1.07

MERCY EDUCATION POLICY
1.07 PRIVACY

Introduction:
In its role as a governing authority, Mercy Education Limited (Mercy Education) *respects* the rights to privacy of all those with whom it interacts and promotes *justice* in its dealings with them. Mercy Education is a legal entity under the Commonwealth *Corporations Act (2001)* and is bound by the *Australian Privacy Principles (APPs)* contained in the *Australian Privacy Act* (1998). 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 and sensitive information provided by, or collected from, its school communities and other individuals in accordance with legislative requirements and operational obligations.

Definitions:
Child: a child is a person under the age of 18 years or as defined according to applicable legislation. Enrolled students over the age of 18 years are not included in the definition of a child

Employee / staff: an individual working in a school environment or school boarding environment who is:

- Directly engaged or employed by a school governing authority
- Contracted service provider (whether a body corporate or any other person is an intermediary) engaged by the school governing authority to perform child-related work; or
- A minister or religion, a religious leader or an employee or officer of a religious body associated with the school (ref Clergy)

Parent/Guardian/Carer includes all forms of legal guardianship

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

Personal Information: information or an opinion about an identified individual, or an individual who is reasonably identifiable

Sensitive Information: a form of personal information that refers to an individual's: race, ethnic origin, marital status, age, colour, affiliations (religious, philosophical, or political), health, education, genetic or sexual life

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Student: a person who is enrolled at or attends the school or a student at the school boarding premises

Policy Coverage:

This Privacy Policy applies to schools governed by Mercy Education and describes how Mercy Education, through its Board of Directors, Principals, and Employees, manage personal information provided to, or collected by the National Office and each school.

Mercy Education 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

Principles:

Mercy Education and its schools will apply several principles in collecting and managing personal information. They will:

- manage personal information in an open and transparent way
- only collect personal information that is necessary for functions or activities
- use fair and lawful means to collect personal information
- obtain consent to collect sensitive information unless specific exemptions apply
- take reasonable steps to protect the personal information held, f from unauthorised access, modification or disclosure
- only use or disclose personal information for the primary purpose of collection unless an exception applies.

Policy Statement:

01 Mercy Education may, from time to time, review and update this Privacy Policy to take account of new legislation and technology, changes to operations and practices and to make sure it remains relevant and appropriate to the changing education environment.

02 Anonymity: Mercy Education must be able to identify individuals with whom it interacts and collect identifiable information to facilitate the delivery of services to its students and fulfil other obligations and processes. However, in limited circumstances some activities and interactions with the school may be anonymous including making an inquiry, complaint or providing feedback.

03 *What kinds of personal information does Mercy Education and its schools collect and hold?* Mercy Education and its schools collect and hold personal information, including health and other sensitive information, about:

- students and prospective students before, during and after the course of a student's enrolment at the school including but not necessarily applicable to all stages of student enrolment:
  - name, address, contact details (including next of kin), date of birth, gender, identity documents (including a current photograph)
  - language background, previous school, and religion
  - 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 and /or allergies),
  - conduct and complaint records, other behaviour notes, school attendance and school reports
  - information about referrals to government welfare agencies
  - information gained during counselling
  - any court orders
  - Photographs/images and videos at school events

- Parents, prospective parents, guardians, and carers including:
  - name, address, contact details, identity documents, marital status
  - education, occupation and language background
  - court orders
  - private health fund details (if applicable) and Medicare number
  - financial information
  - photographs and video images
  - religion
  - volunteer information (including Working With Children Clearance)

- job applicants, staff members, volunteers, and contractors, (but not necessarily applicable in all circumstances):
  - name, contact details (including next of kin), date of birth and religion
  - information on job application form
  - Information provided by a former employee or a referee
  - Identity documents and photographs
  - Working with Children Clearances, Teacher Registration (relevant to State) and National Police Record Checks
  - professional development history
  - salary and payment information, including superannuation details
  - medical information (e.g., details of pre-existing injury, disability and/or allergies and medical certificates)
  - Complaints, records, and subsequent investigation leave details
  - photographs and videos at Mercy Education or school events
  - all emails, (both work and private - when using work email address) and internet browsing history
  - other people who come into contact with Mercy Education or the School while undertaking its functions and activities, including name and contact details and other information necessary for the particular contact with Mercy Education or the school.

- Personal Information provided by other individuals:

  In some circumstances, Mercy Education or its schools may receive personal information about an individual from a third party, for example a report provided by a school or service, or a medical professional or a reference from a previous employer. For example, information the school may collect from another school may include: academic records and/or achievement levels or information that may be relevant to assisting the new school to meet the needs of the student, including any adjustments.

