;
- student's parents or guardians and their emergency contacts;
- assessment and educational authorities including the Australian Curriculum, Assessment and Reporting Authority;
- anyone to whom you authorise the school to disclose information to; and
- anyone who we are required or authorised to disclose the information by law, including child protection laws.

Nationally Consistent Collection of Data (NCCD) on School Students with Disability

The school is required by the Federal *Australian Education Regulation (2013)* and *Australian Education Act 2013* (Cth) (AE Act) to collect and disclose certain information under the *Nationally Consistent Collection of Data* (NCCD) on students with a disability. The school provides the required information at an individual student level to the Catholic Education Offices and the CECV, as 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: A school may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange. However, a school will not send 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 or other applicable privacy legislation.

A school 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 Office 365, Google's G Suite, including Gmail which may be accessible by you. 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.

School personnel and a school's service providers, Catholic Education Commissions and their 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.

Mercy Education schools make 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 APPs.

The countries in which the servers of cloud service providers and other third party service providers are located may include: USA, UK, Singapore and Australia.

In Victoria, where personal and sensitive information is retained by a cloud service provider on behalf of CECV to facilitate HR and staff administrative support, this information may be stored on servers located in or outside Australia.

A05 How does a school treat sensitive information?

In referring to 'sensitive information', it 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 you agree otherwise, or the use or disclosure of the sensitive information is allowed by law.

A06 Management and security of personal information

Mercy Education and school staff are required to respect the confidentiality of students' and parents' personal information and the privacy of individuals.

Each school has in place steps to protect the personal information the school holds from misuse, interference and loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and password access rights to computerised records. This includes responding to any incidents which may affect the

security of the personal information it holds. If a school or Mercy 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.

It is recommended that parents and the school community adopt secure practices to protect themselves by:

- ensuring all passwords are strong and regularly updated
- keeping log in details secure
- not sharing personal information with anyone without first verifying the identity of the person or organisation making the request
- letting the school or Mercy Education know immediately in the event of personal information being compromised.

A07 Access and correction of personal information

Under the Commonwealth Privacy Act and Health Records Act, an individual has the right to obtain access to any personal information which Mercy Education or a school holds about them and to advise Mercy Education or the school of any perceived inaccuracy. Students will generally be able to access and update their personal information through their parents, but older students may seek access and correction themselves.

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

To make a request to access or update any personal information Mercy Education or a school holds about you or your child, in the first instance, please contact the school's Principal by telephone or in writing.

The school may require you to verify your identity and specify what information you require. The school may charge a fee to cover the cost of verifying your application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the school will advise the likely cost in advance. If Mercy Education or the school cannot provide you with access to that information, written notice will be provided to you with 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.

A08 Consent and rights of access to the personal information of students

Mercy Education respects every parent's right to make decisions concerning their child's education.

Generally, a school will refer any requests for consent and notices in relation to the personal information of a student to the student's parents. A school 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.

As mentioned above, parents may seek access to personal information held by a school or Mercy Education about them or their child by contacting the School's Principal. However, 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.

A school 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 parents.

This would normally be done only when the maturity of the student and/or the student's personal circumstances warrant it.

A09 Enquiries and complaints

If you would like further information about the way Mercy Education or a school manages the personal information it holds, or wish to complain that you believe that Mercy Education or a school has breached its privacy obligations, in the first instance, **please contact the school's Principal**. The school will investigate your complaint and will notify you of the making of a decision in relation to your complaint as soon as practicable after it has been made.

Principal:

School:

Address:

Telephone:

Correspondence:

Email:

Mercy Education or the school will investigate any complaint and will notify you of a decision in relation to your complaint as soon as is practicable after it has been made.

If you are not satisfied with the schools or Mercy Education's decision you may make a complaint to the Office of the Australian Information Commissioner (OAIC) whose contact details are:

GPO Box 5218, Sydney, NSW 2001

Telephone: 1300 363 992

www.oaic.gov.au

If you would like further information about the way Mercy Education manages the personal information it holds, please contact:

Mercy Education Limited

720 Heidelberg Road

Alphington VIC 3078

Telephone (03) 9490 6600

Facsimile (03) 9499 3897

Correspondence: PO Box 5067, Alphington VIC 3078

Email: contact@mercy.edu.au

Related Documents/Links:

Catholic Education Western Australia (CEWA)

- *Catholic Education Western Australia Privacy Policy and Privacy Manual*
<http://internet.ceo.wa.edu.au/AboutUs/Governance/Policies/Pages/Community.aspx>
<http://internet.ceo.wa.edu.au/AboutUs/Governance/Privacy/Documents/Privacy%20Compliance%20Manual.pdf>

Catholic Education South Australia (CESA)

<http://www.cesa.catholic.edu.au/>

Catholic Education Commission of Victoria

- *Privacy Compliance Manual Updated November 2017 via CEVN portal*
<http://cevn.cecv.catholic.edu.au/FinLegal/legal/privacyact.htm>

Legislation, Statutory and Regulatory compliances

- *Privacy Act 1988 (Cth)*
<https://www.legislation.gov.au/Series/C2004A03712>
- *Australian Privacy Principles*
<https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles>

Mercy Education Limited (MEL)

- *Mercy Education templates for schools:*
 - Standard Collection Notice
 - Alumni Collection Notice
 - Employment Collection Notice
 - Contractor/Volunteer Collection Notice
- *1.06 Policy: Complaints*
- *6.09 Policy: Child Protection*

Review History

| Version | Date released | Next review | Author | Approved |
|---------|---------------|---------------|--------------------------|-----------|
| 1.0 | Dec 2016 | December 2018 | | MEL Board |
| 2.0 | Jan 2018 | January 2020 | | MEL Board |
| 3.0 | May 2018 | | | MEL Board |
| 4.0 | May 2019 | | Executive Officer | MEL Board |
| 5.0 | Mar 2020 | March 2022 | Head of People & Culture | MEL Board |
| 6.0 | Dec 2020 | December 2023 | Head of People & Culture | MEL Board |