

Privacy Policy

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Purpose

This policy sets out how MACSEYE manages the personal information and the rights of parents, children, staff and volunteers in relation to personal information held about them, including how to make a complaint and how MACSEYE deals with complaints.

Scope

This policy applies to all personal and sensitive information (including health information) handled by MACSEYE.

Background

Privacy is acknowledged as a fundamental human right. Our Service has an ethical and legal responsibility to protect the privacy and confidentiality of children, individuals and families as outlined in the Early Childhood Code of Ethics, Education and Care Services National Regulations, the Privacy Act 1988 (Cth), Privacy and Data Protection Act 2014 (Vic) and the Health Records Act 2004 (Vic). The right to privacy of all children, their families, and educators and staff of the Service will be upheld and respected, whilst ensuring that all children have access to high quality early years care and education. All staff members will maintain confidentiality of personal and sensitive information to foster positive trusting relationships with families.

Principles

The following principles apply to the handling of personal information by MACSEYE:

personal information is managed in an open and transparent way.

only personal and/or sensitive information that is reasonably necessary for MACSEYE's functions or activities is collected.

use of fair and lawful means is used to collect personal information.

consent to collect sensitive information is obtained unless specified exemptions apply.

reasonable steps are taken to protect the personal information MACSEYE holds from misuse, interference and loss and from unauthorised access, modification or disclosure.

personal information is only used or disclosed for the primary purpose of collection unless an exception applies.

Policy

1. Why and how MACSEYE collect personal information

- 1.1. MACSEYE will only collect personal, sensitive (including health) information if the information is reasonably necessary for one or more of its functions or activities.
- 1.2. The types of personal information collected depend on the relationship held and engagement with MACSEYE. MACSEYE collects personal information by lawful and fair means. MACSEYE collect information about:
 - children
 - parents, guardians, carers (**Parents**)
 - job applicants and employees
 - volunteers
 - contracted service providers and suppliers
 - Board and Committee members
 - visits to MACSEYE websites
 - members of the public who interact with MACSEYE
- 1.3. MACSEYE collects personal information in writing, through technology systems or in conversations, visits to MACSEYE offices or services, directly from the individual or from another source where reasonably required such as Parents, contracted service providers or referrers. In some circumstances, MACSEYE collects personal information from other sources, for example:
 - from another MACSEYE service or entity related to MACSEYE
 - a third party, such as a contracted service provider providing services to MACSEYE
 - information provided to a third party by an individual for the purpose of sharing it with MACSEYE
 - information sharing entities authorised by law
 - CCTV systems which used in MACSEYE premises to provide safe environments for staff, children and visitors.

- 1.4. Where individuals do not provide information requested to MACSEYE, it may affect their ability to access MACSEYE services and systems. For example, a MACSEYE service may not be able to enrol or continue the enrolment of the child or permit the child to take part in a particular activity. MACSEYE will inform you when this may affect your engagement with MACSEYE.
- 1.5. MACSEYE may receive information about you even where it has taken no active steps to collect information. If permitted or required by law, MACSEYE may keep records of this information. If not, we will destroy or de-identify the information where practicable, lawful and reasonable to do so.

2. Types of personal information

2.1. The information MACSEYE collects depends on how individuals interact with MACSEYE, the purpose of that interaction and the nature of the relationship with MACSEYE. MACSEYE also uses specific Collection Notices in connection with the type of engagement.

2.1.1. Children and Parents before, during and after the course of a child's enrolment at a MACSEYE service:

- name, contact details (including next of kin), date of birth, gender, language background, previous school, religion
- parents' education, occupation, language spoken at home, nationality and country of birth
- health information (e.g., details of medical condition, disability and / or allergies, dietary requirements, absence notes, immunisation details, medical reports, names of doctors)
- Centrelink Customer Reference Number (CRN)
- Observations of tasks and activities
- conduct and complaint records or other behaviour notes and observation records
- information about referrals to government welfare agencies
- counselling reports
- health fund details and Medicare number
- any Family Court orders
- volunteering information
- photos, and videos at service activities, events and through closed circuit television (CCTV) if in use at MACSEYE premises

2.1.2. Employees, job applicants, volunteers, contractors

- name, contact details (including next of kin), date of birth, religion
- information on job application
- qualifications, registrations and professional learning history
- salary and payment information, including banking and superannuation details
- health information (e.g., details of disability and/or allergies, medical certificates)
- national police check and working with children check
- for employees who are Persons with Management or Control for the purposes of providing an early childhood education and care service:
 - National Personal Insolvency Index check,
 - evidence that the person is not on the Australian Securities and Investment Commission's (ASIC) banned and disqualified register
 - a current and historical personal name extract search of ASIC records.
- complaint records and investigation reports
- leave details
- photos and videos at organisation/service events
- workplace surveillance information, including CCTV footage
- work email and private email (when using work email address) and internet browsing history.

