

POLICY TITLE: **Privacy Policy**

DATE OF IMPLEMENTATION: June 2018

DATE TO BE REVIEWED: June 2023

1. Purpose:	This Policy outlines the privacy policy of the College and describes how the College uses and manages personal information provided to, or collected by, it in accordance with the Australian Privacy Principles.	
2. Scope:	The policy applies to board members, employers, employees, volunteers, parents/guardians and students, contractors, and people visiting the College site; and describes the type of information the College collects, how the information is handled, how and to whom the information is disclosed, and how the information may be accessed.	
3. References:	<ul style="list-style-type: none"> ● Privacy Act 1988 (Cth) ● Privacy Amendment (Enhancing Privacy Protection) Act 2012 ● Child Protection Policy ● Disabilities Policy ● Privacy Amendment (Notifiable Data Breaches) Act 2017 ● Australian Privacy Principles ● Office of the Australian Information Commissioner (OAIC) guide to data breach notification: a guide to handling personal information security breaches. ● Application Forms ● Admission/Enrolment Contract 	
4. Supersedes:	Previous	
5. Authorised by:	Principal	Date of Authorisation: 14 June 2018
6. Review Date:	As appropriate to take account of new laws and technology, changes to the College's operations and practices and to make sure it remains appropriate to the changing environment.	Next Review Date: June 2023
7. Policy Owner:	Principal, with reference to the College Board	

8. Exception in relation to employee records:

Under the Privacy Act, the Australian Privacy Principles **do not apply to an employee record** held by the employing entity. As a result, this Privacy Policy does not apply to the College's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between the College and employee. It also does not apply to the College employment processes to engage the most suitable staff. For example, the:

- engagement, training, disciplining or resignation of the employee;
- termination of the employment of the employee;
- terms and conditions of employment of the employee;
- employee's personal and emergency contact details;
- employee's performance or conduct;
- employee's hours of employment;
- employee's salary or wages;
- employee's membership of a professional or trade association;
- employee's trade union membership;
- employee's annual, long service, personal, parental or other leave;
- employee's taxation, banking or superannuation affairs; or
- employee's Health Information.

Note: A prospective Employer must ask the questions; there is no obligation for a previous employer to volunteer the information.

The exemption applies to current or former employees. It does not apply to contractors, volunteers or prospective employees.

9. Policy

This Privacy Policy sets out how the College collects, uses and protects personal information provided to or collected by it.

The College is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act.

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

10. What kinds of personal information does the College collect and how does the College collect it?

- a) The type of information the College collects and holds includes, but is not limited to, personal information, including health and other sensitive information, about:
- pupils and parents and/or guardians ('Parents') before, during and after the course of a pupil's enrolment at the College;
 - job applicants, staff members, volunteers and contractors; and
 - other people who come into contact with the College.

b) Personal Information you provide:

The College will generally collect personal information held about an individual by way of forms filled out by Parents or pupils, face-to-face meetings and interviews, emails and telephone calls. On occasions people other than Parents and pupils provide personal information.

c) Personal Information provided by other people:

In some circumstances, the College 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 College.

d) Pupils and Parents

In relation to personal information of pupils and Parents, the College's primary purpose of collection is to enable the College to provide education for the pupil. This includes satisfying the needs of Parents, the needs of the pupil and the needs of the College throughout the whole period the pupil is enrolled at the College.

The purposes for which the College uses personal information of pupils and Parents include:

- to keep Parents informed about matters related to their child's education, through correspondence, newsletters and magazines;
- day-to-day administration of the College;
- looking after pupils' educational, social and medical wellbeing;
- seeking donations and marketing for the College; and
- to satisfy the College's legal obligations and allow the College to discharge its duty of care.

In some cases, where the College requests personal information about a pupil or Parent, if the information requested is not provided, the College may not be able to enrol or continue the enrolment of the pupil or permit the pupil to take part in a particular activity.

e) Job applicants, Staff Members and Contractors

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

f) Volunteers

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

11. Definitions

Breach means unauthorised access and unauthorised disclosure of personal information of individuals including in circumstances where there has been a possible unauthorised access or disclosure which compromises personal data.

Eligible data refers to personal information of a (confidential) sensitive nature which could result in significant harm/damage or risk to those affected by a breach.

Examples of eligible data breaches include:

- Disclosures of Medical numbers or Financial accounts;
- Disclosures of mental illness, disability, or home addresses of “protected people”.

The consequences of eligible data breaches can include:

- Threat to emotional wellbeing;
- Damage to reputation;
- Defamation.

Employee means all employees employed by the College, including applicants and prospective employees.

Employee Record means a record as defined in the Act. (Employment Records are exempt from Privacy)

Health Information is a subset of sensitive information. It is information or an opinion about the health or disability of an individual and information collected to provide, or in providing a health service.

