**MILC**

**Privacy Policy**

**1 Rationale**

MILC is bound by the Australian Privacy Principles contained in the Privacy Act 1988 (Cth). In relation to health records held by MILC, MILC is also bound by the Health Records Act 2001 (Vic). This statement outlines how MILC uses and manages Personal Information provided to or collected by it.

**2 Policy Statement**

MILC recognises and acknowledges that the protection of an individual’s privacy is important and required under the relevant legislation. This policy explains how MILC protects the privacy of Personal Information that MILC collects and uses in relation to current and prospective students, their parents, carers and guardians (“**Parents**”), as well as job applicants, contractors, and other members of the community. It explains how MILC may use such information and to whom such information may be disclosed, and how individuals can access and correct their Personal Information held by MILC, lodge a complaint in relation to alleged breaches of privacy or make any related enquiry.

**3 Application**

All members of MILC staff and contractors must comply with this policy in relation to any Personal Information they handle in the course of carrying out their duties on MILC’s behalf.

Personal Information may be collected from any individual with whom MILC may have contact (including current and prospective students, their Parents, job applicants, contractors, and other members of the community).

MILC may also collect, use and disclose health information in relation to the provision of health services to students while they are in the care of MILC.

**Exception in relation to employee records:** Although records of staff are exempt under the Privacy Act 1988 (Cth), as a matter of practice, MILC maintains the confidentiality of such records.

**4 Types of Information MILC collects and holds**

The type of information MILC collects and holds includes (but is not limited to) personal, health and sensitive information (collectively known as Personal Information).

* Personal Information – includes, but is not limited to: name, address, phone number, date of birth, next of kin details, financial information, photos, MILC reports and attendance records.
* Sensitive Information – includes, but is not limited to: religion, government identifiers, nationality, country of birth, relevant child protection law information, criminal records, language spoken at home, family court orders.
* Health Information – includes, but is not limited to: medical records, nutrition and dietary requirements, disabilities, doctor/hospital reports, illnesses, individual health care plans, immunisations, WorkCover information, learning details.

**5 Collection of Personal Information**

MILC will usually collect Personal Information directly from the individual, unless it is unreasonable or impracticable to do so, or consent has been provided, or it is required by law.

MILC collects and holds Personal Information about**:**

* Students and Parents before, during and after the course of a student’s enrolment at MILC;
* Job applicants, staff members and contractors; and
* Other people who come into contact with MILC.

**Personal Information you provide:** MILC will generally collect Personal Information by way of electronic or paper-based forms, face-to-face meetings, interviews, emails, telephone calls, through financial transactions and surveillance activities relating to the safety and security of persons on MILC premises such as the use of CCTV security cameras.

**Personal Information provided by other people:** In some circumstances, MILC 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 MILC.

MILC issues a Privacy Statement to all Parents at the commencement of group’s enrolment. Where information being collected is not specifically listed in the Privacy Statement, or where information is being used or disclosed in a manner not addressed in the Privacy Statement, a separate Privacy Statement is to be issued at the time the information is being collected, eg enrolments, job applications.

MILC may from time to time receive unsolicited Personal Information about an individual. Where MILC determines that it could not have collected such Personal Information lawfully, then MILC will promptly destroy or de-identify such information.

**6 Why Personal Information is Collected**

The primary reasons why MILC collects Personal Information include, but are not limited to:

* Providing education, pastoral care, extracurricular activities and health services;
* Providing educational excursions and camps;
* Satisfying MILC’s insurance and legal obligations, including duty of care, child protection obligations;
* Keeping Parents informed of MILC community matters through correspondence and newsletters;
* Employing and managing staff employment;
* Engaging and managing contractors.

In some cases where a request for Personal Information is not fulfilled, MILC may not be able to enrol, or continue the enrolment of a student, engage or employ a staff member or contractor.

**7 Use and disclosure of personal information**

MILC may disclose Personal Information to other schools, government departments, medical practitioners, people providing services to MILC (eg contractor teachers, Information Sharing Entities (see below), parents and guardians/carer, and other recipients from time to time.