2.1.3. Board and Committee members

- information required for the declaration of fitness and proprietary as required under the National Law and Family Assistance Law
- national police check and working with children check
- National Personal Insolvency Index check
- evidence that the person is not on the Australian Securities and Investment Commission's (ASIC) banned and disqualified register
- a current and historical personal name extract search of ASIC records.

2.1.4. Suppliers, donors, members and visitors including, but not limited to:

- name, contact details
- work email and private email (when using work email address) and internet browsing history.

3. Sensitive information

3.1. MACSEYE will only collect Sensitive information (including health information) if it is reasonably necessary for its functions or activities, a permitted general or health situation exists, or where MACSEYE has consent from the individual or their Parent (in the case of children).

- Sensitive information will only be used and disclosed for the purpose for which it was collected, a directly related secondary purpose in limited circumstances, with your consent, or as required or authorised by law.

4. Use or disclosure

4.1. MACSEYE only uses or discloses Personal, including Sensitive information, under the following circumstances:

- for the purpose for which it was collected
- for a purpose which you might reasonably expect that is related to the primary purpose (except for sensitive or health information)
- where the individual has consented to the use or disclosure
- if MACSEYE is permitted or required by law to do so.

4.2. MACSEYE may use Personal information in the following ways:

4.2.1. Children and Parents

- admission and enrolment
- providing service activities
- satisfying the needs of Parents, the needs of children and the needs of the service during the whole period a child's enrolment at the service
- making the required reports to government authorities
- keeping Parents informed about matters related to their child's progress, through correspondence, apps, newsletters and magazines
- day to day administration, operations, and quality assurance
- seeking and processing the payment of service fees
- looking after child's educational, social, spiritual and health wellbeing
- satisfying MACSEYE legal obligations
- allowing the approved provider and service to discharge duty of care and child safety obligations.

4.2.2. Employees

- administering the individual's employment or contract including:
 - corresponding with employees
 - professional learning and development processes
 - salary and payment information, including superannuation details
 - medical details (e.g. details of disability, and / or allergies, medical certificates)
 - complaint records and investigations

- administrative matters including for insurance purposes
- looking after Staff occupational, social, spiritual and health wellbeing
- to respond in the event of an emergency
- for evaluation and improvement of the work environment
- satisfying MACSEYE' and the service's legal obligations, for example, in relation to child protection legislation.

4.2.3. Board and Committee members

- To confirm that board members are fit and proper persons to hold their role, as required under the National Law and Family Assistance Law.
- To provide personal information to government authorities to meet legal declarations and reporting obligations under the National Law.
- To facilitate communication with board members about their roles, responsibilities, meeting schedules, and governance matters.
- To ensure compliance with the National Law and Family Assistance Law in the collection and use of personal information.

4.2.4. Volunteers

- to contact individuals and to administer the volunteer position
- administrative matters including for insurance purposes
- satisfying MACSEYE' and a service's legal obligations, for example in relation to child protection legislation

4.2.5. Job applicants, contractors and others

- assessing and if successful, engaging an applicant or contractor
- information provided by a former employer or a referee
- making an offer of employment or engagement
- administering an individual's contract
- administrative matters including for insurance purposes
- fulfilling a contract obligation
- corresponding with individuals to administer their relationship with MACSEYE
- satisfying MACSEYE's legal obligations, for example, in relation to child protection legislation.

5. Third parties

5.1. MACSEYE may share Personal information (including Sensitive information) with third parties where it is necessary and appropriate for the purposes set out above including but not limited to:

- government departments (including for policy and funding purposes)
- Melbourne Archdiocese Catholic Schools (MACS) including MACS schools, the Victorian Catholic Education Authority (VCEA), the archdiocese and parishes, other church related agencies/entities and services and/or schools within other dioceses, or other dioceses
- schools where the child is enrolling and transitioning from kindergarten or pre-prep
- local parish/es associated with the service
- medical and health practitioners
- people providing educational support and health services to the service, including specialist visiting teachers, health professionals, sports coaches, volunteers and counsellors
- fundraising organisations, venues and event organisers, marketing and communication agencies
- specialist advisory services including in human resources, child protection and children with additional needs) and providers of learning and assessment
- authorised agencies and organisations to whom MACSEYE is required to disclose personal information for administrative, educational and research purposes
- regulatory, investigative and law enforcement or government bodies such as to enable MACSEYE and the school to discharge its responsibilities under child safety legislation, including Commission for Children and Young People (CCYP), Victorian Institute of Teaching (VIT) and Victoria Police.

