

Privacy Impact Assessment

Voluntary Mental Health Check Tool

Prepared for the Department of Education

6 August 2024



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1 Executive Summary

Introduction

- 1.1 In 2023, the Australian Government allocated \$203.7 million to help young people in every school across Australia through the rollout of the Student Wellbeing Boost¹. As part of the Boost, \$10.8 million of the package, to be spent over two years, was dedicated to the development of a new Voluntary Mental Health Check Tool to help schools identify declining mental health in students and enable those schools to adjust their pastoral care programs to meet the needs of their students.
- 1.2 The Department of Education (the **Department**) has engaged Macquarie University to develop and implement a free, online, Voluntary Mental Health Check Tool which is to be made available to all Australian schools, including government schools in jurisdictions where state or territory Governments have opted to offer it to their schools. Macquarie University has developed the Voluntary Mental Health Check Tool which is called My Mind Check (**MMC**) and consists of:
 - (a) a public facing website from which individuals can learn about MMC, lodge enquiries and requests for further information or start the process to obtain MMC for their school;
 - (b) a staff portal in which staff of schools who have chosen to implement MMC, can create student profiles, set up sessions in which to conduct a point-in-time mental health and wellbeing check-in assessment with groups of students, view visual summaries of the assessments completed and link to further resources.
- 1.3 MMC for students will take the form of a self-paced online screening program that will provide a point-in-time snapshot of a student's mental health and wellbeing. In order to use MMC, the school must first obtain consent from a caregiver or the student (should they have the requisite capacity to consent).
- 1.4 MMC will be programmed to process the answers provided by students to create visualisations of the results and enable authorised staff within the school to identify which students are not coping, provide resources, and adjust or focus their pastoral care activities accordingly to ensure students are supported to achieve their best.
- 1.5 The other component of the Student Wellbeing Boost to complement MMC was additional, one-off funding for all schools to support student mental health and wellbeing.
- 1.6 The Department has commissioned this privacy impact assessment (**PIA**) to identify and assess privacy compliance risks in respect of implementation of MMC, and to ensure any issues identified can be removed or appropriately managed.

¹ Joint Media Release Date, *Half a billion-dollar investment into student wellbeing*, Ministers The Hon Jason Clare MP, Minister for Education and the Hon Emma McBride MP, Assistant Minister for Mental Health and Suicide Prevention Assistant Minister for Rural and Regional Health, 2 February 2023.

Summary of findings and recommendations

1.7 Our recommendations are discussed in this PIA and summarised as follows:

No.	Recommendation
Recommendation 1	<p>We recommend Macquarie University amend the terms and conditions for schools in the Software Licence to require schools to either:</p> <ul style="list-style-type: none"> • amend the Consent form templates provided by Macquarie University to include details about how the school will collect, use, and disclose student personal and health information obtained via the MMC tool to ensure the consent collected is fully informed; or • provide to students or parents/guardians, both the Consent form provided by Macquarie University as well as their own privacy collection notice in relation how the school will collect, use, and disclose student personal and health information obtained via the MMC tool.
Agency response:	<p>The Department (in consultation with Macquarie University) will consider how information that addresses how schools may use and disclose information obtained via the MMC tool is conveyed through the Consent forms and Software Licence and will consider what additional detail should be added to these documents to address this recommendation.</p>

No.	Recommendation
Recommendation 2	<p>To ensure a valid consent is collected from students or parents/guardians, we recommend the Consent forms are amended to:</p> <ul style="list-style-type: none"> • attach the Privacy Collection Notice to the end of the Consent form so that all information relevant to the consent is provided together; • include guidance for parents about involving children in the decision-making process by explaining to them what the MMC is, how it works, its purpose and the outcomes it will generate; • provide information about how long personal and health information collected through the MMC tool will be held for by all entities involved (i.e. Macquarie University and schools) and what will happen to the information after it is no longer required (i.e. whether it will be destroyed or de-identified); • expand the information about what the MMC is by providing more detail about how it works including how the outcomes are arrived at, what science/research the tool is based on, how accurate the outcomes will be and where students or parents/guardians may locate further, more detailed information about the MMC's functions or alternatively provide a link to where this information may be located on the MMC website;

	<ul style="list-style-type: none"> clarify exactly what information parents will and will not be provided and the circumstances in which information will be provided to them. It will be important to also clarify what happens in the case that students request that personal information not be disclosed to their parent/s/guardian/s; include an image or some images of what information is presented to schools and how, or a link to where this information may be located on the MMC website; remove the final dot point on the current draft Consent forms unless it is the intention of Macquarie University to obtain consent for their use of de-identified data; and if the Consent form is to include within its scope consent for schools' collection, use and disclosure of personal and health information collected via the MMC portal, the Consent form must enable students or parents/guardians to provide or withhold their consent to all activities separately and independently.
Agency response:	Having regard to this recommendation, the Department will work in consultation with Macquarie University to ensure that either further information is added to the Consent forms or that the Consent forms provide a link to the additional information.

No.	Recommendation
Recommendation 3	<p>Specifically in relation to the Consent form for students, we recommend Macquarie University review the form to ensure it only contains information that is relevant to those students who have capacity to consent and that it is fit for purpose. In determining fitness for purpose, we recommend Macquarie University:</p> <ul style="list-style-type: none"> consider the language used in the Student Consent form and how it is presented, taking into account the age of the readers and their ability or willingness to read large amounts of text in relation to complex matters; and consider the use of various communication methods to convey important information to students such as visual, audio, and graphical communication methods.
Agency response:	The Department will, in consultation with Macquarie University, consider the wording of the Consent forms and any amendments that can be facilitated to increase their fitness for purpose.

No.	Recommendation
Recommendation 4	In the event of any material changes to the information flows set out in Schedule 1 of this PIA, including due to a change of entity to manage and administer the MMC, we recommend Macquarie University (or the alternate entity) complete a privacy threshold assessment (PTA) and if required, further assessment of privacy and compliance risks (which could be in the form of a Supplementary PIA).
Agency response:	The Department supports the further assessment of privacy and compliance risks should material changes be made to the information flows currently set out in Schedule 1.

No.	Recommendation
Recommendation 5	Once the MMC solution goes live nationally, to ensure privacy compliance issues are managed in an ongoing and proactive way, we recommend Macquarie University periodically review the end-to-end MMC solution and information flows to ensure the new functions, capabilities and processes implemented are operating as intended and continue to comply with Macquarie University's obligations under applicable privacy laws.
Agency response:	The Department supports this, noting Recommendation 4, and that Macquarie University already periodically reviews relevant privacy risks in relation to this project and whether associated controls are, or will, appropriately manage those risks.

No.	Recommendation
Recommendation 6	If Macquarie University is engaged to host and maintain the MMC on an ongoing basis, we recommend it update the Macquarie University Privacy Management Plan to include information about the MMC including the fact that the University hosts and maintains it and collects, uses and discloses personal and health information for the purposes of providing the MMC services, the types of information it collects, where it is stored and how it is used for the purposes of providing the MMC services.
Agency response:	The Department notes this recommendation and will liaise with Macquarie University regarding its implementation should it become relevant.

No.	Recommendation
Recommendation 7	When receiving feedback on the MMC tool from staff and students or the general public, where Macquarie University do not require this feedback from identifiable individuals, we recommend it collect the feedback on an anonymous basis.
Agency response:	The Department supports this recommendation, noting that any feedback data received by the Department from Macquarie University will be de-identified. The Department will also share this recommendation with Macquarie University.

No.	Recommendation
Recommendation 8	<p>If the Department is to take on the role of administration and management of the MMC, we recommend the Department:</p> <ul style="list-style-type: none"> • not collect student mental health and wellbeing assessment responses and outcome information from Macquarie University; • obtain a fresh consent from all staff and students to authorise the Department's collection of their profile information from Macquarie University; and • ensure the consent that is collected from parents for students under the age of 16 years includes a requirement for the parent to provide the profile information for the student to ensure the collection is consistent with section 9 of the PPIP Act.
Agency response:	The Department agrees to consider this recommendation. If it decides at any point post expiry of the current contract to take on administration and management of the MMC platform, it will obtain further advice on how to undertake the migration of the platform in accordance with these considerations and any applicable legal obligations while also considering what data, if any, would be needed to ensure the continued availability of the MMC service for schools.

No.	Recommendation
Recommendation 9	<p>Should another service provider be engaged to administer and manage MMC in future, we recommend the Department:</p> <ul style="list-style-type: none"> • not proceed to collect personal and health information from Macquarie University at the cessation of the current contract for the purpose of passing it onto the new service provider; • obtain a further privacy compliance assessment and advice once it has determined who will be responsible for administering and managing the MMC at the expiry of the current contract and what transfers of personal information, if any, are required; and • ensure that any contract variation it implements in relation to what is to occur with personal and sensitive information collected by Macquarie University at the cessation of the contract (i.e. variation to clause 17.b.), is sufficiently flexible to enable various lawful options.
Agency response:	The Department will consider this recommendation. Should it decide to transfer the operation of the MMC to another service provider in future following the expiry of the current contract, it will obtain further compliance advice and assessment as required.

No.	Recommendation
Recommendation 10	<p>We recommend Macquarie University create two MMC Privacy Collection Notices, one for adults (i.e. staff, caregivers, and curious adults in the community), and one specifically for children whose information will be handled through the MMC.</p> <p>When developing a child appropriate Privacy Collection Notice, we recommend Macquarie University:</p> <ul style="list-style-type: none"> • use language that is appropriate for children and young people to ensure it is fit for purpose and should be presented in ways which take into account the age of the readers and their ability or willingness to read large amounts of text in relation to complex matters; • consider the use of various methods in presenting the language used in the Student Consent form and ensure it is fit for purpose, taking into account the age of the readers and their ability or willingness to read large amounts of text in relation to complex matters; and • consider the use of various methods to convey important information to students.

Agency response:

The Department will consider this recommendation, in consultation with Macquarie University, including how this information will be conveyed to students as part of the MMC implementation in schools. The MMC portal will provide guidance for school staff supporting them to communicate to students the purpose of the survey data collection in an age-appropriate way. When gaining access to the MMC survey, students will view an age-appropriate preamble that also presents this information.

No.	Recommendation
Recommendation 11	<p>We recommend that Macquarie University ensure the Privacy Collection Notices it publishes:</p> <ul style="list-style-type: none">• set out who its intended audience is, and the wording is amended accordingly;• contain all relevant information regarding the handling of personal information for the purposes of the MMC, including that:<ul style="list-style-type: none">○ participation in mental health assessments is voluntary;○ that no questions in the mental health assessment are mandatory and students may only answer the questions they want to;○ that students may stop participating in a mental health assessment at any time and may withdraw their consent at any time; and○ remove wording which suggests that the Privacy Collection Notice is binding in nature; and• identify subcontractors involved in providing MMC contracted services and the personal and/or health information they may have access to or will collect, use and/or disclose through their involvement in providing MMC contracted services.
Agency response:	<p>The Department, in consultation with Macquarie University, will consider amendments that can be made to the Privacy Collection Notice to provide greater clarity and detail, while balancing the length of the document to ensure it is easily read and understood. Macquarie University has indicated that it will undertake further consideration of the recommendation to name subcontractors as appropriate.</p>

No.	Recommendation
Recommendation 12	We recommend that Macquarie University obtain legal advice in relation to the legal aspects of binding children into a legal agreement (Terms of Use) in circumstances where they are unlikely to have the requisite capacity.
Agency response:	The Department will discuss this recommendation with Macquarie University.

No.	Recommendation
Recommendation 13	In the event Macquarie University deletes any health records of students (i.e. after receiving a withdrawal of consent form), we recommend it maintains a record of the name of the students whose mental health and wellbeing assessment records it deletes in accordance with section 25 of the HRIP Act.
Agency response:	The Department will provide this recommendation to Macquarie University, noting they have indicated they are aware of their contractual obligations to comply with the HRIP Act.

No.	Recommendation
Recommendation 14	<p>We recommend that the Department ensure that it has, in procuring the MMC tool, undertaken due diligence and reviewed sufficient evidence, including from research trials and in relation to the evidence-based frameworks on which it is built (if applicable) to ensure that the tool (and in particular the part of the tool which generates mental health outcome indicators):</p> <ul style="list-style-type: none"> • is tried, tested, and uses ethically approved methods to produce mental health outcome indicators; • will produce results for schools which are accurate and reliable; • is based on sound and tested research that has been peer reviewed and confirmed as accurate.
Agency response:	Part of the Department's decision to engage Macquarie University to develop and deliver the MMC tool was based on considerations that included these aspects of their prior research work and experience delivering evidence-based student wellbeing and mental health survey tools. Ethics approval has been obtained by Macquarie University for this project.

No.	Recommendation
Recommendation 15	We recommend that all Macquarie University staff and its subcontractors undertake specific privacy awareness training which includes training on obligations in relation to the handling of health information, prior to go live or as soon after as possible to ensure all individuals handling student health information have a solid understanding of their privacy obligations in relation to it.
Agency response:	Macquarie University has advised that all staff and subcontractors who have access to child health data have or will undertake privacy awareness training. Macquarie University has mandatory 'Data and Privacy' training for staff.

No.	Recommendation
Recommendation 16	<p>We recommend an MMC data retention and destruction plan is developed and implemented by Macquarie University (in cooperation with the department, where necessary) that ensures student health information as well as other personal information it collects for the purposes of delivering the MMC is only stored in identifiable form for as long it is required to provide the MMC contracted services and in accordance with any records management obligations under law.</p> <p>Once the information collected by Macquarie University is no longer required to provide the MMC services, it should be securely destroyed or de-identified, unless it is required to be maintained under law.</p>
Agency response:	The Department supports this recommendation in principle and will share it with Macquarie University to assist with their current consideration of these issues.

2 Applicable Privacy Laws

- 2.1 Macquarie University is a public research university based in Sydney. It is established under the *Macquarie University Act 1989* (NSW) by the NSW Government and is therefore a statutory body representing the Crown which is defined as a public sector agency for the purposes of the *Privacy and Personal Information Protection Act 1998* (NSW) (**PPIP Act**) and the *Health Records and Information Privacy Act 2002* (NSW) (**HRIP Act**).
- 2.2 As Macquarie University is a public sector agency for the purposes of both the PPIP Act and HRIP Act, it must comply with the information protection principles and health privacy principles contained in those Acts.
- 2.3 Under the Long Form Services Contract in Relation to the Provision of a Voluntary Mental Health Check Tool made between the Commonwealth of Australia represented by the Department of Education (ABN 12 862 898 150) and Macquarie University (ABN 90 952 801 237) on 13 June 2023, Macquarie University is also contractually obliged to comply with the *Privacy Act 1988* (Cth) (**Privacy Act**).

3 About this PIA

What is a PIA

- 3.1 While NSW privacy legislation does not define a PIA, section 33D of the Privacy Act defines it as a written, point in time assessment of an activity or function that:
 - (a) identifies the impact that the activity or function might have on the privacy of individuals; and
 - (b) sets out recommendations for managing, minimising, or eliminating that impact.
- 3.2 A PIA is a process that helps identify, assess, and mitigate the impact a program may have on the privacy of individuals. It helps organisations consider the different elements of the proposed program, how it may involve the handling of personal information, and any inherent privacy risks.
- 3.3 We are not aware of any obligation under the PPIP Act which requires public sector agencies to undertake a PIA.
- 3.4 Whilst the Office of the Australian Information Commissioner's (**OAIC**) power to direct Commonwealth agencies to undertake a PIA does not apply to New South Wales Government public sector agencies, we note Macquarie University is providing the services on behalf of the Department, and there are many potential benefits that can be gained by conducting a PIA. The OAIC encourages agencies and organisations more broadly to undertake PIAs for projects that involve handling of personal information.
- 3.5 The Department has commissioned this PIA to consider the end-to-end information flows for the MMC which is being developed and delivered by Macquarie University. The MMC will be rolled out nationally and will collect and handle both personal and health information about students from participating schools. The implementation of the MMC will involve Macquarie University collecting and handling new information in a new way and the information that will be collected and handled is health information that is defined as sensitive information under the Privacy Act. On that basis, we consider the implementation of the MMC to be a 'high privacy risk' project for which the undertaking of a PIA is entirely appropriate.

- 3.6 In preparing a PIA, we map out the information flows to identify privacy impacts and risks and then undertake an examination of how a project impacts on privacy, both negatively and positively, having regard to how personal information is handled in the particular context, analysing compliance with applicable privacy law.
- 3.7 We assess the project at each point in the personal information lifecycle (to the extent it comes within the scope of the project). When undertaking a privacy compliance assessment regard is had to compliance with privacy laws, as well as whether the proposal or project is likely to meet the expectations of the community. A project may strictly comply with applicable privacy laws however, if it does not meet the expectations of the community, this can potentially derail a project and as such, it is important for a PIA to consider the broader privacy implications and risks, from a community expectations perspective.
- 3.8 Generally, our assumptions on community expectations are based on the findings in the OAIC's *Australian Community Attitudes to Privacy Survey 2023*. We are instructed that Macquarie University has undertaken some consultation in relation to the MMC and as such, where possible we will also take this into consideration.
- 3.9 Matters discussed under the 'Privacy compliance analysis' heading (Part 7 of this PIA) provide the context and grounds for the recommendations.
- 3.10 This PIA has been prepared in accordance with the OAIC *Guide to undertaking privacy impact assessments* dated 2 September 2021 and the New South Wales Information and Privacy Commission's (IPC) *A guide to Privacy Impact Assessments, updated May 2020*.

Making recommendations

- 3.11 A PIA should identify privacy risks and recommend measures to remove or reduce those risks to an appropriate level.
- 3.12 However, recommendations should seek to achieve a balance between the benefits to be achieved by the Department in undertaking the activity, and the rights if the individual whose privacy is affected by the activities.
- 3.13 The recommendations made in this PIA, reflect the above principles.

Methodology

- 3.14 To prepare this PIA, we have:
- (a) mapped the information flows in consultation with the Department and Macquarie University (refer to Schedule 1);
 - (b) considered the material in Schedule 3;
 - (c) conducted a privacy compliance analysis for each of the information flows against the applicable privacy laws; and
 - (d) consulted the Department and Macquarie University in respect of the outcomes of our analysis and PIA recommendations to finalise the PIA.
- 3.15 We have not consulted with external agencies, stakeholders, or interest groups, other than the Department and Macquarie University, to prepare this PIA.

4 Scope of PIA

In scope

- 4.1 This PIA considers privacy compliance risks for Macquarie University and the Department in relation to the implementation of MMC, as assessed against:
- (a) the PPIP Act and the information protection principles (**IPPs**);
 - (b) the HRIP Act and the health privacy principles (**HPPs**); and
 - (c) the Privacy Act and the Australian Privacy Principles (**APPs**),
- and with reference to the information flows set out in Schedule 1 of this PIA.

