



Divine Mercy College
326 Yangebup Road Yangebup WA 6164

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PRIVACY POLICY

Policy Statement

Divine Mercy College is committed to protecting the privacy and confidentiality of personal information entrusted to us. This Privacy Policy outlines our practices regarding the collection, use, disclosure, and management of personal information in accordance with the Privacy Compliance Manual 2023 from the Association of Independent Schools of Western Australia (AISWA).

Scope

This Privacy Policy applies to all personal information collected, used, disclosed, and managed by Divine Mercy College in the course of providing educational services and conducting school-related activities. It encompasses personal information relating to students, staff, parents/guardians, contractors, volunteers, and other individuals associated with the College..

Related Policies

- Enrolment Policy
- Child Protection Policy
- Records Management Policy

Legislation

- Privacy Act 1988
- Australian Privacy Principles (APPs)
- Privacy Amendment (Notifiable Data Breaches) Act 2017
- General Data Protection Regulation (GDPR) (EU)
- Children and Community Services Act 2004 (WA)
- School Education Act 1999 (WA)
- Freedom of Information Act 1992 (WA)

Background

The Privacy Act 1988 is an Australian federal law that regulates the handling of personal information by organisations and Australian government agencies. It sets out the Australian Privacy Principles (APPs), which govern the collection, use, disclosure, and management of personal information. The Act aims to protect individuals' privacy rights by establishing standards for the handling of personal

information and providing mechanisms for individuals to access and correct their personal information held by organisations. Additionally, the Privacy Act includes provisions related to data breaches, requiring organisations to take reasonable steps to protect personal information from unauthorised access, use, or disclosure and to notify affected individuals and the Office of the Australian Information Commissioner (OAIC) in the event of a data breach that is likely to result in serious harm.

Information Covered by the Privacy Act

- **Personal Information:** Any information or opinion about an identified individual or an individual who is reasonably identifiable.

- **Sensitive Information:** Personal information that includes details about an individual's racial or ethnic origin, political opinions, religious beliefs, sexual orientation, health information, or criminal record.

- **Health Information:** Personal information that is also health-related, including medical history, disability information, and health service usage.

- **Unsolicited Personal Information:** Personal information received by Divine Mercy College without solicitation, often through inadvertent means.

Collection of Personal Information

Divine Mercy College collects personal information necessary for providing educational services and administrating school-related activities. This may include information about students and staff, such as names, contact details, academic records, health information, and emergency contact details. We collect this information to fulfill our obligations as an educational institution and to ensure our students' and staff's safety, well-being, and academic progress.

How We Collect Personal Information

1. Personal Information You Provide:
 - **Enrollment Forms:** Information provided by students and their families during the enrollment process, including contact details, medical information, and educational history.
 - **Communications:** Information collected through communications such as emails, letters, phone calls, and meetings between the school and students, parents, or guardians.
 - **Surveys and Forms:** Data collected through school surveys, permission slips, consent forms, and other documents completed by students or their families.

2. Personal Information Provided by Other People
 - **References and Recommendations:** Information provided by previous schools, teachers, or other educational institutions as part of a student's application or transfer process.

- **Third-Party Reports:** Reports and assessments from external professionals such as psychologists, medical practitioners, and other specialists who provide services to students.

3. Personal Information from Other Sources

- **CCTV:** The College uses CCTV cameras to ensure the safety and security of students, staff, and visitors. CCTV footage is collected and stored securely, and access is restricted to authorized personnel. The use of CCTV is in compliance with relevant privacy laws.
- **Online and Digital Platforms:** Information collected through the College's online platforms, such as learning management systems, school portals, and social media channels. This includes data on student engagement, participation, and communications via these platforms.

Exceptions

In certain circumstances, Divine Mercy College may be required or authorized by law to disclose personal information to relevant authorities or other schools. This may include reporting obligations under child protection laws, compliance with court orders, or sharing information with government agencies for regulatory purposes.

Use of Student's Photographs and Videos

Divine Mercy College recognizes the importance of protecting the privacy of individuals in photographs and videos taken during school activities. This section outlines the guidelines for the collection, use, and sharing of photographs and videos to ensure compliance with privacy laws and respect for individuals' privacy rights.