- people and organisations providing administrative, technology, professional, and financial services to MACSEYE
- other providers of specific information management and storage systems and other information technology services to MACSEYE
- recipients of MACSEYE specific publications, such as school newsletters and magazines
- financial institutions for payment processing
- referees whose details job applicants provide to MACSEYE
- Children's Parents
- anyone you authorise MACSEYE to disclose information to
- anyone to whom MACSEYE is required or authorised by law to disclose the information, including child protection laws.

6. Associated legislation and schemes

- 6.1. MACSEYE is an information sharing entity (ISE) in accordance with the Child Wellbeing and Safety (Information Sharing) Amendment Regulations 2020 (Vic.). This legislation broadens the circumstances in which MACS may share information to support the wellbeing and safety of children and children.
- MACSEYE maintains appropriate confidentiality if it provides information under legislated information sharing schemes being Child Information Sharing Scheme (CISS) or Family Violence Information Sharing Scheme (FVISS)) or under the *Terrorism (Community Protection) Act 2003 (Vic.)*
- 6.2. Under the Notifiable Data Breaches (NDB) scheme, MACSEYE must inform the Office of the Australian Information Commissioner and affected individuals of any data breach likely to result in serious harm to individuals whose personal information is contained in the breach.

7. Storage of Personal information

- 7.1. MACSEYE may store Personal information in hard copy or electronically. MACSEYE will store Personal information until no longer required, including where the law MACSEYE requires to retain Personal information.

8. Security of Personal information

- 8.1. MACSEYE have reasonable steps in place to ensure the protection of Personal information that it holds from misuse, interference and loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and access controls to electronic data.
- These steps include:
 - restricting access to information on MACSEYE systems and local databases to a 'need to know' basis with access levels allocated to staff based on their roles and responsibilities
 - ensuring all Staff are aware that they are not to reveal or share personal passwords
 - ensuring storage of hard copy files containing personal and health information in lockable cabinets in lockable rooms. MACSEYE restricts access to these files on a need to know basis
 - implementing ICT security systems, policies and procedures designed to protect information storage on computer networks
 - implementing human resource policies and procedures including a code of conduct, and policies for email and internet usage, information and records management designed to ensure that staff follow correct protocols when managing personal information
 - undertaking due diligence with respect to third party providers, including cloud service providers, who may have access to personal information to ensure as far as practicable that they are compliant with the APP or a similar privacy regime.

9. Sending and storing information overseas

- 9.1. MACSEYE may disclose Personal information about an individual to overseas recipients in certain circumstances where it is necessary to perform its functions and activities. For example, in connection with any third-party cloud service provider. MACSEYE may provide some limited Personal information to these service providers to enable them to authenticate users that access their services and provide technical support (e.g., services relating to email, instant messaging and education and assessment applications).

- 9.2. MACSEYE makes reasonable efforts to be satisfied about the security of any Personal information collected, processed and stored outside Australia, in connection with any cloud and third-party services. MACSEYE will take reasonable steps to ensure cloud service providers are hosted in Australia or otherwise in countries with substantially similar protections as the APP.

10. Access to and correction of personal information

- 10.1. Under the Privacy Act and the Health Records Act, an individual has the right to seek access to and or correction of any Personal Information that MACSEYE holds about them. There are some exceptions to access and correction rights which are set out in the applicable Act.
- 10.2. Individuals may seek access to Personal Information held by MACSEYE by contacting the MACSEYE Privacy Officer. There may be occasions, however, when the Privacy Officer may refuse this access request. For example, where the release of the information would have an unreasonable effect on the privacy of others; where the release of the information may result in a breach of the MACSEYE’s duty of care to the child, or in the case of employees, access to the employee record.
- 10.3. MACSEYE may require verification of your identity and for you to specify which information you require. MACSEYE may charge a reasonable fee for giving you access to personal information, but there is no charge for making a request or to correct Personal information. If the information sought is extensive, MACSEYE will advise the likely cost in advance.
- 10.4. If MACSEYE refuses a request, MACSEYE will provide a written notice explaining the reasons for the refusal (unless, given the grounds for refusal, it would be unreasonable to provide reasons) and how to complain.

