

Privacy Policy and Procedure

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Introduction

Context

This Privacy Policy establishes guidelines which must be observed in relation to the collection, use, storage, security and disclosure of personal, sensitive and health information.

Purpose

The Privacy and Data Protection Act 2014 (Vic) and the Commonwealth Privacy Act 1988 and related legislation set out privacy principles which must be observed by organisations that hold personal information. The rights and obligations of staff and students with respect to personal information as set out in this Policy and Procedure are based on these principles.

Scope

This Policy applies to personal information collected by TAFE concerning staff, students, prospective students, individual clients and other individuals. "Students" includes all students enrolled through any study mode or any campus.

Privacy Policy

TAFE Gippsland is committed to complying with State and Commonwealth privacy legislation, including the Privacy and Data Protection Act 2014 (Vic) and the Information Privacy Principles (IPP) as well as the Commonwealth Privacy Act 1988 and the Privacy Amendment (Enhancing Privacy Protection) Act 2012 and the Australian Privacy Principles (APP) contained therein. This policy provides:

- a procedure for the responsible collection and handling of personal information.
- a process to provide individuals with a right to access information about them which is held by TAFE and to correct any errors in that information; and
- a complaints procedure for investigation and rectification of breaches of this policy.

Procedure

Collection of information

Only personal information that is necessary and directly related to one of TAFE Gippsland's functions will be collected. TAFE Gippsland collects personal information, including sensitive information, about prospective and current students, parents/guardians/care-providers, staff, contractors and sub-contractors.

This information may include (depending on the services provided and accessed):

- Names and other related contact details
- Staff or student identification numbers
- Email addresses
- Emergency contacts
- Photographic identification;
- Video images through CCTV, webinars and class video capture
- Qualifications, history and progress
- Information relating to entitlements to related educational government payments or support (e.g. VET FEE HELP)
- Complaints or misconduct details or information;
- Working With Children checks or National Police Checks if related to course or employment;

- Information necessary to deliver a health or disability service if necessary to deliver that service
- Other related personal information required for the effective management of TAFE Gippsland

Personal information is collected to:

- Enable TAFE Gippsland to deliver education services;
- Meet the wider functional needs of TAFE Gippsland, including financial management, legal accountability and national reporting requirements;
- Meet the requirements of legislation or external government agencies.

At the time and point of collection, individuals will be provided with reasons regarding what information is being collected and held, the purpose for holding the information and how the information is to be used or disclosed.

Any person who is to be photographed or quoted in marketing and/or promotional materials of TAFE will first be asked to give their permission in writing, utilising the TAFE Gippsland Public Release Form.

Information that is collected will be held securely to prevent any security breaches.

Information Privacy Principles - Guidance

The Privacy Principles set down in Commonwealth and State legislation are for the most part similar and TAFE Gippsland is committed to meeting the requirements of both of these levels of government.

In order to provide TAFE staff and students with some appropriate guidance regarding privacy, and especially given the recent release of the Australian Privacy Principles, the following information aligns TAFE Gippsland policy against the relevant APPs.

APP 1 – OPEN AND TRANSPARENT MANAGEMENT OF PERSONAL INFORMATION

TAFE Gippsland shall maintain this policy and ensure that it is publicly available, via publishing on its website or on request by an individual.

TAFE Gippsland will take all reasonable steps to ensure that information collected:

- Is necessary for TAFE Gippsland's purposes;
- Is relevant to the purpose of collection;
- Is collected in a fair way, without unreasonable intrusion; and
- Is as up to date and complete as possible.

APP 2 – ANONYMITY AND PSEUDONYMITY

Because of the nature of TAFE Gippsland's core business, it will usually be impractical for individual's transacting with TAFE Gippsland to have the option of not identifying themselves. However where it is lawful and practical to do so, TAFE Gippsland will give the individual this option.

APP 3 – COLLECTION OF SOLICITED PERSONAL INFORMATION

- TAFE Gippsland shall only collect personal, sensitive and health information that is necessary to perform one or more of its legal functions or activities.
- Personal, sensitive or health information shall not be collected without consent.
- TAFE Gippsland must collect information only by lawful and fair means

APP 4 – DEALING WITH UNSOLICITED PERSONAL INFORMATION

- Where TAFE Gippsland collects unsolicited personal, sensitive and health information in the course of its activities that information will be reviewed within a reasonable timeframe to determine whether TAFE Gippsland could have gathered that information if solicited and if practicable, reasonable and lawful destroy or de-identify the unsolicited personal information.

APP 5 – NOTIFICATION OF THE COLLECTION OF PERSONAL INFORMATION

At the time of collection of information TAFE Gippsland shall advise the individual of:

- The reason for the collection of the information.
- The purpose for which it will be used.
- To whom the information may be disclosed.
- Any law that requires the particular information to be collected.
- Where it is impractical to furnish the advice indicated above to the individual at the time of collection, TAFE Gippsland shall forward this advice to the person as soon as practicable after the fact.

