



MOUNT HAWTHORN EDUCATION SUPPORT CENTRE

Privacy Policy

2021-2023

Introduction

Federal Privacy legislation regulates the way schools can collect, use, keep and disclose personal information. Mount Hawthorn ESC is obliged to handle personal information in accordance with National Privacy Principles as outlined in the legislation.

Personal information

Mount Hawthorn Education Support Centre collects personal information from students, parents/guardians in the course of a student's enrolment and subsequent attendance at the Centre. Additional details are collected through contact and interaction with members of the wider school community. The Centre will advise its constituents (or it will be obvious from the information sought) why information is collected, when it is collected and how the information will be used.

The Centre collects personal information arising from emails or from visitors to the Centre's website. It may also acquire information from agents or service providers or from other public sources, published information or publicly available documentation. In some circumstances the Centre may be provided with personal information about an individual from a third party, for example, a report provided by a medical practitioner, an educational professional or a student's record from another school. If you provide personal information about another person, legislation requires you to inform that person you have done so and provide them with a copy of this policy.

Use of information

The Centre collects personal information such as name, address, telephone/mobile number, email address and, in some instances, other sensitive information to:

- keep parents informed in relation to their child's schooling
- sustain day to day administrative and operating procedures
- maintain students' educational, social and medical well being
- communicate between the Centre and its community
- satisfy the Centre's legal obligations and discharge its duty of care to all students
- provide stakeholders with information and services which may be of interest

The Centre may disclose personal or sensitive information held about an individual to:

- another school, as required
- government departments
- medical practitioners
- people providing services to the Centre such as special visiting teachers, therapists, etc
- another person that parents authorise the Centre to disclose information to

Who do we collect personal information from?

We collect personal information from students, parents, prospective parents, job applicants, staff, volunteers and others including past students, contractors, visitors and others that come into contact with the Centre.

It is noted that employee records are not covered by the Australian Privacy Principles or the Health Privacy Principles where they relate to current or former employment relations between the Centre and the employee.

What kinds of personal information do we collect?

The kinds of personal information we collect is largely dependent upon whose information we are collecting and why we are collecting it, however in general terms the Centre may collect:

- personal information including names, addresses and other contact details; dates of birth; next of kin details; financial information, photographic images and attendance records.
- sensitive information (particularly in relation to student and parent records) including religious beliefs, government identifiers, nationality, country of birth, languages spoken at home, professional memberships, family court orders and criminal records.
- health information (particularly in relation to student and parent records) including medical records, disabilities, immunisation details, individual health care plans, counselling reports, nutrition and dietary requirements.

How do we collect personal information?

How we collect personal information will largely be dependent upon whose information we are collecting. If it is reasonable and practical to do so, we collect personal information directly from parents/carers.

Where possible the Centre has attempted to standardise the collection of personal information by using specifically designed forms (e.g. an Enrolment Form). However, given the nature of our operations, we often also receive personal information by email, letters, notes, over the telephone, in face to face meetings or through financial transactions.

We may also collect personal information from other people (e.g. a personal reference) or independent sources (e.g. a telephone directory), however we will only do so where it is not reasonable and practical to collect the information from parents/carers directly.

Sometimes we may be provided with personal information without having sought it through our normal means of collection. We refer to this as “unsolicited information”. Where we collect unsolicited information we will only hold, use and/or disclose that information if we could otherwise do so had we collected it by normal means. If that unsolicited information could not

have been collected by normal means then we will destroy, permanently delete or de-identify the information as appropriate.

How we use personal information

We only use personal information that is reasonably necessary for one or more of our functions or activities (the primary purpose) or for a related secondary purpose that would be reasonably expected by parents/carers, or to which parents/carers have consented.

Our primary uses of personal information include but are not limited to:

- providing education, pastoral care, extra-curricular and health services
- satisfying our legal obligations including our duty of care and child protection obligations
- keeping parents/carers informed as to MHESC community matters through correspondence, newsletters and magazines
- marketing, promotional and fundraising activities
- supporting the activities of school associations such as the P&C
- helping us to improve our day to day operations including training our staff; systems development; developing new programs and services; undertaking planning, research and statistical analysis
- school administration including for insurance purposes;
- the employment of staff
- the engagement of volunteers

We only collect sensitive information reasonably necessary for one or more of these functions or activities, if we have the consent of the individuals to whom the sensitive information relates, or if the collection is necessary to lessen or prevent a serious threat to life, health or safety, or another permitted general situation (such as locating a missing person) or permitted health situation (such as the collection of health information to provide a health service) exists.

If we do not have the relevant consent and a permitted health situation or permitted general situation does not exist, then we may still collect sensitive information provided it relates solely to individuals who have regular contact with the Centre in connection with our activities. These individuals may include students, parents, volunteers, former students and other individuals with whom the Centre has regular contact in relation to our activities.

