

Privacy Policy

1. Statement of policy

This policy and other related policies and procedures describe how personal, sensitive and health related information is handled to ensure privacy is maintained consistent with legislative requirements.

2. Scope

This policy covers personal, health and sensitive information collected by The Gordon in relation to staff, prospective staff, students and prospective students, visitors to or clients of the Institute.

3. Definitions

The following terms and abbreviations are specific to this policy:

APP: Australian Privacy Principal

Business Impact Level (BIL): Are used to determine the security value of public sector information. BILs describe the potential harm or damage to government operations, organisations or individuals if there were a compromise to the confidentiality, integrity or availability of public sector information.

Consent: consent means expressed or implied consent

Health Information: information or an opinion about:

- the physical, mental or psychological health of an individual, or
- a disability of an individual, or
- an individual's expressed wishes about the future provision of health services to be provided, or
- a health service provided or to be provided.

Health Information can be current information or that established at any time

Individual: An individual could be an employee or prospective employee, a customer or prospective customer (student or otherwise) of The Gordon Institute of TAFE or the Gordon's Skills and Jobs Centre.

Personal Information: Information 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, but does not include information of a kind to which Schedule 1 [of] the *Health Records Act 2001* (Vic) applies

Protective Markings: Administrative security labels that are assigned to official information. The label is directly linked to the Business Impact Level (BIL) signalling a potential compromise of the confidentiality of the information. The Protective Markings used at The Gordon and elsewhere in the Victorian Public Sector are Official, Official: Sensitive, Protected and Secret.

Sensitive Information: information or an opinion about an individuals:

- 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 trade union, or
- sexual preferences or practices, or
- criminal record.

Note that sensitive information also represents personal information

Unique Identifiers: Unique identifiers are an identifier (usually a number) assigned by an organisation to an individual to identify that individual in a unique manner for traceability within the organisation

4. Overview / principles

The Gordon is committed to meeting all of the legal obligations expressed in legislation relating to Privacy.

The *Privacy Act 1988* (Cth) and the *Health Records Act 2001* (Vic) require The Gordon to store, use and disclose personal, sensitive and health information collected about staff and customers via the Australian *Privacy Principles* (Cth) and the *Health Privacy Principles* (Vic) located in Schedules in those respective Acts.

4.1 Specific Policy Principles

Consistent with the Privacy Principles set out in Commonwealth and State legislation The Gordon shall ensure that:

- Personal information is collected in accordance with the Australian Privacy Principles.
- Individuals should be aware of, or informed of, the purposes for which personal and health information is obtained.
- The Gordon will ensure reasonable information and record storage arrangements are in place.
- The Gordon will ensure security arrangements are in place for all records containing personal or health information.
- Access to an individual's own personal information is provided at no cost to the individual.
- Records are accurate, up-to-date, complete, and not misleading.
- Where a record is found to be inaccurate, the correction is made.
- Where an individual requests that a record be amended because it is inaccurate but the record is found to be accurate, the details of the request for amendment are noted on the record.
- Personal information is only used for the purposes for which it was collected or for other purposes as required by state or federal legislation.
- Personal information is only disclosed in accordance with the Australian Privacy Principles and Health Privacy Principles.

4.2 Complaints Provision

Any person, who on reasonable grounds believes that The Gordon has breached this policy may lodge a complaint in writing to The Gordon's Privacy Officer – qualityassurance@gordontafe.edu.au specifying details of the alleged breach.

All complaints regarding breaches of this policy will be managed in accordance with the Institute's *Complaints and Appeals Policy QA PO 10*. In accordance with this policy, the Institute shall ensure the complaint is investigated and that written feedback is provided to the complainant on the outcome of the complaint process.

4.3 Specific Implementation of Policy Principles

4.3.1 Reasons for information collection

The Gordon collects personal information, including sensitive information, about prospective and current students, parents/guardians/care-providers, staff and contractors. The overall purposes of collecting this information is to:

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

Staff are to provide individuals with reasons at the time and point of collection, regarding what information is being collected and held, the purpose for holding the information and how the information is to be used or disclosed.

4.3.2 Types of information collected

The Gordon only collects personal information that is necessary for or directly related to, one or more of The Gordon's functions or activities. Personal information that The Gordon collects from staff, students, prospective students, past students and external contracts includes (depending on the services provided and accessed):

- Names and other related contact details
- Staff or client (including student) identification numbers
- Email address
- 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 (eg VET Student Loans)
- Complaints or misconduct details or information;
- Working With Children checks or National Police Checks if related to course, work placement 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 The Gordon

5. Australian Privacy Principles - guidance

The primary privacy protections outlined in Commonwealth and State legislation are for the most part similar and The Gordon is committed to meeting the requirements of both these levels of government. It is important in some circumstances, to go to the source for a complete, current description of the *privacy principles which appear in Schedules* to each of the Acts. For further information relating to privacy, go to the Office of the Australian Information Commissioner (OIA) website.

In order to provide Gordon staff, students and clients with some appropriate guidance regarding 'Privacy' the following paraphrased statements derived from the **Commonwealth Australian Privacy Principles** have been developed for convenient usage.

