

Privacy

Policy

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Related policies and documents:	Privacy & Data Protection Act (Vic) 2014, Privacy Act (Cth) 1988, Health Records Act (Vic) 2001, Copyright Act (Cth) 1968, Freedom of Information Act (Vic) 1982, Freedom of Information Policy, Teaching and Research Ethics Policy

Purpose

To enable William Angliss Institute (the Institute) to meet its privacy obligations by generating awareness of privacy within the Institute and providing guidance on the collection, use, management and disclosure of personal information in line with the Privacy & Data Protection Act (Vic) 2014 and Health Records Act 2001 (Vic).

Coverage

This policy applies to all personal information collected, used, managed or disclosed by the Institute. Coverage also extends to service providers and contractors to which the Institute has provided personal information or granted access thereof.

This policy does not apply to personal information that is:

1. in a publication that is available to the public;
2. kept in a library, art gallery or museum for reference, study or exhibition purposes;
3. a public record under the control of the Keeper of Public Records that is available for public inspection; or
4. an archive within the meaning of the *Commonwealth Copyright Act 1968*.

This policy must be observed by all Institute staff, consultants, external contractors and students who have access to personal and health information held by the Institute or collected on behalf of the Institute.

Policy

This policy has been developed to assist all staff in adhering to the Privacy & Data Protection Act (Vic) 2014 (the "PDPA") and the Health Records Act 2001 (Vic) (the "HRA").

Privacy legislation regulates the way in which personal information is use, managed and disclosed. As the Institute was established by a Victorian Order, the Institute is bound by the Victorian PDPA. The Institute also collects limited information regarding the health and wellbeing of students (such as medical conditions and allergies) and therefore is also subject to the HRA. The objectives of these Acts are to:

- balance the public interest in the free flow of information with the public interest in respecting privacy and protecting personal information in the public sector; and

- promote the responsible and transparent handling of personal information in the public sector and promote awareness of these practices.

What is Personal Information?

Personal Information is defined in the PDPA as being recorded information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from that information or opinion. Personal Information includes names, addresses, telephone numbers, email addresses, dates of birth, passport numbers and other details which may identify an individual.

There are circumstances in which, under the Victorian health and privacy legislation, information about an individual is not considered to be Personal Information, including:

- when it relates to a person who has been dead for more than 30 years; and
- when it is contained in a publicly available publication.

Personal information may also include 'health information' which refers to any information or opinion regarding the physical or mental health, or disability, of an individual and also includes information regarding the current or future provision of health, disability or aged care services to an individual. Such information will be regulated by the HRA.

Whether the context of personal information is within the PDPA or the HRA, staff should be mindful that privacy obligations extend to any form communication of that information, including verbally.

Access to Personal Information

A person has the right to access their own personal information held by the Institute. A person may also request an amendment to that information if they believe that it is incorrect or make complaints about the information handling practices of the Institute or breaches of their privacy by the Institute.

Under the PDPA and HRA, individuals have the right to:

- a. access information held by the Institute about them, including information held by contracted service providers of the Institute;
- b. request the correction of information about them held by the Institute, including information held by contracted service providers of the Institute;
- c. an avenue of complaint regarding interferences with the individual's access to their information held by the Institute or by contracted service providers of the Institute;

Guidelines for Departments

Collection of Personal Information

- The Institute will only collect personal information about an individual that is necessary for one or more of its functions or activities. These functions or activities may form part of the Institute's core business function or any ancillary or related business function.
- At, or near, the time of collection, the Institute will notify the individual of the type of information to be collected, as well as the intended purpose, proposed use and disclosure, as well as their right to access their personal information.
- The Institute will take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up to date.

Personal information should only be accessed and used for the Institute's purposes unless prior consent has been obtained

- The Institute will not use or disclose personal information without the consent of the individual concerned except in exceptional circumstances where authorised by law or where the individual has provided consent.

Personal information should be kept secure

- The Institute will take reasonable steps to protect the personal information it holds from misuse and loss as well as from unauthorised access, modification or disclosure.
- On request by an individual, the Institute will take reasonable steps to let the individual know, generally, what sort of personal information it holds, for what purposes and how it collects, uses and discloses that information.
- The Institute will provide an individual with access to their information on request by that individual, except to the extent that prescribed exceptions apply.
- If the Institute holds personal information about an individual and that individual is able to establish that the information is not accurate, complete and up to date, the Institute will take reasonable steps to correct the information so that it is accurate, complete and up to date.
- The Institute will not assign unique identifiers to individuals unless the assignment of unique identifiers is necessary to enable the Institute to carry out any of its functions effectively and efficiently.
- The Institute will not adopt a unique identifier of the individual that has been assigned by another organisation as their own unique identifier, unless prescribed exceptions apply (see the PDPA).
- Wherever it is lawful and practicable, individuals will have the option of not identifying themselves when entering transactions with the Institute.
- The Institute will dispose of and destroy any records no longer required in a secure manner in compliance with the PDPA.

