



Information Privacy Policy

1 Purpose

Sunraysia Institute of TAFE's policy regarding the collection, use, storage, disclosure of and access to personal and health information in relation to personal privacy.

2 Scope

This policy applies to the management of personal and health information collected by the Institute concerning staff, students, prospective students, clients of the Institute as well as former staff.

3 Policy

3.1 Statement of Commitment

3.1.1 The Institute recognises the value of the information it holds, and is committed to the responsible management of personal information (including health information). This commitment arises not only from the requirement to comply with relevant legislation but also in recognition of, and commitment to, information privacy as a fundamental human right.

3.2 Legislative Obligations

3.2.1 The Institute will comply with the Information Privacy Principles (IPPs) from the Privacy and Data Protection Act 2014 (VIC) and the Health Privacy Principles (HPPs) from the Health Records Act 2001 (VIC) as minimum standards when handling personal and health information, unless otherwise permitted by law.

3.3 Collection of Personal and Health Information

3.3.1 The Institute collects personal and health information to comply with relevant legislation and to enable it to perform its primary functions, including:

- a) The provision of education and related activities, and
- b) The employment of staff.

3.3.2 The Institute will only collect personal and health information if the information directly relates to the legitimate purpose of the Institute, and in a way that is lawful, fair and not unreasonably intrusive.

3.3.3 The types of personal and health information that the Institute generally collects and holds to fulfil its functions includes, but is not limited to:

- a) Prospective students – Contact details
- b) Current students – Contact details, next of kin, fee concession details (if applicable), documents for verifying identity and age, health information

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relating to the support services the Institute may have, employment details and Citizenship status

- c) Staff upon employment – Contact details, next of kin, qualifications held (if applicable), disclosure of pre-existing injuries or diseases, superannuation details, Tax File Number, Police check and Working with Children’s Check
- d) Suppliers – Contact details

3.3.4 When collecting information (whether by verbal, written or electronic means), reasonable steps will be taken to ensure that the individual is aware of:

- a) The purpose of which the Institute is collecting the information;
- b) The fact that the individual can gain access to the information;
- c) To whom the information will be disclosed;
- d) Any law that requires the particular information to be collected;
- e) The consequences (if any) for not providing the information.

3.3.5 Information will be collected directly from the individual unless it is unreasonable or impractical to do so. When information is collected from someone else, all reasonable steps will be taken to ensure the individual whom the information is about is aware of all points under 3.3.4.

3.3.6 Information collected is often compulsory as it relates to a legislative obligation or is required to ensure the Institute can properly perform its functions. Personal information will not be collected from individuals if it is reasonable and practicable to transact with them without collecting this type of information.

3.3.7 Additionally, when collecting health information, the Institute will only collect in accordance with the above criteria and only if:

- a) the individual has consented;
- b) the collection is required under law (e.g. collection of statistics for a government agency); or
- c) the collection is otherwise in accordance with Health Privacy Principle 1.

3.4 Sensitive Information

3.4.1 The Institute will not collect sensitive information about an individual unless they have given consent, the collection is required under law or the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of an individual. During these instances, the purpose of collecting this information will be clearly communicated.

3.5 Use and Disclosure

3.5.1 Personal and health information collected by the Institute must only be used for the primary purpose of collection, unless it falls within an exception, including where use and disclosure is:

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- a) for a related secondary use reasonably anticipated by the individual; or
- b) with the consent of the individual; or
- c) where authorised by law (i.e., to fulfil its duty of care to students, staff and visitors).

3.5.2 In the event of an emergency, personal details may be released if the Institute reasonably believes that the use and disclosure is necessary to lessen or prevent:

- a) a serious and imminent threat to an individual's life, health safety or wellbeing; or
- b) a serious threat to public health, public safety or public welfare.

Organisations and individuals contracted to provide services to the Institute will also be required to comply with the requirements set out in this Policy in relation to acts undertaken by the service provider for the purposes of the contract with the Institute.

3.6 Data Quality

3.6.1 Institute staff have an obligation to maintain accurate and reliable records in accordance with the Institute's Records Management Policy and Procedure. This includes taking reasonable steps to ensure the information collected, used or disclosed is accurate, complete and up to date.

3.6.2 Students and contractors have an obligation to notify the Institute of any changes to personal information that may be relevant (i.e., change of contact details).

3.7 Data Security

3.7.1 The Institute has in place processes to protect the personal and health information it holds from misuse, loss and unauthorised access, modification or disclosure. These processes are based on industry standards and regularly updated.

3.7.2 The Institute will destroy or permanently de-identify personal and health information if it no longer needs the information in accordance to its Records Management Policy and Procedure.

3.8 Access and Correction

3.8.1 Individuals will have access to their own personal records, unless prevented by law. This information is not to be taken from the Institute.