On occasions, individuals other than parents/guardians/carers and students (such as job applicants and contractors) provide personal information to the school.

07 *How will Mercy Education or the School collect and hold personal information?*

Personal Information you provide:
Mercy Education or a school will, but not exclusively, collect personal information held about an individual through the following means:

- students – through their participation in course work and activities at Mercy Education and its schools, face-to-face meetings, or through communications such as email or other electronic means
- parents and prospective parents – from forms filled out by them, such as an enrolment application, other forms, and online requests while their child/ren are enrolled at a Mercy Education School, face-to-face meetings, and interviews, via emails and/or telephone calls
- through a school's online portal or online management system
- prospective employees, volunteers, and contractors – through the recruitment or engagement process, at interview, from past employers and referees, or during their employment or engagement by Mercy Education or its schools
- meetings and interviews
- emails and telephone calls
- through the school's online portals Compass and Operoo

In some cases, if the information requested is not provided, the school may not be able to finalise or continue a student enrolment or permit a student to participate in a particular activity.

In relation to the personal information of students and parents/guardians/carers, Mercy Education and the school's primary purpose of collection is to enable the school to provide education services to students), exercise its duty of care and perform necessary associated administrative actions which will enable students to take part in the activities of the school. This involves satisfying the needs of parents/guardian/carers, the needs of the student and the needs of the school throughout the whole period the student is enrolled at the school.

Information collected by the Mercy Education website or school website:

An internet service provider may make a record of your visit and log the following information for statistical purposes:

- your server address
- your top-level domain name (for example .com, .gov, .au, .uk, etc.)
- the date and time of your visit to the site
- the pages you accessed and the documents you downloaded
- the previous site you have visited
- the type of browser you are using

Access to information collected by the Mercy Education website or school website

Mercy Education and its schools will not attempt to identify users by their browsing activities. However, in the unlikely event of an investigation, a law enforcement agency or other government agency may exercise its legal authority to inspect an internet service provider's log.

Mercy Education and its schools may record your email address if you send a message, however it will not be added to a list without your consent.

Cookies

The Mercy Education website and school websites use session cookies and only during a search query of the website. On closing your browser, the session cookie set by the Mercy Education website and school websites is destroyed with no personal identifying information retained

08 *How will Mercy Education or its schools collect, hold, use and disclose the personal information you provide?*

Mercy Education and its schools will use personal information it collects from you for the primary purpose of providing educational, co-curricular and related services to its students, such other secondary purposes that are related to the primary purpose of collection as reasonably expected, or to which you have consented.

Students and Parents/Guardians/Carers:

Mercy Education and its schools use personal information about students and parents/guardians/carers collected held or provided to:

- assess applications for enrolment of a student in accordance with its enrolment policy and procedures
- keep parents/guardians/carers informed in relation to the education of their child, through correspondence, newsletters and magazines
- day-to-day administration of the school
- enable Mercy Education or its school to undertake its day-to-day administrative duties as an education provider
- identify student need, implement reasonable adjustments to assist with students' learning together with social and medical wellbeing
- seek feedback from students, parents/guardians/carers on school performance and improvement, including through school improvement surveys
- seek donations, undertake fundraising and marketing activities
- satisfy Mercy Education's legal and professional obligations including its duty of care
- satisfy the legal obligations of Mercy Education, relevant diocesan authorities, Catholic Education Commissions and Authorities, and Catholic Education Offices, to government authorities and departments

Job applicants and contractors:

Mercy Education or a school's primary purpose of collection of personal information from job applicants and contractors is to assess and (if successful) to engage the applicant or contractor, as the case may be.

The purposes for which Mercy Education or a school may use the personal information of job applicants and contractors include:

- assessing an applicant's suitability for employment or engagement by Mercy Education or its schools
- administering the individual's employment or contract for insurance purposes
- seeking donations and marketing
- Satisfying the legal obligations of Mercy Education and the School (e.g. providing a safe workplace, child safety and wellbeing and its duty of care to students).

Volunteers:

In relation to the personal information of volunteers who assist Mercy Education and its schools in their functions or associated activities, Mercy Education's primary purpose of collection is to assess and potentially engage the volunteer.