Out of scope

- 4.2 This PIA does not assess:
- (a) compliance with applicable privacy laws for schools that elect to implement MMC;
 - (b) Macquarie University's separate use of de-identified student information for activities which are not part of the contracted services (as specified in Schedule 1 of the Contract) and includes, non-commercial research and development, education, and publication activities;
 - (c) collection, use and disclosure of personal and health information by subcontractors to Macquarie University for the provision of the MMC tool as we have not received instructions on these matters;
 - (d) the Terms of Use for the MMC as this is outside the scope of the PIA; and
 - (e) records management obligations of Macquarie University and the Department.

5 Background

Overview

- 5.1 Australian students have faced years of disruptions to schooling due to the COVID-19 pandemic and successive lockdowns, and the ever-increasing natural disasters resulting in fires and floods, all which have significantly impacted on the mental health and wellbeing of students².
- 5.2 In its interim report, the Productivity Commission's Review of the National School Reform Agreement emphasised the importance of student wellbeing as an important outcome of schooling as well as it being a vehicle to achieve improved learning outcomes³. As noted above, the Department received funding in the 2022-23 Budget to develop and implement a Voluntary Mental Health Check Tool (the MMC) to help schools identify and address declining mental health in students.

²https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/pubs/rp/BudgetReviewOctober20223/FundingSchoolsStudentWellbeing

³ Review of the National School Reform Agreement Study report, Commonwealth of Australia 2022, Part 5.

- 5.3 The Department has engaged the Macquarie University Faculty of Medicine, Health, and Human Sciences to develop and implement the MMC. Macquarie University has established a team to develop and deliver the solution, which they have been tasked to manage for approximately one year under its current contract with the Department. Following the initial period of implementation, the Department will review the MMC solution including the interest and take up of MMC by schools as well as community sentiment in relation to it and determine appropriate next steps for MMC.

The MMC solution

- 5.4 Macquarie University has engaged Centorrino Technologies Pty Ltd (**Centorrino**) to create, host and support the MMC solution s 47G(1)(a)
- 5.5 The platform which makes up the MMC is hosted on an instance of cloud database owned by Centorrino Technologies and hosted within data centres in Melbourne and Sydney.
- 5.6 The MMC solution comprises the following three components:

- (a) the MMC public facing website managed using a Wordpress Content Management System which will provide information about the MMC including:
 - (i) information about who the MMC is for, who manages it, and possible actions schools can take using the outcomes of the MMC as well as access to the Terms of Use for the MMC and Privacy Collection Notice,
 - (ii) information for caregivers about how the MMC works, what will be required of students who agree to use it and links to further resources;
 - (iii) information for students about using the MMC; and
 - (iv) frequently asked questions.

The website also contains the link to the Portal for staff and students and a link to an enquiry webform;

- (b) the MMC staff portal with a front-end user interface, s 47G(1)(a)

The portal will have separate logins for students and staff;

- (i) staff will have access to the staff section of the portal for their school which will enable authorised users to manage staff users, manage student users, manage student groups, setup sessions, view sessions and outcomes of check-ins and access further resources; and
 - (ii) students will have access to the check-in modules selected by their school and relevant to their age/year group via a session code authentication step; and
- (c) a school support team which will guide and facilitate school's access to MMC and provide MMC technical support to schools during school hours.

⁴ Voluntary Mental Health Check Tool: Final Design Plan, Version 1.0, 9.11.2023.

5.7 The MMC solution is standalone s 47G(1)(a)

5.8 MMC will be made available to all schools within Australia, including government schools where the relevant state or territory government has decided to offer the MMC to their schools, on a voluntary basis. Macquarie University will make information about the MMC available to schools both directly and via the MMC website and it will be up to a school (and their state or territory government in the case of government schools) whether they decide to implement the MMC.

MMC process flow

5.9 The process flow for implementing the MMC within a school is as follows:

- (a) in order to gain access to and use MMC, a school will be required to enter into a licence agreement with Macquarie University. It is at this point schools will select the modules they wish to implement via MMC for their school which will dictate the questions that are presented to the school's students;
 - (b) once the licence agreement has been completed, Macquarie University will:
 - (i) establish a school profile (**school database**) which is a dedicated, secure area within the MMC Portal s 47G(1)(a)
 - (ii) establish an MMC staff account for the school principal or their delegate as well as another school staff member with administrator access; and
 - (iii) send to the school necessary resources such as a template consent form for obtaining student/caregiver consent and a template privacy collection notice;
 - (c) once the school database is established the school principal or school administrator will log into MMC and create staff accounts for all other staff members in the school who will require access to it. When creating staff accounts, the principal or administrator will enter in the following details for each staff member given access:
 - (i) first and last name; and
 - (ii) work email address,and will assign a role to each staff member which will determine their level of access in the MMC portal. There are five types of roles which can be assigned to school staff and each role will have the following s 47G(1)(a)
- s 47G(1)(a)
- (d) the school will then communicate with their school community about the MMC and obtain and store (using their own systems) consent from caregivers or students (if they have capacity to consent);

(e) s 47G(1)(a)

will contain the following information about the students who have consented to use the MMC:

- (i) student ID;
- (ii) preferred name (this can be any name the school recognises the individual by);
- (iii) last name; and
- (iv) year level,

(f) s 47G(1)(a)

the student information is stored within the school's database within the MMC database. The processing that will be undertaken on the student data by the API will involve:

- (i) a data match against school data already received (if any) and stored in the school database, to determine if the details of the student have ever been received for the school in the past: and
 - (A) if so, to determine whether an update is required (i.e. because new information is received); or
 - (B) if no update is required, to return an error message for the particular student advising of a duplicate record; or
 - (ii) if the student does not currently exist in the database (i.e. because it is just being established), to add the student details to the database;
- (g) once the student dataset for the school has been established, student profiles will be accessible to authorised staff via the MMC staff portal. Authorised staff will be able to set up groups by selecting the students and adding them into a selected group and schedule point-in-time assessment sessions via the MMC staff portal;
- (h) just prior to a session commencing, a staff member with a MMC role of session supervisor or school administrator will create printable session codes for the group/s about to undertake the point-in-time assessment and hand them out to the student they are associated to;
- (i) students will navigate to the MMC website, and under the 'Portal access' drop down, select 'Student check-in'. The student will be navigated to a page where they will enter in their session code to gain access to the MMC tool. The session code will link the student's responses to the student;
- (j) once in the MMC tool, students will work through the questions presented by selecting the most appropriate answer to complete the MMC assessment. All answers are multiple choice only, there will be no free text responses. The questions will be presented in a number of modules and none of the questions will be mandatory. The modules and questions the student will be presented with will depend on the package selected by the school;

- (k) student responses are ingested by the MMC tool after each module is completed and the MMC tool will process the responses and automatically generate a visual summary of each child's outcomes as well as outcomes for each group and the school generally. The outcomes will be accessible to authorised staff members only;
- (l) student answers will be transferred and stored into the MMC database as they complete each module. The MMC database stores response data in two separate tables within the MMC database as follows:
 - (i) **identified outcomes data** (The outcome indicators for each MMC module completed and overall, for example, struggling, vulnerable, coping or not enough information, but not the specific answer to each question) for each individual student along with the following information:

School data

- (A) school name;
- (B) year levels that the school covers;
- (C) state / territory in which the school is based;
- (D) postcode of the school;
- (E) Department identifier for that school;
- (F) which "screening package" the school has signed up to operate;
- (G) the sector within which the school operates (i.e. Catholic, Independent or Public);

School Staffpoint

- (H) first and last name;
- (I) work email address;
- (J) role within the tool;

School Student

- (K) student identifier (mandatory and unique for that school);
- (L) preferred name / last name;
- (M) year level;

Student Assessment

- (N) Assessment date;
- (O) Student First Name / Last Name;
- (P) Overall Mental Health indicator (struggling / vulnerable / coping);
- (Q) Domain specific indicator (struggling / vulnerable / coping);
- (R) Protective Factors specific ratings (indicated / not indicated); and

(ii) **de-identified raw data**⁵ (responses to each question without identifying information)

- (A) school ID (MMC tool internal ID);
- (B) session date;
- (C) domain;
- (D) question; and
- (E) student answer.

- 5.10 Beyond the completion of the check-in, students will have no access to MMC. Schools may share student check-in outcomes with students and/or caregivers (as relevant) based on student outcomes and other information available to schools about students using their normal communication systems, policies, and processes to guide this process. Staff members who are authorised to access the outcomes data via the staff portal will only be able to view the outcomes as the MMC has no print or extraction functions. Schools will not have access to individual responses or raw data provided by students via MMC.
- 5.11 Staff with the requisite access will only be able to see the outcome indicators (struggling, vulnerable, coping or not enough information) for individual students against each module completed and for overall mental health and wellbeing.
- 5.12 In the event a student withdraws their consent to participate in MMC assessments, the school will provide the student with the 'Withdrawal of Consent Form – Student'. When a completed 'Withdrawal of Consent' form is submitted to the school, the school will be responsible for 'deleting' the student profile from the MMC portal (pending consideration of whether the deletion of data is lawful).
- 5.13 s 47G(1)(a)
- 5.14 Deletion of data will be immediately reflected across both data centres which store MMC data and in Macquarie University activity logs.
- 5.15 At the expiry of the contract for services between Macquarie University and the Department, Macquarie University is required to provide all data collected via the MMC, including personal and health information, to the Department, or another provider, as required by the Department.

Session codes

5.16 s 47G(1)(a)

Session codes are automatically generated by the MMC tool for each student in the group s 47G(1)(a)

- 5.17 The codes are only valid for the period that the session is active and will not work once the session has been closed and cannot be re-used. s 47G(1)(a)

⁵ De-identified raw data is data that does not include either the student identifier or the session code for a student. There are no attributes stored that could be used to link the answers back to the student identifier. Macquarie University will not have the ability to link answers from different sessions for a given student (as Macquarie University would need a student identifier to do this).

- 5.18 This means that the student code is only valid for that student, during that session if the session is active and the check in is being conducted between 8am and 5pm on a weekday.

Mental health and wellbeing point in time assessments

- 5.19 Macquarie University provides schools with instructions for facilitating mental health and wellbeing point-in-time assessments. Macquarie University also provides guidance on how often to conduct these assessments and as a general rule of thumb, recommends schools undertake assessments twice per year, and at a maximum, no more than once a month.
- 5.20 Schools will be able to choose from four types of question packages to implement in their MMC solution and the package chosen will dictate the questions that will be presented to students. There is a core package, and two other optional packages schools may select from so there are four packages available to choose from as follows:
- (a) the core package of questions;
 - (b) the core package plus pack 1;
 - (c) the core package plus pack 2; and
 - (d) the core package by packs 1 and 2.
- 5.21 The questions in the modules will differ by student age group with students in foundational classes up to year three being presented with visual presentations. These students will be presented with two images and will select the image that best reflects them in response to the question.
- 5.22 Students from years four and five, and years six to 12 are asked a series of questions with a range of possible answers for them to select from.
- 5.23 At the start of the assessment all students will be asked to respond to demographics questions which ask:
- (a) how old are you?
 - (b) how do you describe your gender? (male, female, another gender, unsure or I do not want to answer); and
 - (c) most of the time I live with? (two parents, one parent, other family members, foster carers, other or I do not want to answer).
- 5.24 The student will then enter into the core package of questions which include the following modules:

Years 4-12

- (a) anxiety;
- (b) attention / activity;
- (c) family connections;
- (d) school belonging;
- (e) peer acceptance; and
- (f) mood; (*years 6-12 only*)

Years foundational to 3

- (g) internalising;
- (h) externalising; and
- (i) protective.

5.25 Modules for the optional domains include:

Years 4-12

- (a) peer victimisations;
- (b) body image / eating difficulties (*years 6-12 only*);
- (c) sleep (*years 6-12 only*);
- (d) cultural connections (*years 6-12 only*);
- (e) life satisfaction; and
- (f) life engagement (*years 6-12 only*).

5.26 At the end of the modules, all students will have a feedback module where they will be asked questions about the MMC such as:

- (a) whether they think it is okay for the school to ask about student wellbeing;
- (b) whether they felt upset by answering any of the questions;
- (c) whether they would do the assessment again; and
- (d) if they think it is helpful.

Macquarie University use of de-identified data

- 5.27 Macquarie University will extract de-identified raw data from the MMC database for quality assurance and service improvement purposes, as well as to fulfil its contractual reporting requirements to the Commonwealth.
- 5.28 Macquarie University has a revocable licence from the Commonwealth to store and use this de-identified raw data for non-commercial research and development, education, and publication purposes that relate to developing and operating the MMC solution and understanding and measuring youth mental health and wellbeing in a way that does not allow comparison of mental health and wellbeing data across jurisdictions or education sectors.
- 5.29 Macquarie University will use de-identified data to publish information routinely collected as part of operating the MMC tool. This may include how it developed the initiative (e.g. the consultation involved), the testing and refinement that was conducted, and ongoing refinement/improvements especially with respect to the screening items. Macquarie University may also publish changes in mental health and wellbeing trends over time (if meaningful data emerges) but would ensure that any outcome information provided does not identify or enable comparisons across jurisdictions or education sectors.

Reporting to the Department

- 5.30 Macquarie University is required to provide reports to the Commonwealth that include statistical data about the uptake and usability of MMC at national aggregate levels. These reports will not identify individual schools or students.

Further resources

- 5.31 After schools receive the point in time assessment results for their students, they will be presented with a range of resources and links to assist with communicating outcomes to students and caregivers such as:
- (a) the Mental Health and Wellbeing Starter Guide – this is a document/resource to support how school staff share outcomes with students/caregivers. It gives context and training to school staff, so they share outcomes appropriately. It is a training resource for school staff to ensure they are communicating outcomes appropriately. This resource does not integrate with the portal nor contain any personal information, but it is a generic document that can be downloaded and used by school staff;
 - (b) Student Action Plan – this is a downloadable document that schools can complete with the student/caregiver to assist the student with “next steps” and draw on supports. It will not integrate with the portal and if the school chooses to use the document they will download it to their own devices, edit/add text to it and save it locally (i.e. it is not possible to upload this back to the MMC portal);
 - (c) a link to the MMC website’s curated list of resources including fact sheets, programs, service finders that students/caregivers can view/connect with if they would like to find out more or access support on a topic area measured by the MMC tool. No data will be recorded about accessing these resources, and accessing services is independent of MMC (and in most cases, the student’s school). These resources are linked in the follow-up modal within the staff portal so schools can easily access domain-specific information that is always publicly available on the MMC website;
 - (d) a link to a template record of communication/observation document that includes suggested text that schools may want to use to ensure they are documenting their actions. Use of the text/template is optional for schools and completed templates will not be stored or saved in the MMC portal. The template document is available for schools to download and then copy/paste/save the document for example, within their regular student management systems; and
 - (e) a link to conduct student observations using the BeYou BETLS Observation Tool. This is a link to a suggested additional resource that schools may want to consider if they would like to conduct further observation (i.e. teacher report) of student wellbeing. This is a separate tool, independent of the MMC tool. The link is included as a resource to support schools in considering the most appropriate next steps to support students following a check in. MQ will not have access to anything recorded by a school who chooses to implement a BETLS.

6 Nature of information involved

Personal information involved in the project

- 6.1 MMC will involve the collection and handling of the following personal information about individuals who lodge an enquiry or provide feedback on the website:
- (a) **direct identifiers and contact details** such as name and email address;
 - (b) **location**, state;
 - (c) **school details** such as school name and type; and
 - (d) **enquiry details** if the enquirer chooses to use the optional free text field to include a question or comment.
- 6.2 MMC will involve the collection and handling of name and contact details for individuals who choose to subscribe to MMC newsletters and updates from Macquarie University.
- 6.3 MMC will involve the collection and handling of the following personal information about school staff if the school registers to use the MMC:
- (a) **direct identifiers** – first and last name;
 - (b) **contact information** – work email address; and
 - (c) **MMC profile** – role assigned in the MMC.
- 6.4 MMC will involve the collection and handling of the following personal information about school students:
- (a) **direct identifiers** – preferred name and last name; and
 - (b) **school information** – student ID and year level.

Sensitive information involved in the project

- 6.5 Section 6 of the HRIP Act defines health information as including *personal information that is information or an opinion about the ... mental health (at any time) of an individual*.
- 6.6 Health information is defined under section 6FA of the Privacy Act as including *information or an opinion about the health (at any time) of an individual*.
- 6.7 The project will involve the collection and handling of information about the mental health and wellbeing of students and therefore will involve the handling of health information when:
- (a) school students respond to the questions in the MMC modules; and
 - (b) the MMC tool generates an outcome indicator for the student based on their responses to MMC questions.
- 6.8 Personal and sensitive information will be sourced from:
- (a) individuals when they:
 - (i) lodge an enquiry or provide feedback via the website or an email;
 - (ii) complete a consent form; and
 - (iii) log in and complete a point-in-time mental health and wellbeing assessment by responding to the MMC questions; and

- (b) third parties when:
 - (i) the school principal or school administrator create staff profiles within the MMC staff portal for their school; and
 - (ii) a parent or guardian completes a consent form to enable their child/ren to undertake mental health and wellbeing assessments using the MMC.

7 Privacy compliance analysis

Consent based participation

- 7.1 Student participation in mental health and wellbeing assessments will be voluntary and based on either the student or the students' parent or guardian providing their consent and their details to participate. In accordance with the terms and conditions in the MMC Software Licence entered into between Macquarie University and schools who choose to implement the MMC, the school will be responsible for collecting and managing consent for its participating students.
- 7.2 The scope of the consent is intended to include the collection, use and disclosure of student personal and health information by Macquarie University as well as by the school.
- 7.3 After entering into a licence agreement, Macquarie University provides to participating schools, template consent forms which the school will be required to customise and use when collecting consent or withdrawal of consent, from students (or their parent or guardian).
- 7.4 For consent to be valid⁶:
 - (a) the individual must be adequately informed before giving consent;
 - (b) the individual must give their consent voluntarily;
 - (c) the consent must be current and specific; and
 - (d) the individual must have the capacity to understand and communicate their consent.

Template consent forms

- 7.5 The template Information and Consent form (**Consent form**) includes instruction notes at the top of the form reminding schools of their obligation to collect student consent prior to creating a student MMC profile.
- 7.6 There are two consent forms provided to schools, one for parents/guardians and one for students. A template 'Withdrawal of Consent' form is also provided to schools.

Informed Consent

- 7.7 In relation to the consent being informed, we note the following in relation to the Consent form for parents/guardians:
 - (a) the notes section of the form states that it is provided to assist schools however, in order to ensure that schools are collecting consent which covers both Macquarie University's handling of personal and health information as well as their own, it should be made clear to schools that they are required to use the form;

⁶ APP Guidelines paragraph B.38.

