

# Privacy Policy

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## Purpose

To ensure William Angliss Institute (WAI) meets its privacy obligations by generating awareness of privacy within WAI and providing guidance on the collection, use, management and disclosure of personal information in line with current legislation.

## Coverage

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

This policy does not apply to personal information that is

- in a publication that is available to the public.
- kept in a library, art gallery or museum for reference, study or exhibition purposes.
- a public record under the control of the Keeper of Public Records that is available for public inspection.
- an archive within the meaning of the Copyright Act 1968 (Clth).

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

## Policy

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

Privacy legislation regulates the way in which personal information is used, managed and disclosed. As WAI was established under Victorian Government legislation, WAI is bound by the Victorian PDP Act. WAI also collects limited information regarding the health and wellbeing of students (such as medical conditions and allergies) and therefore is also subject to the Health Records Act. 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 PDP Act 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 Health Records Act.

Whether the context of personal information is within the PDP Act or the Health Records Act, 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 WAI. 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 WAI or breaches of their privacy by WAI.

Under the PDP Act and Health Records Act, individuals have the right to:

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

## Guidelines for Departments

### *Collection of Personal Information*

- WAI 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 WAI's core business function or any ancillary or related business function.
- At, or near, the time of collection, WAI 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.
- WAI 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 WAI's purposes when prior consent has been obtained.*

- WAI 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.*

- WAI 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, WAI will take reasonable steps to let the individual know, what sort of personal information it holds, for what purposes and how it collects, uses and discloses that information.
- WAI will provide an individual with access to their information on request by that individual, except to the extent that prescribed exceptions apply.
- If WAI holds personal information about an individual and that individual is able to establish that the information is not accurate, complete and up to date, WAI will take reasonable steps to correct the information so that it is accurate, complete and up to date.
- WAI will not assign unique identifiers to individuals unless the assignment of unique identifiers is necessary to enable WAI to carry out any of its functions effectively and efficiently.
- WAI 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 PDP Act).
- Wherever it is lawful and practicable, individuals will have the option of not identifying themselves when entering transactions with WAI.
- WAI will dispose of and destroy any records no longer required in a secure manner in compliance with the PDP Act.

*Personal information may be disclosed to third parties.*

- WAI may transfer personal information about an individual to another person, entity or organisation (other than WAI or the individual) only under prescribed conditions. These conditions include where WAI is obliged by law or where the individual has provided consent that their information may be disclosed to a third party.
- WAI 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.

*Re-evaluating the need for personal information collected.*

- In accordance with the policy review cycle Departments will provide an update to the table in Appendix 2 after re-evaluating the need for the personal information collected.

## Complaints Provision

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

William Angliss 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](mailto:governance@angliss.edu.au)  
Phone: (03) 9606 2111

WAI's Privacy Officer is located within the Corporate Division, Quality Assurance and Risk Department. An individual does not need to be the one who has potentially had their privacy breached to make a complaint.

## Privacy Breaches

Where there is any privacy breach involving the personal information of any individual, WAI will follow its Privacy and Data Breach Procedure.

## 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.
  - political opinions.
  - membership of a political association.
  - religious beliefs or affiliations.
  - philosophical beliefs.
  - membership of a professional or trade association.
  - membership of a trade union.
  - sexual preferences or practices.
  - 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.

## Review

- This policy must be reviewed at least every three years by the Director Corporate to ensure compliance with relevant legislation and related policies and procedures.
- In accordance with the policy review cycle Departments will provide an update to the table in Appendix 2 after re-evaluating the need for the personal information collected.

## Legislative and/or Institute Management Context

This policy enables WAI to comply with regulatory and management instruments including but not limited to

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

## 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, including a breach of privacy, will be viewed as a serious breach of the terms of employment for any of WAI's employees, and may result in a formal charge and / or dismissal as stated in the WAI Code of Conduct.

# Privacy Policy

## Appendix 1

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

### **Principle 1- Collection**

WAI only collects personal information when reasonable and when it is necessary for its functions or activities. WAI 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 contact for further details.

### **Principle 2- Use and Disclosure**

WAI 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**

WAI 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**

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

### **Principle 5 - Openness**

WAI's Privacy Policy is available to anyone and available from the WAI webpage. On request WAI 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**

WAI will provide access to the information it holds except in certain circumstances as prescribed in the PDP Act and Freedom of Information Act (Vic) 1982. If WAI 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 WAI may refuse disclosure of the information held. In such circumstance WAI will provide you with the reason(s) for this within 45 days.

### **Principle 7 - Unique Identifiers**

WAI will only assign unique identifiers to individuals or ask them to provide a unique identifier when it is necessary to enable WAI 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 WAI.

### **Principle 9 – Trans-border Data Flows**

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

### **Principle 10 - Sensitive Information**

WAI will only collect sensitive information with the individual's consent or where the collection is required for legal reasons.