



6. PRIVACY POLICY

Last Review: May 2014, July 2015, April 2016, September 2017	Constructed / Reviewed by: Clayton Utz
Next Review: August 2019	Approval Required: Board Motion
Policy Number: 6	Board Sign Off Date: August 2018

1. Statement of Context and Purpose

Pursuant to Commonwealth privacy laws, Mentone Grammar is required to have a privacy policy which is available to all people associated with Mentone Grammar for whom records are maintained.

Privacy laws regulate how Mentone Grammar can collect, use, hold and disclose personal information. Mentone Grammar is bound by the Australian Privacy Principles contained in the *Privacy Act 1988* (Cth). The information Mentone Grammar collects enables it to provide educational services and discharge its duty of care. Any data breaches may be reported by the School to the Office of the Australian Information Commissioner where required in accordance with the Privacy Act 1988 (Cth).

Mentone Grammar installs, uses and maintains CCTV cameras in accordance with relevant Surveillance laws. Where installed, CCTV cameras are appropriately sign-posted at all school entrances and exits, as well as in hallways and other open areas.

2. Application

This policy applies to all employees, students, staff, volunteers, contractors, visitors and other people who are associated with or come in contact with Mentone Grammar.

3. Reference Points / Background Papers

- *Privacy Act 1988* (Cth);
- *Health Records Act 2001* (Vic);
- *Surveillance Devices Act 1999* (Vic);
- *Children's Services Act 1996* (Vic);
- *Children's Services Regulations 2009* (Vic);
- Recruitment Policy;
- Performance Management, Misconduct and Disciplinary Action Policy.

4. Definitions

4.1 Personal Information

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

- (a) whether the information or opinion is true or not; and

(b) whether the information or opinion is recorded in a material form or not.

Examples include an individual's name, address, contact number and email address.

4.2 Sensitive Information

Sensitive Information is a special category of personal information and means:

(a) information or an opinion about an individual's:

- (i) racial or ethnic origin; or
- (ii) political opinions; or
- (iii) membership of a political association; or
- (iv) religious beliefs or affiliations; or
- (v) philosophical beliefs; or
- (vi) membership of a professional or trade association; or
- (vii) membership of a trade union; or
- (viii) sexual preferences or practices; or
- (ix) criminal record;

that is also personal information; or

(b) health information about an individual; or

(c) genetic information about an individual that is not otherwise health information; or

(d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or

(e) biometric templates.

Mentone Grammar may collect personal information which is "sensitive information". Mentone Grammar will only collect sensitive information with the consent of the individual to whom the information relates or as otherwise permitted by the Privacy Act or other applicable law.

If a third party provides personal information (which is also sensitive information) to Mentone Grammar without asking, Mentone Grammar will take steps to verify your consent to collect that information.

5. Types of Personal Information Collected

Mentone Grammar collects personal information, including sensitive information, about:

- students;
- parents or guardians;
- employees and prospective employees;
- contractors and prospective contractors;
- volunteers;
- visitors; and
- any other person who comes into contact with Mentone Grammar.

The types of personal information that Mentone Grammar School collects and holds depends on the circumstances of collection. For students, Mentone Grammar collects information such as name, age, contact details, academic record and history, and may collect sensitive information (such as information about a student's health or racial or ethnic origin). For persons who deal with Mentone Grammar in some other capacity (for example, as a staff member, parent or guardian, former student, volunteer, contractor or visitor), Mentone Grammar may collect the relevant individual's name, contact details, other details that are discernible from CCTV video footage and any other information they choose to provide to Mentone Grammar.

6. Collection and storage of personal information

The information collected by Mentone Grammar about students, parents and guardians, may be collected before, during or after the student is enrolled at Mentone Grammar. Information about students and parents may be collected in a number of ways including:

- directly from students and parents by telephone, in enrolment, excursion or medical forms or in person;
- from other parties (such as medical practitioners or other schools); and
- from publicly available sources.

The primary purpose of collecting the information is to enable Mentone Grammar to provide schooling and educational services for the student or prospective student. If Mentone Grammar is unable to obtain the required information in relation to prospective students, an enrolment may not proceed.