APP 6 – USE AND DISCLOSURE OF PERSONAL INFORMATION

Personal information, including sensitive information and health information, may be used for the following purposes:

Students:

- Application, Pre-Training Review and Foundation Skills Assessments
- Enrolment
- Course administration
- Academic progress
- Scholarship selection
- Provision of services to students
- Careers or academic pathways services

Staff:

- Selection
- Appointment
- Review
- Promotion
- General administration
- Provision of services to staff
- Regulatory compliance

Information collected will not be divulged to any third party for any reason other than the primary purpose for its collection. This notwithstanding, TAFE Gippsland may disclose student's personal information in the following instances:

- Academic progress information to another institution or related body as required in the course of a student's transfer to a new institution;
- Personal and enrolment information, including academic results, or students undertaking cross-institutional study to the relevant institution as required to confirm the student's enrolment or qualification;
- Personal information to relevant organisations engaged by TAFE Gippsland to provide debt recovery services
- Personal and enrolment information, including academic results, of students undertaking an apprenticeship or traineeship to their employer

- Personal and enrolment information of students undertaking Vocational Education and Training in a VET in the VCE or schools program, to their secondary school and parents, providing confidentiality is assured.
- Personal and enrolment information, including academic results, of staff undertaking a qualification with TAFE Gippsland to the People and Culture team for the purposes of personnel administration
- Government departments such as the Australian Taxation Office, the Department of Innovation, the Department of Immigration and Border Protection and the Department of Education and Early Childhood Development.

Where your consent is required to disclose your personal information to a third party, or to obtain information from a third party about you, then the following forms will be used, as appropriate:

- Authority to Obtain Information Form PRIV 001
- Consent to Release Information Form PRIV 002
- Authorisation to Disclose Information Form PRIV 003
- Group Authorisation to Disclose Information Form PRIV 004

Secondary purposes

TAFE Gippsland may disclose your information for a secondary purpose where it has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities and, if TAFE Gippsland, would not be breaching confidence by such use or disclosure.

TAFE Gippsland may disclose health information for a secondary purpose where it reasonably believes that the use or disclosure is reasonably necessary for a law enforcement function by or on behalf of a law enforcement agency and, the use or disclosure would not be a breach of confidence.

Emergency situations and criminal activity:

TAFE Gippsland may disclose your information for a secondary purpose if it reasonably believes that the use or disclosure is necessary to lessen or prevent:

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

and the information is used or disclosed in accordance with relevant legislative or regulatory guidelines.

APP 7 – DIRECT MARKETING

TAFE Gippsland may use or disclose personal information (other than sensitive information) about an individual for the purpose of direct marketing if:

- TAFE Gippsland collected the information directly from the individual, and the individual would reasonably expect TAFE Gippsland to use or disclose the information for the purpose of direct marketing; and
- TAFE Gippsland provides a simple means by which the individual may easily request not to receive direct marketing communication from TAFE Gippsland (opt-out); and
- The individual has not made such a request to TAFE Gippsland.

TAFE Gippsland will, on request, notify an individual of its source of the individual's personal information that it has used or disclosed for the purpose of direct marketing unless this is unreasonable or impracticable to do so.

APP 8 – CROSS-BORDER DISCLOSURE

TAFE Gippsland will only transfer personal or health information about an individual to someone (other than TAFE Gippsland or the individual) who is outside Australia if:

- a. TAFE Gippsland reasonably believes that the recipient of the information is subject to a law, binding scheme or contract with effectively upholds principles for fair handling of the information that are substantially similar the Privacy principles set out in this Policy; or
- b. The individual consents to the transfer; or
- c. TAFE Gippsland has taken reasonable steps to ensure that the information which it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the principles set out in this policy.

APP 9 – ADOPTION, USE OR DISCLOSURE OF GOVERNMENT RELATED IDENTIFIERS

TAFE Gippsland will not adopt as its own unique identifier of an individual a unique identifier of that individual that has been assigned by another organisation. TAFE Gippsland will not disclose a government related identifier of an individual unless required under law.

TAFE Gippsland will not assign unique identifiers to individuals except for a Staff Number to identify a staff member and a Student Number to identify a student. Staff and Student Numbers are considered necessary for TAFE Gippsland to carry out its functions efficiently.

TAFE Gippsland will not require an individual to provide a unique identifier in order to obtain a service unless the provision of the unique identifier is required or authorised by law or the provision is in connection with the purpose (or a directly related purpose) for which the unique identifier was assigned.

APP 10 – QUALITY OF PERSONAL INFORMATION

- TAFE Gippsland shall take all reasonable steps to ensure the information it collects is accurate, complete and up to date and is relevant to its role.
- TAFE Gippsland shall take all reasonable steps necessary to ensure that records containing personal, sensitive or health related information are accurate, up to date and complete before being used for any relevant, lawful purpose.
- TAFE Gippsland shall ensure that it does not intrude, to an unreasonable extent, upon the personal affairs of any individual.