- (b) the Consent form states that it is to be read in connection with the Privacy Collection Notice which provides information about how personal and health information will be collected and handled by Macquarie University. Whilst it does note that mental health assessment outcomes will be made accessible to schools and schools may disclose that information to parents and guardians, there is very little information provided about how schools will handle the assessment outcomes;
- (c) the Consent form states that the consent received will be valid only up until 30 June 2025 however there is no indication about what will occur after that period including whether student will be able to continue to use the MMC or whether the school will continue to have access to it and the student's outcomes;
- (d) under the 'What is the MMC' section and in relation to the MMC tool, this section provides parents with very limited information about the tool itself. Dealing with child mental health is not an insignificant issue and as such, it should be expected that parents will be quite invested and will want details about the tool itself in order to make an informed decision about whether they want to provide their consent for their child to participate. The Consent form informs parents that the MMC tool is based on research but not whether that research has been tested or peer reviewed, whether the accuracy of the tool's outcomes has been tested or whether the research is AI based and if so, whether the AI system was trained on ethically obtained data. Alternatively, if the MMC tool is built on evidence-based frameworks, the Consent form does not advise whether those evidence-based frameworks are tried and tested, what sample sets the algorithm being used was trained on (if applicable) and whether that sample set is appropriate/fit for purpose for the Australian school system;
- (e) under the 'What happens after a check-in' section, it states that "*student check-in responses are compared against a large sample of Australian school students to check if they may be experiencing or are at risk of mental health difficulties*" however it is not clear how mental health difficulties can be ascertained by comparing answers of school children and why this is necessary. As such, we consider this will leave parents with more questions than answers. Further, in terms of a visual summary, we consider it may be helpful to include an image of what the results will look like and how responses are being interpreted or a link to such images if they are available elsewhere on the website;
- (f) further, in the same section, it advises parents that they will be notified if the check-in suggests their child may be having difficulties within an area of mental health. This statement raises certain expectations in parents so will need to be clear about the circumstances when parents will and will not be consulted and what information they may or may not be entitled to receive about their child. For example, will parents be consulted if it is revealed that they are the source of the mental health difficulties the student is experiencing or if a student specifically requests that they not be informed. These are all very important issues that should be considered so that clear and informative details can be provided to parents to inform their consent and set their expectations;
- (g) in relation to the actual consent section of the form on the last page, the last point has been recently added and is in draft form however, as currently drafted, it is confusing and suggests that the de-identified information will also constitute personal and health information. We are instructed that Macquarie University will only use de-identified

information for the purposes listed. Personal information that has been properly de-identified means that it no longer comes within the definition of 'personal information' for the purposes of the PPIP Act, HRIP Act and Privacy Act.

- (h) we are also instructed that Macquarie University is not intending to seek consent for its uses of de-identified information and as such, it is not clear why the last dot point has been added to both the summary of main points above the consent as well as to the list of matters the parent will consent to; and
- (i) we note that there is no information either in the Consent form or the Privacy Collection Notice about how long student data is to be retained for, how schools will collect and handle student personal and health information and what will occur with participant data after 30 June 2025.

7.8 In relation to the Consent form for Students, we note it contains the same information so the above points will apply however, we also note the following:

- (a) the students who will be reading this form are students who are considered to have the capacity to consent and as such, we note that some information provided for those students is not relevant to them, for example, the information about what children in year three and below will be shown; and
- (b) the language used in the Student Consent form as well as the Privacy Collection Notice is quite sophisticated and has not been amended in any way to ensure it is targeted and appropriate for their age level. Privacy and other notices can be difficult to comprehend for anyone let alone students who may not be all that used to reading them. Notices that are difficult for young people to understand, can hinder their comprehension of data processes and result in a lack of informed consent.

Voluntary consent

7.9 For consent to be voluntary individuals must have a genuine opportunity to provide or withhold their consent⁷. In relation to the Consent form, we note that the form clearly advises parents that participation is voluntary and can be withdrawn at any time.

7.10 Bundling together multiple requests for an individual's consent to a wide range of collections, uses and disclosures of personal information, without giving the individual the opportunity to choose which collections, uses and disclosures they agree to and which they do not will undermine the voluntary nature of the consent. This should be borne in mind when setting out exactly what a parent/guardian or student is consenting to by submitting the form. This will be relevant if school collection and handling of personal and health information is included on the Consent form and the school has multiple ways in which they intend to use and disclose student mental health outcomes.

Current and specific

7.11 Consent will generally be current and specific if it is collected at the time (or just before) the information is collected and is no broader than is necessary for performing the MMC services⁸. The level of specificity required will depend on the circumstances, including the sensitivity of the personal information.

⁷ APP Guidelines, paragraph B.46.

⁸ APP Guidelines, paragraph B.53.

- 7.12 We are instructed that schools will be required to collect consent from students (or parents/guardians) prior to collecting student information and creating their profile in the MMC portal. The Consent form advises students and parent/guardians that the consent is valid for the initial period only which is up to 30 June 2025.
- 7.13 We note that the consent relates to Macquarie University hosting and managing the MMC on behalf of the Commonwealth and as such, the consent is relevant to those circumstances only after which, a further consent will be required to be obtained for the collection, use and/or disclosure of personal and health information for the purposes of the MMC tool.

Capacity to consent

- 7.14 In relation to capacity to consent, the information collected by Macquarie University will be predominantly in relation to individuals under the age of 18 years. Neither the PPIP Act nor the HRIP Act specify an age after which individuals can make their own privacy decisions. NSW privacy guidance on consent states that an individual will have the capacity to consent if they are able to understand the general nature and effect of a particular proposed use or disclosure of their personal information and can communicate their consent⁹.
- 7.15 Section 7 of the HRIP Act provides that a person will be considered to have capacity if they are able to understand the general nature and effect of the act and can communicate their intentions with respect to the act. If the individual is not capable of doing these things, an authorised representative of an individual may do it on their behalf.
- 7.16 OAIC guidance provides that individuals under the age of 18 years will have sufficient consent if they have sufficient understanding and maturity to understand what is being proposed however¹⁰,

If it is not practicable or reasonable for an APP entity to assess the capacity of individuals under the age of 18 on a case-by-case basis, the entity may presume that an individual aged 15 or over has capacity to consent, unless there is something to suggest otherwise.

- 7.17 OAIC guidance also suggests that an individual who lacks the capacity to consent should nevertheless be involved, as far as practicable, in any decision-making process¹¹.
- 7.18 As the responsibility for obtaining and managing consent for the purposes of using the MMC sits with the school, we are instructed that it will be the responsibility of the school to also assess capacity to consent from all individuals it collects consent from.
- 7.19 In this regard, we note that the Software Licence requires schools to collect consent in accordance with the Privacy Act and also that the Consent form outlines the school's responsibility in this regard in the 'Notes to school section' of the Consent form. We consider it would also assist with the collection of valid consent, to include some guidance for parents in the Consent form about involving children in the decision-making process by explaining to them what the MMC is, how it works, its purpose and the outcomes it will generate, prior to providing consent.

⁹ <https://www.ipc.nsw.gov.au/checklist-consent>.

¹⁰ <https://www.oaic.gov.au/privacy/australian-privacy-principles/australian-privacy-principles-guidelines/chapter-b-key-concepts#consent>.

¹¹ APP Guidelines, paragraph B.58.

- 7.20 Based on our comments above, we recommend Macquarie University amend the Consent forms as set out in the recommendation below to ensure the consent the schools collect is valid (**Recommendations 1, 2 and 3**).



Recommendation 1

We recommend Macquarie University amend the terms and conditions for schools in the Software Licence to require schools to either:

- amend the Consent form templates provided by Macquarie University to include details about how the school will collect, use, and disclose student personal and health information obtained via the MMC tool to ensure the consent collected is fully informed; or
- provide to students or parents/guardians, both the Consent form provided by Macquarie University as well as their own privacy collection notice in relation how the school will collect, use, and disclose student personal and health information obtained via the MMC tool.



Recommendation 2

To ensure a valid consent is collected from students or parents/guardians, we recommend the Consent forms are amended to:

- attach the Privacy Collection Notice to the end of the Consent form so that all information relevant to the consent is provided together;
- include guidance for parents about involving children in the decision-making process by explaining to them what the MMC is, how it works, its purpose and the outcomes it will generate;
- provide information about how long personal and health information collected through the MMC tool will be held for by all entities involved (i.e. Macquarie University and schools) and what will happen to the information after it is no longer required (i.e. whether it will be destroyed or de-identified);
- expand the information about what the MMC is by providing more detail about how it works including how the outcomes are arrived at, what science/research the tool is based on, how accurate the outcomes will be and where students or parents/guardians may locate further, more detailed information about MMCs functions or alternatively provide a link to where this information may be located on the MMC website;
- clarify exactly what information parents will and will not be provided and the circumstances in which information will be provided to them. It will be important to also clarify what happens in the case that students request that personal information not be disclosed to their parent/s/guardian/s;
- include an image or some images of what information is presented to schools and how or a link to where this information may be located on the MMC website;
- remove the final dot point on the current draft Consent forms unless it is the intention of Macquarie University to obtain consent for their use of de-identified data; and

- if the Consent form is to include within its scope, consent for schools' collection, use and disclosure of personal and health information collected via the MMC portal, the Consent form must enable students or parents/guardians to provide or withhold their consent to all activities separately and independently.



Recommendation 3

Specifically in relation to the Consent form for students, we recommend Macquarie University review the form to ensure it only contains information that is relevant to those students who have capacity to consent and that it is fit for purpose. In determining fitness for purpose, we recommend Macquarie University:

- consider the language used in the Student Consent form and how it is presented, taking into account the age of the readers and their ability or willingness to read large amounts of text in relation to complex matters; and
- consider the use of various communication methods to convey important information to students such as visual, audio, and graphical communication methods.

Open and transparent management of personal information

PPIP Act

- 7.21 Section 33 of the PPIP Act requires public sector agencies to prepare and implement a privacy management plan which includes provisions relating to:
- (a) the devising of policies and practices to ensure compliance by the agency with the requirements of the PPIP Act and the HRIP Act;
 - (b) the dissemination of those policies and practices to persons within the agency;
 - (c) the procedures that the agency proposes to provide in relation to internal review under Part 5;
 - (d) the procedures and practices used by the agency to ensure compliance with the obligations and responsibilities set out in Part 6A for the mandatory notification of data breach scheme; and
 - (e) such other matters as are considered relevant by the agency in relation to privacy and the protection of personal information held by the agency.

Privacy Act

- 7.22 APP 1 requires APP entities to manage personal information in an open and transparent way by:
- (a) taking reasonable steps to implement practices, procedures, and systems that (APP 1.2):
 - (i) will ensure that the entity complies with the APPs and a registered APP code (if any) that binds the entity; and
 - (ii) will enable the entity to deal with inquiries or complaints from individuals about the entity's compliance with the APPs or such a code;

- (b) have a clearly expressed and up-to-date policy (the APP privacy policy) about the management of personal information by the entity (APPs 1.3 and 1.4); and
- (c) take reasonable steps to make its privacy policy available free of charge (APPs 1.5 and 1.6).

Practices, procedures, and systems to ensure APP, IPP and HPP compliance

Privacy Management Plan

7.23 Macquarie University has in place a Privacy Management Plan which is published on its website. The Privacy Management Plan was developed in accordance with section 33 of the PPIP Act and explains the practices and procedures the University has put in place to ensure its handling of personal information and its handling of health information is consistent with its obligations under the IPPs and HPPs. In relation to research activities the Privacy Management Plan states that:

- (a) human-based research projects require prior approval by the University's Human Ethics Research Committee (HREC), and as part of this process, consent is normally obtained in respect of the collection, use and disclosure of personal or health information for research purposes;
- (b) that the University has put in place policies and procedures to ensure that relevant governance structures are in place for securing the personal and health information the University collects, including:
 - (i) University Privacy Policy;
 - (ii) Information Security Policy;
 - (iii) Information Security Procedure;
 - (iv) Data Classification Procedure and Standards;
 - (v) Records and Information Management Policy;
 - (vi) Records and Information Access and Security Procedure;
 - (vii) Records and Information Retention and Disposal Procedure;
 - (viii) Right to Information at Macquarie;
 - (ix) CCTV Policy; and
 - (x) Workplace Surveillance Policy; and
- (c) the Information classification labelling and handling practices that must be applied to all data that is stored, processed, or transmitted on University IT resources with minimum standards that should be applied to Confidential, Controlled and Published data categories to ensure it receives the appropriate level of protection and comply with the relevant laws and regulations.

Ongoing Privacy Review

7.24 We are instructed that the MMC has been released for staff in government education departments or peak body representatives however, we have not been instructed of any outcomes for the trial or whether any issues have been identified with the functioning of the MMC solution.

- 7.25 We are also instructed that Macquarie University is, at this stage, only to host and manage the MMC website and portal until 30 June 2025 after which it is unclear what will occur with the data and the MMC tool.
- 7.26 Should any material changes to the information flows set out in Schedule 1 result from:
- (a) the trial of the MMC; or
 - (b) the expiry of the contract with Macquarie University and prior to any other entity hosting or managing the MMC tool,
- we recommend Macquarie University complete a privacy threshold assessment (**PTA**) and if required, further assessment of privacy and compliance risks (which could be in the form of a Supplementary PIA) (**Recommendation 4**).
- 7.27 Once the MMC solution goes live nationally, to ensure privacy compliance issues are managed in an ongoing and proactive way, we recommend Macquarie University periodically review the end-to-end MMC solution and information flows to ensure the new functions, capabilities and processes implemented are operating as intended and continue to comply with Macquarie University's obligations under applicable privacy laws (**Recommendation 5**).
- Agreement between the Department and Macquarie University
- 7.28 An agency cannot contract out of or devolve its APP obligations by handing over certain services to a contracted service provider. Further, in accordance with section 95B of the Privacy Act, the Department is required to take contractual measures to ensure its contracted service providers, and any subcontractors, comply with the APPs as if they were the Department.
- 7.29 For the purposes of this PIA, we have reviewed:
- (a) the Long Form Services Contract in Relation to the Provisions of a Voluntary Mental Health Check Tool between the Commonwealth of Australia as represented by the Department of Education and Macquarie University, executed on 13 June 2023 (**the Contract**);
 - (b) the Deed of Variation in Relation to the Provision of a Voluntary Mental Health Check Tool between the Commonwealth of Australia as represented by the Department of Education and Macquarie University, executed on 15 March 2024 (**Variation 1**); and
 - (c) draft Proposed Changes under Schedule 1 of the Contract, received by us on 28 May 2024 (**Variation 2**).
- 7.30 Privacy obligations are contained in clause 21 of the Contract and oblige Macquarie University to:
- (a) only use or disclose personal information obtained for the purposes of providing the contracted services, for that purpose;
 - (b) safeguard personal information against loss, unauthorised access, use, modification, or disclosure;
 - (c) not to do an act or engage in a practice that would breach an APP if done or engaged in by an agency;
 - (d) carry out and discharge the obligations contained in the APPs as if it were an agency under the Privacy Act;

- (e) immediately notify the Department if it becomes aware of:
 - (i) a breach or possible breach of clause 21 of the Contract;
 - (ii) an eligible data breach in relation to personal information received, created, or held for the purposes of the Contract;
 - (iii) a disclosure that is required by law; or
 - (iv) an approach from the Australian Information Commissioner or an individual claiming their privacy has been interfered with;
 - (f) comply with any guidelines, directions, rules, or determinations of the Australian Information Commissioner;
 - (g) ensure that any of Macquarie University's personnel required to deal with personal information for the purposes of performing the contracted services are made aware of and undertake in writing to observe, the APPs and the University's obligations under clause 21 of the Contract; and
 - (h) ensure any subcontract entered into for the purposes of the Contract contains provisions to ensure that the subcontractor has the same awareness and obligations as Macquarie University under clause 21.
- 7.31 Clause 10 of the Contract relates to Security and obliges Macquarie University to comply with the security requirements in the Protective Security Policy Framework (to the extent applicable to the contracted services).
- 7.32 Clause 22.5 in the Contract relates to audit and access rights and obliges Macquarie University to:
- (a) provide the Department with access to its or its subcontractor's premises, personnel, computer systems, documents, and other records, for any purposes associated with the Contract or any review of the University's performance under the Contract; and
 - (b) permit the Department to inspect and take copies of any records or other material.
- 7.33 Item 17 of Schedule 1 of the Contract relates to Privacy Requirements, Directions, Guidelines, Determinations and Recommendations and currently obliges Macquarie University to, if requested by the Department, at the end of the Contract, return all Contract Material containing personal information to the Project Officer, or de-identify or destroy that Material in the presence of a person authorised by the Project Officer or as otherwise instructed by the Project Officer (item 17(b)).
- 7.34 ^{s 47C}
- 7.35 Item 21 of Schedule 1 of the Contract obliges Macquarie University to comply with all relevant legislation and policies that may apply to the delivery of the contracted services, including the Privacy Act.
- 7.36 The privacy and data security clauses in the Contract are robust and ensure compliance with the Department's obligations under section 95B of the Privacy Act. In relation to the management of data at the expiry of the contract, we refer to [Recommendation 15](#), below.

Agreement between Macquarie University and its subcontractors

- 7.37 We have not had the benefit of reviewing any subcontracts Macquarie University has entered into for the purposes of providing the contracted services however, we are instructed by Macquarie University that all contracts they have entered into with subcontractors have passed on Macquarie University's obligations under clause 21 of the Contract with the Department, to each of its subcontractors.

Privacy Policy

- 7.38 Under APP 1, a clearly expressed and up-to-date policy privacy policy is required to contain all of the matters set out under APP 1.4 which are:
- (a) the kinds of personal information that the entity collects and holds;
 - (b) how the entity collects and holds personal information;
 - (c) the purposes for which the entity collects, holds, uses, and discloses personal information;
 - (d) how an individual may access personal information about the individual that is held by the entity and seek the correction of such information;
 - (e) how an individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds the entity, and how the entity will deal with such a complaint;
 - (f) whether the entity is likely to disclose personal information to overseas recipients; and
 - (g) if the entity is likely to disclose personal information to overseas recipients—the countries in which such recipients are likely to be located if it is practicable to specify those countries in the policy.
- 7.39 Macquarie University has a privacy policy published on its website, which explains how it handles personal information. Relevant to the collection, use and disclosure of personal information for the purposes of the MMC, Macquarie University's privacy policy sets out the following:
- (a) that the University aligns its practices and activities with the IPPs, and HPPs as outlined in the University's Privacy Management Plan and provides a link to the Privacy Management Plan;
 - (b) whilst the University is not bound to comply with the Privacy Act, it strives to apply the APPs to its own practices to achieve consistency in protecting the privacy of individuals across University entities;
 - (c) that the University may collect and use personal and health Information only for lawful purposes that are directly related to a function or activity of the University, and where the information is reasonably necessary for that purpose; for a directly related purpose that the individual would expect; or for a purpose for which the individual has given consent, unless an exemption applies;
 - (d) the purposes under which the University will disclose personal and health information which include where disclosure is authorised under section 18 of the PPIP Act and/or section 11 of the HRIP Act;

- (e) that the University will only retain personal information for as long as necessary for the purpose for which it may lawfully be used, subject to the requirements of any other law;
- (f) where individuals may find instructions on how to seek access to or correction of their personal information held by the University and how individuals may make a complaint if they feel their privacy has been interfered with by the University.