The information Mentone Grammar collects about job applicants and employees may be collected in a number of ways including:

- directly from job applicants and employees during the recruitment phase and during the course of employment;
- from other parties (such as job applicants representatives or referees, or social media sites);
- from publicly available sources; and
- from medical forms, incident reports, occupational health and safety requirements (including capacity to work certificates), and Victorian Institute of Teaching or Working with Children Check requirements, provided by the applicant, the employee, or any other third party authorised by the applicant or employee.

Mentone Grammar has overt CCTV cameras that are clearly signed and in place for safety and security purposes, and to deter vandalism and inappropriate behaviour (including at entrances/exits to the School, as well as in hallways and other open areas). Accordingly, information may also be collected in relation to anyone that comes into contact with Mentone Grammar through the use of those CCTV cameras installed on school premises. CCTV cameras will not be installed in private areas such as toilets, washrooms, change rooms, lactation rooms, staff rooms. CCTV cameras record on sensor activation - recordings only start once the sensor predicts movement/activity and recordings cease when there is no movement.

Mentone Grammar may store information either electronically or physically in the following ways:

- on electronic databases with password protection; or
- in a secure location, including lockable cabinets with access only to authorised personnel.

Information collected via CCTV footage will be stored and maintained electronically on a standalone server at Mentone Grammar for a period of 6-8 weeks for active areas and up to 10 weeks for less-active areas (the information/recordings will be deleted as soon as capacity is reached, following which recordings will commence again). The recordings are only accessible by code access.

7. Use and Disclosure of Information

Mentone Grammar collects personal information for a range of purposes to enable it to fulfil the primary purpose of providing schooling and educational services for its students, including to:

- manage relationships, safety and welfare with students and parents;
- consider job applicants for current and future employment;
- to promote Mentone Grammar through marketing and school publications.

Mentone Grammar only uses personal information for the purposes of which the information was collected. Mentone Grammar may use or disclose personal information for a secondary purpose for which the information was collected if the secondary purpose is related to the primary purpose and where the individual to whom the information relates could reasonably expect Mentone Grammar to use the information for that purpose.

Mentone Grammar may also use or disclose personal information for any other purposes for which Mentone Grammar have received consent from the person to whom the personal information relates or otherwise as permitted by legislation.

In relation to personal information which is "sensitive information", Mentone Grammar will not use or disclose that information for a purpose other than a primary purpose for which it has been collected unless:

- Mentone Grammar has the consent of the individual to whom the information relates to disclose or use the information for some other purpose;
- the secondary purpose is directly related to the primary purpose of collection and the individual would reasonably expect Mentone Grammar to use or disclose that information for the secondary purpose; or
- otherwise as permitted by legislation.

In relation to CCTV footage collected about any person that comes into contact with Mentone Grammar, Mentone Grammar will use or disclose that information in accordance with applicable legislation.

7.1 Use

Students and Parents

Mentone Grammar may use personal information collected about students and parents for the following purposes:

- providing schooling for its students;

- to make contact with parents in relation to their child's schooling;
- internal accounting;
- day-to-day administration;
- looking after the students educational, social and medical well-being and safety;
- seeking donations and marketing for the Mentone Grammar;
- to satisfy legal obligations; and
- for any other purposes that would be reasonably expected.

Prospective Employees, Employees and Contractors

Mentone Grammar may use personal information collected about prospective employees, employees and contractors in accordance with the Australian Privacy Principles including for the following purposes:

- to assess whether an individual is suitable for employment or work, including child-connected work;
- administering the individual's employment or contract;
- to ensure that information Mentone Grammar has collected is accurate and up-to-date;
- internal accounting and administration;
- insurance;
- seeking funds and marketing for Mentone Grammar;
- for reporting to educational and Government authorities;
- to satisfy legal obligations including with respect to child safety and child abuse; and
- for any other purposes that would be reasonably expected.

7.2 Disclosure

Mentone Grammar may disclose personal information, including sensitive information for administrative and educational purposes and to ensure child safety. This may include disclosing information to:

- provide schooling for its students
- other schools;
- government departments or authorities;
- medical practitioners;
- people providing services to Mentone Grammar;
- recipients of Mentone Grammar publications;
- parents; and
- anyone else that Mentone Grammar is authorised to disclose information to.

