

POLICY
PROCESSES AND PROCEDURES
FOR
PROTECTION OF PRIVACY



OUR LADY OF MERCY COLLEGE
PARRAMATTA

PRIVACY POLICY

INTRODUCTION

OLMC recognises that we work in partnership with parents and carers in the education of our girls. The College aims to educate students spiritually, academically, socially, psychologically and physically. To enable the College to ensure a quality education for students, in conjunction with parents, OLMC collects information relating to students and parents.

OLMC also collects information relating to employees, contractors and volunteers, for the purpose of ensuring high quality education for students and the maintenance and smooth functioning of the College.

OLMC aims to ensure that information provided to the College is used only for the purpose of providing high quality education for students or for other secondary purposes related to this.

This document is written in the light of recent legislative changes in NSW. These include the *Privacy Amendment (Private Sector) Act 2000* which came into effect on December 21, 2001, and the National Privacy Principles (See Appendix A). The College is bound by this legislation.

ASSUMPTIONS

The College may, from time to time, review and update the Privacy Policy to take account of new laws and technologies, changes to school operations and practices and to make sure it remains appropriate to the changing school environment.

Definitions

- **Personal Information** is information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual whose identity can be reasonably ascertained from the information or opinion.
- **Sensitive Information** is a type of personal information that is given extra protection and must be treated with additional care. It includes any information or opinion about an individual's racial or ethnic origin, political opinions, membership of political associations, religious beliefs or affiliations, philosophical beliefs, membership of trade or professional associations, sexual preference or practices, or criminal record. It also includes health information.
- **Health Information** is sensitive information and can be any information or opinion about the health or disability of an individual, expressed wishes about future health services or personal information collected in the course of providing a health service.
- **A Record** is a document, database or photograph or other pictorial representation. Voice mails and sound recordings should also be treated as being subject to the Privacy Act.

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

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

Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless it is agreed otherwise; or if the use or disclosure of the sensitive information is allowed by law.

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

The College has in place steps to protect the personal information the school holds from misuse, loss, unauthorized access, modification or disclosure by use of various methods including locked storage of paper records and pass word protected computer records.

The College respects every parent's right to make decisions concerning her daughter's education.

STATEMENT OF PRINCIPLES

Within the College the procedures to be followed in matters related to Privacy are based on the following principles:

- The College enters into a contract with parents to provide education for their daughters when enrolment procedures are completed.
- All students have a right to expect that their records will only be used to ensure their education and for secondary purposes related to this.
- Parents have a right to expect that information collected from them will only be used for purposes related to the education of their daughters.
- Parents and students have the right to access their records provided such access does not adversely impinge on the privacy of others or would interfere with the smooth running of the College.
- The procedures and processes for Privacy Compliance apply to information collected or updated on or after December 21, 2001.

MANDATORY REQUIREMENTS OF SCHOOLS

- Schools need to adopt a Privacy Policy which outlines policies on management of personal records.
- Schools need to appoint a person responsible for privacy issues.
- School should determine what information they collect, revise forms to reflect the Privacy Policy, provide information about collection and, where necessary, obtain consents to the collection, use and disclosure of that information.
- At, or soon after, the time of collection, schools must notify the individual of the purpose of collection, the individual's rights to access their records, the types of organisations to

which it usually disclosed information, laws that require collection and the consequences of not providing the information.

- Schools should provide a ‘Standard Collection Notice’ to parents enrolling students, to job applicants, contractors and volunteers.
- Schools must educate staff about the requirements of the Privacy Act including distributing the school’s Privacy Policy to all staff, ensuring that all staff have read and understood the policy and reminding staff of the commitment of the school to the National Privacy Principles.
- Schools should have a policy in relation to access to, and correction of, records containing personal information.
- Schools need to have procedures in place for responding to complaints about the way personal information is handled by the school.

OBJECTIVES

OLMC uses personal information it collects from individuals for the primary purpose of collection, and for such other secondary purposes which are related to the primary purpose of collection and could reasonably be expected, of which the individual has been informed.

Students and Parents

In relation to personal information of students and parents, the primary purpose for which the College collects such information is to enable it to provide schooling for the student in accordance with the College Mission Statement. This includes meeting responsibilities towards parents and the needs of students throughout the whole period for which the student is enrolled at Our Lady of Mercy College.

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

- keeping parents informed about matters related to their daughters’ schooling, through correspondence, newsletters and magazines;
- day-to-day administration;
- looking after students’ academic, spiritual, pastoral, physical and emotional wellbeing;
- seeking donations and marketing for the College;
- satisfying the College’s legal obligations and allowing the school to discharge its duty of care.

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

Job applicants, staff members and contractors: In relation to personal information of job applicants, staff members and contractors, the College’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 College uses personal information of job applicants, staff members and contractors include:

- administering the individual’s employment or contract, as the case may be;
- for insurance purposes;

- seeking funds and marketing for the College;
- satisfying the College's legal obligations, for example, in relation to child protection legislation.

The College endeavours to ensure that the personal information it holds is accurate, complete and up-to-date. The National Privacy Principles require the College not to store personal information longer than necessary.

RELEVANT PROCEDURES

The Assistant Principal is responsible for ensuring that the College has taken appropriate steps to ensure compliance with the Privacy Act. The following procedures will be followed in order to assist in ensuring compliance.