Privacy Management Plan

- 7.40 Macquarie University's Privacy Management Plan is also published on its website and generally available to the public. The Privacy Management Plan states that it is prepared in accordance with section 33 of the PPIP Act. The Privacy Management Plan sets out the following information:
- (a) the purposes for which Macquarie University collects and holds personal information including for research and for business dealings that support the functions of the University;
 - (b) the types of personal information it collects and holds in relation to individuals external to the University including personal identifiers such as name and contact information;
 - (c) that the University collects and manages health information as a provider of certain health services, mostly in the context of the University as a provider of education and training of health care professionals or in the context of its campus clinics;
 - (d) that health information is to be stored in health record systems;
 - (e) how Macquarie University complies with its obligations under the PPIP Act and HRIP Act;
 - (f) contact details for and information about how individuals can make a complaint if they consider their privacy has been interfered with and the process used by the University to address such complaints;
 - (g) a list of key policies and procedures related to the University's information handling practices; and
 - (h) other public awareness activities the University undertakes to promote its compliance with its privacy obligations as well as contact details for the University's privacy officer.
- 7.41 On the basis that Macquarie University is currently only contracted to host and maintain the MMC for the one year from its launch¹², we consider Macquarie University's privacy policy and privacy management plan together, contain sufficient information for the University to comply with its obligations under section 33 of the PPIP Act and APPs 1.3 and 1.4.
- 7.42 Should the situation change and Macquarie University is required to host and maintain the MMC on an ongoing basis, we recommend its privacy management plan is updated to include information about the MMC including the fact that the University hosts and maintains it and collects, uses and discloses personal and health information for the purposes of providing the MMC services, the types of information it collects, where it is stored and how it is used for the purposes of providing the MMC services ([Recommendation 6](#)).

¹² Item 2.1.1(z) of Schedule 1 of the Contract



Recommendation 4

In the event of any material changes to the information flows set out in Schedule 1 of this PIA, including due to a change of entity to manage and administer the MMC, we recommend Macquarie University (or the alternate entity) complete a privacy threshold assessment (PTA) and if required, further assessment of privacy and compliance risks (which could be in the form of a Supplementary PIA).



Recommendation 5

Once the MMC solution goes live nationally, to ensure privacy compliance issues are managed in an ongoing and proactive way, we recommend Macquarie University periodically review the end-to-end MMC solution and information flows to ensure the new functions, capabilities and processes implemented are operating as intended and continue to comply with Macquarie University's obligations under applicable privacy laws.



Recommendation 6

If Macquarie University is engaged to host and maintain the MMC on an ongoing basis, we recommend it update the Macquarie University Privacy Management Plan to include information about the MMC including the fact that the University hosts and maintains it and collects, uses and discloses personal and health information for the purposes of providing the MMC services, the types of information it collects, where it is stored and how it is used for the purposes of providing the MMC services.

Anonymity and pseudonymity

HRIP Act

- 7.43 HPP 13 provides that, wherever it is lawful and practicable, individuals must be given the opportunity to not identify themselves when entering into transactions with or receiving health services from an organisation.

Privacy Act

- 7.44 APP 2 provides that individuals must have the option of not identifying themselves, or of using a pseudonym, unless the APP entity is required or authorised by law to deal with identifiable individuals, or it is impracticable for the APP entity to deal with individuals on an anonymous or pseudonymous basis.

- 7.45 The purpose of the MCC is to undertake a mental health and wellbeing assessment for students and, at an identifiable level, enable schools to identify who is not coping or who is struggling and provide appropriate supports to ensure the student is assisted through the difficulties. On the basis that the intention of the tool is to work with identifiable individuals, it is our view that it would be impracticable to deal with students who are anonymous or who are using a pseudonym.

Collection of solicited personal and health information.

PPIP Act

- 7.46 Under the PPIP Act, a public sector agency must:
- (a) only collect personal information for a lawful purpose, which is directly related to the agency's function or activities and necessary for that purpose (section 8);
 - (b) only collect personal information directly from the person concerned, unless they have authorised collection from someone else, or if the person is under the age of 16 and the information has been provided by a parent or guardian (section 9); and
 - (c) ensure that the personal information is relevant, accurate, complete, up-to-date, and not excessive and that the collection does not unreasonably intrude into the personal affairs of the individual (section 11).

HRIP Act

- 7.47 Under the HRIP Act, an organisation:
- (a) can only collect health information for a lawful purpose that is directly related to the organisation's activities and necessary for that purpose. An organisation should not collect health information by any unlawful means;
 - (b) must ensure that health information it collects is relevant, accurate, complete, up to date and not excessive. The collection should not unreasonably intrude into your personal affairs; and
 - (c) must collect health information directly from the individual unless it is unreasonable or impracticable to do so.

Privacy Act

- 7.48 APP 3.1 requires APP entities to not collect personal information unless the information is reasonably necessary for, or directly related to, on or more of the entity's functions or activities.
- 7.49 APP 3.5 requires APP entities to only collect personal information by lawful and fair means.
- 7.50 APP 3.6 requires APP entities to only collect personal information directly from the individual to which the information relates, unless:
- (a) the individual consents to the collection of the information from someone other than the individual; or
 - (b) the entity is required or authorised by or under an Australian law, or a court/tribunal order, to collect the information from someone other than the individual; or
 - (c) it is unreasonable or impracticable to do so.

- 7.51 Macquarie University will collect personal information as follows:
- (a) when individuals submit an enquiry or feedback via the website or email;
 - (b) when a school representative enquires about implementing the MMC;
 - (c) when individuals subscribe to the MMC newsletter and updates;
 - (d) when a school executes a licence agreement with Macquarie University;
 - (e) when a school principal or administrator establishes staff accounts;
 - (f) when a staff member logs into the MMC staff portal by submitting their staff email addresses to generate an access code;
 - (g) when a school uploads student details into the MMC tool;
 - (h) when a staff member sets up a session in the MMC staff portal and attaches a group to the session;
 - (i) when the system generates session codes for each individual in a group prior to a session, at the request of a session supervisor;
 - (j) when students answer the questions in an MMC module;
 - (k) when students complete the feedback module in the MMC assessment; and
 - (l) when staff are asked to provide their feedback.
- 7.52 The Department will collect personal information when it collects Contract Material from Macquarie University at the cessation of the expiry of the Contract.

Enquiries and comments

- 7.53 Macquarie University will collect personal information when an individual submits an enquiry or feedback via the MMC website. This might include:
- (a) general enquiries from the public seeking information about MMC and its application;
 - (b) enquiries from parents who are seeking further information about the collection and handling of personal and health information about their child who is a student at a school that is considering implementing or has implemented MMC in their school; or
 - (c) from a staff member making enquiries on behalf of their school.
- 7.54 It might also include comments about the MMC itself, about its application or about the use of a tool such as the MMC in schools.
- 7.55 The mandatory information collected by Macquarie University is limited to full name of the enquirer, email address and state in which the enquirer is located. The enquirer may provide further information if they choose to do so in a free text field as well as information about their school.
- 7.56 Macquarie University are collecting personal information to respond to enquiries about the MMC which the University is responsible for hosting and administering for a year. As part of the contracted services Macquarie University must provide, they are required to promote the MMC tool and increase awareness regarding its usage and impact.

- 7.57 We are instructed that state and territory jurisdictions and non-government school sector peak bodies determine the approach to making MMC available to their schools. As such, information about the location of a school an enquiry relates to is important to ensuring an appropriate and tailored response to an enquiry is able to be provided by the University.
- 7.58 On that basis, we consider the collection of the mandatory and optional data elements identified to respond to enquiries and receive feedback on the MMC tool, can be characterised as a collection that is:
- (a) for a lawful purpose which is directly related to Macquarie University's functions and activities and necessary for the purposes of providing the contracted services;
 - (b) directly from the individual making the enquiry;
 - (c) is not excessive or unreasonably intrusive in the circumstances.
- 7.59 Based on the above, we consider that the collection of the mandatory and optional information requested in the enquiry form is consistent with Macquarie University's obligations under sections 8, 9 and 11 of PPIP Act and APP 3.

Subscriptions

- 7.60 Individuals will be able to subscribe to receive newsletters and updates on the MMC tool by providing a first name, last name, and email address into the relevant fields on the website and hitting the 'Subscribe' button. Undertaking awareness raising, promotion and communications activities for the MMC tool form part of the contracted services as set out in Schedule 1 of the Contract (refer to Items 2.1.1(w) and (x) of Schedule 1 of the Contract).
- 7.61 On that basis, we consider the collection of the personal information in a subscription request, can be characterised as a collection that is:
- (a) for a lawful purpose which is directly related to Macquarie University's functions and activities and necessary for the purposes of providing the contracted services;
 - (b) collected directly from the individual subscribing; and
 - (c) in our view, not excessive or unreasonably intrusive in the circumstances.
- 7.62 Based on the above, we consider that the collection of name and email address is consistent with Macquarie University's obligations under sections 8, 9 and 11 of PPIP Act and APP 3.

Entering into a licence agreement

- 7.63 When Macquarie University enters into a licence agreement with schools that choose to implement the MMC tool in their school, Macquarie University will collect:
- (a) the name, title, phone number and email address for a school contact; and
 - (b) the name, email address and role within the school for the school principal and a person who is nominated to hold the role of school administrator in the MMC tool for the school.
- 7.64 We are instructed that Macquarie University collects personal information for a school contact, and individuals to hold the role of school principal and school administrator in the MMC tool in order to facilitate access to the MMC tool for a school and manage the contract.

- 7.65 Under the Contract between the Department and Macquarie University, Macquarie University is required to, (among other things):
- (a) ensure that the MMC tool is available nationally and freely available to schools;
 - (b) ensure that the MMC tool includes a school based, voluntary mental health screening portal;
 - (c) ensure the MMC tool can be accessed by schools and students online via a standalone and secure website; and
 - (d) ensure that schools are aware of their responsibilities.
- 7.66 When entering into a Software Licence with Macquarie University, each school is required to agree to the Terms and Conditions contained in the Deed. The terms of the Deed include that:
- (a) the School must comply with applicable Privacy Laws¹³ in relation to the handling of personal information for the purposes of the Deed; and
 - (b) the school must obtain the prior consent for all Personnel¹⁴ in accordance with applicable privacy laws, to the collection and handling of personal information of its Personnel by the University in accordance with the Privacy Collection Notice.
- 7.67 Having regard to the services Macquarie University is contracted to provide and the terms of the Software Licence schools will be required to agree to before gaining access to the MMC tool, we consider the collection of personal information for a school contact, and two individuals who will hold the role of school principal and school administrator within the tool, is a collection of personal information that can be characterised as:
- (a) being for a lawful purpose which is directly related to Macquarie University's functions and activities and necessary for the purposes of providing the contracted services;
 - (b) not excessive or unreasonably intrusive in the circumstances; and
 - (c) collected either directly from the individual or from the school only with the consent of the staff member/Personnel.
- 7.68 On that basis, we consider the collection of the relevant personal information will be authorised under sections 8, 9 and 11 of the PPIP Act and APP 3.

Establishing staff accounts

- 7.69 Once a school account is established in the MMC, the member of staff in the relevant school with the role of school principal or school administrator will create MMC staff accounts for other staff members who require access to the MMC tool. In establishing the staff accounts, either the school principal or the individual with school administrator access, will enter the full name, work email address and the role they are to be assigned in the tool for all school staff who are permitted access to the MMC tool.
- 7.70 Macquarie University will collect the identified staff personal information in order to facilitate the creation and maintenance of a staff profile within the MMC tool which enables the staff members access to the tool in accordance with their role (as set by the school).

¹³ Defined as meaning the PPIP Act, HRIP Act and any other applicable legislation with similar objectives.

¹⁴ Defined under the Deed as including officers, employees, agents, contractors, and subcontractors of the school).

7.71 As discussed in paragraph 7.62 above, prior to gaining access to the MMC tool, a school must enter into a binding Deed with Macquarie University (Software Licence) which contains terms and conditions which attach to the schools use of the MMC tool. One of the terms¹⁵ of the Software Licence requires the school to obtain the prior consent of school Personnel¹⁶ in accordance with applicable Privacy Laws¹⁷ to the collection and handling of personal information about its Personnel by the University in accordance with the Privacy Collection Notice.

7.72 Having regard to:

- (a) the contracted services which Macquarie University is required to deliver under the Contract, namely, to provide an easy to use and navigate MMC tool for staff and students (item 2.1.1(n) of Schedule 1 in the Contract); and
- (b) the terms of the binding Software Licence the schools are required to enter into prior to gaining access to the MMC tool,

we consider the collection of staff member full name, work email address, and the role they are to be assigned in the tool, can be characterised as a collection that is:

- (c) for a lawful purpose which is directly related to Macquarie University's functions and activities and necessary for the purposes of providing the contracted services;
- (d) the minimum amount of information required to perform the services and as such, not excessive or unreasonably intrusive in the circumstances; and
- (e) collected directly from the individual or from the school only with the consent of the staff member/Personnel.

7.73 Based on our findings above, it is our view that the collection of staff name, work email address and role within the MMC tool is consistent with sections 8, 9 and 11 of the PPIP Act and APP 3.

Generating access codes for staff MMC access

7.74 Macquarie University will collect an access code by creation when the MMC system generates an access code for a staff member who is logging into their MMC staff account. The purpose of generating the access code is to apply a two-factor authentication method for staff access into the MMC staff portal. The purpose of the two-factor authentication method is to ensure rigour around access controls into a schools MMC portal so that only those staff members authorised to access student data are able to gain access to it.

7.75 On that basis, we consider the collection of an access code for staff members is:

- (a) for a lawful purpose which is directly related to Macquarie University's functions and activities and necessary for the purposes of providing the contracted services; and
- (b) is not excessive or unreasonably intrusive in the circumstances.

¹⁵ Paragraph 10 in the draft Software Licence (My Mind Check), draft date 23.04.2024.

¹⁶ Defined as including employees, officers, agents, contractors, and subcontractors of the school.

¹⁷ Defined as meaning the PPIP Act, HRIP Act and any other applicable legislation with similar objectives.

- 7.76 Whilst the collection of the access code is not directly from the staff member, it is generated by the MMC tool as the staff member signs in and requests access. Provided that school staff members are given clear information about what information will be collected about them and how it is to be collected (discussed in further detail below), including for the creation of two factor authentication access codes, we consider the collection will be with the implied consent of the staff member.
- 7.77 On that basis, we consider the collection of staff access codes via generation is:
- (a) for a lawful purpose which is directly related to Macquarie University's functions and activities and necessary for the purposes of providing the contracted services;
 - (b) not excessive or unreasonably intrusive in the circumstances; and
 - (c) collected from the school only with the consent of the staff member/Personnel.
- 7.78 Based on our comments above, we consider the collection is authorised under sections 8,9 and 11 of the PPIP Act and APP 3.

Uploading of student details into the MMC tool

- 7.79 In order to create a student profile in the MMC tool, schools will upload s 47G(1)(a) students who have or whose caregiver (on the student's behalf) has provided consent on the student's behalf. The information uploaded is student ID, name, and year level. The purpose of creating a student profile in the MMC tool is to enable the student's access to the MMC and to collect and process the results of a point in time assessment for the student and display those results against the correct student, to the school.
- 7.80 The student profile is an integral part the MMC tool. The collection of personal information about students is not directly from the student but from the school after receiving the consent of the student or their parent or guardian (on behalf of the student).
- 7.81 The Software Licence entered into between the school and Macquarie University prior to the school gaining access to MMC includes, as a term of the binding Deed, that¹⁸:

The school must not upload student information into the My Mind Check Portal or permit any student access or use of the My Mind Check Tool (including with the support of relevant Personnel) unless the school has obtained the prior consent of the student (or their parent or guardian, as applicable), in accordance with the requirements of the applicable Privacy Laws (which for the avoidance of doubt, includes the Privacy Act 1988 (Cth) (including the Australian Privacy Principles) whether or not the School is subject to that Act) and other rules, regulations and obligations relating to ethics or child safety, to the collection and handling of the student's Personal Information by the University in accordance with the Privacy Collection Notice.

The school is solely responsible for the access and use of My Mind Check by the School's Personnel and students....

¹⁸ Paragraphs 13 and 14 in the Software Licence (My Mind Check), Draft dated 23.04.2024

7.82 Whilst we understand the intent of the Software Licence term transcribed above, we consider the wording could be simplified somewhat as follows:

The School must not upload student information into the My Mind Check Portal or permit any student access or use of the My Mind Check Tool (including with the support of relevant Personnel) unless the school has obtained the prior consent of the student (or their parent or guardian, as applicable), to the collection and handling of the student's Personal Information by the University in accordance with the Privacy Collection Notice.

Schools are required to use the Information and Consent Forms supplied to it by Macquarie University in order to collect consent from students or their parent or guardian as applicable.

The School will be responsible for ensuring its collection of student information complies with any other rules, regulations and obligations which may apply to the School's collection and handling of student information for such purposes.

7.83 Having regard to:

- (a) the contracted services Macquarie University is required to provide under the Contract (as set out in Schedule 1 of the Contract); and
- (b) the terms of the binding Deed that all schools are required to enter into with Macquarie University in order to access and use the MMC tool, and

provided a valid consent is collected by the school (refer to [Recommendations 1, 2 and 3](#)), we consider the collection of student personal information in order to create a student profile in the MMC Portal, in the circumstances described, may be characterised as a collection that is:

- (c) for a lawful purpose which is directly related to Macquarie University's functions and activities and necessary for the purposes of providing the contracted services;
- (d) not excessive or unreasonably intrusive in the circumstances; and
- (e) in relation to student's under the age of 16 years, is provided by a parent or guardian when they complete the consent form and provide the students details or, for students over the age of 16 years, is provided directly by the student when they complete the consent form (noting that the school will only enter the details from the form into the MMC).

7.84 On that basis, we consider the collection of student information from schools in the circumstances outlined, will be authorised under sections 8, 9 and 11 of the PPIP Act and APP 3.

Setting up sessions and generating session codes

7.85 Macquarie University will collect personal information when an authorised staff member sets up a session within the MMC and attaches the students to a session, and when the member of staff requests session codes to be generated for a session.

7.86 The information collected will include what students will attend the session and the session code that will be attached to the student for that session. This information is used by the University to facilitate the MMC session for those students identified in the session.