Personal information may be disclosed to organisations that assist in the Mentone Grammar School's fundraising. Parents, staff members, contractors and other members of the wider Mentone Grammar School community may from time to time receive fundraising information. Further, Mentone Grammar School publications, which include personal information, may be used for marketing purposes.

Disclosure to Overseas Recipients

Mentone Grammar is not likely to disclose personal information to overseas recipients.

8. Information Quality

Mentone Grammar will take reasonable steps to ensure that the personal information that is collected, used and disclosed is accurate and up-to-date. Mentone Grammar will immediately

update its records when an individual provides any new information or information that has changed.

9. Integrity of Information

Mentone Grammar will take such steps that are reasonable to protect personal information from:

- misuse, interference and loss; and
- unauthorised access, modification or disclosure.

This includes taking appropriate security measures to protect electronic materials and material stored and generated in hard copy.

Mentone Grammar will take reasonable steps to ensure that information is destroyed or de-identified when it is no longer required by law.

10. Access to Information

Mentone Grammar will, on request by an individual, give that individual access to any personal information held by Mentone Grammar about that individual.

In particular:

- (a) Parents may seek access to personal information collected about their son/daughter. It is the responsibility of Mentone Grammar to ensure that they do not disclose information which would have an unreasonable impact on the privacy of others, where access may result in a breach of Mentone Grammar's duty of care to the student and legal obligations.
- (b) Mentone Grammar may, at its discretion, on the request of a student, grant that student access to information held by Mentone Grammar 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 student involved had reached 18 years of age, but Mentone Grammar School could do so in other circumstances when the maturity of the student and/or the student's personal circumstances so warranted.
- (c) Any request for access should be made to the Business Manager: Tel: (03) 9584 4211. Mentone Grammar School will provide them with access to their personal information, but may charge an access fee to cover the cost of retrieving and supplying the information.

11. Consent

Mentone Grammar will treat consent given by parents as consent given on behalf of the student, and notice given to parents will act as notice given to the student.

12. Enquiries and Complaints

Any person may request further information about the way Mentone Grammar manages the personal information it holds by submitting a request to:

The Business Manager: Tel: (03) 9584 4211

A person who wishes to make a complaint about Mentone Grammar's compliance with the Australian Privacy Principles, can submit the complaint to:

The Business Manager: Tel: (03) 9584 4211

Mentone Grammar will investigate any complaint and will notify the person who made the complaint of the School's decision as soon as practicable after it has been made.

13. Consequences of a Breach of this Policy

Mentone Grammar emphasises the need to comply with the requirements of this policy. Any employee found to be in breach of the requirements of this policy may be subject to disciplinary action in accordance with the Performance Management, Misconduct and Disciplinary Action Policy.

14. Implications for practice

14.1 At Board / Principal Level

To properly implement this policy, Mentone Grammar, the Board and/or the Principal must ensure:

- that this policy is endorsed on an annual basis;
- that copies of this policy are made available to parents, students, prospective employees, contractors, volunteers or any other individual Mentone Grammar holds information about, for example on the Mentone Grammar internet site.
- that copies of this policy are made available to employees, for example on the Mentone Grammar internet site and intranet, in physical form in the staff room and on employee bulletin notice boards;
- that this policy is incorporated into the Board's / Principal's record of current policies;
- that this policy is incorporated into Mentone Grammar's induction program, to ensure that all employees are aware of the policy, have read and understood the policy, and acknowledge their commitment to comply with the policy;
- that periodic training and refresher sessions are administered to all employees in relation to this policy; and
- parents are informed that if certain information is not obtained, their child may not be able to enrol.

14.2 At Other Levels

To properly implement this policy, all Mentone Grammar's employees, prospective employees, parents, students, contractors, volunteers or other individual Mentone Grammar holds information about, must ensure:

- that they will abide by this policy and assist Mentone Grammar in the implementation of this policy.
- if information is not obtained, Mentone Grammar may not be able to enrol or continue the enrolment of the student.