3.8.2 The Institute will only release personal information where:

- a) The staff member, student or client concerned has given written consent;
- b) If the Institute has a legal obligation to respond to a request (which must be in writing); or
- c) In the event of an emergency.

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3.8.3 If an individual notifies the Institute that their information is inaccurate, incomplete or not up to date, the Institute will take reasonable steps to correct the information or to record that the individual disagrees with the information on file.

3.8.4 Freedom of Information (FOI) Requests

3.8.4.1 The Institute acknowledges the right for individuals to request access to documents held by Victorian public sector agencies in accordance with the Freedom of Information Act 1982 (VIC).

3.8.4.2 This right of access is subject to exceptions and exemptions necessary to protect essential public and private interests. The Institute will balance the public interest in the free flow of information with the protection of the privacy of personal information that it collects.

3.8.4.3 All FOI requests must be made in writing directly to the Institute's Privacy Officer.

3.9 Unique Identifiers

3.9.1 In accordance with the Standards for Registered Training Organisations (RTOs) 2015, the Institute is required to collect and verify the Unique Student Identifier (USI) before issuing certification for its students.

3.9.2 In addition, there are times (i.e., during enrolment, employment) that the Institute is required to collect unique identifiers such as Centrelink numbers, Tax File Numbers and/or Concession details. The purpose of collecting this information will be explained during collection and the Institute will not use these unique identifiers for any other purpose than for what it was collected for.

3.10 Transfer of information outside Victoria

3.10.1 If required to send information outside of Victoria, the Institute will only do so:

- a) if the recipient is subject to principles of information handling that are substantially similar to the IPPs; or
- b) the individual consents to the transfer; or
- c) the transfer is necessary for the performance of a contract between the individual and the Institute; or
- d) it is impracticable to obtain the Individuals consent if the transfer is for their benefit and they would be likely to consent if they could; or
- e) in accordance with applicable legislation.

3.11 Complaints

3.11.1 Any person, whether or not a member of the Institute, who on reasonable grounds believes there has been a breach of this policy may submit a complaint in writing to the Privacy Officer.

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3.11.2 Complaints will be handled in accordance with the Institute's *Complaints and Appeals Policy* and, where appropriate, the Institute's *Data Breaches Procedure*.

4 Definitions

| Acronym/Term | Definition |
|-----------------------|--|
| FOI | Freedom of Information |
| Health Information | Health Information is any information or opinion about a person's physical, mental or psychological health or disability that is also personal information. This includes information or opinion about a person's health status and medical history. |
| HPP | Health Privacy Principles – from the Health Records Act 2001 (VIC) |
| IPP | Information Privacy Principles – from the Privacy and Data Collection Act 2014 (VIC) |
| Personal Information | Personal Information is recorded information or opinion, whether true or not, about a person whose identity is apparent, or can reasonably be ascertained, from the information. The information or opinion can be recorded in any form (i.e., writing, online, digitally or by electronic means) |
| Privacy Officer | Manager, Compliance & Risk Contact: quality@sunitafe.edu.au |
| Sensitive Information | Sensitive Information means information or an opinion that is also personal information about a person's racial or ethnic origin, political opinions, religious beliefs or affiliations, philosophical beliefs, sexual orientation or practices, membership of a political association, professional or trade association, or trade union, or an individual's criminal record. |
| The Institute | Sunraysia Institute of TAFE (SuniTAFE) |

5 Legislative Context

- Charter of Human Rights and Responsibilities Act 2006 (VIC)
- Copyright Act 1968 (Cth)
- Freedom of Information Act 1982 (VIC)
- Health Records Act 2001 (VIC)
- Higher Education Support Act 2003 (Cth)
- Privacy Act 1988 (Cth)
- Privacy and Data Protection Act 2014 (VIC)
- Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)
- Public Interest Disclosures Act 2012 (VIC)
- Public Records Act 1973 (VIC)
- Standards for Registered Training Organisations (RTOs) 2015

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6 Associated documents

6.1.1 Associated Policies

- Access and Equity Policy
- Child Safety Policy
- Complaints and Appeals Policy
- ICT Access Management Policy
- ICT Security Policy
- Public Interest Disclosures Policy
- Records Management Policy
- Security Camera Policy
- Staff Code of Conduct Policy

6.1.2 Associated Procedures

- Complaints and Appeals Procedure – Student and Community
- Data Breaches Procedure
- Management of Personal Student Information Procedure
- Records Management Procedure
- Staff Complaints and Appeals Procedure
- Student Medical Conditions Management Procedure

6.1.3 Associated Forms

- Nil.

6.1.4 Other associated documents

- SuniTAFE's Information Asset Register

7 Responsibility

The General Manager, Corporate Services is responsible for ensuring compliance with this policy, and its associated procedures and systems.

8 Review Frequency

This policy is to be reviewed annually, and remains in force as amended from time to time, until rescinded.

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