- 7.87 On that basis, we consider the collection of session details for students is a collection that can be characterised as a collection that is:
- (a) for a lawful purpose which is directly related to Macquarie University's functions and activities and necessary for the purposes of providing the contracted services;
 - (b) not excessive or unreasonably intrusive in the circumstances; and
 - (c) will be collected from the school or generated by the MMC tool to which the student (or their parent or guardian on their behalf) has consented to when providing their consent to participate.
- 7.88 Based on the above, we consider the collection of session details and session codes will be consistent with sections 8, 9 and 11 of the PPIP Act and APP 3.

Student mental health and wellbeing assessment information

- 7.89 Macquarie University will collect personal and health information when students complete the mental health and wellbeing assessment via the MMC portal. The health information that will be collected relates to student mental health and covers topics such as family connections, peer acceptance, school belonging, anxiety, attention / activity, mood, peer victimisation, body image / eating difficulties, sleep, cultural connections, life satisfaction, life engagement, internalising and externalising.
- 7.90 There are no free text sections within the mental health and wellbeing assessment undertaken by students, only multiple choice and the student will select the most appropriate answer for them.
- 7.91 Not all questions will be asked to all students. The questions students will respond to will be those considered appropriate for their age. The services Macquarie University has been contracted to provide include¹⁹:
- (a) develop and deliver a voluntary mental health assessment tool to enable schools to undertake a point in time assessment of their student's mental health and wellbeing;
 - (b) ensure the voluntary mental health assessment tool will enhance each school's awareness of the current state of wellbeing amongst their students; and
 - (c) ensure the voluntary mental health assessment tool will support schools to identify trends in how the wellbeing of their student's changes over time.
- 7.92 Having regard to:
- (a) the types of information collected by Macquarie University;
 - (b) the voluntary nature of the MMC tool and the fact that no questions are mandatory to respond to in the MMC tool, and students can stop or withdraw their consent at any time;
 - (c) the contracted services Macquarie University is required to provide under the Contract (as set out in Schedule 1 of the Contract), and
- provided Macquarie University collect a valid consent from all students or their parent or guardian on their behalf (refer to [Recommendations 1, 2 and 3](#)), we consider the collection of personal and health information by Macquarie University when students complete a mental

¹⁹ Schedule 1 of the Contract.

health and wellbeing assessment via the MMC portal, can be characterised as a collection that is:

- (d) for a lawful purpose that is directly related to the Macquarie University's activities and necessary for that purpose;
- (e) not collected by any unlawful or unfair means;
- (f) relevant, accurate, complete, up to date and not excessive;
- (g) is not unreasonably intrusive into student's personal affairs; and
- (h) is collected directly from students after the student (or their parent or guardian) has provided consent to participate.

7.93 On that basis, we consider the collection of personal and health information in the circumstances discussed, is authorised in accordance with Section 8, 9 and 11 of the PPIP Act, HPPs 1, 2 and 3 and APP 3.

Generating outcome indicators for students based on student responses

7.94 As students complete the MMC modules their responses to the questions will be ingested by the MMC tool and an outcome indicator will be generated by the tool based on the student's answer. The outcome indicators that will be generated are 'vulnerable', 'struggling', and 'coping'. These indicators are generated to enable schools to gain a point in time view of their student's mental health and wellbeing.

7.95 Provided:

- (a) the outcome indicators generated are accurate (refer to [Recommendation 14](#) below); and
- (b) a valid consent to participate in mental health and wellbeing assessments has been obtained from all students participating, or their parent or guardian on their behalf (refer to [Recommendations 1, 2 and 3](#)), and

having regard to the contracted services which Macquarie University are required to provide, we consider the collection of outcome indicators can be characterised as a collection that is:

- (c) for a lawful purpose that is directly related to Macquarie University's activities and necessary for that purpose;
- (d) not collected by any unlawful or unfair means;
- (e) not excessive or unreasonably intrusive into student's personal affairs; and
- (f) is collected directly from student.

7.96 We consider the collection of student mental health and wellbeing information in the circumstances set out above will be consistent with sections 8, 9 and 11 of the PPIP Act, HPPs 1, 2 and 3 and APP 3. In relation to the accuracy of the outcome indicators, we refer to the discussion in paragraphs 7.179 to 7.183 below.

Feedback from students

7.97 Students have the option of responding to feedback questions which is the last module of the mental health and wellbeing assessment. The questions are designed to inform Macquarie University and the school about the level of comfort students feel by undertaking the mental health and wellbeing assessment and with the questions being asked.

- 7.98 The responses to these questions will assist guide the Commonwealth's approach to making such tools available to schools and any adjustments Macquarie University may need to make to the tool.
- 7.99 The questions are voluntary, and students have the option of answering as many or as few of the questions as they like. Where Macquarie University do not require the feedback from identifiable individuals, we recommend it collect the feedback on an anonymous basis ([Recommendation 7](#)).
- 7.100 Where Macquarie University require feedback in an identifiable form, having regard to the contracted services that Macquarie University have been contracted to provide, we consider the collection of personal information when students complete the feedback module in the mental health and wellbeing assessment, can be characterised as a collection that is:
- (a) for a lawful purpose which is directly related to Macquarie University's functions and activities and necessary for the purposes of providing the contracted services;
 - (b) not excessive or unreasonably intrusive in the circumstances; and
 - (c) will be collected directly from the student.
- 7.101 Based on the above, we consider the collection is authorised in accordance with sections 8, 9 and 11 of the PPIP Act, and APP 3.

Feedback from staff

- 7.102 We are instructed that school staff may be asked to provide their feedback on the MMC tool and the processes for conducting mental health and wellbeing assessments and these may occur via a survey or request for feedback questionnaire or email. We have not reviewed any documentation in relation to such staff requests for feedback however, we are instructed that, similar to the student feedback questions, the questions will be around the methods used and the outcomes and results gained from the use and implementation of the MMC tool in the school.
- 7.103 We have not received instructions about whether the request for feedback from school staff will be on an identifiable basis or whether Macquarie University will require anonymous feedback only. We are instructed that feedback will be voluntary.
- 7.104 Where Macquarie University do not require the feedback from identifiable individuals, we recommend it collect the feedback on an anonymous basis ([Recommendation 7](#)).
- 7.105 Where the feedback is needed from identifiable individuals, having regard to the contracted services that Macquarie University have been contracted to provide, we consider the collection of feedback from staff who voluntarily provide it, can be characterised as a collection that is:
- (a) for a lawful purpose which is directly related to Macquarie University's functions and activities and necessary for the purposes of providing the contracted services;
 - (b) not excessive or unreasonably intrusive in the circumstances; and
 - (c) will be collected directly from the member of staff.
- 7.106 Based on the above, we consider the collection is authorised in accordance with sections 8, 9 and 11 of the PPIP Act, and APP 3.

Collection of MMC information by the Department

- 7.107 We are instructed that at the expiry of Macquarie University's contract on 30 June 2025, the Department would like the option of collecting all of the data obtained by Macquarie University in performing the contracted services in the event that either:
- (a) the Department takes on the management and administration of the MMC itself; or
 - (b) the Department selects another provider (i.e. other than Macquarie University) to administer and manage the MMC.
- 7.108 We are further instructed that Macquarie University is currently considering whether the records it is collecting when performing the contracted services constitute a 'Commonwealth record' for the purposes of the *Archives Act 1983* (Cth) (**Archives Act**). If they are, the Department would like all of the records obtained by Macquarie University during the course of the Contract to be transferred to it at the expiry of the Contract so that those records can be archived in accordance with the Archives Act.

Department administering and managing the MMC

- 7.109 The collection and storage of large amounts of sensitive health information about students by the Department, in circumstances where that information:
- (a) is not required for the Department's functions and activities (i.e. if it is not managing and administering the MMC tool); and
 - (b) where the purpose of collection is to provide a point in time snapshot of the mental health of the student at that point in time and that information is not intended to inform ongoing or long-term analysis,
- raises potential privacy compliance risks under the HRIP Act and the Privacy Act for the Department.
- 7.110 In relation to the Department taking on the role of administering and managing the MMC, it is not clear to us that student health information would be required to be transferred to the Department for such purposes on the basis that it is collected to provide a point-in-time snapshot of the student's mental health and wellbeing only, and on that basis, it would appear that it is not intended to be maintained long term. Because it is collected to provide a snapshot, point-in-time assessment to schools, there does not appear to be any purpose for which the Department would be required to collect student mental health assessment information or MMC outcomes in order to manage the MMC.
- 7.111 We note that the scope of the current Consent form (refer to paragraph 7.13, above) is only limited to seeking consent for Macquarie University's collection of personal and health information about a student and as such, does not extend to the Department's collection of student information.
- 7.112 As the collection of student mental health and wellbeing assessment responses and outcome information that was collected by Macquarie University does not appear to be necessary to enable the Department to manage and administer the MMC after the expiry of Macquarie University's contract, we do not consider the collection of that information by the Department would be:
- (a) for a lawful purpose which is directly related to the Department's functions and activities and necessary for providing MMC services;

- (b) it would appear to be excessive and unreasonably intrusive; and
 - (c) will not be collected directly from the individual, and unless a fresh consent is collected, not with the consent of the individual to whom that information relates (or their parent or guardian as the case requires).
- 7.113 Based on our comments above, we do not consider the Department's collection of student mental health and wellbeing assessment responses and outcome information from Macquarie University in order to manage and administer the MMC, would be authorised under HPPs 1, 2 and 3 or APP 3. As such, we recommend the Department not collect student mental health and wellbeing assessment responses and outcome information from Macquarie University (**Recommendation 8**).
- 7.114 We understand that profile information about school staff and students is necessary in order to provide staff and students access to the MMC. As noted above, the scope of the current consent collected from students or their parent or guardian, does not include collection of student personal information by the Department. Whilst we have not viewed the consent that is sought from school personnel, based on the fact that post Contract expiry administration of the MMC has yet to be determined, any consent collected from school personnel is unlikely to extend to the collection of their personal information by the Department and if it does, is unlikely to be valid as it is not current.
- 7.115 Notwithstanding the above, we are instructed that the Department has obtained legal advice to confirm that the administration and management of the MMC tool is consistent with its scope of powers under the Constitution.
- 7.116 On that basis, and provided the Department seek a fresh consent from all school personnel and students who have an MMC profile to collect their profile information from Macquarie University to enable the Department to take on administration and management of the MMC (**Recommendation 8**), we consider the collection of that information in the circumstances, would be:
- (a) for a lawful purpose that is directly related to the Department's activities and necessary for that purpose;
 - (b) not collected by any unlawful or unfair means;
 - (c) not excessive or unreasonably intrusive into student's personal affairs; and
 - (d) for individuals aged over 16 years, collected from Macquarie University only with the consent of that individual, or in relation to students under the age of 16 years, collected directly from the parent or guardian when a fresh consent form is completed.
- 7.117 With respect to the fresh collect, the Department will need to ensure that any consent collected for a student under the age of 16 years from a parent or guardian includes a requirement for the parent or guardian to include the student's details that it wishes to collect to ensure the collection is from the parent and consistent with section 9 of the PPIP Act (**Recommendation 8**).
- 7.118 In circumstances where the personal and health information about students is not required by the Department for a lawful purpose that is *directly related to its activities and necessary for that purpose*, the collection of such information by the Department will not be authorised under the HRIP Act or the Privacy Act.

Another service provider to manage and administer the MMC

- 7.119 If another service provider is selected to administer and manage the MMC in the future, we consider the more privacy protective approach would be to transfer the personal information directly from Macquarie University to the new service provider rather than having the information pass from Macquarie University, through the Department to the new service provider. Transferring large amounts of information through multiple entities raises risks such as loss of data, unauthorised access to the data and unlawful retention of data in the event something is left behind.
- 7.120 The transfer of the personal information to the Department in order to provide it to a new service provider does *not* appear to us to be a collection by the Department that is directly related to or necessary for the Department's functions and activities.
- 7.121 Rather, the collection of personal information and sensitive health information by the Department only to provide it to another service provider is, in our view, unreasonably intrusive in the circumstances and would not be authorised under IPPs 8, 9 and 11, HPPs 1, 2 and 3 or APP 3.
- 7.122 We note that the plans for the MMC after 30 June 2025 have not yet been determined and the issues around the handling of personal and health information are complex and subject to ongoing consideration. Further, if another service provider is to take on administration and management of the MMC, that service provider's handling of the information involved in the management of the MMC would need to be assessed to ensure compliance with all applicable privacy laws (refer to **Recommendation 4**).
- 7.123 As such, we recommend the Department obtain a further privacy compliance assessment and advice once it has determined who will be responsible for administering and managing the MMC at the expiry of the current contract and what transfers of personal information, if any, are required (**Recommendation 9**).
- 7.124 Further, we recommend that the Department ensure that any contract variation it implements in relation to what is to occur with personal and sensitive information collected by Macquarie University at the cessation of the contract (i.e. variation to clause 17.b.), is sufficiently flexible to enable the various options currently being considered by the Department (**Recommendation 9**).



Recommendation 7

When receiving feedback on the MMC tool from staff and students or the general public, where Macquarie University do not require this feedback from identifiable individuals, we recommend it collect the feedback on an anonymous basis.



Recommendation 8

If the Department is to take on the role of administration and management of the MMC, we recommend the Department:

- not collect student mental health and wellbeing assessment responses and outcome information from Macquarie University;
- obtain a fresh consent from all staff and students to authorise the Department's collection of their profile information from Macquarie University; and
- ensure the consent that is collected from parents for students under the age of 16 years includes a requirement for the parent to provide the profile information for the student to ensure the collection is consistent with section 9 of the PPIP Act.



Recommendation 9

Should another service provider be engaged to administer and manage MMC in future, we recommend the Department:

- not proceed to collect personal and health information from Macquarie University at the cessation of the current contract for the purpose of passing it onto the new service provider;
- obtain a further privacy compliance assessment and advice once it has determined who will be responsible for administering and managing the MMC at the expiry of the current contract and what transfers of personal information, if any, are required; and
- ensure that any contract variation it implements in relation to what is to occur with personal and sensitive information collected by Macquarie University at the cessation of the contract (i.e. variation to clause 17.b.), is sufficiently flexible to enable various lawful options.

Collection of unsolicited personal information

PPIP Act and HRIP Act

7.125 Subsection 4(5) of the PPIP Act and section 10 of the HRIP Act provide that, personal and health information is not *collected* by an organisation if the receipt of the information by the organisation is unsolicited.

Privacy Act

7.126 APP 4 provides that, if an APP entity receives personal information, it did not solicit, it must, within a reasonable period after receiving the information, determine whether the entity could have collected the information under APP 3 if the entity had solicited the information.

7.127 The information collected by Macquarie University via the MMC is predominantly multiple-choice answers to questions or short answers. There is very little opportunity for the collection of unsolicited information via the MMC website or portal. further, the Department will not be collecting any personal information directly from individuals and on that basis, we consider the implementation of the MMC is unlikely to raise any material compliance risks with respect to section 10 of the HRIP Act or APP 4.

Notification of collection of personal and health information

PPIP Act

7.128 Section 10 of the PPIP Act requires a public sector agency to take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual to whom the information relates is made aware of the following:

- (a) the fact that the information is being collected;
- (b) the purposes for which the information is being collected;
- (c) the intended recipients of the information;
- (d) whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided;
- (e) the existence of any right of access to, and correction of, the information; and
- (f) the name and address of the agency that is collecting the information and the agency that is to hold the information.

HRIP Act

7.129 Under the HPP 4, an organisation is required to make individuals aware of the following matters:

- (a) the identity of the organisation and how to contact it;
- (b) the fact that the individual is able to request access to the information;
- (c) the purposes for which the information is collected;
- (d) the persons to whom (or the types of persons to whom) the organisation usually discloses information of that kind;
- (e) any law that requires the particular information to be collected; and
- (f) the main consequences (if any) for the individual if all or part of the information is not provided.

Privacy Act

7.130 APP 5 requires APP entities to take such steps (if any) as are reasonable in the circumstances to notify an individual of such certain matters, as are reasonable in the circumstances, or otherwise ensure that the individual is aware of any such matters.

7.131 APP 5.2 sets out the matters an individual must be notified or made aware of and includes:

- (a) the facts and circumstances of collection;
- (b) the purpose(s) for which the APP entity collects personal information;
- (c) any third parties, or types of third parties, to which the entity usually discloses personal information of the kind collected by the entity;
- (d) whether the APP entity is likely to disclose personal information to overseas recipients;

- (e) the main consequences (if any) for the individual if all or some of the personal information is not collected by the APP entity; and
 - (f) that the APP privacy policy of the APP entity contains information about how the individual may seek access to or correction of their personal information that is held and how they make a complaint about a breach of the APPs, or a registered APP code (if any) that binds the entity, and how the entity will deal with such a complaint.
- 7.132 A privacy collection notice is different to a privacy policy in that it is required to provide more detailed information about a particular collection of personal information.
- 7.133 The 'reasonable steps' an APP entity is required to take for the purposes of APP 5 will depend on the circumstances, which will include consideration of:
- (a) the sensitivity of the personal information involved, the more sensitive the information, it is likely more effort to inform will be required;
 - (b) the possible adverse consequences for the individual if they are not made aware of matters relating to the collection of their information;
 - (c) any special needs of the individual; and
 - (d) the practicability of giving an APP 5 collection notice, including time and cost involved.
- 7.134 In relation to the draft My Mind Check Privacy Collection Notice²⁰, we provide the following comments:
- (a) it is not clear who the Privacy Collection Notice is directed to as some parts appear to be directed to a parent and also suggest that MMC accounts can be created for parents, for example:
 - (i) *When you access and use My Mind Check, we will collect, use, disclose and handle your or your child's personal information as set out in this Privacy Collection Notice;*
 - (ii) *.....if a school creates a student account for you or your child on the My Mind Check Portal, we will collect....; or*
 - (iii) *if a school creates a student account for you or your child on the My Mind Check Portal, we will collect;*
 - (b) the Privacy Collection Notice states that, "By accessing My Mind Check you agree to be bound by this Privacy Collection Notice and My Mind Check's Terms of Use" which are linked however, we note that:
 - (i) the Privacy Collection Notice is not a document that is to be used to bind parties at law;
 - (ii) the intention of the Privacy Collection Notice is to provide information to individuals whose information is to be collected and handled by Macquarie University, about the ways in which Macquarie University will handle their personal information if they choose to provide it; and

²⁰ Version 1, 26 April 2024

- (iii) it is unclear to us how Macquarie University is able to enter into a contract with a student who will lack capacity to consent and presumably, capacity to understand the Terms of Use and its implications;
 - (c) the Privacy Collection Notice does not advise readers that participation in mental health and wellbeing assessments is voluntary, that they do not have to answer any question they do not want to or can stop or withdraw their consent at any time and the process for doing so. We note that the Consent form provides this information however, it should be kept in mind that parents or guardians will be the ones reading the Consent form and most students as well as the general public wishing to know more about the MMC, will likely not read the Consent form so it is important to ensure the Privacy Collection Notice contains all relevant information regarding the handling of personal information for the purposes of the MMC;
 - (d) the purpose of the Privacy Collection Notice is to inform individuals *to whom the information relates* (i.e. in relation to mental health and wellbeing assessments, this will be information about students) about certain matters including how their personal and health information will be collected and handled;
 - (e) the language used in the draft Privacy Collection Notice is, having regard to its intended audience, quite sophisticated and complex; and
 - (f) whilst the Privacy Collection Notice notes that Macquarie University is supported by its subcontractors, there is no mention of who these subcontractors are and what, if any personal or health information they will collect, use and/or disclose through their involvement in providing MMC contracted services.
- 7.135 In the Privacy Act Review Report released by the Attorney-General's Department in 2022 the report discussed the issue of child appropriate collection notices and noted the proposal to *'amend the Privacy Act to require that collection notices and privacy policies be clear and understandable, in particular for any information addressed specifically to a child'*²¹, was in response to concerns raised about privacy notices being difficult for children to understand, which can hinder their comprehension of online data processes and result in a lack of informed consent.
- 7.136 Based on our comments above, and particularly noting that the main audience for the Privacy Collection Notice is young persons and children under the age of 18 years, we recommend Macquarie University create two MMC Privacy Collection Notices, one for adults (i.e. staff, caregivers, and curious adults in the community), and one specifically for children whose information will be handled through the MMC ([Recommendation 10](#)).
- 7.137 When developing a child appropriate Privacy Collection Notice, Macquarie University should:
- (a) use language that is appropriate for children and young people to ensure it is fit for purpose and should be presented in ways which take into account the age of the readers and their ability or willingness to read large amounts of text in relation to complex matters;
 - (b) consider the language used in the Student Consent form and ensure it is fit for purpose, taking into account the age of the readers and their ability or willingness to read large amounts of text in relation to complex matters; and

²¹ Proposal 16.3.

