

PRIVACY OF INFORMATION POLICY

The Privacy Act 1988 (“Act”) generally relates to the protection of an individuals' personal information. The personal information of students and staff members of Australian Pacific College/ English Unlimited/ Australian Pacific Travel & Tourism (“College”) are protected and bound by the Act and the associated Australian Privacy Principles.

A) IMPLEMENTATION

- All Managers have primary responsibility for privacy compliance in their department.
- Managers must ensure that all staff are aware of this policy as it applies to their department.
- Where a Manager is responsible for an information technology system, they are required to ensure that the applicable system complies with privacy legislation.
- The College will not acquire or implement information systems that are not privacy compliant.

If a staff member collects, uses, discloses or handles personal information on the College’s behalf, the staff member must meet the relevant requirements of the Australian Privacy Principles set out in the relevant Acts as well as the information detailed below. Staff members must only collect, handle, use, disclose and store the information for the agreed purposes only.

B) AUSTRALIAN PRIVACY PRINCIPLES

1 – *Open and transparent management of personal information*

This policy aims to define the parameters for the collection, handling and storage of information while at the same time establishing a procedure for the management of the personal information and any enquiries and/or complaints related to the policy. The Privacy Policy applies across all sections of the College in relation to all information, electronic and hard copy files and documents. This policy will be published on the college website and a privacy statement in the student handbooks, staff handbooks and student offer letters.

2 – *Anonymity and pseudonymity*

Students or staff have the option of being anonymous or by using a pseudonym when dealing with the College in relation to a particular matter.

Students or staff who have a concern that the policy may have been breached should lodge a grievance in accordance with the College’s grievance policies. Grievances may be made anonymously or using a pseudonym unless the College is required by law to deal with individuals who identify themselves. Persons wishing to make a grievance anonymously should use the College’s online feedback form or send a written letter to the College to the attention of the Director of Administration and Student Services.

3 – *Collection of solicited personal information*

The main functions of the College are to provide teaching and student services, together with ancillary services, which may support students and staff in their study or work at the College. The College will only collect personal information that is necessary for the efficient operation of the College and as required by law. Collection of personal information will be undertaken by lawful means and in such a manner as to be fair and not intrusive.

Sensitive/ Health Information

Sensitive and health information will only be collected with the consent of the individual or where the sensitive information is reasonably necessary to the operation of the College or where required by law or by the Department of Immigration and Border Protection (DIBP) or a permitted general situation exists. Where an individual is incapable of giving consent to the provision of health information, the College will seek the consent of an authorised representative such as a guardian or next of kin.

Collection of Personal Information from Third Party

While the College generally collects personal or health information directly from the relevant individual, in some cases we may collect it from a third party, such as an education agent. Where the College collects information about an

individual from a third party (for example if a student authorises a parent, spouse or partner to register for them on their behalf), the College will still take reasonable steps to ensure that the individual is made aware of the details set out above.

4 – Dealing with unsolicited personal information

In the event that the College receives unsolicited personal information it will determine whether it could have received the information by soliciting it. If it is determined that the information could not have been collected the College will, as soon as practical but only if it is lawful and reasonable, destroy the information.

5 – Notification of the collection of personal information

When the College collects personal information, it will ensure that the individual is properly notified of the following:

- that the College is collecting the information;
- why information is being collected about them;
- who else the information may be collected from or provided to; and any
- other relevant matters.

The Privacy Policy will be published in the following:

- Student and Staff Handbooks;
- Student offer letters (written agreements); and
- The College website.

The collection of information from students and staff is a requirement of the Department of Education, the Department of Industry and the Department of Immigration and Border Protection and failure to provide this information to the College and DIBP could result in sanctions against the College. It is also a student visa condition that students provide their address details to the College and DIBP. Failure to do so is a breach of visa.

When the College collects personal information directly from an individual (for example when a student applies for a course or a prospective employee applies for a position), it will take reasonable steps to ensure that the individual

- is aware the College is collecting the information and from whom the information is collected;
- is aware of the purposes for which the College is collecting the information;
- is aware of the organisations (or types of organisations) to which the College would normally disclose information of that kind;
- is able to access the information;
- has accurate contact information for the College; and
- understands how the personal information is held by the College.

Personal information is collected for:-

- enrolment in the College courses;
- provision of access to the College facilities;
- maintenance of student records and results;
- communication with previous, current and prospective students in relation to the College activities;
- communication with an education agent used by the student to enroll in a course;
- participation in research;
- maintenance of records of external parties including government departments;
- other reasons directly related to the activities of the College; and/or
- matters relating to employment.