- **Consent:** Prior to capturing or using photographs and videos of students, staff, or other individuals, Divine Mercy College will obtain explicit consent. This consent may be collected at the time of enrolment. Parents or guardians have the right to withdraw their consent for the use of their child's photographs and videos at any time by writing to the school administration.
- **Purpose Limitation:** Photographs and videos will only be used for purposes for which consent has been given. Typical uses may include school publications, newsletters, the College website, yearbook, promotional materials, and educational purposes.
- **Security and Access:** Photographs and videos will be stored securely to prevent unauthorized access, use, or disclosure. Access to these materials will be restricted to authorized personnel who require it for legitimate school purposes.
- **Public Platforms:** When sharing photographs and videos on public platforms such as the school's website or social media pages, Divine Mercy College will ensure that only those images for which appropriate consent has been obtained are used. Care will be taken to protect the identity and privacy of individuals, particularly in group photographs where not all individuals may have given consent.

- **Sensitive Contexts:** Special consideration will be given to avoid capturing and sharing photographs and videos in sensitive contexts where individuals may have a reasonable expectation of privacy. This includes locations such as bathrooms, changing areas, or during certain personal or health-related activities.
- **Third-Party Sharing:** If photographs or videos are to be shared with third parties, such as media organizations or external service providers, additional consent will be sought, specifying the intended use by the third party.

School Psychology Reports

Divine Mercy College values the mental health and well-being of its students and provides access to school psychologist services as part of its commitment to holistic education. This section outlines the procedures for the management of school psychologist reports, ensuring compliance with privacy laws and adherence to duty of care principles.

Collection and Use of Reports

School psychologist reports are collected to provide insights into students' mental health, learning difficulties, and behavioral issues. These reports assist in developing tailored educational and support plans to enhance student well-being and academic performance. The collection and use of these reports are guided by the following principles:

- **Informed Consent:** Prior to the assessment, informed consent will be obtained from the student's parents or guardians. This consent will outline the purpose of the assessment, the type of information to be collected, and how the information will be used.
- **Confidentiality:** Reports are treated with the highest level of confidentiality. Access to these reports is restricted to authorized personnel who require the information to support the student's educational and psychological needs.

Duty of Care

Divine Mercy College has a duty of care to ensure the safety and well-being of its students. This includes the appropriate use and management of school psychologist reports:

- **Timely Action:** Upon receipt of a school psychologist report, the College will take timely action to address any recommendations or concerns raised in the report. This may involve adjustments to the student's educational program, additional support services, or referrals to external specialists.
- **Collaboration:** The College will collaborate with parents, teachers, and other relevant staff to implement the recommendations of the school psychologist. Open communication and cooperation are essential to effectively support the student's needs.

- **Monitoring and Review:** The College will monitor the student's progress and review the effectiveness of the interventions regularly. Adjustments will be made as necessary to ensure the student's well-being and academic success.

Security and Access

- **Secure Storage:** School psychologist reports are stored securely to prevent unauthorized access. These records are kept in a locked cabinet or secure digital system, accessible only to authorized personnel.
- **Limited Disclosure:** Information from the reports will only be disclosed to individuals who have a legitimate need to know, such as teachers directly involved in the student's education or external specialists with the consent of the parents or guardians.

Parental Involvement

- **Transparency:** Parents or guardians will be kept informed about the findings and recommendations of the school psychologist. Meetings will be arranged to discuss the report and plan the next steps.
- **Opt-Out Rights:** Parents or guardians have the right to withdraw their consent for further assessments or interventions at any time. The College will respect these decisions while ensuring that the student's best interests remain a priority.

Disclosure of Personal Information

Divine Mercy College recognises the importance of safeguarding personal information and is committed to ensuring that such information is disclosed only in accordance with legal requirements and privacy principles. This section details the circumstances under which the College may disclose personal information related to students and employees.