The purpose for which Mercy Education or a school may use the personal information of volunteers includes:

- assessing a volunteer's suitability for engagement by Mercy Education or its schools as a volunteer
- for insurance purposes
- satisfy the legal obligations of Mercy Education and the school (e.g. providing a safe workplace, child safety and wellbeing and its duty of care to students)
- to confirm their suitability and to manage their visits
- for marketing activities

Counsellors:

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

Parish:

The school 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:

Mercy Education treats marketing and seeking donations for the future growth and development of its schools as an important part of ensuring that its schools continue to provide quality learning environments in which both students and staff thrive. Personal information held by schools may be disclosed to organisations that assist in school fundraising, for example, a school's foundation or alumni organisation, or on occasion, external fundraising organisations.

Parents/guardians/carers, 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 and images may, be used for marketing purposes.

09 *Who might Mercy Education or a school disclose personal information to?*

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

- state and federal government departments and and/or agencies engaged by them
- school service providers of educational, support and health services either at the school or off campus
- medical practitioners
- other schools with which Mercy Education or one of its schools interacts
- relevant diocesan authorities, Catholic Education Commissions/Authorities and Catholic Education Offices
- government authorities and departments
- third party service providers including visiting teachers, specialists, consultants, counsellors, sport coaches, volunteers, providers of camps and excursions 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 application, eg. Google G Suite
- 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 consulting services or undertaking assessments for the purpose of educational programming or providers of health services such as counsellors, psychologists, school nurse services, dental vans. Specific consent is obtained to collect and disclose this type of sensitive health information as part of a service request which may include release of relevant medical or allied health reports, educational planning and evaluation such as personalised learning/behaviour/medical management plans
- other third parties providing services in relation to school improvement surveys or pastoral care services to schools and school systems or to facilitate communication with parents/guardians/carers
- another school to facilitate the transfer of a student enrolment
- recipients of Mercy Education or school publications, such as newsletters and magazines
- assessment and education authorities including for example, the Victorian Curriculum and Assessment Authority (VCAA) and the Australian Curriculum, Assessment and Reporting Authority (ACARA)
- anyone to whom the parent/guardian/carer authorises the school to disclose information to
- alumni and parent/friends support groups
  anyone who Mercy Education or its schools is required to, or authorised by, to disclose information by law, including child protection and information-sharing laws

Nationally Consistent Collection of Data on School Students with Disability

Mercy 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. Mercy Education schools provide the required information at an individual 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:

Mercy Education may disclose personal information to an overseas recipient if it is directly relevant to an overseas trip or excursion being undertaken by students and then only with the consent of the parent/guardian/carer (in which consent may be implied). It is not practicable to specify in this policy the countries in which the recipients of such information are likely to be located.

Mercy Education and its schools will not send personal information about an individual outside Australia without:

- your consent (in some cases this consent will be implied)
- otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

Mercy Education and its schools may from time to time use the services of third-party online service providers, including the delivery of services and third-party online applications, or Apps relating to email, instant messaging and education and assessment, eg. Google Suite and Gmail) which may be accessible by the parent/guardian/carer. These online service providers may be located in or outside Australia.

Mercy Education, school personnel and the school's service provider have the ability to access, monitor, use or disclose emails, communications (e.g., instant messaging), documents and associated data for the purposes of administering the system and ensuring its proper use.

Staff and 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 will is located in countries which have 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:

- Google- Australia
- Microsoft – Australia
- Compass – Australia
- Operoo - Australia
- Adobe – USA
- Vivi – Australia

Where personal and sensitive information is retained by a cloud service provider on behalf of the school 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.

10 *How does Mercy Education or a school treat sensitive information?*

'Sensitive information' includes information relating to a person's racial or ethnic origin, political opinion, religion, trade union or other professional or trade association membership, philosophical beliefs, sexual orientation or practice, criminal record, health information and biometric data

Sensitive information will only be used and disclosed by Mercy Education and its schools for the purpose for which it was provided or directly related secondary purpose, unless authorised by law or with consent by e parent/guardian/carer

11 Failure to provide personal information to Mercy Education and its schools:

The primary consequences for an individual if some or all of the personal information required by Mercy Education and its schools is not provided, or cannot be collected, include:

Mercy Education and its schools may not be able to fully assess an application for enrolment or continue a student enrolment, it may not be able to provide educational services to a student including the student's wellbeing, or properly discharge its duty of care to the student i, Mercy Education and its schools may not be able to fully assess the person's suitability for employment or engagement by Mercy Education and its schools.

12 <u>Management and security of personal information</u>
Mercy Education and school staff are required to respect the confidentiality of the personal information collected and to respect the privacy of individuals.