- (c) consider the use of various methods to convey important information to students such as the use of visual, audio, and graphical communication methods.

7.138 We also recommend that Macquarie University ensure the Privacy Collection Notices it publishes ([Recommendation 11](#)):

- (a) sets out who its intended audience is, and the wording is amended accordingly;
- (b) contain all relevant information regarding the handling of personal information for the purposes of the MMC, including that:
 - (i) participation in mental health assessments is voluntary;
 - (ii) that no questions in the mental health assessment are mandatory and students may only answer the questions they want to;
 - (iii) that students may stop participating in a mental health assessment at any time and may withdraw their consent at any time; and
- (c) remove wording which suggests that the Privacy Collection Notice is binding in nature.

7.139 We further recommend that Macquarie University obtain legal advice in relation to the legal aspects of binding children into a legal agreement (Terms of Use) in circumstances where they are unlikely to have the requisite capacity ([Recommendation 12](#)).



Recommendation 10

We recommend Macquarie University create two MMC Privacy Collection Notices, one for adults (i.e. staff, caregivers, and curious adults in the community), and one specifically for children whose information will be handled through the MMC.

When developing a child appropriate Privacy Collection Notice, we recommend Macquarie University:

- use language that is appropriate for children and young people to ensure it is fit for purpose and should be presented in ways which take into account the age of the readers and their ability or willingness to read large amounts of text in relation to complex matters;
- consider the use of various methods in presenting the consider the language used in the Student Consent form and ensure it is fit for purpose, taking into account the age of the readers and their ability or willingness to read large amounts of text in relation to complex matters; and
- consider the use of various methods to convey important information to students.



Recommendation 11

We recommend that Macquarie University ensure the Privacy Collection Notices it publishes:

- set out who its intended audience is, and the wording is amended accordingly;
- contain all relevant information regarding the handling of personal information for the purposes of the MMC, including that:
 - participation in mental health assessments is voluntary;
 - that no questions in the mental health assessment are mandatory and students may only answer the questions they want to;
 - that students may stop participating in a mental health assessment at any time and may withdraw their consent at any time; and
 - remove wording which suggests that the Privacy Collection Notice is binding in nature; and
- identify subcontractors involved in providing MMC contracted services and the personal and or health information they may have access to or will collect, use and/or disclosure through their involvement in providing MMC contracted services.



Recommendation 12

We recommend that Macquarie University obtain legal advice in relation to the legal aspects of binding children into a legal agreement (Terms of Use) in circumstances where they are unlikely to have the requisite capacity.

Use and disclosure of personal and health information

PPIP Act

7.140 Section 17 of the PPIP Act states that a public sector agency that holds personal information must not use the information for a purpose other than that for which it was collected unless the individual to whom the information relates has consented to the use of the information for that other purpose, or:

- (a) the other purpose for which the information is used is directly related to the purpose for which the information was collected, or
- (b) the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person.

- 7.141 Section 18 of the PPIP Act relates to disclosure of personal information and states that, a public sector agency that holds personal information must not disclose the information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:
- (a) the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure, or
 - (b) the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body, or
 - (c) the agency believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.
- 7.142 Subsection 18(2) of the PPIP Act provides that, if personal information is disclosed in accordance with subsection (1) to a person or body that is a public sector agency, that agency must not use or disclose the information for a purpose other than the purpose for which the information was given to it.

HRIP Act

- 7.143 Under HPP 10, an organisation that holds health information must not use the information for a purpose (a secondary purpose) other than the purpose (the primary purpose) for which it was collected unless the individual to whom the information relates consents to the use for the secondary purpose or another exception applies to authorise the use.
- 7.144 HPP 11 requires that an organisation that holds health information, not disclose the information for a purpose (a secondary purpose) other than the purpose (the primary purpose) for which it was collected unless the individual to whom the information relates has consented to the disclosure of the information for that secondary purpose, or another exception applies to authorise the disclosure.

Privacy Act

- 7.145 APP 6.1 provides that an APP entity can only use or disclose personal information it has collected for a particular purpose (the **primary purpose**) unless the individual to whom the information relates has consented to its use or disclosure for another purpose (a **secondary purpose**) or an exception under APP 6.2 applies to authorise the use or disclosure for the secondary purpose.
- 7.146 Exceptions under APP 6.2 include where the use or disclosure is authorised or required under an Australia law (APP 6.2(b)).

Use of personal information

- 7.147 For the purposes of the Project, Macquarie University will use personal information as follows:
- (a) to respond to enquiries;
 - (b) to establish staff portal accounts and send a welcome email;
 - (c) to generate access codes to enable staff entry into the portal;
 - (d) to process student information and establish student profiles within the MMC portal;

- (e) when the system establishes a session and arranges students into groups;
- (f) to create session codes for each student in a group;
- (g) to enable a student access into a session;
- (h) to convert student responses into outcome indicators;
- (i) to create a visual representation of the student's outcomes; and
- (j) when it separates the data collected from students into two separate databases.

Disclosure of personal information

7.148 For the purposes of the Project, Macquarie University will disclose personal information as follows:

- (a) when it makes student outcome indicators to accessible to the school; and
- (b) when it makes a visual representation of the student's outcomes accessible to the school.

Uses of personal and health information

- 7.149 We are instructed by Macquarie University that, for the purposes listed above in paragraph 7.127, it will use personal and health information collected by it through the MMC website, MMC portal or via email, only for the purposes for which it was collected.
- 7.150 We have not been instructed of any secondary purposes for which Macquarie University intends to use the personal and/or health information it collects, and, on that basis, we consider the use of personal and health information by Macquarie University, for the purposes set out in paragraph 1.27 above, will constitute a use for the primary purpose of collection and will be authorised in accordance with section 17 of the PPIP Act, HPP 10 and APP 6.
- 7.151 We are instructed that Macquarie University will use de-identified information only to create reports for the Department as required under the Contract and that no personal information will be used or disclosed for such purposes.
- 7.152 In relation to Macquarie University's deletion of health records, section 25 of the HRIP Act requires a health service provider who deletes or disposes of health information to keep a record of the name of the individual to whom the health information related, the period covered by it and the date on which it was deleted or disposed of.
- 7.153 A 'health service provider' is defined in the HRIP Act as an organisation that provides a health service²². A 'health service' includes mental health services²³. On that basis, we consider that Macquarie University is a health service provider for the HRIP Act to the extent it is providing the MMC services. As such, Macquarie University is required to keep a record of the name of the students whose mental health and wellbeing assessment records it deletes in accordance with section 25 of the HRIP Act ([Recommendation 13](#)).

²² Section 4 of the HRIP Act

²³ Section 4 of the HRIP Act

Disclosures of personal and health information

Student mental health outcome indicators and visual representations of outcomes

- 7.154 Macquarie University will disclose personal information when it makes student outcome indicators accessible to authorised staff via the MMC portal. The generation of mental health outcome indicators and the sharing of those indicators with the relevant school, is the primary purpose for which Macquarie University collects student responses to the mental health and wellbeing assessment questions and is the service which it is obliged to provide in accordance with the Contract between Macquarie University and the Department.
- 7.155 Having regard to the framework surrounding the creation and sharing of mental health outcome indicators and visual representations of assessment results, that being that only those student who have (or whose parents/guardians have on their behalf) provided their consent, and the voluntary nature of the mental health and wellbeing assessments, we consider the disclosure of health information (mental health outcome indicators and visual representations of mental health and wellbeing assessment results) by Macquarie University to schools in such circumstances, can be characterised as a disclosure that is for the primary purpose of the collection and therefore authorised under section 18 of the PPIP Act, HPP 11 and APP 6.

Transfer of Health Information to the Department

- 7.156 As noted above, in relation to the transfer of health and personal information, we are instructed that it is not yet determined and as such, once a decision has been made about what will happen to the data at the cessation of the contract, we recommend a further privacy compliance assessment is undertaken at that point in time to determine any privacy compliance risks associated with any transfer of data, if that is necessary (refer to [Recommendation 9](#)).



Recommendation 13

In the event Macquarie University deletes any health records of students (i.e. after receiving a withdrawal of consent form,) we recommend it maintains a record of the name of the students whose mental health and wellbeing assessment records it deletes in accordance with section 25 of the HRIP Act.

Direct marketing

Privacy Act

- 7.157 APP 7.1 provides that an organisation must not use or disclose personal information it holds for the purpose of direct marketing unless an exception applies.
- 7.158 Exceptions that apply to personal information that is not sensitive information include:
- (a) the individual who the organisation collected the information from would reasonably expect the organisation to use or disclose the information for that purpose; and the organisation provides a simple means by which the individual may easily request not to receive direct marketing communications from the organisation; and the individual has not made such a request to the organisation (APP 7.2); or

- (b) where the individual has consented to the use or disclosure of the information for that purpose and in each direct marketing communication with the individual:
 - (i) the organisation includes a prominent statement that the individual may make such a request; or
 - (ii) the organisation otherwise draws the individual's attention to the fact that the individual may make such a request; and
 the individual has not made such a request to the organisation.(APP 7.3);

7.159 There do not appear to be any similar obligations to APP 7 contained in either the PPIP Act or the HRIP Act.

7.160 We are instructed that Macquarie University will direct market to those in individuals in Macquarie University's database who have subscribed to the eNewsletter and ongoing communications.

7.161 Whilst we do not consider that Macquarie University comes within the definition of an 'organisation' for the purposes of the Privacy Act, it will only send marketing materials to individuals who have specifically requested to receive such material from Macquarie University.

7.162 We are instructed that Macquarie University marketing materials have an unsubscribe option easily accessible at the bottom of all marketing emails to enable individuals to withdraw their consent to receiving marketing materials (i.e. unsubscribe). On that basis, we do not consider the implementation of the MMC is likely to raise any material APP 7 compliance risks.

Transborder and cross border disclosures

PPIP Act

7.163 Subsection 19(2) of the PPIP Act provides that a public sector agency that holds personal information about an individual must not disclose the information to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless certain circumstances apply, including where the individual expressly consents to the disclosure.

HRIP Act

7.164 HPP 14 provides that an organisation must not transfer health information about an individual to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless certain circumstances apply, including where the individual consents to the transfer.

Privacy Act

7.165 APP 8.1 requires an APP entity to take reasonable steps to ensure any overseas recipient of personal information does not breach the APPs when handling that information.

Transborder dataflows

7.166 Macquarie university will be disclosing health information about students who complete the MMC modules with their school, back to their school. The students will only be participating in the mental health and wellbeing assessments if they or a parent or guardian has consented to their participation and all of what that entails, including the disclosure of their assessment outcomes to the school.

- 7.167 Provided a valid consent is obtained that includes within its scope consent for Macquarie University to disclose student health information to their school (refer to [Recommendations 2](#) and [3](#), above), the disclosure will be consistent with subsection 19(2) of the PPIP Act and HPP 14.

Cross border disclosures

- 7.168 We are instructed that the implementation of the MMC will not involve any cross-border disclosures of personal or health information by Macquarie University or the Department. On that basis, we do not consider the implementation of the MMC tool is likely to raise any material APP 8 compliance risks.

Identifiers

HRIP Act

- 7.169 HPP 12 provides that, an organisation may only assign identifiers to individuals if the assignment of identifiers is reasonably necessary to enable the organisation to carry out any of its functions efficiently. Further, if the use or disclosure of an identifier assigned to an individual by a public sector agency is necessary for a private sector person to fulfil its obligations to, or the requirements of, the public sector agency, a private sector person may either:
- (a) adopt as its own identifier of an individual an identifier of the individual that has been assigned by the public sector agency; or
 - (b) use or disclose an identifier of the individual that has been assigned by the public sector agency.

Privacy Act

- 7.170 APP 9 provides that an organisation must not adopt a government related identifier of an individual as its own identifier of the individual unless:
- (a) the adoption of the government related identifier is required or authorised by or under an Australian law or a court/tribunal order; or
 - (b) the identifier is prescribed by the regulations, the organisation is prescribed by the regulations, or is included in a class of organisations prescribed by the regulations and, the adoption, use or disclosure occurs in the circumstances prescribed by the regulations.

HRIP Act

- 7.171 We are instructed that Macquarie University obtain student identifiers from schools when the school signs up students after they have provided consent to participate. Macquarie University will use this information to present the health and wellbeing outcomes back to the school and to enable the school to identify those to whom the outcomes relate.
- 7.172 Having regard to the contracted services Macquarie University are required to provide, including:
- (a) ensuring the MMC will help schools to identify students with, or at risk of declining mental health and wellbeing;
 - (b) to enable schools to undertake a point in time assessment of its student's mental health and wellbeing; and

(c) that allows schools to measure the mental health and wellbeing of their students, we consider the use of the student identifier is for the purpose of enabling Macquarie University to carry out its functions efficiently and meet its contractual obligations.

7.173 On the basis that the Department will not be collecting any health information as defined under the HRIP Act, we do not consider the implementation of the MMC tool will raise any material HPP 12 compliance risks.

Privacy Act

7.174 APP 9 does not apply to Department or Macquarie University as they are not an 'organisation' for the purposes of the Privacy Act, and section 7A is not applicable in the context of the Project. On that basis, the Project will not raise any APP 9 compliance issues.

Data Quality

PPIP Act and HRIP Act

7.175 Section 11(a) of the PPIP Act and HPP 2(a) requires a public sector agency/organisation collecting personal information from an individual, to take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that the information collected is relevant to that purpose, is not excessive, and is accurate, up to date and complete.

7.176 Section 16 of the PPIP Act and HPP 9 requires that a public sector agency/organisation that holds personal information, not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading.

Privacy Act

7.177 APP 10 requires the APP entity to take reasonable steps to ensure that:

- (a) the personal information it collects is accurate, up-to-date, and complete (APP 10.1); and
- (b) the personal information it uses and discloses is (having regard to the purposes for its use or disclosure) accurate, up-to-date, complete, and relevant, having regard to the purpose of the use or disclosure (APP 10.2).

7.178 The reasonable steps an APP entity should take will depend on the circumstances, including²⁴:

- (a) the sensitivity of the personal information;
- (b) the nature of the APP entity holding the personal information;
- (c) the possible adverse consequences for an individual if the quality of personal information is not ensured; and
- (d) the practicability, including time and cost involved.

²⁴ OACI, APP Guidelines, paragraph 10.6.

Personal information

- 7.179 In relation to personal information collected from various individuals in relation to enquiries, feedback, questions (i.e. not sensitive or health information), this information collected is minimal, is stored in a separate database to health information and is generally collected from the individual directly. On that basis, we do not consider the collection, use or storage of personal information that is not health information, raises any material APP 10 compliance risks.

Health information

- 7.180 In relation to the accuracy of the outcome indicators that are generated by the MMC tool, we have not received any instructions about:
- (a) the core principles upon which the tool (or the algorithm that underpins the tool) is built including whether the algorithm is built on an evidence-based framework (i.e. principles of cognitive behavioural therapy) or is an artificial intelligence-based system;
 - (b) whether the tool is a score-based system and if so whether the scores are based on research that has been peer reviewed and is a proven based method;
 - (c) what data was used to train the tool and whether that dataset is fit for purpose and applicable to the Australian school environment (i.e. if the tool were trained using data from Australian students or using data from another country i.e. the United Kingdom and whether the sample dataset differs in material ways to the Australia environment such that it would result in inaccurate outcomes);
 - (d) whether the MMC tool outcomes have been tested to ensure accuracy and if so, how, and how robust were the testing methods and what were the outcomes of that testing; or
 - (e) if the tool is AI based, whether the tool was trained on ethically and legally obtained data.
- 7.181 Based on the outcomes derived by the MMC tool and shared with schools, this will inform the school's further actions in relation to the student to whom those outcomes relate and could result in communication with that student's parent/s or guardian/s about the state of their mental health.
- 7.182 Such outcomes where the result is incorrect, has the potential to be damaging to a student who may not necessarily understand how the result came about or why certain actions are being taken because of it.
- 7.183 The MMC tool is automated and as such, it is not subject to the standards of care which will apply to a registered mental health professional who can speak directly to an individual and take into account various things such as body language and presentation, and also gather information that is relevant to the individual and their circumstances.
- 7.184 We recommend that the Department ensure that it has, in procuring the MMC tool, undertaken due diligence and reviewed sufficient evidence, including from research trials and in relation to the evidence-based frameworks on which it is built (if applicable) to ensure that the tool (and in particular the part of the tool which generates mental health outcome indicators) (**Recommendation 14**):

- (a) is tried, tested, and uses ethically approved methods to generate mental health outcome indicators;
- (b) will produce results for schools which are accurate and reliable;
- (c) is based on sound and tested research that has been peer reviewed and confirmed as accurate.