Student's Information

1. Sharing Information with Other Schools

- **Transfers:** When a student transfers to another school, Divine Mercy College may share relevant personal information with the new school to facilitate the transition. This typically includes academic records, attendance records, and any special needs or support plans in place for the student. Parental consent will be obtained wherever possible before the transfer of records.
- **Enrolment Applications:** When students apply for enrolment at another school, the College may be asked to provide information to support the application. This will be done with the consent of the parents or guardians.

2. Disclosure of Information Where Required by Legislation

- **Legal Obligations:** The College may disclose personal information where required by law, such as in response to a court order, subpoena, or law enforcement request. This includes compliance with child protection laws and mandatory reporting obligations.
- **Regulatory Bodies:** Information may be shared with government and regulatory bodies as required for compliance with educational standards, audits, and reviews. This includes the Department of Education and other relevant authorities.

3. Disclosure to Contractors

- **Service Providers:** Divine Mercy College may disclose personal information to external contractors and service providers who perform services on behalf of the College, such as IT service providers, auditors, and consultants. These contractors are required to comply with strict confidentiality and privacy obligations.
- **Health and Support Services:** Personal information may be shared with external health and support services, such as psychologists, speech therapists, and occupational therapists, to provide specialised support to students. Consent from parents or guardians will be obtained before disclosing such information.

Employee Records

1. Transfers Between Related Organisations

- **Inter-School Transfers:** For staff members who transfer between related educational institutions or within the same school network, relevant employee records may be shared to facilitate the transfer. This includes employment history, qualifications, and performance records. Employees will be informed of such transfers and the information being shared.
- **Professional Development:** Employee records may also be shared between related organisations for purposes of professional development, training, and career progression. This ensures continuity and support for staff members in their professional growth.

2. Eligibility to Work

- **Work Eligibility Requirements:** In compliance with the Fair Work Act 2009 (Cth) and the School Education Act 1999 (WA), we may request personal information from employees to determine their eligibility to work in Australia. This may include, but is not limited to, information related to citizenship, residency status, or work visa conditions. Such information will be handled in accordance with the Privacy Act 1988 (Cth) and relevant state privacy regulations.

Management and Security of Personal Information

Divine Mercy College implements security measures to protect personal information from unauthorized access, use, disclosure, alteration, or destruction. This includes physical,

technical, and administrative safeguards, such as encryption, access controls, and staff training on privacy and security protocols.

Notification of Data Breach

In the event of a data breach involving personal information, Divine Mercy College will promptly assess the breach, take appropriate remedial action, and notify affected individuals and relevant authorities as required by law. Our response to data breaches is guided by the Data Breach Response Plan, which outlines the following key steps:

1. **Assessment:** A thorough assessment of the data breach will be conducted to determine the scope, nature, and potential impact of the breach on individuals' privacy.
2. **Notification:** If the breach is likely to result in serious harm to affected individuals, Divine Mercy College will notify them as soon as practicable. This notification will include details of the breach, the types of personal information involved, and steps individuals can take to mitigate the potential risks.
3. **Notification to Authorities:** Where required by law or regulation, Divine Mercy College will also notify relevant regulatory authorities, such as the Office of the Australian Information Commissioner (OAIC), of the data breach.
4. **Remedial Action:** Immediate remedial action will be taken to address the breach and prevent any further unauthorized access or disclosure of personal information.
5. **Review and Learnings:** Following the data breach response, Divine Mercy College will conduct a review to identify any weaknesses or gaps in our data security measures and implement measures to prevent similar incidents in the future.

Correction of Personal Information

Individuals have the right to request access to, and correction of, their personal information held by Divine Mercy College. Requests for access or correction should be made in writing to the Administration Staff, and reasonable steps will be taken to address such requests in accordance with applicable privacy laws.

Complaints

Any concerns or complaints regarding the handling of personal information by Divine Mercy College should be directed to the Principal. Complaints will be investigated promptly and handled in accordance with our complaints handling procedures.

Review History

Version	Date released	Next review	Author
1	Jan 2018	Jan 2020	Jodi Hampel
2	Jan 2020	Jan 2022	Jodi Hampel
3	Jan 2024	Jan 2026	Yan Lau