

ST. MONICA'S PRIMARY SCHOOL

PRIVACY

POLICY

This Privacy Policy sets out how St Monica's manages personal information provided to or collected by it.

St Monica's is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act. In relation to health records, St Monica's is also bound by the Victorian Information Act and other legislation which may come into force during the lifetime of this policy. St Monica's may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to the School's operations and practices and to make sure it remains appropriate to the changing school environment.

What kinds of personal information does St Monica's collect and how does St Monica's collect it?

The type of information St Monica's collects and holds includes (but is not limited to) personal information, including health and other sensitive information, about:

- pupils and parents and/or guardians ('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: St Monica's 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 St Monica's 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 the Victorian Information Act 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 St Monica's and employee.

How will St Monica's use the personal information you provide?

St Monica's 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 by you, or to which you have consented.

Pupils and Parents: In relation to personal information of pupils and Parents, the School's primary purpose of collection is to enable St Monica's to provide schooling for the pupil. This

includes satisfying the needs of Parents, the needs of the pupil and the needs of St Monica's throughout the whole period the pupil is enrolled at the School.

The purposes for which St Monica's 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 of the School;
- looking after pupils' educational, social and medical wellbeing;
- seeking donations and marketing for the School; and
- to satisfy the School's legal obligations and allow St Monica's to discharge its duty of care.

In some cases where St Monica's requests personal information about a pupil or Parent, if the information requested is not provided, St Monica's 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, the 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 St Monica's 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 donations and marketing for the School; and
- to satisfy the School's legal obligations, for example, in relation to child protection legislation.

Volunteers: St Monica's also obtains personal information about volunteers who assist St Monica's in its functions or conduct associated activities, such as alumni, playgroup and parent associations to enable St Monica's and the volunteers to work together.

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

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.

Who might St Monica's disclose personal information to and store your information with?

St Monica's may disclose personal information, including sensitive information, held about an individual to:

- another school;

- government departments;
- 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 St Monica's to disclose information to; and
- anyone to whom we are required to disclose the information to by law.

Sending and storing information overseas: St Monica's may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange. However, St Monica's 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.

St Monica's may also store personal information in the 'cloud' which may mean that it resides on servers which are situated outside Australia.**

How does St Monica's treat sensitive information?

In referring to 'sensitive information', St Monica's 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.

Management and security of personal information

The School's staff are required to respect the confidentiality of pupils' and Parents' personal information and the privacy of individuals.

St Monica's has in place steps to protect the personal information St Monica's 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.

Access and correction of personal information

Under the Commonwealth Privacy Act [and the Health Records Act], an individual has the right to obtain access to any personal information which St Monica's holds about them and to advise St Monica's of any perceived inaccuracy. 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 St Monica's holds about you or your child, please contact the [School Principal] in writing. St Monica's may require you to verify your identity and specify what information you require. St Monica's 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, St Monica's 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.

Consent and rights of access to the personal information of pupils

St Monica's respects every Parent's right to make decisions concerning their child's education.

Generally, St Monica's will refer any requests for consent and notices in relation to the personal information of a pupil to the pupil's Parents. St Monica's 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 St Monica's about them or their child by contacting the School 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.

St Monica's may, at its discretion, on the request of a pupil grant that pupil access to information held by St Monica's 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.

Enquiries and complaints

If you would like further information about the way St Monica's manages the personal information it holds, or wish to complain that you believe that St Monica's has breached the Australian Privacy Principles please contact the [School Principal]. St Monica's will investigate any complaint and will notify you of the making of a decision in relation to your complaint as soon as is practicable after it has been made.

This policy was last ratified by St Monica's school staff in....

March 2014

Principal Signature

APPENDIX I

CHECKLIST FOR COMPLIANCE WITH THE AUSTRALIAN PRIVACY PRINCIPLES

(Annexure 1 – Summary of a School's Obligations Imposed by the APPs)

This summary of a school's obligations imposed by the Australian Privacy Principles (APPs), which can be used as a checklist for schools, is an extract from the document *Privacy Compliance Manual*, prepared by Minter Ellison Lawyers for schools and systems represented by the National Catholic Education Commission. The document was made available to schools in Victoria in November 2013.

For further information about the APPs, refer to Part 2 of the *Privacy Compliance Manual*.

Annexure 1 – Summary of A School's Obligations Imposed By The Apps

1. Manage personal information in an open and transparent way.
2. Take such steps as are reasonable in the circumstances to implement practices, procedures and systems relating to the School's functions or activities that:
 - (a) will ensure compliance with the APPs; and
 - (b) will enable the School to deal with inquiries or complaints about compliance with the APPs.
3. Have a clearly expressed and up-to-date Privacy Policy about the School's management of personal information.
4. If it is lawful or practicable, give individuals the option of interacting anonymously with the School or using a pseudonym.
5. Only collect personal information that is reasonably necessary for the School's functions or activities.
6. Obtain consent to collect sensitive information unless specified exemptions apply.
7. Use fair and lawful means to collect personal information.
8. Collect personal information directly from an individual if it is reasonable and practicable to do so.
9. If the School receives unsolicited personal information, determine whether it could have collected the information under APP 3 as if it had solicited the information. If so, APPs 5-13 will apply. If not, the information must be destroyed or de-identified.
10. At the time the School collects personal information or as soon as practicable afterwards, take such steps (if any) as are reasonable in the circumstances to make an individual aware of:
 - (a) why the School is collecting information about them;
 - (b) who else the School might give it to; and
 - (c) other specified matters.
11. Take such steps (if any) as are reasonable in the circumstances to ensure the individual is aware of this information even if the School has collected it from someone else.