Recommendation 14

We recommend that the Department ensure that it has, in procuring the MMC tool, undertaken due diligence and reviewed sufficient evidence, including from research trials and in relation to the evidence-based frameworks on which it is built (if applicable) to ensure that the tool (and in particular the part of the tool which generates mental health outcome indicators):

- is tried, tested, and uses ethically approved methods to produce mental health outcome indicators;
- will produce results for schools which are accurate and reliable;
- is based on sound and tested research that has been peer reviewed and confirmed as accurate.

Security of Personal Information

PPIP Act and HRIP Act

7.185 Section 12 of the PPIP Act and HPP 5 under the HRIP Act require a public sector agency/organisation that holds personal information to ensure:

- (a) that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used,
- (b) that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information,
- (c) that the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification, or disclosure, and against all other misuse, and
- (d) that, if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information.

Privacy Act

7.186 APP 11 requires APP entities to take reasonable steps to ensure that any personal information it holds is protected from misuse, interference, and loss, and from unauthorised access, modification, or disclosure.

7.187 What constitutes 'reasonable steps' will depend upon circumstances that include²⁵

- (a) the nature of the APP entity;

²⁵ OAIC, APP Guidelines, paragraph 11.7.

- (b) the amount and sensitivity of the personal information held;
- (c) the possible adverse consequences for an individual in the case of a breach;
- (d) the practical implications of implementing the security measures, including time and cost involved; and
- (e) whether a security measure is in itself privacy invasive.

7.188 Reasonable steps an APP entity should take to meet its APP 11 obligations should involve consideration of the following matters:

- (a) governance, culture, and training;
- (b) internal practices, procedures, and systems;
- (c) ICT security;
- (d) access security;
- (e) contractual obligations with third party providers;
- (f) implementing a data breach response plan;
- (g) physical security;
- (h) destruction and de-identification of data where appropriate; and
- (i) compliance with data security standards.

Governance

7.189 We are instructed that Macquarie University conducts regular reviews of its cyber security risks and controls to ensure they are performing as intended and remain appropriate according to the level of risk.

7.190 We are further instructed that a working group has been established for the project which includes:

- (a) Macquarie University's Chief Information Officer;
- (b) the Macquarie University Voluntary Mental Health Assessment Tool IT Program Manager;
- (c) Centorrino Technologies Chief Technology Officer; and
- (d) Centorrino Technologies Voluntary Mental Health Assessment Tool Technical Delivery Lead.

7.191 This working group will meet on a monthly basis and is responsible for providing high level steering to the Project Director including risk review. Any issues identified by this group will be escalated to the Steering Committee for the project via the Project Director.

7.192 According to the Cyber Security Policy:

- (a) Macquarie University Chief Information and Digital Officer is responsible for ensuring that the MMC Cyber Security Policy and related procedures align with the University's goals and applicable government regulations, and are reviewed and updated in accordance with operational needs; and
- (b) managers and supervisors are responsible for ensuring individuals under their supervision undergo cyber security training provided by the University, and are aware

of the MMC Cyber Security Policy, the Privacy Policy, and related procedures before access to systems or information is granted.

ICT Security

- 7.193 We are instructed that Macquarie University adopts cyber security principles consistent with the Information Security Manual produced by the Australian Signals Directorate²⁶.
- 7.194 Macquarie University has developed a Cyber Security Policy specifically for the MMC which, we are instructed, is intended to work in combination with Macquarie University's general Cyber Security Policy and other related standards, requirements, and policies.
- 7.195 We note that the MMC Cyber Security Policy requires the following:
- (a) all MMC assets must be recorded in an asset register which must be kept up to date and modifications to the register can only be made by authorised personnel;
 - (b) all Macquarie University staff must receive cyber security training on an annual or more frequent basis;
 - (c) password management for MMC front end and back-end administrators will be put in place and that all passwords are adequately complex;
 - (d) multi-factor authentication for MMC to be enforced;
 - (e) vulnerability scanning technology to be deployed; network-based firewalls to be implemented between MMC and the internet and capable of generating cyber security alerts;
 - (f) MMC security assets configured to generate security event logs; and
 - (g) security event logs are protected against modification and must be regularly reviewed and analysed.
- 7.196 All data will be encrypted in-transit and at rest²⁷ and when at rest, will be encrypted at the disk storage level²⁸. We are further instructed that some personal information will also have encryption applied at the database level²⁹.
- 7.197 Access to the MMC will be restricted to only those users who are authorised to access for the purposes of supporting the delivery of the MMC and access to the data will be via functions in the MMC, which will enforce appropriate authentication and authorisation.
- 7.198 We are instructed that Centorrino have demonstrated experience in hosting and managing student data in a highly secure manner and are familiar with the requirements associated with meeting an independent IRAP assessment³⁰. We are instructed that a security assessment was conducted on the MMC in February 2024 by the NCC Group. All risks identified were rated as low (2 risks) or for information only (6 risks).

²⁶ Voluntary Mental Health Check Tool: Final Design Plan, Version 1.0, 9.11.2023 page 17.

²⁷ Voluntary Mental Health Check Tool: Final Design Plan, Version 1.0, 9.11.2023.

²⁸ My Mind Check Data Management Plan and Cyber Security Overview, draft version 0.5, 10 May 2024.

²⁹ My Mind Check Data Management Plan and Cyber Security Overview, draft version 0.5, 10 May 2024.

³⁰ Voluntary Mental Health Check Tool: Final Design Plan, Version 1.0, 9.11.2023, page 3.

- 7.199 We are further instructed that an independent, external penetration test was conducted and did not result in any critical, high, medium, or low issues being detected or remaining outstanding³¹.
- 7.200 Whilst Macquarie University's Privacy Management Plan states that it conducts Information security awareness training activities periodically for the University's staff and students, we note that the delivery of the MMC tool is not an ordinary function or activity for the University and as such, we recommend that all University staff and its subcontractors undertake specific privacy awareness training which includes training on obligations in relation to the handling of health information, prior to go live or as soon after as possible to ensure all individuals handling student health information have a solid understanding of their privacy obligations in relation to it ([Recommendation 15](#)).

Data retention and destruction

- 7.201 We have not been provided any instructions in relation a data retention and destruction plan for the MMC. As noted above in paragraph 1.3, the health information collected about students is intended to provide a point in time snapshot of mental health only and we have not received any instructions which suggest the information is intended to be maintained in an identifiable form for any uses which require it to be stored for a long period of time (i.e. longitudinal studies).
- 7.202 We recommend an MMC data retention and destruction plan is developed and implemented by Macquarie University (in cooperation with the department, where necessary) that ensures student health information as well as other personal information it collects for the purposes of delivering the MMC is only stored in identifiable form for as long it is required to provide the MMC contracted services and in accordance with any records management obligations under law. Once the information collected by Macquarie University is no longer required to provide the MMC services, it should be securely destroyed or de-identified, unless it is required to be maintained under law ([Recommendation 16](#)).

Data Breach Response Plan

- 7.203 Under section 59ZD of the PPIP Act, a public sector agency is required to publish a data breach policy and establish and maintain an internal register for eligible data breaches. The register must include details of the following, where practicable, for all eligible data breaches:
- (a) who was notified of the breach,
 - (b) when the breach was notified,
 - (c) the type of breach,
 - (d) details of steps taken by the public sector agency to mitigate harm done by the breach,
 - (e) details of the actions taken to prevent future breaches,
 - (f) the estimated cost of the breach.

³¹ My Mind Check Data Management Plan and Cyber Security Overview, draft version 0.5, 10 May 2024.

7.204 Macquarie University have a Data Breach Policy published on its website³² which:

- (a) defines what a data breach is and what an eligible data breach is;
- (b) sets out how it will respond to a data breach;
- (c) clarifies roles and responsibilities with respect to responding to a data breach;
- (d) outlines reporting requirements for all staff, students, or affiliates when a data breach is identified, including with respect to Macquarie University's internal register of data breaches and its published notification register on its privacy webpage; and
- (e) identifies the mechanisms in place to prevent data breaches from occurring.

7.205 Based on the comments above, it is our view that Macquarie University complies with its obligations under section 59ZD of the PPIP Act and APP 11 in regard to maintaining a data breach response plan.



Recommendation 15

We recommend that all Macquarie University staff and its subcontractors undertake specific privacy awareness training which includes training on obligations in relation to the handling of health information, prior to go live or as soon after as possible to ensure all individuals handling student health information have a solid understanding of their privacy obligations in relation to it.



Recommendation 16

We recommend an MMC data retention and destruction plan is developed and implemented by Macquarie University (in cooperation with the department, where necessary) that ensures student health information as well as other personal information it collects for the purposes of delivering the MMC is only stored in identifiable form for as long it is required to provide the MMC contracted services and in accordance with any records management obligations under law.

Once the information collected by Macquarie University is no longer required to provide the MMC services, it should be securely destroyed or de-identified, unless it is required to be maintained under law.

³² <https://policies.mq.edu.au/document/view.php?id=381>

Data access

PPIP Act

- 7.206 Section 13 of the PPIP Act provides that a public sector agency that holds personal information must take such steps as are, in the circumstances, reasonable to enable any person to ascertain—
- (a) whether the agency holds personal information, and
 - (b) whether the agency holds personal information relating to that person, and
 - (c) if the agency holds personal information relating to that person:
 - (i) the nature of that information, and
 - (ii) the main purposes for which the information is used, and
 - (iii) that person's entitlement to gain access to the information.
- 7.207 Section 14 of the PPIP Act provides that a public sector agency that holds personal information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.

HRIP Act

- 7.208 HPP 7 provides that, an organisation that holds health information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.

Privacy Act

- 7.209 Under APP 12, individuals must be given access to their own personal information (subject to certain exceptions).
- 7.210 Macquarie University advises individuals via its MMC Privacy Collection Notice that they may request access to the personal information that Macquarie University holds about you via the "Enquire Now" form on the MMC website or by contacting them via their dedicated privacy email address (privacy@mymindcheck.org.au).
- 7.211 We are instructed that the Department's existing mechanisms and processes in place to facilitate and respond to requests for access to personal information held by the Department will apply to any personal information it may collect in relation to the MMC.
- 7.212 On that basis, we do not consider the implementation of the MMC to raise any material compliance risks in relation to sections 13 and 14 of the PPIP Act, HPP 7 and APP 12.

Data correction

PPIP Act

- 7.213 Section 15 of the PPIP Act provides that, a public sector agency that holds personal information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information is accurate, and having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.

HRIP Act

- 7.214 HPP 8 requires and an organisation that holds health information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the health information is accurate, and having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.

Privacy Act

- 7.215 APP 13 requires APP entities to take reasonable steps, on request by an individual, to correct any personal information they hold to ensure it is accurate, relevant, up to date, complete and not misleading, having regard to the purpose for which it is held.
- 7.216 Macquarie University advises individuals via its MMC Privacy Collection Notice that individuals may seek correction of the personal information Macquarie University holds about them by contacting them using the contact details provided in the Privacy Collection Notice.
- 7.217 We are instructed that the Department's existing mechanisms and processes in place to facilitate and respond to requests for correction of personal information held by the Department.
- 7.218 On that basis, we do not consider the implementation of the MMC to raise any material compliance risks in relation to section 15 of the PPIP Act, HPP 8 and APP 13.

8 Community Expectations

- 8.1 The lawful collection, use or disclosure of personal information may ensure that a particular activity complies with the Privacy Act, and even with generally accepted privacy principles. However, that does not mean it will necessarily meet community expectations.
- 8.2 The former Australian Privacy Commissioner Malcolm Crompton has noted that:
- Consumers everywhere eventually reach a level of concern where they no longer accept a situation of low security and regular loss of privacy through inappropriate use and sharing of information, even if legal.*³³
- 8.3 Furthermore, community expectations about what constitutes an invasion of privacy are not necessarily reflected in the law, with some surveys of lodged privacy complaints suggesting that many complainants' expectations about how the law is supposed to protect their privacy are not being met by privacy laws, including the Privacy Act, in practice.
- 8.4 Reliable indicators of community expectations are notoriously difficult to produce however, some assumptions may be drawn from the findings of OAIC's *Australian Community Attitudes to Privacy Survey 2023*. This survey provides valuable insight into community expectations generally. Relevant findings from the most recent OAIC survey include:
- (a) 62% see the protection of their personal information as a major concern in their life³⁴;
 - (b) 74% of Australians feel data breaches are one of the biggest privacy risks they face today³⁵; and
 - (c) protecting their child's personal information is a major concern for 79% of parents. However, only half (50%) feel they are in control of their child's data privacy³⁶; and
 - (d) the vast majority of parents support organisations adopting a child-centric approach to handling personal information about children. This includes organisations considering what is in the best interests of children when handling their personal information (93% support) and providing important data privacy information to children in clear language that is not misleading (91% support)³⁷.
- 8.5 As can be noted from both the submissions into the Privacy Act Review and also the responses to OAIC's survey, the community expects that activities that require or include the handling of personal information about children, should involve children being informed about how their personal information will be collected and handled in a way and using language that will enable their comprehension of that information.

³³ Information Integrity Solutions, *The trust cluster: dealing effectively with security, privacy, identity and authentication at the heart of connected government* dated 2005.

³⁴ Main findings, page 8.



³⁵ Main Findings, page 8.



³⁶ Children's Privacy, page 11.



³⁷ Children's Privacy, page 11.



- 8.6 Further, many of the children who are likely to be involved with the use of the MMC, will not likely have the capacity to consent to participate and will have a parent or guardian consent to their participation on their behalf. Just because a child does not have the capacity to consent does not mean they should not be involved in the decision-making process and have a voice about whether or not they would like to participate. In this regard, we refer to Recommendation 2, above.
- 8.7 The MMC will handle very sensitive health information about students in Australian schools. To enable a strong uptake in the usage of the MMC, it will be of the utmost importance for Macquarie University to build and maintain community trust in its ability to securely collect and manage the health information of students through the MMC website and portal and to generate accurate results using the MMC tool.
- 8.8 Clear and detailed notification and transparency around:
- (a) how the MMC tool works;
 - (b) who is handling what and for what purposes in respect of MMC services; and
 - (c) what happens with the information once it is no longer required,
- will be important factors in building community trust and maintaining social licence to deliver the contracted services. In this regard, we refer to [Recommendations 10, 11 and 16](#).
- 8.9 Another aspect to building and maintaining community trust will be the ability of the Department, and Macquarie University to ensure the MMC produces accurate results in relation to student mental health and wellbeing the robust testing and assurance activities undertaken on the MMC tool to ensure its results are accurate. In this regard, we refer to [Recommendation 13](#).



Schedule 1: Information flow descriptions



Step	Description 	Personal Information Flow 
1. Enquiries and subscriptions		
1(a)	<p>A school will register their interest in using the MMC tool via an enquiry form located on the MMC website (hosted by Humaan) and in doing so, will provide the following mandatory information (denoted with an asterisk):</p> <ul style="list-style-type: none"> • first and last name of enquirer; • email address; and • state. <p>The enquirer will also be able to provide extra information which is not mandatory:</p> <ul style="list-style-type: none"> • School name; • school type (choose from Government, Independent or Catholic); and • short free text message. <p>The enquirer will answer the following two further questions by ticking the box to agree:</p> <ul style="list-style-type: none"> • I want to receive the MMC eNewsletter; and • I agree to the MMC Privacy collection notice. <p>The individual will be unable to submit their enquiry if they do not agree to the Privacy Notice.</p> <p>Once the enquirer submits their enquiry, the information input into the webform is transferred to Macquarie University in an email (info@mymindcheck.org.au). From the email account the team store the details into the Macquarie University Promotion, Communication and Feedback Database. The Promotion, Communication and Feedback</p>	<p>Macquarie University will collect personal information when they receive enquiries about the MMC tool from a school contact.</p>



Step	Description 	Personal Information Flow 
	<p>Database is a database stored within Macquarie University's secure SharePoint that contains information from individuals who submit enquiry/subscriber forms and who provide feedback.</p> <p>No information is stored or retained on the website or accessible to Humaan.</p>	
1(b)	<p>Individuals may also lodge general enquiries through the website and when doing so, will need to provide the same information.</p> <p>The enquirer will answer the following two further questions by ticking the box to agree:</p> <ul style="list-style-type: none"> • I want to receive the MMC eNewsletter; and • I agree to the MMC Privacy collection notice. <p>The individual will be unable to submit their enquiry if they do not agree to the Privacy Notice.</p> <p>Once the enquirer submits their enquiry, the information input into the webform is transferred to Macquarie University in an email (info@mymindcheck.org.au). From the email account the team store the details into the Macquarie University Promotion, Communication and Feedback Database.</p> <p>No information is stored or retained the website or accessible to Humaan.</p>	<p>Macquarie University will collect personal information when they receive enquiries about the MMC tool from an individual.</p>
1(c)	<p>Individuals can subscribe to the MMC website to receive updates and a newsletter by providing:</p> <ul style="list-style-type: none"> • first and last name; and • email address. <p>This information is stored into the Macquarie University Promotion, Communication and Feedback Database.</p>	<p>Macquarie University will collect personal information when an individual submits a subscription request.</p>
1(d)	<p>Macquarie University representatives will use the information provided in the enquiry form to communicate with individuals and respond to their enquiry or provide information about the MMC tool, including a licence agreement if the school chooses to proceed to introduce the MMC tool.</p>	<p>Macquarie University will use personal information when they respond to enquiries.</p>



Step	Description 	Personal Information Flow 
1(e)	<p>When a school is ready to proceed to acquire the MMC tool, they will enter into a software licence agreement with Macquarie University.</p> <p>The licence agreement will include details for a school contact (name, title, phone number and email address) and will be signed by a representative of each of the parties.</p> <p>The licence agreement will be stored in Macquarie University's secure SharePoint database.</p>	<p>Macquarie University will collect personal information when it receives an executed licence agreement.</p>
2. Establishing a school account		
2(a)	<p>Once a licence agreement has been entered into, Macquarie University will create a profile for the school within an instance of its cloud database (the MMC database). The school profile will consist of a set of tables within the cloud database (the school database) to which logical separation is applied to ensure information for each school remains separated.</p> <p>Macquarie University will establish an account for the school principal or their delegate as well as another school staff member with administrator access.</p>	<p>Macquarie University will use personal information to:</p> <ul style="list-style-type: none"> • set up the initial principal and/or administrator accounts after establishing the school MMC account; • sends a welcome email to the principal and/or school administrator with login instructions; and • generates an access code to enable staff entry to the portal for the principal and/or school administrator.



