

## 1 Purpose

This document describes Sunraysia Institute of TAFE's (the Institute) policy regarding the collection, use, storage, disclosure of and access to personal information in relation to the personal privacy of past and present staff, students and clients of the Institute.

## 2 Scope

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

## 3 Policy

**3.1.** The Institute is committed to ensuring compliance with relevant privacy legislation, and has established principles of transparency and fairness for the management of personal information and protecting the privacy of those whose information it holds.

**3.2.** In managing personal information, staff of the Institute will abide by the Information Privacy Principles that form part of the Victorian Privacy and Data Protection Act 2014 and where relevant, the Health Privacy Principles specified in the Victorian Health Records Act 2001. In accordance with the Information Privacy Principles the Institute will ensure the following;

3.2.1. The collection and use of personal information will relate directly to the legitimate purposes of the Institute.

3.2.2. Individuals will be made aware of the purpose for which personal information is collected.

3.2.3. The Institute will take all reasonable measures to store personal information securely and ensure personal information no longer required is destroyed as per the Institute's Records Management Policy and Procedure.

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

3.2.5. Staff shall not compromise the security of student information by allowing non-staff members to use their staff account.

3.2.6. The Institute will only release personal information where:

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

3.2.7. The Institute will take reasonable steps to ensure that the personal information it collects, uses or discloses is accurate, complete and up to date.

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- 3.2.8. 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.
- 3.2.9. In the event of an emergency, personal details may be released by the Director Organisational Capability.

### 3.3. Complaints

- 3.3.1. Any person, whether or not a member of the Institute, who on reasonable grounds believes that the Institute has breached this policy may submit a complaint in writing to the Privacy Manager – Director Organisational Capability.

### 3.4. Health Privacy Principal

- 3.4.1. The Institute is bound by the provisions of the Victorian Health Records Act 2001, which sets down privacy standards called Health Privacy Principles. The Principles state how public and private sector organisations covered by the Act should collect, use, store, disclose and give access to health information. This policy should be read in conjunction with the HPPs.

### 3.5. In summary, health information is personal information:

- 3.5.1. About the physical, mental or psychological health or disability of an individual;
- 3.5.2. About an individual's expressed wishes regarding the future provision of health services to him or her;
- 3.5.3. About a health service provided, or to be provided, to an individual;
- 3.5.4. Collected to provide a health service;
- 3.5.5. About an individual collected in connection with organ or body substance donation;  
or
- 3.5.6. That is genetic information in a form which is or could be predictive of the health of the individual or of his or her descendants.

### 3.6. Health information can be recorded in any format; for example, in writing, online, digitally or by electronic means.

### 3.7. The Institute will:

- 3.7.1. Only collect health information that is necessary for its functions or activities and in accordance with HPP 1;
- 3.7.2. Not use or disclose health information about an individual for a purpose other than the original purpose of collection except in accordance with HPP 2;
- 3.7.3. Interpret HPP 6 regarding an individual's rights to access to, and correction of, health information, as required by section 16 of the Health Records Act, (subject to the procedures contained in the Freedom of Information Act 1982);
- 3.7.4. Take reasonable steps to ensure that health information is stored securely;
- 3.7.5. Comply with all applicable guidelines issued by the Health Services Commissioner under section 22 of the Health Records Act;
- 3.7.6. Only collect health information about an individual if:

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- 3.7.6.1 The individual has consented
  - 3.7.6.2 The collection is required under law (e.g. collection of statistics for a government agency); or
  - 3.7.6.3 The collection is otherwise in accordance with HPP 1.
- 3.8.** If the Institute collects health information about an individual, it will take reasonable steps to ensure that the individual is made aware of the following:
- 3.8.1. The identity of the Institute’s privacy manager and how to contact that person;
  - 3.8.2. That he or she is able to gain access to the information (subject to the provisions of the Freedom of Information Act);
  - 3.8.3. The purposes for which the information about him/her is collected;
  - 3.8.4. To whom the organisation usually discloses information of that kind;
  - 3.8.5. Any law that requires the particular information to be collected; and
  - 3.8.6. The main consequences (if any) for the individual if the information is not provided.
- 3.9.** Point 3.8 will not apply in circumstances where compliance with it would pose a serious threat to the life or health of any individual, or would involve the disclosure of information given in confidence.
- 3.10.** Organisations and individuals contracted to provide services to the Institute will also be required to comply with the Health Privacy Principles in relation to acts undertaken by the service provider for the purposes of the contract with the Institute.

## 4 Definitions

| Acronym/Term                 | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>HESA</b>                  | Higher Education Support Act 2003                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>HPP</b>                   | Health Privacy Principles                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>IPPS</b>                  | Information Privacy Principles – from the Victorian Privacy and Data Collection Act 2014                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Personal Information</b>  | Information defined under the Privacy and Data Protection Act 2014 as information on or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably, be ascertained, from the information or opinion. The personal information can be recorded in any format – for example, in writing, online, digitally or by electronic means. |
| <b>Privacy Manager</b>       | The Director Organisational Capability                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Sensitive Information</b> | Information defined under the Privacy and Data Protection Act 2014 as personal information or an opinion about an                                                                                                                                                                                                                                                                                                                                                          |

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|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                 | individual's racial or ethnic origin, political opinions, membership of a political association, professional or trade association or trade union, religious beliefs or affiliations, philosophical beliefs, sexual preferences or practices or criminal record.                                                                                                                                                              |
| <b>The Institute</b>            | Sunraysia Institute of TAFE                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>VET FEE-HELP</b>             | An income contingent loan scheme for the Victorian Education and Training sector that is part of the Higher Education Loan Program (HELP).                                                                                                                                                                                                                                                                                    |
| <b>Health Information</b>       | The meaning of health information is set out in section 3 (1) of the Health Records Act 2001                                                                                                                                                                                                                                                                                                                                  |
| <b>VET Personal Information</b> | Information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in material form or not, about an individual whose identity is apparent or can be reasonably ascertained from the information or opinion; and<br>Obtained or created by an employee of the Institute for the purpose of VET FEE-HELP assistance and repayment of HELP loans under HESA. |

## 5 Legislative Context

- Higher Education Support Act 2003
- Victorian Privacy and Data Protection Act 2014
- Victorian Health Records Act 2001
- Commonwealth Privacy Act 1988
- Commonwealth Copyright Act 1968
- Victorian Public Records Act 1973
- Victorian Freedom of Information Act 1982
- Protected Disclosure Act 2012

## 6 Associated documents

### 6.1.1. Associated Policies

- Student Health Privacy Policy
- Student Complaints and Appeals Policy
- Staff Complaints and Appeals Policy
- Student Equal Opportunity Policy
- Staff Equal Opportunity Policy

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**Authorised by:** Board

**Endorsed By:** Governance Committee

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- Protected Disclosure Policy
- Records Management Policy

#### 6.1.2. Associated Procedures

- Management of Student Personal Information Procedure
- Records Management Procedure
- Complaints and Appeals Procedure
- Student Medical Conditions Management Procedure

#### 6.1.3. Associated Forms

- Nil.

#### 6.1.4. Other associated documents

- Information Privacy Principles Schedule 1 – from the Victorian Privacy and Data Collection Act 2014
- Information Privacy Principles Schedule 1 – from the Victorian Health Records Act 2001
- Health Privacy Principles: <http://www.health.vic.gov.au/hsc/downloads/hppextract.pdf>.

## 7 Responsibility

The Director Organisational Capability is responsible for ensuring compliance with this policy, and its associated procedures and systems.

## 8 Review Frequency

This policy is to be reviewed every three (3) years, and remains in force as amended from time to time, until rescinded.

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