We will only use or disclose sensitive information for a secondary purpose if parents/carers would reasonably expect us to use or disclose the information and the secondary purpose is directly related to the primary purpose.

Storage and security of personal information

We store personal information in a variety of formats including on databases, in hard copy files and on personal devices including laptop computers, mobile phones, cameras and other recording devices.

The security of personal information is of importance to us and we take all reasonable steps to protect the personal information we hold from misuse, loss, unauthorised access, modification or disclosure.

These steps include:

- restricting access to information on the Centre databases on a need to know basis with different levels of security being allocated to staff based on their roles and responsibilities and security profile
- ensuring all staff are aware that they are not to reveal or share personal passwords.
- ensuring where sensitive and health information is stored in hard copy files that these files are stored in lockable filing cabinets in lockable rooms. Access to these records is restricted to staff on a need to know basis
- implementing physical security measures around the school buildings and grounds to prevent break-ins
- implementing ICT security systems, policies and procedures, designed to protect personal information storage on our computer networks
- implementing human resources policies and procedures, such as email and internet usage, confidentiality and document security policies, designed to ensure that staff follow correct protocols when handling personal information
- undertaking due diligence with respect to third party service providers who may have access to personal information, including cloud service providers, to ensure as far as practicable that they are compliant with the Australian Privacy Principles or a similar privacy regime
- destroying personal information that we hold that is no longer needed in a secure manner, deleted or de-identified as appropriate
- being mindful that our website may contain links to other websites, we do not share personal information with those websites and we are not responsible for their privacy practices

When we disclose personal information

We only use personal information for the purposes for which it was given to us, or for purposes which are related (or directly related in the case of sensitive information) to one or more of our functions or activities. We may disclose personal information to government agencies, other parents, other schools, recipients of Centre publications, visiting teachers, therapists, our service providers, agents, contractors, business partners and other recipients from time to time, only if one or more of the following apply:

- you have consented
- you would reasonably expect us to use or disclose your personal information in this way
- we are authorised or required to do so by law
- disclosure will lessen or prevent a serious threat to the life, health or safety of an individual or to public safety
- where another permitted general situation or permitted health situation exception applies
- disclosure is reasonably necessary for a law enforcement related activity

Personal information of students

The Privacy Act does not differentiate between adults and children and does not specify an age after which individuals can make their own decisions with respect to their personal information.

At MHESC we take a common sense approach to dealing with a student's personal information and generally will refer any requests for personal information to a student's parents/carers. We will treat notices provided to parents/carers as notices provided to students and we will treat consents provided by parents/carers as consents provided by a student.

We are however cognisant of the fact that children do have rights under the Privacy Act, and that in certain circumstances (especially when dealing with older students and especially when dealing with sensitive information), it will be appropriate to seek and obtain consents directly from students. We also acknowledge that there may be occasions where a student may give or withhold consent with respect to the use of their personal information independently from their parents/carers.

There may also be occasions where parents/carers are denied access to information with respect to their children, because to provide such information would have an unreasonable impact on the privacy of others, or result in a breach of the Centre's duty of care to the student.

Disclosure of personal information to overseas recipients

Although unlikely to happen, we will take all reasonable steps not to disclose an individual's personal information to overseas recipients unless:

- we have the individual's consent (which may be implied)
- we have satisfied ourselves that the overseas recipient is compliant with the Australian Privacy Principles, or a similar privacy regime
- we form the opinion that the disclosure will lessen or prevent a serious threat to the life, health or safety of an individual or to public safety
- we are taking appropriate action in relation to suspected unlawful activity or serious misconduct

How we ensure the quality of personal information

We take all reasonable steps to ensure the personal information we hold, use and disclose is accurate, complete and up to date. These steps include ensuring that the personal information is accurate, complete and up to date at the time of collection and when using or disclosing the personal information. On an ongoing basis we maintain and update personal information when we are advised by individuals or when we become aware through other means that their personal information has changed.

Parents/carers will be expected to contact us if any of the details they have provided change. Parents/carers should also contact us if they believe that the information we have about a student is not accurate, complete or up to date.

Gaining access to personal information that we hold

Parents/carers may request access to the personal information we hold about their child, or request that we change the personal information, by contacting us.

If we do not agree to provide a parent/carer with access, or to amend their personal information as requested, they will be notified accordingly. Where appropriate we will provide parents/carers with the reason/s for our decision. If the rejection relates to a request to change personal information, parents/carers may make a statement about the requested change and we will attach this to a student's record.

Under the Commonwealth Privacy Act an individual has the right to obtain access to any personal information which the Centre holds about them and to advise the Centre of any perceived inaccuracy.

To make a request to access any information held by the Centre contact the Principal.