



Reviewer	Last Approval Date	Next Review Date
LF	Feb 2021	2022

## Privacy Policy

### Policy Definition

This statement outlines the School's policy on how the School uses and manages personal information provided to, or collected by, the School. The School is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act and Privacy Amendment Act 2013. The School 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.

### Policy Rationale

We respect the privacy of all students, staff and families at the school. This is to avoid embarrassment, ridicule, harassment, fraud or danger to these people. The outcomes of any unauthorized divulgence of private information about any individual at the school, child, family member, employee, contractor or volunteer, job applicant and other people who come into contact with the School would have a severe impact on the school through loss of integrity and possible legal action.

### Policy Objectives

To preserve the privacy of individuals and to completely control the disclosure of personal information collected throughout a family's relationship with the school.

### Implementation

#### What kind of personal information does the School collect and how does the School collect it?

The type of information the School collects and holds includes (but is not limited to) personal information, including health and other sensitive information, about:

- ◆ students and parents and/or guardians, before, during and after the course of a student's enrolment at the School;
- ◆ job applicants, staff members, volunteers and contractors; and
- ◆ other people who come into contact with the School.

#### Personal Information Collected from Individuals

For **students** this could include: Name, address, phone number, date of birth (and age), birth certificate, conduct reports, next of kin details, emergency contact numbers, names of doctors, school reports, assessments, referrals (eg government welfare agencies/departments), correspondence with parents, photos, current/previous school, health fund details and Medicare number.

For **parents** this could include: Name, address, email address, phone number, date of birth, vehicle registration details, occupation, marital status/problems, custody details, doctor's name and contact information, Medicare number, other children's details, donation history, maiden name of ex-students, alumni year, whether alumni had further education, professional experience, personal news.

For **job applicants, staff members** and **contractors** this could include: Name, company name and ABN, phone number, email address, TFN, date of birth and age, contact details of next of kin, emergency contact numbers, including doctor, residency status/work visa status, qualifications, education, academic transcript, work permit, Passport, details of previous salary, salary being sought and other salary details, details of referees, bank account number, superannuation details, marital status, letters of appointment/ complaint/ warning/resignation, record of interview, leave applications, discipline issues, professional development appraisals, performance review, photograph, applications for promotions, references, commencement date, employment agency details and former employers.

Personal information might also be collected from other people such as council members, committee members, volunteers, neighbours, donors and others.

### **Sensitive information likely to be collected**

The following kinds of **sensitive information** are likely to be collected and held by the School.

For **students**: Religion, birth certificate, language spoken at home, religious records, whether Aboriginal, nationality, country of birth, Sacrament/Parish (current Parish, name of referring Priest, date and place of Baptism, Confirmation, Eucharist and Reconciliation), and Baptism Certificate.

For **parents**: Religion, country of birth and nationality.

For **job applicants, staff members** and **contractors**: Place of birth, religion, religious education, criminal record check, relevant child protection law information, member of professional associations, trade union membership, country of birth and nationality.

### **Health information likely to be collected**

The following types of **health information** are likely to be collected and held the School.

For **students**: Medical background, immunisation records, medical records, medical treatments, accident reports, absentee notes, medical certificates, height and weight, nutrition and dietary requirements, assessment results for vision, hearing and speech, reports of physical disabilities, illnesses, operations, paediatric medical, psychological, psychiatric and psychometric information, developmental history, diagnosis of disorders, learning details (recipient of special procedures, assessment for speech, occupational, hearing, sight, ADD, Educational Cognitive (IQ).

For **parents**: History of genetic and familial disorders (including learning disabilities), miscellaneous sensitive information contained in a doctor or hospital report.

For **job applicants, staff members** and **contractors**: Medical condition affecting ability to perform work, health information, compensation claims and doctor's certificates.

## **Personal Information**

**Provided by you:** The 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, and telephone calls. On occasions people other than parents and students provide personal information.

**Provided by other people:** In some circumstances the 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 the Australian 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.

**Exception in relation to members of the School Associations:** Upon payment of school fees all parents are automatically members of the P&F Association and the MRMS Association. Under the Associations Act, associations need to obtain and keep information on members to comply with legal requirements such as the members' register. In the case of the register of members, the privacy legislation does not protect this information from other members. The *Associations Incorporation Act 2015* is the law in Western Australia that enables a member to access the members' register as discussed above. At MRMS the members register contains only their names and email addresses. Members do not need to give consent for another member to view the register. See the MRMS and P&F Constitutions for more information.

## **Types of Individuals about whom this School will have personal Information**

Students, parents, staff, School Council members, Parents' and Friends' Association members, past students, potential students, past parents, benefactors/donors, clergy, potential staff, contractors/employees of firms/government agencies, community members/helpers, politicians, consultants.

## **Types of Personal Information the School holds on current students**

Application form, enrolment form, medical form, school reports/students' portfolios, library record, family record, achievement record, financial records, teacher's record books, principal's diary, counsellor's notes, attendance records, absentee notes, accident forms, exclusion records, meeting and interview notes with parents, incident report forms, observation records.