Mercy Education and its schools have various methods in place to protect the personal information collected from, unauthorised access, modification or disclosure. These include, but are not limited to, locked storage of paper records, access protocols, and password protected digital records, high level security measures and encryption.

Mercy Education and its schools will respond to any incidents which may affect the security of the personal information it holds. If Mercy Education and its schools will assess any data breach for the likelihood of serious harm to an individual and will notify the individual and the Office of the Australian Information Commissioner accordingly.

If you believe any of your personal information has been compromised by Mercy Education and its schools, please contact Mercy Education or the relevant school know immediately.

13 Access and correction of personal information

Under the *Privacy Act 1988* (Cth), *Health Records Act 2001* (Vic), and the *Health Services Act* 2016 (WA), an individual has the right to access the personal information which Mercy Education or a school holds about them and to advise the school of any perceived inaccuracy. There are exceptions to this access right in the applicable legislation. Students will generally be able to access and update their personal information through their parents/guardians/carers, but older students may seek access and correction of the record themselves.

To make a request to access or update any personal information Mercy Education holds please contact the relevant school principal – Sr Mary Moloney or the school administrator Mr Andrew Baker by telephone or in writing.

Mercy Education or its schools may require you to verify your identity and be specific about the information you are seeking. Mercy Education or its schools 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, Mercy Education and its schools will advise the likely cost in advance. If Mercy Education or the School cannot provide you with access to requested information, you will be provided with a written explanation of the reasons for refusal.

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

Mercy Education and its schools respect every parent/guardian/carer's right to make decisions concerning their child's education.

Generally, Mercy Education and its schools will refer all requests for consent and notices in relation to the personal information of a student, to the student's parents/guardians/carers. Mercy Education and its schools will treat consent given by parents/guardians/carers as consent given on behalf of the student and notice to parents/guardians/carers will act as notice given to the student.

While parents/guardians/carers may seek access to personal information held by Mercy Education or its schools by contacting the School Principal by telephone or in writing., 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 Mercy Educations or its school's duty of care.
Mercy Education and its schools may, at their discretion, on the request of a student, grant access to information held by Mercy Education or its schools or allow a student to give or withhold consent to the use of their personal information, independently of their

parents/guardians/carers. Normally, this would only be done when the maturity of the student and/or the student's personal circumstances necessitate it.

What happens when we no longer need your information?

Mercy Education and its schools will keep your personal information for as long as needed for its purposes, or to comply with relevant laws requiring some information to be retained for certain periods of time. When we no longer require your information, it will destroyed or de-identified.

However, Mercy Education and its schools will retain selected records as part of it archives for historic purposes.

Exception in relation to employee records

Under the *Australian Privacy Act 1988* (Cth), the Australian Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to Mercy Education treatment of employee records unless required by law or organisation policy where the treatment is directly related to a current or former employment relationship between Mercy Education and the employee. Mercy Education handles staff health records in Victorian schools in accordance with the Health Privacy Principles in the *Health Records Act 2001* (Vic.)

15 Enquiries and complaints

If you wish to make an enquiry or lodge a complaint regarding an alleged breach of the Australian Privacy Principles please contact the School Principal in the first instance.
Contact details are:

Principal:	Sr Mary Moloney
School:	Academy of Mary Immaculate
Address:	88 Nicholson St Fitzroy VIC 3065
Telephone:	03 9412 7100
Email:	pa@academy.vic.edu.au

Mercy Education or the School will acknowledge and investigate any complaint and will notify you of the outcome as soon as is practicable. If you are not satisfied with the outcome, you may refer your complaint to the Office of the Australian Information Commissioner (OAIC).

Contact details are:

Correspondence:	GPO Box 5218, Sydney, NSW 2001
Telephone:	1300 363 992
	www.oaic.gov.au

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

Mercy Education Limited

Address:	720 Heidelberg Road, Alphington VIC 3078
Telephone	03) 9490 6600
Correspondence:	PO Box 5067, Alphington VIC 3078
Email:	contact@mercy.edu.au

Related Documents/Links:
Victorian Catholic Education Authority (VCEA)

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

Catholic Education South Australia (CESA)

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

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

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:

- *1.071 Standard Collection Notice*
- *1.05 Records Management Policy*
- *1.06 Policy: Complaints Management*
- *6.09 Policy: Child Safety and Wellbeing*

Review History

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1.0	Dec 2016	December 2018		MEL Board
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5.0	Mar 2020	March 2022	Head of People & Culture	MEL Board
6.0	Dec 2020	December 2023	Head of People & Culture	MEL Board
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