Health Service includes an activity performed to assess record, maintain or improve an individual's health, to diagnose an illness or disability, to treat an individual, or the dispensing on prescription of a drug or medicinal preparation by a pharmacist.

Mandatory Notification means that the College must notify the Australian Information Commissioner when an eligible breach has occurred.

Parent is the parent / guardian / carer of a student.

Personal information is information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual or an individual

whose identity is reasonably apparent, or can be determined, from the relevant information or opinion.

Sensitive information is a type of personal information. It includes information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practice, or criminal record. Sensitive information also includes biometric information that is used for the purpose of automated biometric verification, biometric identification or biometric templates.

Student means prospective, current or past students of the College.

Response Team is a small group of delegated staff whose role is to respond to alleged or known breaches of personal information held by the College.

Response Plan means the Plan, followed by the Response Team, following an actual or suspected breach of data.

12. How will the College use the personal information you provide?

The College 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 by you, or to which you have consented.

13. Marketing and fundraising

The College treats marketing and seeking donations for the future growth and development of the College as an important part of ensuring that the College continues to provide a quality learning environment in which both pupils and staff thrive. Personal information held by the College may be disclosed to organisations that assist in the College's fundraising, for example, the College's Foundation or alumni organisation [or, on occasions, external fundraising organisations].

Parents, staff, contractors and other members of the wider College community may, from time to time, receive fundraising information. College publications, like newsletters and magazines, which include personal information, may be used for marketing purposes.

14. Who might the College disclose Personal Information to?

The College may disclose personal information, including sensitive information, held about an individual to:

- another College;
- government departments;
- medical practitioners;
- people providing services to the College, including specialist visiting teachers, counsellors and sports coaches;

- recipients of College publications, such as newsletters and magazines;
- Parents;
- anyone you authorise the College to disclose information to; and
- anyone to whom we are required to disclose the information by law.

15. Sending Information Overseas

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

16. Sensitive Information

In referring to 'sensitive information', the College means: information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, philosophical beliefs, sexual orientation or practices or criminal record, that is also personal information; health information and biometric 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.

17. Management and security of personal information

The College's staff are required to respect the confidentiality of pupils' and Parents' personal information and the privacy of individuals. The College has in place steps to protect the personal information the College holds from misuse, interference and loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and password access rights to computerised records.

18. Access and Correction of Personal Information

Under the Commonwealth Privacy Act, an individual has the right to obtain access to any personal information which the College holds about them and to advise the College of any perceived inaccuracy. Pupils will generally be able to access and update their personal information through their Parents, but older pupils may seek access and correction themselves.

There are some exceptions to these rights set out in the applicable legislation.

To make a request to access or update any personal information the College holds about you or your child, please contact the College Principal in writing. The College may require you to

verify your identity and specify what information you require. The College 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 College will advise the likely cost in advance. If we cannot provide you with access to that information, we will provide you with written notice explaining the reasons for refusal.

19. Anonymity

The Privacy Act provides the option for individuals not to identify themselves when entering into transactions with an organisation wherever this is lawful and practical. However, in the context of the primary function of the College this provision is not likely to be lawful, practical or even possible for any number of reasons, including the College's duty of care, insurance purposes, administration purposes. Most "transactions" would require a person's details in some form.

Examples of where individuals would be able to remain anonymous would be:

- where an individual requests a College prospectus and it can be provided without collecting the individual's personal information (e.g. where an initial enrolment enquiry is made); or
- where a survey is conducted and there is no need to collect a respondent's personal information, such as their name and address.

20. Archived Materials

Personal information is stored in hard copy and electronically. The Australian Privacy Principles do not state any specific time that records are to be archived. They simply provide that the College is not required to store personal information longer than necessary for its purposes.

It is College policy to maintain complete student files and employee records for a reasonable time following the student's departure from the College. This is done to protect the interests of both the College and the individual in terms of enquiries or allegations that may be made at any time in the future. The College reserves the right to charge a fee for access to non-current enrolments or employment as outlined above.

21. De-identification and Destruction of Records

Hard Copy Tax File Number (TFN) Declarations

Where the College receives completed hard copy TFN Declaration Forms, the Tax File Number must be "blacked" out once the details have been entered into the payroll system. The Form should then be placed in the employee's personnel file.

Electronic Tax File Number (TFN) Declarations

Where Employees submit their TFN Declaration electronically, the record is contained electronically in the organisation's document storage solution. Only

authorised employees have access to these files.

Archiving and Destruction

Unless subject to a relevant Notice, the College is required to keep time and wages records for its employees for seven years.

Privacy legislation does not state how long archives are to be kept.