Inquiries and complaints

- 10.5. For further information about how MACSEYE manages the personal information it holds or if you wish to complain that you believe a breach of privacy has occurred, please contact the Privacy Officer by email, post or telephone. Contact details are:

MACSEYE Privacy Officer
 Melbourne Archdiocese Catholic Schools Early Years Education Ltd
 PO Box 3
 EAST MELBOURNE 8002
 Phone 03 9267 0228
 Email: legal@macseye.vic.edu.au.

- 10.6. MACSEYE will investigate any privacy complaint and notify the individual of a decision in relation to the complaint as soon as practicable.
- 10.7. Individual can refer complaints to the Office of the Australian Information Commissioner (OAIC) or if they are not satisfied with MACSEYE’s decision in relation to the privacy complaint, the OAIC can be contacted directly. Contact details are:

Office of the Australian Information Commissioner
 GPO Box 5218 SYDNEY NSW 2001 Telephone: 1300 363 992
 An online privacy complaint form is available from www.oaic.gov.au.

Roles and Responsibilities

Role	Responsibilities	Reporting requirement
General Manager, Governance and Risk (MACS Privacy Officer)	<ul style="list-style-type: none"> Report breaches of Australian Privacy Principles Respond to privacy complaints 	<ul style="list-style-type: none"> Managing Director Office of the Australian Information Commissioner
General Manager, Quality and Compliance	<ul style="list-style-type: none"> Report breaches of Australian Privacy Principles 	<ul style="list-style-type: none"> The Australian Children’s Education & Care Quality Authority

Induction and ongoing training

This policy will be accessible by all staff via the intranet and by families via the website. Nominated supervisors are responsible for ensuring staff access to the policy and any supporting documents and undertake induction training prior to the policy being implemented. All staff are responsible for understanding and complying with this policy and ongoing training will be provided using a range of learning platforms.

Monitoring, evaluation and review

Monitoring of compliance with this policy and the related procedure will be overseen by the policy owner. The review process for this policy will begin eight (8) weeks prior to the scheduled review date and include a consultation period with the relevant stakeholders.

All staff will receive communication about any changes in or review of the policy or procedure. Training will be provided where required to ensure an understanding of the changes. Families will be notified of any changes 14 days prior to the implementation. Breaches of this policy will be dealt with in line with the MACSEYE Code of Conduct.

Related documents

Privacy Collection Notice
Information and Records Management Policy
Dealing with Complaints Policy
Whistleblower Policy
Governance and Management Policy

Legislation

National Quality Standards – Quality Area 7
Education and Care Services National Law Act 2010 (Cth)
Education and Care Services Regulations 2011 (Cth)
A New Tax System (Family Assistance) Act 1999 (Cth)
A New Tax System (Family Assistance) (Administration) Act 1999
Charter of Human Rights and Responsibilities Act 2006 (Cth)
Child Wellbeing and Safety Act 2005 (Vic.)
Child Wellbeing and Safety (Information Sharing) Amendment Regulations 2020 (Vic)
Health Records Act 2004 (Vic)
Privacy Act 1988 (Cth)
Privacy Amendment (Notifiable Data Breaches) Act 2017(Cth)
Privacy and Data Protection Act 2014 (Vic)
Surveillance Devices Act 2004 (Cth)

Definitions

Health information is a subset of sensitive information. It is information or opinion about the health (including illness, disability or injury) of an individual, an individual's expressed wishes about the future provision of health services to the individual or a health service provided, or to be provided, to an individual. Health information also includes personal information collected during the provision of a health service. Health information is regulated in Victoria under the Health Records Act 2001 (Vic).

Parent is a person who has parental responsibility for a child. This may include a biological parent or another person who has been granted parental responsibility by a court order.

Personal information is information or an opinion about an identified individual or an individual who is reasonably identifiable. It does not matter whether the information or opinion is true or not. It does not matter whether the information or opinion is recorded or documented, or not.

Sensitive information is a type of personal information that is given extra protection and must be treated with additional care. It includes information or opinion about an individual's racial or ethnic origin, political opinions, religious beliefs or affiliations, philosophical beliefs, sexual orientation or practices, criminal record, membership of a political association, professional or trade association, or trade union. It also includes health information and biometric information.

Policy information

Policy information			
Policy title:	Privacy Policy	Version:	1.0
Accountable Executive:	Managing Director	Responsible Manager:	General Manager, Governance and Risk
Approval authority:	Board	Date approved:	14/11/2024
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Version control		
Version	Date	Changes
1.0	14/11/2024	Document developed