5.1 Open and transparent management of personal information (APP 1)

The Gordon shall maintain this Privacy Policy and ensure that it is publicly available, via publishing on its website or on request by furnishing a copy to an individual.

The Gordon takes all reasonable steps to ensure that information collected:

- Is necessary for The Gordon'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.

5.2 Anonymity and pseudonymity (APP 2)

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

5.3 Collection of solicited personal information (APP 3)

The Gordon 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 by unlawful or unfair means.

5.4 Dealing with unsolicited personal information (APP 4)

Where The Gordon 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 The Gordon could have gathered that information if solicited. The Gordon will then assess whether if practicable, reasonable and lawful, it can destroy or de-identify the unsolicited personal information.

5.5 Notification of the collection of personal information (APP 5)

At the time of collection of information The Gordon 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, The Gordon shall forward this advice to the person as soon as practicable after the fact.

5.6 Use and disclosure of personal information (APP 6)

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

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|-----------------------|---|
| Students and Clients: | <ul style="list-style-type: none"> • Applications • Enrolment • Course or program administration • Academic progress • Scholarship selection • Provision of services to students and clients • Careers or academic pathways services |
| Staff: | <ul style="list-style-type: none"> • Selection • Appointment • Review • Promotion • General administration • Provision of services to staff • Regulatory compliance |

The Gordon may release a 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 The Gordon 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, including academic results, of staff undertaking a Qualification with The Gordon to Strategic Human Resources and Development for the purposes of personnel administration
- Government departments such as the Australian Taxation Office, the Department of Industry Innovation and Science, the Department of Home Affairs and the Department of Education Training.

5.6.1 Secondary purposes

The Gordon 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 The Gordon, would not be breaching confidence by such use or disclosure.

The Gordon 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.

5.6.2 Emergency situations and criminal activity

The Gordon 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.

5.7 Direct marketing (APP 7)

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

- The Gordon collected the information from the individual; and
- The individual would reasonably expect The Gordon to use or disclose the information for that purpose; and
- The Gordon provides a simple means by which the individual may easily request not to receive direct marketing communication from The Gordon; and
- The individual has not made such a request to The Gordon.

5.8 Cross-border disclosure (APP 8)

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

- a. The Gordon reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the Privacy Principles set out in this Policy; or
- b. The individual consents to the transfer; or
- c. The Gordon 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.

5.9 Adoption, use or disclosure of government related identifiers (APP 9)

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

The Gordon 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 The Gordon to carry out its functions efficiently.

The Gordon 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.

5.10 Quality of personal information (APP 10)

The Gordon shall take all reasonable steps to ensure the information it collects is accurate, complete and up to date and is relevant to its role.

The Gordon 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.

The Gordon shall ensure that it does not intrude, to an unreasonable extent, upon the personal affairs of any individual.

5.11 Security of personal information (APP 11)

The Gordon 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 The Gordon all reasonable efforts shall be made to prevent unauthorised disclosure of information contained in the records.

5.12 Access to personal information (APP 12)

An individual is entitled to access any record which contains personal, sensitive or health related information about the person except where The Gordon 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.

5.13 Correction of personal information (APP 13)

Where an individual requests a correction to personal, sensitive or health related information maintained by The Gordon a correction shall be made to the information provided that the record amendment does not contravene any legislative requirements.

Any denial of access or correction shall be recorded on an individual's records along with reasons for the denial.

6. Governance / responsibilities

Position	Governance / Responsibility
Director of People, Safety and Culture	Delegated responsibility as both the Gordon's Privacy Officer and Freedom of Information Officer
All staff	Staff are responsible for ensuring personal, health and sensitive information collected by The Gordon is maintained and managed in accordance with the Australian Privacy Principles and the Health Privacy Principles, as described in legislation
Records Manager	Has responsibility for implementation of staff training in records and information management.

7. Key aligned internal documents

Request for Access to documents or information RM FO 04.01

Privacy and Staff Records RM PR 05

Release of Student Information RM PR 06

Complaints and Appeals Policy QA PO 10

8. Key aligned external documents

Freedom of Information Act 1982 (Vic)

Health Records Act 2001 (Vic)

The Health Privacy Principles (Vic)

Public Records Act 1973 (Vic)

Privacy and Data Protection Act 2014 (Vic)

Information Privacy Principles 2014 (Vic)

Privacy Act 1988 (Cth)

Australian Privacy Principles (Cth)

Student Identifiers Act 2014 (Cth)

Office of the Australian Information Commissioner (OIA) – www.oiac.gov.au

Office of the Victorian Information Commissioner (OVIC) – www.ovic.vic.gov.au

9. Review and approval

	Position	Area
Author / reviewer:	Manager Records Manager	Records
Custodian:	Director	People, Safety and Culture
Endorsed by (if applicable):	Risk and Compliance Committee	
Review schedule:	This policy will be reviewed every 3 years (or earlier as required)	
Last reviewed / updated:	2 October 2020	