



# MacKillop College

## Policy: Privacy

### Introduction

MacKillop College recognises the importance of demonstrating respect for the dignity of each person and creating an environment where a sense of belonging for all is experienced. These aspirations are central to the wellbeing of members within our community.

This Privacy Policy determines how MacKillop College manages and archives the personal information provided and collected for its various purposes.

The College is bound by the Australian Privacy Principles (APPs) contained in the Commonwealth Privacy Act 1988. In relation to health records, the College is also bound by the *Health Records Act 2001* (Vic) and the Health Privacy Principles in that Act.

MacKillop College may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to the College's operations and practices, and to make sure it remains abreast with the changing school environment.

### Types of information collected by MacKillop College

MacKillop College collects and holds personal information, including health and other sensitive information from the following sources:

- students and parents and/or guardians before, during and after the course of a student's enrolment at the College, including:
  - name, contact details (including next of kin), date of birth, previous school and religion
  - medical information (e.g. details of disability and/or allergies and details of any assistance the student receives in relation to those disabilities)
  - 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)
  - 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 (e.g. 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
- other people who come into contact with the College, including name and contact details and any other information necessary for the particular contact with the College.

## **Collection processes**

Personal information provided directly: The College will generally collect personal information held about an individual by way of forms completed by parents/guardians or students, face-to-face meetings and interviews, emails and telephone calls. On occasion, people other than parents/guardians and students (such as job applicants and contractors) provide personal information to the College.

Personal information provided by other people: In some circumstances, the College 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 the College may collect from another school may include:

- academic records and/or achievement levels
- information that may be relevant to assisting the new school in meeting the needs of the student including adjustments required.

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 the College's treatment of an employee record where the treatment is directly related to a current or former employment relationship between the College and the employee. The College handles staff health records in accordance with the Health Privacy Principles in the *Health Records Act 2001 (Vic)*.

Anonymity: The College requires the ability to identify individuals with whom it interacts and to collect identifiable information 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 the College may be completed anonymously where practicable, which may include making an inquiry, complaint or providing feedback.

## **Use of information provided**

The College will utilise information collected for the primary purpose of the collection and for such other secondary purposes that are related to the primary purpose of collection and reasonably expected by you, or to which you have consented.

Students and parents/guardians: In relation to personal information of students and parents/guardians, the College's primary purpose of collection is to enable the College to provide schooling to students enrolled at the College (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 activities of the College. This includes satisfying the needs of parents/guardians, the needs of the student and the needs of the College throughout the whole period of student enrolment at MacKillop College.

The purposes for which the College utilises personal information concerning students, provided by parents/guardians, include:

- to keep parents/guardians informed about matters related to their son/daughter's schooling, through correspondence, newsletters and magazines
- day-to-day administration of the College
- looking after students' educational, social and medical wellbeing
- seeking donations and marketing for the College
- to satisfy the College's legal obligations and allow the College to discharge its duty of care
- to satisfy the College service providers' legal obligations, including the Catholic Education Commission of Victoria Ltd (CECV) and the Catholic Education Offices.

In cases where the College requests personal information about a student or parent/guardian, and that information is not provided, the College 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 and contractors: In relation to personal information collected from job applicants and contractors, the College's primary purpose of collection is to assess and (if successful) to engage the applicant, or contractor, as the case may be.

The purposes for which the College 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 the College
- satisfying the College's legal obligations, for example, in relation to child protection legislation.

Volunteers: The College also obtains personal information concerning volunteers who assist the College in its functions or conduct associated activities, such as MacKillop Old Collegians Association (MOCA), to enable the College and the volunteers to work together, to confirm their suitability and to manage their visits.

Counsellors: The College contracts external parties to provide counselling services for some students. The Principal may require the Counsellor to inform him or her or other teachers of any issues that they believe it may be necessary for the College to know about for the wellbeing or development of the student who is counselled or that of other students at MacKillop College.

Parish: MacKillop College may disclose limited personal information to their local parish to facilitate religious and sacramental programs, and other activities such as fundraising.

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

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

## **Disclosure and storage of information**

MacKillop College may disclose personal information, including sensitive information, held about an individual for **educational, administrative and support purposes**.