APP 11 – SECURITY OF PERSONAL INFORMATION

- TAFE Gippsland shall take all reasonable steps to ensure the data collected is protected from misuse and loss, and is safe from unauthorised access, modification or disclosure. Information no longer required will be destroyed or stored securely (if storage is a requirement of other legislation, or as required by record maintenance legislation.)
- Where records are disclosed to another entity or person for provision of service to TAFE Gippsland all reasonable efforts shall be made to prevent unauthorised disclosure of information contained in the records.

APP 12 – ACCESS TO PERSONAL INFORMATION

- An individual is entitled to access any record which contains personal, sensitive or health related information about the person except where TAFE Gippsland is legally entitled to refuse access under State or Commonwealth legislation.
- The entitlement does not include access to information regarding other individuals in any group record.
- A student may request access to their personal information by writing to the Director Academic Governance.
- A staff member may request access to their personal information by writing to the Director People and Culture.
- Access to appropriate and relevant information will be provided within 30 days from receipt of the request. Hard copy and/or a computer record may be viewed, but not removed or altered.

APP 13 – CORRECTION OF PERSONAL INFORMATION

- Where an individual requests a correction to personal, sensitive or health related information maintained by TAFE Gippsland a correction shall be made to the information provided that the record amendment does not contravene any legislative requirements.
- All information that is not accurate will be amended within 5 days of receiving a written request to amend it.
- Any denial of access or correction shall be recorded on an individual's records along with reasons for the denial.

Complaints against TAFE for Breach of Information Privacy Principles

If an individual considers TAFE has breached an Information Privacy Principle in respect of that individual:

- a. A written complaint must be forwarded to the Director People and Culture (for complaints by staff/contractors) or Director Academic Governance (for complaints by students), as appropriate within six (6) months of the time the complainant first became aware of the apparent breach. The complaint must specify details of the apparent breach.
- b. The Director People and Culture or Director Academic Governance must make a determination on the complaint within forty-five (45) days of receipt of the complaint, and advise the complainant in writing.
- c. If the Director People and Culture or Director Academic Governance determines that there has been a breach of the Information Privacy Principles, he or she will, upon notification of the determination to the complainant, advise relevant TAFE personnel in writing of any action required in order to remedy the breach. If the breach is capable of being rectified and is not rectified within thirty (30) days of the advice from the Director People and Culture or Director Academic Governance, he or she will inform the Chief Executive Officer.
- d. The Director People and Culture or Director Academic Governance will keep a record of complaints.
- e. If the complaint concerns a Manager or the Director People and Culture the written complaint must be forwarded to the Chief Executive Officer

Consequences if this Policy is breached

Disciplinary action may be taken against any person who breaches this policy. In the event that TAFE considers it to be a serious breach by a staff member, disciplinary action may include summary dismissal.

Reference and Supporting Information

Definitions

Term	Definition
Consent	Consent means expressed or implied consent
Health Information	Information or an opinion about a physical, mental or psychological health (at any time) of an individual; or a disability (at any time) of an individual; or an individual's expressed wishes about the future provision of health services to him or her; or a health service provided, or to be provided, to an individual – that is also personal information.
Personal Information	Information or an opinion (including information or an opinion forming part of a database), that is received 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, but does not include information of a kind to which the Health Records Act 2001 applies.
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, membership of a trade union or sexual preferences or practices or criminal record that is also personal information.
Unique identifier	An identifier or number assigned by an organisation to an individual uniquely to identify that individual for the purposes of the operations of the organisation. It does not include an identifier that consists only of the individual name and does not include an identifier within the meaning of the Health Records Act 2001 (Vic).

External Legislative Context

Privacy and Data Protection Act 2014 (Vic)
 Commonwealth Privacy Act 1988
 Privacy Amendment (Enhancing Privacy Protection) Act 2012
 Freedom of Information Act 1982
 Health Records Act 2001 (Vic)
 Higher Education Support Act 2003

Internal Policy and Procedures

TAFE Gippsland Privacy Statement

General Retention & Disposal Authority for Records of Higher and Further Education Institutions
- Public Record Office Standard (PROS) 02/01

Forms and Templates

TAFE Gippsland Public Release Form
 Authority to Obtain Information Form PRIV 001
 Consent to Release Information Form PRIV 002
 Authorisation to Disclose Information Form PRIV 003
 Group Authorisation to Disclose Information Form PRIV 004

Responsibility

Responsibility is shared by:

Director People and Culture, (privacy issues to do with staff); and

Director Academic Governance (privacy issues to do with students)

Please Note: For further information or assistance regarding policies and procedures contact: | Email: qa@tafegippsland.edu.au | URL: www.tafegippsland.edu.au

Document Version Control Table

Item	Summary of Update	Version Control	Revised Date
1	Original Policy document	V1.0	14/01/2015
2	<ul style="list-style-type: none"> Replaced old Privacy Act with new Privacy Act 2014 Edited the footer of document to reflect position title changes 	V1.1	06/09/2017
3	Rebranded from Federation Training to TAFE Gippsland	V2.0	29/07/2019