22. Consent and Rights of Access to the Personal Information of Pupils

The College respects every Parent's right to make decisions concerning their child's education. Generally, the College will refer any requests for consent and notices in relation to the personal information of a pupil to the pupil's Parents. The College will treat consent given by Parents as consent given on behalf of the pupil, and notice to Parents will act as notice given to the pupil.

As mentioned above, parents may seek access to personal information held by the College about them or their child by contacting the College 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 College's duty of care to the pupil.

The College may, at its discretion, on the request of a pupil grant that pupil access to information held by the College about them, or allow a pupil 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 pupil and/or the pupil's personal circumstances so warranted.

23. Data Breaches and Mandatory Notification to the Office of the Australian Information Commissioner

A Notifiable Data Breach occurs when Personal Information of an individual held by the College is accessed by, or disclosed to, an unauthorised person, or is lost, and:

- a reasonable person would conclude that unauthorised access or disclosure would likely result in serious harm to the relevant individual; or
- in the case of loss (i.e. leaving a laptop containing Personal Information on a bus),
- unauthorised access or disclosure of Personal Information is likely to occur, and a reasonable person would conclude that unauthorised access or disclosure would likely result in serious harm to the relevant individual.

24. Response Plan/Process for known or Alleged Breach

If the College knows or reasonably suspects that a Notifiable Data Breach has occurred:

- it will call together the Response Team;

- the Response Team will activate the 4-step Response Plan/Process;
- see Annexure D;
- the Response Team will conduct a reasonable and expeditious **initial assessment** to determine the nature and extent of the breach and if there are reasonable grounds to believe a Notifiable Data Breach has occurred;
- it will take all reasonable steps to ensure that a full assessment is completed within 30 days of becoming aware of the suspected Notifiable Data Breach.

25. Notification

Subject to any restriction under the Act, in the event a Notifiable Data Breach occurs, the College will, as soon as practicable, prepare a statement outlining details of the breach, and:

- notify the individual of the unauthorised access, disclosure or breach; and
- notify the Office of the Australian Information Commissioner of the unauthorised access, disclosure or breach.
- See Annexure C.

26. Complaints Process

If an individual believes that the College has breached the APPs a complaint can be made to the College.

All complaints should be in writing and directed to the Privacy Officer. The College will investigate complaints in a timely manner and respond in writing.

If an individual is not satisfied with the College's response, a complaint can be lodged with the Office of the Australian Information Commissioner on the following website <http://www.oaic.gov.au/privacy/making-a-privacy-complaint>.

27. Enquiries and complaints

If you would like further information about the way the College manages the personal information it holds, or wish to complain that you believe that the College has breached the Australian Privacy Principles, please contact the College Principal. The College will investigate any complaint and will notify you of the making of a decision in relation to your complaint as soon as is practicable after it has been made.

APPENDIX 1

Standard Collection Notice

1. The College collects personal information, including sensitive information about pupils and parents or guardians before and during the course of a pupil's enrolment at the College. This may be in writing or in the course of conversations. The primary purpose of collecting this information is to enable the College to provide education to the pupil and to enable them to take part in all the activities of the College.
2. Some of the information we collect is to satisfy the College's legal obligations, particularly to enable the College to discharge its duty of care.
3. Laws governing or relating to the operation of a College require certain information to be collected and disclosed. These include relevant Education Acts, and Public Health [and Child Protection]* laws.
4. Health information about pupils is sensitive information within the terms of the Australian Privacy Principles under the Privacy Act. We may ask you to provide medical reports about pupils from time to time.
5. The College from time to time discloses personal and sensitive information to others for administrative and educational purposes, including to facilitate the transfer of a pupil to another College. This includes to other Colleges, government departments, medical practitioners, and people providing services to the College, including specialist visiting teachers, [sports] coaches, volunteers and counsellors.
6. Personal information collected from pupils is regularly disclosed to their parents or guardians.
7. The College may store personal information in the 'cloud' which may mean that it resides on servers situated outside Australia.
8. The College's Privacy Policy sets out how parents or pupils may seek access to personal information collected about them. However, there will be occasions when access is denied. Such occasions would include where access would have an unreasonable impact on the privacy of others, where access may result in a breach of the College's duty of care to the pupil, or where pupils have provided information in confidence.
9. The College's Privacy Policy also sets out how you may complain about a breach of privacy and how the College will deal with such a complaint.
10. The College, from time to time, engages in fundraising activities. Information received from you may be used to make an appeal to you. [It may also be disclosed to organisations that assist in the College's fundraising activities solely for that purpose.] We will not disclose your personal information to third parties for their own marketing purposes without your consent.
11. On occasions, information such as academic and sporting achievements, pupil activities and similar news is published in College newsletters, social media, magazines and on our website. Photographs of pupil activities, such as sporting events, College camps and College excursions may be taken for publication in College newsletters and magazines and on our website. The College will obtain

separate permissions from the pupils' parent or guardian prior to publication. [We may include pupils' and pupils' parents' contact details in a class list and College directory.]†

12. If you provide the College with the personal information of others, such as doctors or emergency contacts, we encourage you to inform them that you are disclosing that information to the College and why. This is to ensure that they can access information if/ when they need. Please note: the College does not usually disclose this information to third parties.

