

# 1.07A

## MERCY EDUCATION POLICY 1.07A PRIVACY

### Rationale:

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 contained in the Commonwealth *Privacy Amendment (Enhancing Privacy Legislation) Act* 2012. 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.

### Definitions:

Parent includes all other forms of legal guardianship as well.

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

### Policy Statement:

#### A01 Who does this policy apply to ?

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 twelve Mercy ministry schools, namely:

- Mercedes College, Perth WA
- Academy of Mary Immaculate, Fitzroy VIC
- Sacred Heart College, Geelong VIC
- Catholic College Bendigo, 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

A02 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.

**A03 What kinds of personal information does a school collect and how does a school collect it?**

The type of information schools collect and hold includes (but is not limited to) personal information, including health and other sensitive information, about:

- pupils and parents before, during and after the course of a pupil's enrolment at the school;
- job applicants, staff members, volunteers and contractors; and
- other people who come into contact with the school.

***Personal Information you provide:*** A school will generally collect personal information held about an individual by way of forms filled out by parents or pupils, face-to-face meetings and interviews, emails and telephone calls. On occasions people other than parents and pupils provide personal information.

***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.

***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 the 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.

**A04 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.

***Pupils and Parents:*** In relation to personal information of pupils and parents, a school's primary purpose of collection is to enable the school to provide schooling for the pupil. This includes satisfying the needs of parents, the needs of the pupil and the needs of Mercy Education and school throughout the whole period the pupil is enrolled at the school.

The purposes for which Mercy Education and a school uses personal information of pupils 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 pupils' educational, social, spiritual and medical wellbeing;
- seeking donations and marketing for the school; and
- to satisfy Mercy Education and the school's legal obligations and allow the school to discharge its duty of care.

In some cases where a school requests personal information about a pupil or parent, if the information requested is not obtained, the school may not be able to enrol or continue the enrolment of the pupil or permit the pupil 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:

- in administering the individual's employment or contract, as the case may be;
- for insurance purposes;
- seeking funds and marketing for the school; and
- to satisfy 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, etc, to enable the school and the volunteers to work together.

**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 pupils 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 pupil transfers from a Company school to another school conducted by Mercy Education.

#### **A05 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 to:

- another school;
- government departments;
- the pupil's local parish;
- medical practitioners;
- people providing services to the school, including specialist visiting teachers, counsellors and sports coaches;
- recipients of school publications, such as newsletters and magazines;
- parents;
- anyone you authorise the school to disclose information to; and
- anyone to whom we are required to disclose the information by law.

***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.

The School may also store personal information in the 'cloud' which may mean that it resides on servers which are situated outside Australia.

#### **A06 How does a school treat sensitive information?**

In referring to 'sensitive information', a school 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.

#### **A07 Management and security of personal information**

Mercy Education and the schools' staff are required to respect the confidentiality of pupils' 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.

#### **A08 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. There are some exceptions to this right set out in the Act. Pupils will generally be able to access and update their personal information through their parents, but older pupils 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 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 we cannot provide you with access to that information, we will provide you with written notice explaining the reasons for refusal.

#### **A09 Consent and rights of access to the personal information of pupils**

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 pupil to the pupil's parents. A school will treat consent given by parents as consent given on behalf of the pupil, and notice to parents will act as notice given to the pupil.

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 pupil.

A school may, at its discretion, on the request of a pupil grant that pupil access to information held by the school about them, or allow a pupil 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 pupil and/or the pupil's personal circumstances so warranted.

#### **A10 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 the Australian Privacy Principles, in the first instance, please contact the school's Principal.

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

Risk and Compliance Manager

Mercy Education Limited

720 Heidelberg Road

Alphington Vic 3078

Telephone (03) 9499 1577

Facsimile (03) 9499 3897

Correspondence: PO Box 5067, Alphington Vic 3078

Email: [board@mercyed.org.au](mailto:board@mercyed.org.au)

**Associated Procedures:**

Procedure 1.07B: Privacy

**Related Documents:**

Privacy Compliance Manual November 2013 produced by Minter Ellison as a guide for schools

**Review History**

Nil

**Next Review**

2016