

## PRIVACY POLICY

<b>Last Review:</b> March 2024	<b>Constructed / Reviewed by:</b> Mentone Grammar on advice from Russell Kennedy Lawyers
<b>Next Review:</b> March 2026	<b>Approval Required:</b> Executive
<b>Policy Number:</b> 7	<b>Implementation Date:</b> 22 April 2024

### 1. Statement of Context and Purpose

Pursuant to privacy laws, Mentone Grammar (the School) is required to have a privacy policy which is available to all people about whom Mentone Grammar collect personal information.

Privacy laws regulate how Mentone Grammar can collect, use, hold and disclose Personal information (as defined below). Mentone Grammar is bound by the Australian Privacy Principles contained in the *Privacy Act 1988* (Cth). The personal information Mentone Grammar collects enables it to provide educational and ancillary services to students, and discharge its duty of care to staff and students alike.

The purpose of this policy is to inform individuals whose personal information is collected, stored, used and disclosed to or by Mentone Grammar, about how:

- that information is collected and protected.
- they can access and correct their personal information held by Mentone Grammar.
- they can lodge complaints or make any related enquiry.

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, parents or permanent carers of students, volunteers, contractors, visitors to School premises or the School website, 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).
- *Family Violence Protection Act 2008* (Vic).
- *Child Wellbeing and Safety Act 2005* (Vic).
- *Child Wellbeing and Safety (Information Sharing) Regulations 2018* (Vic).
- Enrolment forms.
- Recruitment Policy.
- Performance Management, Misconduct and Disciplinary Action Policy.

#### 4. Definitions

##### (a) Personal Information

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

- (i) whether the information or opinion is true or not; and
- (ii) 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.

##### (b) Health Information

Health information is information about an individual's health, which may include, but is not limited to the physical, mental or psychological health or disability of an individual, for example in relation to medications, allergies, immunisations and other risk factors.

##### (c) Sensitive Information

Sensitive information is a special category of personal information and includes:

- (i) information or an opinion about an individual's:
  - (a) racial or ethnic origin; or
  - (b) political opinions; or
  - (c) membership of a political association; or
  - (d) religious beliefs or affiliations; or
  - (e) philosophical beliefs; or
  - (f) membership of a professional or trade association; or
  - (g) membership of a trade union; or
  - (h) sexual preferences or practices; or
  - (i) criminal record;

that is also personal information, or
- (ii) health information about an individual; or
- (iii) genetic information about an individual that is not otherwise health information; or
- (iv) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- (v) biometric templates.

Mentone Grammar may collect 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 consent to collect that information.

## 5. Types of Personal Information Collected

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

- prospective, current or past students;
- parents or permanent carers;
- current and prospective employees;
- contractors and prospective contractors;
- volunteers;
- visitors;
- members; 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 information about racial or ethnic origin).

For persons who deal with Mentone Grammar in some other capacity (for example, as a prospective or current employees, parent or permanent carer, former student, volunteer, contractor or visitor), Mentone Grammar may collect the relevant individual's name, contact details, banking 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 permanent carers, 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, the website, in enrolment (through Digistorm online forms for enrolments and open days/school tours), excursion or medical forms (via Operoo), or in person;
- from its website using various technologies, including 'cookies'. A 'cookie' is a text file our website transmits to an individual's browser which is stored on the individual's computer as an anonymous tag identifying the individual's computer (but not the individual) to allow the server to deliver a page tailored to the user. The browser may be configured to disable cookies, but some parts of our website may not function properly (or at all) if cookies are disabled;
- 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 educational and ancillary services for the student or prospective student, and to contact parents about educational and ancillary services for students. If Mentone Grammar is unable to obtain the required information, an enrolment may not proceed or may be withdrawn.

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 recruiters, 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 clearance requirements, provided by the applicant, the employee, or any other third party authorised by the applicant or employee.

Mentone Grammar has overt CCTV cameras installed on school premises 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). CCTV cameras will not be installed in private areas such as toilets, washrooms, change rooms, lactation rooms, staff rooms. Accordingly, information may also be collected in relation to anyone that comes into contact with Mentone Grammar through the use of those CCTV cameras. CCTV cameras record content on sensor activation - recordings only start once the sensor detects 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 to authenticated and specifically authorised users.

## **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 educational and ancillary services for its students, including to:

- ensure the care, safety and welfare of staff and students;
- manage relationships between members of the school community (including staff, students, parents and alumni);
- consider job applicants for current and future employment; and
- promote Mentone Grammar through marketing and school publications.

Mentone Grammar only uses and discloses personal information and sensitive information for the purposes of which the information was collected or for a secondary purpose with the consent of the individual or if it is related to the primary purpose and where a person would reasonably expect Mentone Grammar to use the information for that purpose. Mentone Grammar may otherwise use or disclose personal information or sensitive information where permitted by legislation, such as to fulfil obligations as an Information Sharing Entity.

Mentone Grammar will not use or disclose personal information for an unrelated secondary purpose unless consent has been obtained or an exception applies, such as it is impracticable to obtain consent and Mentone Grammar believes that collecting, using or disclosing the information is necessary to lessen a serious threat to the life, health or safety of any individual.

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 which includes the *Surveillance Devices Act 1999 (Vic)*, *Child Wellbeing and Safety Act 2005* and *Privacy Act 1988 (Cth)* for such purposes that are necessary to:

- ensure the care, safety and welfare of staff and students;
- manage relationships between members of the school community (including staff, students, parents and alumni); and
- to protect Mentone Grammar's lawful interests in a legal or disciplinary proceeding.