## **How will the School use the personal information you provide?**

The 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, the School's primary purpose of collection is to enable the School to provide schooling for the student. This includes satisfying both the needs of parents and the needs of the student throughout the whole period the student is enrolled at the School.

The purposes for which the School uses personal information of students and parents include:

- ◆ to keep parents informed about matters related to their child's schooling, through paper and email correspondence, chat groups, newsletters, phone calls;
- ◆ to ensure they are introduced to the school community via school appointed Class Mentors via phone and or email (Class Mentors will only add parents to school approved chat groups if parents consent to this);
- ◆ day-to-day administration;
- ◆ looking after students' educational, social and medical wellbeing;
- ◆ seeking donations and marketing for the School;
- ◆ to satisfy the School's legal obligations and allow the School to discharge its duty of care.

In some cases where the 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, 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 the 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;
- ◆ to satisfy the School's legal obligations, for example, in relation to child protection legislation.

**Volunteers:** The School also obtains personal information about volunteers who assist the School in its functions or conduct associated activities, such as [alumni associations], to enable the School and the volunteers to work together.

**Marketing and Fundraising:** The School treats 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 the School may be disclosed to an organisation that assists in the School's fundraising, for example, the School's Parents' and Friends' Association or alumni organisation (or on occasion, 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.

**Sharing of Parent Contacts:** At the start of each year the School distributes a Parent Contact list to the class mentors for each class containing the names of all parents and children enrolled in that class. Email addresses are

not included in the Parent Contact Book. Parents have the option of sharing their email addresses with each other for social purposes. All class emails to parents from the school will BCC parent email addresses.

### **Who might the School disclose personal information to?**

The School 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;
- ◆ anyone you authorise the School to disclose information to; and
- ◆ anyone to whom we are required to disclose the information by law.

### **Sending information overseas**

The School may disclose personal information to overseas recipients, for instance, when storing personal information with 'cloud' service providers which are situated outside Australia or to facilitate a school exchange. However, the 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.

### **How does the School treat sensitive information?**

In referring to 'sensitive information', the School means: Information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual orientation or practices or criminal record, that is also personal information; and health 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 students' and Parents' personal information and the privacy of individuals. The School has in place steps to protect the personal information the School holds from misuse, loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and pass worded access rights to computerised records.

### **Notifiable Data Breaches**

Should there be a breach of personal data which is likely to result in serious harm to any person or persons to whom the information relates, it is mandatory that the breach be reported to the person or persons affected and the Office of the Information Commissioner. Serious harm can be physical, psychological, emotional, economic or financial in nature and also to a person's reputation.

For any breach of data the School will take immediate action to avert any serious harm occurring. (Please see MRMS Privacy Breach Response Plan) Should serious harm be averted then the School will not be required to make notification.

Examples of such breaches include:

- Laptops, removable storage devices or paper records containing personal information being lost by the school or stolen.
- The School's data base containing personal information being hacked into or illegally accessed by someone outside the School.
- A member of school staff accessing or disclosing personal information outside the requirements or authorisation of their contract.
- Personal information being mistakenly provided to the wrong person, incorrect email or postal address.

### **Updating personal information**

The School endeavours to ensure that the personal information it holds is accurate, complete and up-to-date. A person may seek to update their personal information held by the School by contacting the secretary of the School at any time. The Australian Privacy Principles require the School not to store personal information longer than necessary.

### **You have the right to check what personal information the School holds about you**

Under the Commonwealth Privacy Act, an individual has the right to obtain access to any personal information, which the School holds about them and to advise the School of any perceived inaccuracy. Students will generally have access to their personal information through their parents, but older pupils may seek access themselves. There are some exceptions to this right set out in the Act and/or relevant legislation.

To make a request to access any information the School holds about you or your child, please contact the 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 the School 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**

The School respects every parent's right to make decisions concerning their child's education.

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

Parents may seek access to personal information held by the School about them or their child by contacting the 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.

The 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 so warranted.

### **Enquiries**

If you would like further information about the way the School manages the personal information it holds, or wish to complain that the School has breached the Australian Privacy Principles please contact the principal. The principal is the contact person, for any Privacy Act enquiries. The School will investigate any 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.

### **Keeping and Disposing of Records**

The school keeps student records until they turn 25 years of age.

**The National Privacy Act 1988 and Privacy Amendment Act 2013**The Margaret River Montessori School uses as its guide, in all matters of privacy, the 'Privacy Compliance Manual' (CEC and ISCA publication updated August 2017).

### **Related Documents and Legislation**

Privacy Breach Response Plan  
Admissions and Enrolment Policy  
Assessment and Reporting Policy  
Behaviour Management Policy  
Social Media Policy  
Child Protection Policy  
Duty of Care Policy  
Complaints Policy  
Emergency and Critical Incident and Crisis Management Policy  
Education Support Policy and Procedure  
Bursary Policy  
Mentor Policy  
Occupational Safety and Health Policy  
Use of Electronic Facilities Policy  
The Privacy Amendment (Private Sector) Act 2013  
Privacy Compliance Manual August 2017