12. Only use or disclose personal information for the primary purpose of collection unless one of the exceptions in APP 6.2 applies (for example, for a related secondary purpose within the individual's reasonable expectations, you have consent or there are specified law enforcement or public health and public safety circumstances).
13. If the information is sensitive, the uses or disclosures allowed are more limited. A secondary purpose within reasonable expectations must be directly related to the primary purpose of collection.
14. Do not use personal information for direct marketing, unless one of the exceptions in APP 7 applies (for example, the School has obtained consent or where the individual has a reasonable expectation of their information being used or disclosed for that purpose and the School has provided a simple means for the individual to unsubscribe from such communications).
15. Before the School discloses personal information to an overseas recipient it must take such steps as are reasonable in the circumstances to ensure that the recipient does not breach the APPs, unless an exception applies.
16. Government related identifiers must not be adopted, used or disclosed unless one of the exceptions applies (eg. the use or disclosure is reasonably necessary to verify the identity of the individual for the purposes of the School's functions or activities).
17. Take such steps (if any) as are reasonable in the circumstances to ensure the personal information the School collects, uses or discloses is accurate, complete and up-to-date. This may require the School to correct the information and possibly advise organisations to whom it has disclosed the information of the correction.
18. Take such steps as are reasonable in the circumstances to protect the personal information the School holds from misuse, interference and loss and from unauthorised access, modification or disclosure.
19. Take such steps as are reasonable in the circumstances to destroy or permanently de-identify personal information no longer needed for any purpose for which the School may use or disclose the information.
20. If requested, the School must give access to the personal information it holds about an individual unless particular circumstances apply that allow it to limit the extent to which it gives access.

Note: This is a summary only and NOT a full statement of obligations.

APPENDIX II

Standard Collection Notice

1. The School collects personal information, including sensitive information about pupils and parents or guardians before and during the course of a pupil's enrolment at the School. This may be in writing or in the course of conversations. The primary purpose of collecting this information is to enable the School to provide schooling to the pupil and to enable them to take part in all the activities of the School.
2. Some of the information we collect is to satisfy the School's legal obligations, particularly to enable the School to discharge its duty of care.
3. Laws governing or relating to the operation of a school require certain information to be collected and disclosed. These include relevant Education Acts, and Public Health [and Child Protection]* laws.
4. Health information about pupils is sensitive information within the terms of the Australian Privacy Principles under the Privacy Act. We may ask you to provide medical reports about pupils from time to time.
5. The School from time to time discloses personal and sensitive information to others for administrative and educational purposes, including to facilitate the transfer of a pupil to another school. This includes to other schools, government departments, [Catholic Education Office, the Catholic Education Commission, the School's local diocese and the parish, Schools within other Dioceses/other Dioceses]* medical practitioners, and people providing services to the School, including specialist visiting teachers, [sports] coaches, volunteers and counsellors.
6. Personal information collected from pupils is regularly disclosed to their parents or guardians.
7. The School may store personal information in the 'cloud' which may mean that it resides on servers which are situated outside Australia.**
8. The School's Privacy Policy sets out how parents or pupils may seek access to personal information collected about them. However, there will be occasions when access is denied. Such occasions would include where access would have an unreasonable impact on the privacy of others, where access may result in a breach of the School's duty of care to the pupil, or where pupils have provided information in confidence.
9. The School Privacy Policy also sets out how you may complain about a breach of privacy and how the School will deal with such a complaint.
10. As you may know the School from time to time engages in fundraising activities. Information received from you may be used to make an appeal to you. [It may also be disclosed to organisations that assist in the School's fundraising activities solely for that purpose.] We will not disclose your personal information to third parties for their own marketing purposes without your consent.
11. On occasions information such as academic and sporting achievements, pupil activities and similar news is published in School newsletters and magazines [and on our website]. Photographs of pupil activities such as sporting events, school camps and school excursions may be taken for publication in School newsletters and magazines and on our intranet. The School will obtain separate permissions from the pupils' parent or guardian prior to publication if we would like to include photographs or other identifying material in promotional material for the school or otherwise make it available to the public such as on the internet. [12. We may include pupils' and pupils' parents' contact details in a class list and School directory.]†

12/13. If you provide the School with the personal information of others, such as doctors or emergency contacts, we encourage you to inform them that you are disclosing that information to the School and why, that they can access that information if they wish and that the School does not usually disclose this information to third parties.

APPENDIX III

Employment Collection Notice

Dear Applicant

1. In applying for this position you will be providing St Monica's School with personal information. We can be contacted at 2 Wingfield Street, Footscray 3011 and on 9689 4548.
2. If you provide us with personal information, for example, your name and address or information contained on your resume, we will collect the information in order to assess your application for employment. We may keep this information on file if your application is unsuccessful in case another position becomes available.
3. The School's Privacy Policy contains details of how you may complain about a breach of the APPs or how you may seek access to personal information collected about you. However, there may be occasions when access is denied. Such occasions would include where access would have an unreasonable impact on the privacy of others.
4. We will not disclose this information to a third party without your consent.
5. We are required to collect information regarding whether you are or have been the subject of an Apprehended Violence Order and certain criminal offences under Child Protection laws. We may also collect personal information about you in accordance with these laws.
6. The School may store personal information in the 'cloud', which may mean that it resides on servers which are situated outside Australia.
7. If you provide us with the personal information of others, we encourage you to inform them that you are disclosing that information to St Monica's and why, that they can access that information if they wish and that St Monica's does not usually disclose the information to third parties.