Personal information may be disclosed to third parties

- The Institute may transfer personal information about an individual to another person, entity or organisation (other than the Institute or the individual) only under prescribed conditions. These conditions include where the Institute is obliged by law or where the individual has provided consent that their information may be disclosed to a third party.
- The Institute may disclose information to third parties for one or more of its activities in the provision of products and services relating to education and training or the communication and promotion thereof.

Complaints Provision

Any individual who on reasonable grounds believes that the Institute has breached this policy may register a complaint by emailing the Institute's Privacy Officer and specifying details of the alleged breach.

The Institute's Privacy Officer can be contacted in the following ways:

Mail: William Angliss Institute
C/O: Privacy Officer
555 La Trobe Street
Melbourne, VIC 3000 Australia
Email: governance@angliss.edu.au
Phone: (03) 9606 5000

The Institute's Privacy Officer is located within the Corporate and Student Services Department. An individual does not need to be the one who has potentially had their privacy breach to make a complaint.

Definitions

- **Personal Information** – recorded information or an opinion recorded in any form about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.
- **Sensitive Information** – information or an opinion about an individual's:
 - racial or ethnic origin; or
 - political opinions; or
 - membership of a political association; or
 - religious beliefs or affiliations; or
 - philosophical beliefs; or
 - membership of a professional or trade association; or
 - membership of a trade union; or
 - sexual preferences or practices; or
 - criminal record – that is also personal information
- **Unique Identifier** – an identifier (usually a number) assigned by an organisation to an individual uniquely to identify that individual for the purposes of the operations of the organisation but does not include an identifier that consists only of the individual's name.

Legislative and/or Institute Management Context

This policy enables the Institute to comply with the:

- Privacy & Data Protection Act (Vic) 2014
- Health Records Act (Vic) 2001
- Freedom of Information Act (Vic) 1982
- Privacy Act Commonwealth (Cth) 1988
- Commonwealth Copyright Act (Cth) 1968

Non-compliance with Policy

Established breaches of this policy and any associated policy or procedures will be met with disciplinary action.

Breach of any law, involving a breach of privacy will be viewed as a serious breach of the terms of employment of any of the Institute's employees, and may result in a formal charge and / or dismissal as stated in the Institute's Code of Conduct.

Privacy Policy

Appendix 1

When collecting and managing personal information the Institute complies with the ten Information Privacy Principles contained in the Privacy & Data Protection Act 2014 (Vic).

Principle 1- Collection

The Institute only collects personal information when reasonable and when it is necessary for its functions or activities. The Institute will collect personal information in a fair and reasonable manner and will take reasonable steps to explain the reasons for collecting the information and whom to make contact with for further details.

Principle 2- Use and Disclosure

The Institute will not use or disclose personal information other than for its own functions and activities without the consent of the person concerned except in exceptional circumstances where authorised by law.

Principle 3 - Data Quality

The Institute takes reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up to date.

Principle 4 - Data Security

The Institute takes reasonable steps to protect personal information from misuse and loss, as well as from unauthorised access, modification or disclosure. The Institute takes reasonable steps to destroy or permanently de-identify personal information when it is no longer needed.

Principle 5 - Openness

The Institute's privacy policy is available to anyone and available from the Institute webpage. On request the Institute takes reasonable steps to let anyone know, generally, what sort of personal information it holds, for what purposes, as well as how it collects, holds, uses and discloses that information.

Principle 6 - Access and Correction

The Institute will provide access to the information it holds except in certain circumstances as prescribed in the PDPA and Freedom of Information Act (Vic) 1982. If the Institute holds personal information that is not accurate, complete and/or up to date, it will take reasonable steps to correct the information.

In some circumstances the Institute may refuse disclosure of the information held. In such circumstance the Institute will provide you with the reason(s) for this within 45 days.

Principle 7 - Unique Identifiers

The Institute will only assign unique identifiers to individuals or ask them to provide a unique identifier when it is necessary to enable the Institute to carry out any of its functions effectively and efficiently.

Principle 8 - Anonymity

Wherever it is lawful and practicable, an individual can have the option of not identifying themselves when entering a transaction with the Institute.

Principle 9 – Trans-border Data Flows

The Institute may transfer personal information about an individual to a third party outside Victoria or Australia (other than the individual or the Institute) where the Institute believes the recipient adheres to similar Information Privacy Principles.

Principle 10 - Sensitive Information

The Institute will only collect sensitive information with your consent or where the collection is required for legal reasons.