Mentone Grammar will exercise discretion and will not:

- disclose CCTV footage to parents unless compelled by the relevant laws; and
- use or disclose records of private conversations or activities in situations where it is reasonably evident that the parties did not intend for the conversation or activity to be heard or observed by others.

**(a) Use**

**Students and Parents**

Mentone Grammar may use personal information collected about students and parents for a range of purposes, including the following purposes:

- providing education and 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 student's educational, social and medical wellbeing and safety;
- seeking donations and marketing for Mentone Grammar;
- to issue newsletters and other communications related to the student's enrolment;
- 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.

**(b) Disclosure**

Mentone Grammar may disclose personal information, including sensitive Information for educational purposes and to ensure child safety as well as administrative and marketing purposes. 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 Mentone Grammar's

fundraising. Parents, employees, contractors and other members of the wider Mentone Grammar community may from time to time receive fundraising information. Further, Mentone Grammar publications, which include personal information or images, may be used for marketing purposes.

#### **Disclosure to Overseas Recipients**

Mentone Grammar is not likely to disclose personal information to overseas recipients. If this does occur, Mentone Grammar will not disclose an individual's personal information to overseas recipients unless the individual expressly requests this, and acknowledges that the overseas recipient will not be required to comply with the Australian Privacy Principles and Mentone Grammar will not be liable for any mishandling of the personal information in such circumstances.

Mentone Grammar may also disclose an individual's personal information to an overseas recipient in certain limited circumstances, for example, if certain IT functions are outsourced to an overseas service provider or store information on cloud servers located overseas. If we do so, we will take all steps that are reasonable in the circumstances to ensure that the overseas recipient does not breach the APPs, unless:

- the overseas recipient is subject to laws similar to the APPs and the individual has mechanisms to take action against the overseas recipient;
- we reasonably believe the disclosure is necessary or authorised by Australian Law; or
- the individual has provided express consent to the disclosure.

#### **8. Student Images and Videos**

Throughout the school year, Mentone Grammar often photographs, videos, films, records and livestreams students (collectively referred to as 'image/s') as part of everyday school-related activities and events.

This is done in relation to a variety of educational and cocurricular activities and events (eg classes, sporting events, camps, excursions, performances, competitions and celebrations), for a variety of reasons (eg celebrate milestones, record student participation, promote the School through marketing or advertising channels, and share experiences and successes), and using a variety of mediums (including but not limited to classroom displays, team photos, School productions, newsletters and magazines, the School intranet and website, advertising channels, school-based learning and training modules for staff, and on the School's social media platforms).

Student images will only be used in school-related media and will not be sent to third-parties (other than service providers) such as external media outlets without the express permission of the parents or permanent carers.

Consent to the use of student images will be obtained from parents and permanent carers at enrolment, and during the course of enrolment. Once granted, consent stands until such time it is changed during the annual consent review process usually held in January – February each year, or expressly withdrawn in writing at other times. Due to complex challenges in managing the recording of any student images (eg at events), the School cannot accept partial consent and therefore consent will be treated as unequivocal. Any withdrawal of consent may affect a student's participation in certain school activities and will take effect from the time of withdrawal, and will not apply to any pre-existing collection, use or disclosure of a student's image or video.

Members of the School community acknowledge that even when authorisation is withheld then incidental, internal or unintentional use of images and recordings featuring that member (or a member's child) may still occur from time to time (particularly when a parent or child attends a photographed or recorded school-related activity or event).

In addition to the image consent under this policy, Mentone Grammar has a more comprehensive Student Image Consent statement on its website.

## 9. Information Quality

Mentone Grammar will take reasonable steps to ensure that 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.

## 10. 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.

## 11. 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:

- i. Parents may seek access to personal information collected about their child who is a student of Mentone Grammar. 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.
- ii. 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 parent or carer. This would normally be done only when the student involved had reached 18 years of age, but Mentone Grammar could do so in other circumstances when the maturity of the student and/or the student's personal circumstances so warranted.

Any request for access should be made to the Director of Business: Tel: (+ 61 3) 9584 4211. Mentone Grammar 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.

## 12. 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.

However, Mentone Grammar reserves the right to accept consent from senior students who are mature enough to make informed decisions about how their personal information is collected, used or disclosed.

## 13. 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 Director of Business: Tel: (+61 3) 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:

- in the first instance, The Director of Business: Tel: (+61 3) 9584 4211
- otherwise, Office of the Australian Information Commissioner: 1300 363 992

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.

#### **14. Consequences of a Breach of this Policy**

Mentone Grammar emphasises the need to comply with the requirements of this policy.

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).

#### **15. Notifiable Data Breaches**

The Notifiable Data Breach (NDB) scheme under the Privacy Act establishes requirements for entities in responding to data breaches.

Entities have data breach notification obligations when a data breach is likely to result in serious harm to any individuals whose personal information is involved in the breach.

Mentone Grammar has procedures in place to ensure compliance with the NDB scheme.

#### **16. Implications for practice**

##### **(a) At Board / Principal Level**

To properly implement this policy, the Principal (as directed by the Board) must ensure:

- that this policy is reviewed and 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 or in the staff room;
- that this policy is incorporated into Mentone Grammar's induction program;
- 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.

##### **(b) 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.