This may include:

- College service providers that provide educational, support and health services to the College, (either at the College or off campus) including the Catholic Education Commission of Victoria Ltd (CECV), Catholic Education Offices, specialist visiting teachers, 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, or applications to schools and school systems including the Integrated Catholic Online Network (ICON) and Google's G Suite, including Gmail and, where necessary, to support the training of selected staff in the use of these services
- other third parties that the College utilises to support or enhance the educational or pastoral care services for its students, or to facilitate communications with parents/guardians
- another school, including its teachers, to facilitate the transfer of a student
- State and Federal government departments and agencies
- health service providers
- recipients of College publications, such as newsletters and magazines
- the student's parents/guardians and their emergency contacts
- assessment and educational authorities including the Australian Curriculum, Assessment and Reporting Authority
- anyone you authorise the College to disclose information to
- anyone who we are required or authorised to disclose the information to by law, including child protection laws.

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

MacKillop College is required by the *Federal Australian Education Regulation 2013 (Cth) (AE Act) (the Regulation)* to collect and disclose certain information under the Nationally Consistent Collection of Data (NCCD) on students with a disability. The College 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 a student.

Sending and storing information overseas: MacKillop College may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange. However, the College will not send personal information about an individual outside Australia without:

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

MacKillop College may also store personal information (including sensitive information) in the 'cloud'. This means that the information is held on the servers of third party cloud service providers engaged by the College. The servers may be situated in or outside Australia.

MacKillop College 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 Google's G Suite, including Gmail), which may be accessible by parents/guardians. 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 College personnel, and the College's service providers, and the CECV and its 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.

The College 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 APPs.

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

- Australia
- The United States of America.

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

### **Treatment of sensitive information**

In referring to 'sensitive information', the College 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, a criminal record (which 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 agreed by all parties or the use or disclosure of the sensitive information is allowed by law.

### **Management and security of personal information**

MacKillop College's staff are required to respect the confidentiality of students' and parents/guardians' personal information and the privacy of individuals.

The College has in place steps to protect the personal information the College 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 that may affect the security of the personal information it holds. If it is assessed that anyone whose information is affected by such a breach is likely to suffer serious harm as a result, the College will notify them and the Office of the Australian Information Commissioner of the breach. It is recommended that parents/guardians and the College community adopt secure practices to protect themselves. Those in the College community need to ensure that all passwords used are strong and regularly updated and that log-in details are kept secure. All within the College community are asked not to share personal information with anyone without first

verifying their identity and organisation. Any compromise of personal information is to be reported to the College immediately.

### **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 that MacKillop College holds about them, and to advise the College of any perceived inaccuracy. Students will generally be able to access and update their personal information through their parents/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 the College holds about a parent/guardian or student, contact must be made to the College Principal in writing. The College may require verification of identity and specifications of information required. The College may charge a fee to cover the cost of verifying applications and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the College will advise the likely cost in advance. If the College cannot provide access to that information, they 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 College respects every parent/guardian's right to make decisions concerning their son/daughter's education.

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

Parents/Guardians may seek access to personal information held by the College about them or their son/daughter, by contacting the College Principal in writing. 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 College's duty of care to the student.

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

### **Enquiries and complaints and contact details**

For further information concerning MacKillop College's management and collection of personal information, or a wish to lodge a complaint regarding a believed breach by the College in its privacy obligations, please contact the College Principal in writing or telephone at:

MacKillop College  
PO Box 522  
Werribee VIC 3030

Telephone: 87345200

Email: [principal@mackillop.vic.edu.au](mailto:principal@mackillop.vic.edu.au)

The College will investigate any complaint brought to its attention and will notify relevant stakeholders of the decision in relation to the complaint as soon as is practicable after it has been made.

Those individuals not satisfied with the College's decision may make further 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](http://www.oaic.gov.au)

## **Principles**

MacKillop College is committed to:

- respect the dignity of all members of its community
- uphold the Australian Privacy Principles
- investigate and respond to any complaints regarding possible breach of the Australian Privacy Principles.

## **Objectives**

MacKillop College is committed to:

- informing staff, volunteers and contractors of their responsibilities in relation to the Australian Privacy Principles
- ensuring that the processes and procedures of the College comply with Australian Privacy Principles
- the satisfactory resolution of complaints.

## **Implementation**

### **i) Principal commitment**

The Principal is responsible for ensuring that:

- the objectives of this policy are integrated into practice
- complaints are satisfactorily investigated and resolved.

### **ii) Staff commitment**

The staff is responsible for ensuring that:

- the privacy of others is respected according to the Australian Privacy Principles
- they comply with this policy and relevant procedures.

**This policy works in conjunction with the following policies, procedures and guidelines:**

- the MacKillop College Policies and any procedures pertaining to the collection of personal information
- Commonwealth Privacy Act 1988

- Health Records Act 2001 (Vic)
- MacKillop College's Standard Collection Notice

Rory Kennedy  
(Principal)

Date: 2020