MILC uses or discloses Personal Information about an individual in the following circumstances:

* for the primary purpose for which it was collected;
* with the individual's consent;
* for a secondary purpose which is related to the primary purpose of collection (or directly related in the case of sensitive information), and where the individual would reasonably expect or consent to;
* where required or authorised by or under law;
* where MILC reasonably believes that the use or disclosure is necessary to prevent serious threats to life, health or public safety and it is unreasonable or impracticable to obtain consent;
* where MILC has reason to suspect that unlawful activity or misconduct of a serious nature relating to its functions or activities has been engaged in and the use or disclosure is necessary in order for it to take appropriate action;
* where MILC believes the use or disclosure is necessary to assist with locating a person reported as missing;
* if the requesting entity is listed as an Information Sharing Entity under the Child Sharing Information Scheme and Family Violence Information Sharing Scheme.

**Disclosure to overseas recipients**

MILC may disclose Personal Information to recipients outside Australia in certain circumstances, where disclosure of the information is required for duty of care purposes to students’ parents.

MILC will take all reasonable steps to not disclose Personal Information to overseas recipients unless for reasons outlined in clause 8 above:

* consent is received from the individual (in some cases this consent will be implied); or,
* MILC is satisfied that the overseas recipient complies with the Australian Privacy Principles or other applicable privacy legislation such as General Data Protection Regulation (GDPR); or,
* MILC reasonably believes that the use or disclosure is necessary to lessen or prevent serious threat to life, health or public safety and it is unreasonable or impracticable to obtain consent; or,
* MILC is taking appropriate action against suspected unlawful activity or misconduct of a serious nature; or
* MILC is assisting with locating a person reported as missing.

**8 Sensitive and Health Information**

Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless agreed otherwise, or where the use or disclosure of that sensitive information is allowed by law.

MILC may use health information collected about an individual for the purpose of providing health services to that individual where required. MILC may disclose health information to a medical professional or to a health service provider where that professional or provider is engaged in providing health services to an individual. MILC will not use or disclose such information for a purpose other than the primary purpose of collection unless:

* the individual consents to the use or disclosure;
* the secondary purpose is directly related to the primary purpose and the individual would reasonably expect MILC to use or disclose the information for the secondary purpose;
* the use or disclosure is required, authorised or permitted, whether expressly or impliedly by or under law;
* if the requesting entity is listed as an Information Sharing Entity under the Child Sharing Information Scheme and Family Violence Information Sharing Scheme; or
* as otherwise authorised, permitted or required under the Health Records Act 2001 (Vic).

**9 Management and Security of Personal Information**

MILC holds Personal Information in both hard copy files and electronically. MILC has various methods to protect Personal Information including, but not limited to, lockable filing cabinets with restrictive access, access restrictions to computer systems (such as login and password protection), restricted access to office premises, staff training and implementation of workplace policies and procedures that cover access, storage and security of information.

Staff are required to take all reasonable steps to protect the Personal Information MILC holds about an individual from misuse, loss, unauthorised access, modification or disclosure.

Personal Information no longer required is required to be destroyed in a secure manner, deleted or de identified as appropriate.

**10 Use of Cloud Services**

MILC may choose to use third party cloud services to store some elements of personal information. MILC is committed to ensuring the cloud services comply with legislative obligations and address MILC’s robust privacy and security requirements.

**11 Access to and Correction of Personal Information**

MILC takes reasonable steps to ensure Personal Information collected, used and disclosed is accurate, complete and up to date.

MILC encourages Personal Information to be updated by the individual using the online systems available. Where not practicable, they may seek to up-date their Personal Information held by MILC by visiting in person or writing to:

* Student Records Office for student information;
* MILC management for staff information;
* MILC management for contractor information;

An individual has a right to obtain access to the Personal Information which MILC holds about them and to advise MILC of any perceived inaccuracy. Students will generally have access to their Personal Information through their Parents. If MILC cannot provide access to the requested information, a written notice explaining the reason for refusal will be provided. In accordance with Australian Privacy Principle 12, refusals may include where release of information would have an unreasonable impact on the privacy of others or where the release may pose a serious threat to the health or safety of any individual. MILC also reserves the right to pass on to the requester any reasonable costs incurred in providing the information.

**Relevant Policies**

MILC Child Safety Mandatory Reporting Policy

**14 Relevant Legislation**

Privacy Act 1988 (Cth), including the Australian Privacy Principles ("APPs");

Privacy and Data Protection Act (Vic) 2014;

Health Records Act 2001 (Vic).

Surveillance Devices Act 1999 (Vic)

Child Wellbeing and Safety Act 2005