Step	Description 	Personal Information Flow 
2(b)	<p>Once the school account has been established, the principal or the staff member with administrator access, can create an account for the other staff members who will require access to the system and assign their role in the system. When creating a staff account, the administrator will enter in the following details about the staff member:</p> <ul style="list-style-type: none"> • first and last name; • work email address; • role at the school; and • role within the tool. <p>There are five types of roles which can be assigned to school staff and each role will have the following s 47G(1)(a)</p> <p>There are no limits to the number of staff accounts that can be established for a school or for each role however to establish a school in the system, there must be at least one person in the School Admin role. As a member of staff is added to the system, the school administrator requests (via a button in the system) that they be sent a "Welcome to MMC" email. Which will provide instructions on how to log in to the portal.</p> <p>Staff utilise a multi-factor authentication process upon each and every login to the portal. They follow the below steps each time they want to log in to the portal:</p> <ul style="list-style-type: none"> • Navigate to the School Login on the MyMindCheck.org.au website; • enter their school email address; 	<p>Macquarie University will collect personal information when:</p> <ul style="list-style-type: none"> • when the school principal or administrator establishes staff accounts; and • when it collects staff email addresses to generate an access code. <p>Macquarie University will use personal information to:</p> <ul style="list-style-type: none"> • send a welcome email once the staff member's profile has been set up by the school; and • generate access codes to the staff portal to enable staff entry to the portal.



Step	Description 	Personal Information Flow 
	<ul style="list-style-type: none"> • s 47G(1)(a) <p>When a staff member first logs on to the MMC staff portal, they will be required to accept (or decline) the Terms of Use. If they choose to decline, they will not be allowed access to the portal until such time as they re-login and accept the Terms of Use.</p>	
2(c)	<p>Once the school account has been established, Macquarie University will supply a privacy collection notice and consent forms to the school for them to distribute and use.</p> <p>The school will be required to collect express, written consent from all parents or children who have the requisite capacity to consent, who wish to use the MMC tool. There is no ability for students to self-register. Students/Caregivers are required to review the privacy collection notice referenced within the consent form.</p> <p>The privacy collection notice advises the student/caregiver that they are bound by the Terms of Use if they consent to use the MMC tool and that a link to the Terms of Use is included on the website.</p> <p>Once the school has received consent forms back, they will collate the following details for those student's for whom they have received consent, s 47G(1)(a)</p> <ul style="list-style-type: none"> • student ID; • preferred name (Can be any name the school can recognise the individual by); • last name; and • year level. <p>Staff portal users will s 47G(1)(a) details of the students that they wish to add / amend on their school profile within the MMC database via a 'bulk upload' feature within the 'Manage Students' area of the school admin functions within the MMC portal. s 47G(1)(a) processed immediately by an API and only the student information is stored within the school's database within the MMC database. The processing that will be undertaken by the API is:</p>	<p>Macquarie University will collect personal information when a school uploads student details into the MMC tool.</p> <p>Macquarie University will use personal information when it processes the student information and saves it to the school database to create a student profile within the school's database.</p>



Step	Description 	Personal Information Flow 
	<ul style="list-style-type: none"> • a data match against school data already received (if any) and stored in the school database, to determine if the details of the student have ever been received for the school in the past and: <ul style="list-style-type: none"> ○ if so, to determine whether an update is required (i.e. because new information is received); or ○ if no update is required, to return an error message for the particular student advising of a duplicate record; or • if the student does not currently exist in the database, to add their details to the database. 	
2(d)	<p>Once processing has completed, the student profile will be accessible via the MMC staff portal. To display the student information to the staff via the staff portal, s 47G(1)(a) which is returned to the browser for rendering. The rendering of data within a webpage is not considered to be storing it there (only displaying it). It is not persisted.</p>	<p>Macquarie University will disclose personal information when it displays student data to staff within the staff portal of the MMC tool.</p>
3. Conducting MMC sessions		
3(a)	<p>Any staff member who has an MMC role of school principal, school administrator, or school champion, will schedule the sessions in the MMC portal by:</p> <ul style="list-style-type: none"> • logging into their staff account; • navigating to the 'school settings' page in the MMC portal; • creating groups by selecting the students who will form the group in the tool; • navigating to the 'set up session' tab in the MMC portal and completing the following fields: <ul style="list-style-type: none"> ○ supervisor (this will be a member of staff who has been assigned the role of 'session supervisor' in the system; ○ selecting the group; and 	<p>Macquarie University will collect personal information when the system establishes the session details requested by the staff member, in the MMC portal.</p> <p>Macquarie University will use personal information when it arranges students into a group and records a session in the MMC tool for that group.</p>



Step	Description 	Personal Information Flow 
	<ul style="list-style-type: none"> adding a date and time for the session. 	
3(b)	<p>Prior to undertaking an MMC assessment point-in-time mental health and wellbeing assessment (MMC assessment) a staff member with a MMC role of session supervisor or school administrator will:</p> <ul style="list-style-type: none"> sign into their MMC portal account; navigate to the 'view session' tab; select the group they are responsible for; and select the button to create printable session codes for that group. <p>As 47G(1)(a) (session code) will be automatically generated by the MMC tool for each student in the group which will be published next to their name in the system.</p> <p>The session supervisor will print the session codes and cut them into individual bits of paper.</p>	<p>Macquarie University will collect personal information when the MMC system generates printable session codes and saves them against each student's profile at the request of a session supervisor.</p> <p>Macquarie University will use personal information when the MMC tool creates a session code for each student in the selected group.</p> <p>Macquarie University will disclose personal information when it makes the session codes for each child in a group, available to the group's session supervisor.</p>
3(c)	<p>At the allotted session time, the students will be asked to gather into a quiet space with the session supervisor and when ready, the session supervisor will hand out the session codes to each student in the group. The session supervisor will remind the students that the session is optional and voluntary.</p> <p>The student will navigate to the MMC website, and under the 'Portal access' drop down, select 'Student check-in'. At the point where the student accesses the MMC tool, the student have entered into a legally binding contract with Macquarie University as set out in the Terms of Use.</p> <p>The student will be navigated to a page where they will enter in their session code to gain access to the MMC tool.</p>	<p>Macquarie University will use personal information to log a student into an MMC session and enable their access to the correct set of questions.</p>



Step	Description 	Personal Information Flow 
3(d)	<p>Students will complete the MMC assessment by answering the questions presented and continuing to navigate through the module.</p> <p>The questions will be presented in a number of modules and none of the questions will be mandatory.</p> <p>The modules and questions the student will be presented with will depend on the packages selected by the school.</p>	<p>Macquarie University will collect personal information (including sensitive information and health information) when students answer the questions in a module.</p>
3(e)	<p>The student responses are ingested by the MMC tool which will process the responses and automatically generate a visual summary of each child's outcomes as well as outcomes for each group and the school generally. The outcomes are viewable as follows:</p> <p>School View</p> <p>School staff with a role of School Principal, School Executive and School Champion in the MMC tool will be able to view the following information via the dashboard in their staff MMC tool account:</p> <ul style="list-style-type: none"> • how many students participated in the check-in session; • how many students completed the check-in session; • how many check-in sessions were conducted; • the overall findings per year level (i.e. Overall, 4 students are struggling, 1 student is vulnerable, and 22 students are coping); and • the findings for a particular module (i.e. anxiety) for a particular year level/s (i.e. 1 student is struggling, 1 is vulnerable and 12 are coping). <p>Champions view</p> <p>School staff with a role of School Principal and School Champion in the MMC tool will be able to view the following information via the dashboard in their staff MMC tool account:</p> <ul style="list-style-type: none"> • breakdown by student of the following: 	<p>Macquarie University will collect personal information (including sensitive information and Health Information) when it generates outcome indicators based on student responses.</p> <p>Macquarie University will use personal information (including sensitive information and health information) when it converts the student's responses into a visual representation.</p> <p>Macquarie University will disclose personal information (including sensitive information and health information) when it makes a visual representation of student outcomes accessible to authorised staff.</p>



Step	Description 	Personal Information Flow 
	<ul style="list-style-type: none"> ○ their overall mental health and wellbeing indicator (i.e. struggling); ○ their indicator for each individual module completed. <p>Student view</p> <p>School staff with a role of School Principal and School Champion in the MMC tool will be able to view the following information via the dashboard in their staff MMC tool account:</p> <ul style="list-style-type: none"> • an individual student view including risk factors for each module; • a communication template populated with student outcomes to enable schools to easily communicate outcomes to the student/parent in written form. The template will not include the students name as this is required to be added manually; • follow up options for communicating outcomes to the student and caregivers and support options which include links to various resources which are separate to the MMC tool. <p>The MMC consent templates include mention of sharing outcomes to the student and/or caregiver when indicated as necessary via the MMC check-in outcomes and as such, no further consent will be obtained in relation to follow-up activities.</p> <p>Student outcomes data can be viewed within the Portal only. There will be no print or extraction functions available in the Portal. Schools will not have access to individual responses or raw data provided by students via the MMC tool.</p> <p>Processing of information input by students is only undertaken by the MMC tool. All processing occurs within the Centorrino hosted cloud servers. All processing is done in real-time, so results are visible immediately to staff with the relevant role. Centorrino will not have access to any student data, however, will have the ability to directly interrogate the database should they be required to under law.</p>	
3(f)	<p>The student's answers will be transferred and stored into the MMC Operational Database as they complete each module. The MMC Operational Database stores data in two separate ways i.e. in two separate tables within the MMC cloud database:</p>	<p>Macquarie University will use personal information personal information (including sensitive information and</p>

Step	Description 	Personal Information Flow 
	<ul style="list-style-type: none"> identified outcomes data (the indicators on each domain and overall for example, struggling, vulnerable, coping or not enough information, but not the specific answer to each question) for each individual student along with the following information: <u>School</u> <ul style="list-style-type: none"> School Name; Year Levels that the school covers; State / Territory in which the school is based; Postcode of the School; The Commonwealth Department of Education identifier for that school; Which “screening package” the school has signed up to operate; The sector within which the school operates (i.e. Catholic, Independent or Public); <u>School Staff</u> <ul style="list-style-type: none"> First Name / Last Name; Work email address; Role within the tool; <u>School Student</u> <ul style="list-style-type: none"> Student Identifier (mandatory and unique for that school); Preferred Name / Last Name; Year Level; 	<p>health information) when it separates the raw data collected from each student and stores it into two separate databases within the school database.</p>

Step	Description 	Personal Information Flow 
	<p><u>Student Assessment</u></p> <ul style="list-style-type: none"> ○ Assessment date; ○ Student First Name / Last Name; ○ Overall Mental Health indicator (struggling / vulnerable / coping); ○ Domain specific indicator (struggling / vulnerable / coping); ○ Protective Factors specific ratings (indicated / not indicated); and • de-identified raw data (responses to each question without identifying information) <ul style="list-style-type: none"> ○ school ID (MMC tool internal ID); ○ session date; ○ domain; ○ question; and ○ student answer. <p>The de-identified raw data does not include either the student identifier or the session code for a student. There are no attributes stored that could be used to link the answers back to the student identifier. Macquarie University will not have the ability to link answers from different sessions for a given student (as we would need a student identifier to do this).</p>	
4. Evaluation and feedback activities		
4(a)	<p>Evaluation and feedback will be collected from subscribers and registered school staff through website forms or formal feedback invitations. Feedback will be stored into the Promotion and Communication database</p> <p>Information collected via feedback forms will include:</p>	<p>Macquarie University will collect personal information (including</p>

Step	Description 	Personal Information Flow 
	<ul style="list-style-type: none"> • basic demographic information (First Name, Last Name, Email, School name (optional), State and School type (drop down selection from Government, independent, Catholic)); • details about use of MMC; • experiences with MMC; and • suggestions for improvements. 	sensitive information and Health Information) when it collects feedback
4(b)	<p>The last module within the check-in session is a module on feedback which asks students in years 4-5 to answer the following questions:</p> <ul style="list-style-type: none"> • is it okay for your school to ask about your wellbeing? (yes, I do not mind either way, no, I do not want to answer); • did you feel upset answering any of the questions (not at all upset, slightly upset, very upset, extremely upset); • would you do a check-in again (yes absolutely, probably, not sure, probably not, definitely not); and • do you think this check-in is helpful for kids (very helpful, helpful, not sure, unhelpful, very unhelpful). <p>Students in years 6-12 will be asked to answer the following feedback questions:</p> <ul style="list-style-type: none"> • Is it okay for your school to ask about your wellbeing? (yes, I do not mind either way, no, I do not want to answer); • would you do a check-in again (yes absolutely, probably, not sure, probably not, definitely not); and • do you think this check-in is helpful for kids (very helpful, helpful, not sure, unhelpful, very unhelpful). <p>Students under year 3 will not be asked to provide feedback.</p>	Macquarie University will collect personal information when it collects feedback responses from students.

Step	Description 	Personal Information Flow 
5. Withdrawal of consent		
5(a)	<p>Consent - including withdrawal of consent is managed by the school. In circumstances where a student has requested to withdraw their consent to the use of the MMC tool, the school will provide the student with the 'Withdrawal of Consent Form – Student'. When a completed 'Withdrawal of Consent' form is submitted to the school, the school will be responsible for 'deleting' the student profile within the MMC portal.</p> <p>s 47G(1)(a)</p>	<p>Macquarie University will use personal information to delete student data for students who have withdrawn their consent.</p>
6. Macquarie University activities		
6(a)	<p>All data available to Macquarie University will be used for quality assurance activities to ensure that:</p> <ul style="list-style-type: none"> • outcomes reported match against responses; • to ensure Macquarie University is responding promptly to enquiries/phone calls; • to evaluate the norms to ensure the system is performing as intended; and • to inform service improvement. Macquarie University plan to review feedback and ideas for product refinement provided by stakeholders and registered school users to inform service improvement. Macquarie University will review feedback against a set of principles that has guided the development of the initiative to ensure what is implemented aligns with the policy intent and services schools. 	<p>Macquarie University will use personal information for quality assurance and service improvement activities.</p>

Step	Description 	Personal Information Flow 
6(b)	<p>Reporting to the Commonwealth. Reports will include statistical data relating to the uptake and acceptability of MMC tool. These reports will not identify individual schools or students. Although not confirmed via a formal contract variation the Commonwealth wellbeing team have indicated that they intend to implement a contract variation to amend reporting obligations to require Macquarie University to share uptake and usability data (not outcome information) at national aggregate levels only.</p>	<p>No personal information handled at this point.</p>
6(c)	<p>Macquarie University has a revocable license from the Commonwealth to store and use the de-identified raw data for non-commercial research and development, education, and publication purposes that relate to developing and operating the MMC tool.</p> <p>The research is aimed at understanding and measuring youth mental health and wellbeing in a way that does not allow comparison of mental health data across jurisdictions or education sectors.</p> <p>Macquarie University will use de-identified data to publish information routinely collected as part of operating the MMC tool. This may include how it developed the initiative (e.g. the consultation involved), the testing and refinement that was conducted, and ongoing refinement/improvements especially with respect to the screening items themselves. Macquarie University may also publish changes in mental health and wellbeing trends over time (if meaningful data emerges) but would ensure that any outcome information provided does not identify or enable comparisons across jurisdictions or education sectors.</p>	<p>No personal information handled at this point.</p>
7. Archiving		
7(a)	<p>At the end of the Project, Macquarie University will provide the Commonwealth with all of the 'operational data', if requested to do so, in accordance with the contract. The Department will only obtain the data at the end of the contract for the purpose of archiving to comply with archiving legislation.</p>	<p>Macquarie University will disclose personal information when it discloses 'operational data' to the Department.</p> <p>The Department will collect personal information when it ingests the 'operational data'.</p>

Schedule 2: Glossary

Term	Meaning
APPs	Australian Privacy Principles
APP Guidelines	OAICs Australian Privacy Principle Guidelines
APS Privacy Governance Code	<i>Privacy (Australia Government Agencies – Governance) APP Code 2017</i>
Centorrino	Centorrino Technologies Pty Ltd
Consent form	Information and Consent form template
The Contract	Long Form Services Contract in Relation to the Provisions of a Voluntary Mental Health Check Tool between the Commonwealth of Australian as represented by the Department of Education and Macquarie University, executed on 13 June 2023.
Department	Department of Education
HRIP Act	<i>Health Records and Information Privacy Act 2002 (NSW)</i>
Identified outcomes data	The outcome indicators for each MMC module completed and overall (for example, struggling, vulnerable, coping or not enough information) but not the specific answer to each question.
MMC	My Mind Check
MMC database	Macquarie University's instance of the Centorrino cloud database
NSW IPC	New South Wales Information and Privacy Commission
OAIC	Office of the Australian Information Commissioner
PIA	Privacy impact assessment
PPIP Act	<i>Privacy and Personal Information Protection Act 1998 (NSW)</i>
Privacy Act	<i>Privacy Act 1988 (Cth)</i>
PTA	Privacy Threshold Assessment
School database	Connected set of tables within the MMC database dedicated to a particular school.
Session code	6-character alphanumeric code that relates to a combination of the student profile AND the specific session

Term	Meaning
Variation 1	Deed of Variation in Relation to the Provision of a Voluntary Mental Health Check Tool between the Commonwealth of Australian as represented by the Department of Education and Macquarie University, executed on 15 March 2024
Variation 2	Draft Proposed Changes under Schedule 1 of the Contract received by Sparke Helmore on 28 May 2024

Schedule 3: Materials

Macquarie University Materials

My Mind Check – Privacy Collection Notice, Version 1, 26 April 2024

Information & Consent Form – Parent/Guardian, version 1.1, 10 May 2024

Information & Consent Form – Student, version 1.1, 10 May 2024

Template Withdrawal of Consent Form for Parents/Guardians

Template Withdrawal of Consent Form for Students

Draft Software Licence (My Mind Check), 23 April 2024

Draft My Mind Check Terms of Use, 26 April 2024

My Mind Check items, 26 April 2024

Long Form Services Contract in Relation to the Provisions of a Voluntary Mental Health Check Tool between the Commonwealth of Australian as represented by the Department of Education and Macquarie University, executed on 13 June 2023

Deed of Variation in Relation to the Provision of a Voluntary Mental Health Check Tool between the Commonwealth of Australian as represented by the Department of Education and Macquarie University, executed on 15 March 2024

Draft Proposed Changes under Schedule 1 of the Contract received by Sparke Helmore on 28 May 2024

Voluntary Mental Health Check Tool Threshold Assessment completed by Pamela Banerjee on 12 October 2022

My Mind Check Data Management Plan and Cyber Security Overview

My Mind Check Access and Authentication Standards

My Mind Check Cyber Security Policy

Voluntary Mental Health Check Tool: Final Design Plan, version 1.0, 9 November 2023

nccgroup Voluntary Mental Health Check Tool Security Assessment, version 1.0, 1 February 2024

OAIC Documents

Australian Privacy Principle Guidelines

Australian Community Attitudes to Privacy Survey 2023 Report

Guide to undertaking privacy impact assessments (September 2021)

Legislation

Privacy and Personal Information Protection Act 1998 (NSW)

Health Records and Information Privacy Act 2002 (NSW)

Privacy Act 1988 (Cth)

Privacy (Australia Government Agencies – Governance) APP Code 2017