* As appropriate

† Colleges may wish to seek specific consent to publish contact details in class lists and College directories

APPENDIX 2

Alumni Association Collection Notice

Note: We are working hard to bring in an Alumni Association. This will be available to join in the near future.

1. [The Alumni Association/We] may collect personal information about you from time to time. The primary purpose of collecting this information is to enable us to inform you about our activities and the activities of Montessori International College and to keep alumni members informed about other members.
2. We must have the information referred to above to enable us to continue your membership of [the Alumni Association].
3. As you know, from time to time we engage in fundraising activities. The information received from you may be used to make an appeal to you. [It may also be used by Monteto assist in its fundraising activities.] [If you do not agree to this, please advise us now.]
4. [The Alumni Association/We] may publish details about you in our [name of publication] [and our/the College's website]. If you do not agree to this you must advise us now.
5. The College's Privacy Policy contains details of how you may seek access to personal information collected about you or how you may complain about a breach of the APPs.
6. The College may store personal information in the 'cloud', which may mean that it resides on servers which are situated outside Australia.*
7. If you provide personal information to us about other people, we encourage you to inform them of the above matters.

* If applicable

Opt In

Opt Out

APPENDIX 3

Employment Collection Notice

1. In applying for this position you will be providing Montessori International College with personal information. We can be contacted; 880-932 Maroochydore Road, Forest Glen, Queensland, 4556; admin@montessori.qld.edu.au, 07 5442 3807.
2. If you provide us with personal information, for example, your name and address or information contained on your resume, we will collect the information in order to assess your application for employment. We may keep this information on file if your application is unsuccessful in case another position becomes available.
3. The College's Privacy Policy contains details of how you may complain about a breach of the APPs or how you may seek access to personal information collected about you. However, there may be occasions when access is denied. Such occasions would include where access would have an unreasonable impact on the privacy of others.
4. The College will not disclose this information to a third party without your consent. We usually disclose this kind of information to the types of organisations listed in the policy under 'Who might the College disclose Personal Information to?'
5. The College is required to [conduct a criminal record check] collect information [regarding whether you are or have been the subject of an Apprehended Violence Order and certain criminal offences] under Child Protection laws. *] We may also collect personal information about you in accordance with these laws.*
6. The College may store personal information in the 'cloud', which may mean that it resides on servers which are situated outside Australia.
7. If you provide us with the personal information of others, we encourage you to inform them that you are disclosing that information to the College and why, that they can access that information if they wish and that the College does not usually disclose the information to third parties.

* If applicable

APPENDIX 4

Contractor/Volunteer Collection Notice

1. In applying to provide services to the College, you will be providing Montessori International College with personal information. We are located at 880-932 Maroochydore Road, Forest Glen, Queensland, 4556. We can be contacted at admin@montessori.qld.edu.au or by phoning 07 5442 3807.
2. If you provide us with personal information, for example your name and address or information contained on your resume, we will collect the information in order to assess your application. We may also make notes and prepare a confidential report in respect of your application.
3. You agree that we may store this information for as long as legally required.
4. The College's Privacy Policy sets out how you may seek access to your personal information and how you may complain about a breach of the APPs.
5. We will not disclose this information to a third party without your consent. We usually disclose this kind of information to the following types of organisations [insert list].
6. [We are required to [conduct a criminal record check] collect information [regarding whether you are or have been the subject of an Apprehended Violence Order and certain criminal offences] under Child Protection law.*] [We may also collect personal information about you in accordance with these laws.*]
7. The College may store personal information in the 'cloud', which may mean that it resides on servers which are situated outside Australia.
8. If you provide us with the personal information of others, we encourage you to inform them that you are disclosing that information to the College and why, that they can access that information if they wish and that the College does not usually disclose the information to third parties.

* If applicable

This policy and associated procedures may be updated or revised from time to time. The College will not notify you each time the policy or procedure is changed. If you are unsure whether you are reading the most current version, you should contact the Executive Assistant.

Disclaimer: The information contained in this policy is to the best of our knowledge and belief correct at the date of publication. However, no warranty or guarantee is or can be given by Independent Colleges Queensland or any member of its staff, and no liability is or can be accepted for any loss or damage resulting from any person relying on or using the information contained in this policy.