Collection of Information

1. Records of personal information should only be made where there is a need to do so and in the knowledge that access to such records may be sought.
2. Any requests for consent and notices in relation to the personal information of a student will generally be referred to the student's parents. The College 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.
3. All prospective parents of the College will be given a Standard Collection Notice when enrolment forms are issued. In order to ensure that information collected, used or disclosed is accurate and up-to-date, Family Details will be checked at the beginning of each year and parents will be reminded to inform the College of any changes in their personal circumstances.
4. Prospective employees will be given an Employment Collection Notice when they come to the College for interview. If information regarding a prospective employee is to be collected from a third party with the applicant's knowledge, the College will obtain the consent of the individual.
5. Ex-students of the College will be given an Alumni Collection Notice when details are collected for the Ex-Students Association.
6. All new contractors and volunteers will be given a Contractor/Volunteer Collection Notice.
7. From time-to-time information may be collected by various members of staff. It may be collected directly from students, from parents/carers or from third parties (e.g. medical practitioners) where it is necessary for the provision of appropriate education for the student.
8. When collecting information it is important that the purpose of collection is clear. However it is not necessary to detail purposes required by law (such as information required for purposes of receiving government funding).

9. When information is collected verbally, either in a face-to-face interview, or by telephone, the person from whom information is being collected should, if practicable, be informed of the information contained in the Standard Collection Notice.
10. Where it is likely that information collected on an individual is incorrect, steps should be taken to check the details with the individual concerned.
11. The College collects Sensitive Information regarding students and their families for the purposes of ensuring the education of students. The collection of this information is covered by the Standard Collection Notice. However, if sensitive information is to be collected which would not be considered usual in the carrying out of the functions of the College, it is good practice to obtain specific consent. Sensitive Information must be kept securely.
12. When possible, individuals should be able to remain anonymous in their dealings with the College

Use and Disclosure of Information

1. Personal information collected from an individual must not be used or disclosed other than for the primary purpose for which it was collected or for a related secondary purpose which the individual might reasonably expect. In the case of sensitive information any such secondary purpose must be directly related to the primary purpose. The only exceptions to this are when the individual specifically consents to the information being used or disclosed for some other purpose; if the use or disclosure is required by law or is necessary to prevent threats to life or safety; or for purposes of direct marketing (although particular conditions apply in this case).
2. Information collected on an individual should not be passed on to a third party, except where it is necessary for the education, safety or pastoral care of the individual involved. In such cases the individual will be informed of the identity of the person/s to whom the information is to be disclosed. The College will obtain written agreement from the third party that personal information will be kept confidential and will only be used for the purposes for which it was disclosed.
3. Personal information should be destroyed or de-identified when it is no longer required for the purpose for which it was collected. This should be done by shredding documents and destroying data in electronic records. It is important, however, that certain documents are retained for legal or other reasons.
4. Records containing personal information must be kept securely, with the security being in proportion to the level of sensitivity of the information. This security can be in the form of alarms, locks on rooms, secure filing cabinets and/or drawers, computer and network security. Information on noticeboards should be discreet and when student records are taken away from the school, they need to be kept secure.
5. The College may disclose personal information (including 'sensitive information'), held about an individual for reasons related to the primary purpose of collection, as outlined above, to:
 - another school;
 - government departments;

- medical practitioners;
 - people providing services to the College, including specialist visiting teachers and sports coaches;
 - recipients of College publications, like newsletters and magazines;
 - parents; and
 - anyone the individual authorizes the College to disclose information to.
6. If there is any doubt about the appropriateness of disclosures of information to third parties the Assistant Principal needs to be consulted.

Access to records

1. Individuals have the right to know what sort of personal information is held in College records and to advise the College of any perceived inaccuracies. They should be given access to their records unless particular circumstances allow the limitation of access. In most cases parents could be granted access to records related to their children. Students will generally have access to their personal information through their parents, but older students may seek access themselves. **Requests for access are to be negotiated with the Assistant Principal.**
2. A student may be granted access to information held by the College about her, or may be allowed to give or withhold consent to the use of their personal information, independently of parents. This would normally be done only when the maturity of the student and/or the student's personal circumstances so warranted.
3. Requests for access to records may be denied if release of the information could 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.
4. Where a request for access to records is made the College may require that the particular information required is specified. It may also charge a fee to cover the cost of verifying the application, locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the College will advise the likely cost in writing.
5. Individuals may seek to update their personal information by contacting the Business Office or Assistant Principal at any time.
6. Frivolous or vexatious requests for access to records do not require the College to allow access.
7. Employee records, which relate directly to employment, are exempt from the provisions of the Privacy Act.
8. If access to a record is denied, the reasons for denial will be provided in writing and a copy retained for College records.
9. Individual records must not be identified with an agency identifier (e.g. Medicare Number).

10. Information is not to be transferred overseas without the consent of the individual.

Correction of Inaccuracies

7. Before making use of or disclosing information it is important to ensure that it is accurate and up-to-date. Regular audits of all records containing personal information need to be carried out. It may, at times, be necessary to keep original records which are no longer accurate. In this case, it is important that the outdated information is clearly identified as such, and cannot be confused with the more recent information. If there is a dispute about the accuracy of information, a statement about the individual's claim should be attached to the record.

Complaints Handling

1. **Any complaints about information held in records are to be referred to the Assistant Principal.** Individuals who are not satisfied with the handling of a complaint by the Assistant Principal will be invited to raise the complaint with the Principal. If they are still not satisfied they will be invited to raise the complaint with the Board.