Personal information that the College collects includes:

- Names;
- Dates of birth;
- Student Identification Numbers (where applicable);
- Tax File Numbers (where applicable);

- Australian Business Numbers (where applicable);
- Personal contact information (including but not limited to: addresses, telephone numbers, email addresses, skype addresses);
- Passport numbers or identification documents;
- Emergency Contact details;
- Travel itineraries (where applicable); and/or
- Photographs for staff and student ID cards.

6 – Use or disclosure of personal information

The College will not disclose or use personal information other than for the particular purpose it was collected without the consent of the individual, except where the disclosure is authorised under privacy laws.

a) Relevant staff - The College will only disclose personal information that it collects to staff (including our agents) that require access to undertake the College activities. This will generally be the primary purpose of the collection of the personal information.

b) Government bodies - The College will disclose information as required to the Department of Education, Department of Immigration and Border Protection and the Department of Industry.

c) Transfer of Health Information to a Health Service Provider - The College will only transfer information to Health Service Providers where:

- Requested by the individual, or
- Requested by a Health Service Provider that is authorised by the individual

d) Provision of Information to other external parties - In the event that it is necessary to transfer information to an external organisation or party the College will only transfer personal information if

- the external party has similar procedures in relation to the collection, storage, use and disclosure of personal or sensitive information where:
- an individual provides consent to the transfer of information
- the transfer of information is for the benefit of the individual

7 – Direct Marketing

The College will not disclose personal information without permission for direct marketing purposes.

8 – Cross-border disclosure of personal information

Where the College transfers any personal information to a third party, including interstate or overseas campuses or offices, it will ensure that the College's privacy obligations travel with the personal information.

9 – Adoption, use or disclosure of government related identifiers

Where relevant to College operations, regulatory and legal requirements the College may obtain, use and disclose relevant government identifiers to verify the identity of the individual or where necessary to fulfil its obligations to the government authority or as required by law.

Some examples of government identifiers are USI (Unique Student Identifier), TFN (Tax File Number), ABN (Australian Business Number), passport numbers and Department of Human Services identifiers.

10 – Quality of personal information

The College will take all reasonable steps to ensure the personal information collected, used or disclosed is accurate, complete and up-to-date. This may require students and staff to correct the information from time to time.

11 – Security of personal information

The College will take all reasonable steps to protect the personal information held from misuse, interference and loss and from unauthorised access, modification or disclosure. This will include ensuring that all electronic systems are protected through electronic passwords, and departments that hold hard-copy files not stored in the Administration Section are secure. The College will also ensure that electronic back-up copies are safely secured.

While all records will be securely stored until no longer needed, the College will take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose for which information was provided or it is no longer required to be retained as a Commonwealth record or under any law or Court/Tribunal order. Personal information will only be removed/ destroyed by secure means.

12 – Access to personal information

The College will provide access to personal information under Freedom of Information legislation and/or legislative obligations. If the College refuses to give access to the personal information it must give written reasons for doing so.

a) Staff Access to Personal Information (student and staff)

Staff will only be provided with access to such personal information as is necessary to carry out their responsibilities. Staff duty statements will indicate the degree of access that a staff member has to amend the personal information.

b) Access to Employee Records

The Freedom of Information Act requires that staff have access to their records. Staff may request access to their employee records from:

- The Director of Administration and Student Services or their delegated staff for records held by the Administration Department
- Heads of school or their delegated staff for academic records.

c) Access to Student Records

The Freedom of Information Act requires that students have access to their records. Students may request access to their student records from the Director of Administration and Student Services or their delegated staff.

13 – Correction of personal information

Where the College is satisfied that personal information held is inaccurate, the College will take steps to correct the information and will take reasonable steps to correct the information provided to third parties in accordance with this policy. Where the College refuses to correct personal information as requested by an individual the College will give written notice outlining the reasons for refusals, the mechanisms available to complain and the right for individuals to make clear to others that the information is correct.

C) BREACH OF POLICY

a) Procedure for dealing with breach of policy

Students or staff who have a concern that the policy may have been breached should lodge a grievance in accordance with the College's grievance policies.

b) Consequences of Breach of policy

Disciplinary action may be instigated against any staff member who breaches this policy and this may result in the employee being summarily dismissed in circumstances where the College considers there to have been a serious breach.

D) POLICY REVIEW

The policy will be reviewed as part of the three year policy review cycle.