

# Information Privacy and Data Security

## Purpose and Scope

The Centre values the privacy of every individual's personal and health information and is committed to the protection of personal information. Personal and health information is handled in accordance with

- The *Information Privacy Act 1988* (Federal), including the 13 Australian Privacy Principles (APP) contained in Schedule 1
- Privacy and Data Protection Act 2014 (Victoria) including the ten Information Privacy Principles specified in Schedule 1
- Health Records Act 2001 (VIC)

This policy applies to all learners and staff and volunteers of The Centre.

## Policy

### 1 Collection

- 1.1 The Centre will only collect personal information if it is necessary to fulfil one or more functions such as
  - 1.1.1 Provision of information on and the marketing of The Centre, its courses and programs
  - 1.1.2 enrolment into a nationally accredited course or program directly related to the provision of training and assessment (for learners), programs and services
  - 1.1.3 employment or engagement of contractors (for employees, volunteers and contractors).
  - 1.1.4 from a learner's employer, a job services provider or other organisations where students may engage in placement for training and assessment purposes.
- 1.2 The Centre collects information of a personal and sometimes sensitive nature. This may include but is not limited to:
  - 1.2.1 Full name, date of birth, residential address, contact details, demographic information, ability/disability, employment details, educational background, indigenous background, concession status language, literacy and numeracy skills, educational/course progress, police checks and Working with Children Checks. nt next of kin or parent/guardian.
- 1.3 Learners, employees and contractors are notified when information is collected or sourced from third parties. Such notifications are expressed in enrolment forms, assessment tools and other written documents or implied in circumstances such as workplace observations.
- 1.4 Collection of personal information will only be by lawful and fair means and not in an unreasonably intrusive way.

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- 1.5 At or before the time (or, if that is not practicable, as soon as practicable after) that The Centre collects personal information about an individual from the individual, The Centre will take reasonable steps to ensure that the individual is aware of:
  - 1.5.1 the contact details for The Centre; and
  - 1.5.2 the fact that he or she is able to gain access to the information; and
  - 1.5.3 the purposes for which the information is collected; and
  - 1.5.4 to whom (or the types of individuals or organisations to which) the organisation usually discloses information of that kind; and
  - 1.5.5 any law that requires the particular information to be collected; and
  - 1.5.6 the main consequences (if any) for the individual if all or part of the information is not provided.
- 1.6 If it is reasonable and practicable to do so, The Centre will only collect personal information about an individual from that individual.
- 1.7 When The Centre collects personal information about an individual from someone else, it will take reasonable steps to ensure that the individual is (or has been) made aware of the detail listed in Section 14.3 (except in circumstances where doing that would pose a serious threat to the life or health of any individual).

## 2 Use and or disclosure

- 2.1 The Centre uses information for the provision of training and assessment, programs and services and is required to disclose this information to a number of organisations such as:
  - 2.1.1 Registering bodies such as the VRQA (Victoria)
  - 2.1.2 Government funding bodies in each state and territory and/or Commonwealth Government
  - 2.1.3 Apprenticeship Centres
  - 2.1.4 Employers and Job Services Providers
  - 2.1.5 External auditors and our consultants
  - 2.1.6 The Australian Taxation Office
  - 2.1.7 Other entities required by law and in accordance with the Privacy Act 1988.
- 2.2 The Centre will not use or disclose personal information about an individual for a purpose (the secondary purpose) other than the primary purpose of collection unless:
  - 2.2.1 the secondary purpose is related to the primary purpose of collection and the individual would reasonably expect the organisation to use or disclose the information for the secondary purpose, and the information is necessary for one of its functions; or
  - 2.2.2 the individual has consented to the use or disclosure; or
  - 2.2.3 if the use or disclosure is necessary for research, or the compilation or analysis of statistics, in the public interest, other than for publication in a form that identifies any

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particular individual, and it is impracticable for the organisation to seek the individual's consent before the use or disclosure; or

2.2.4 The Centre reasonably believes that the use or disclosure is necessary to:

2.2.4.1 lessen or prevent a serious and imminent threat to an individual's life, health, safety or welfare; or

2.2.4.2 a serious threat to public health, public safety, or public welfare; or

2.2.4.3 The Centre has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; or

2.2.5 the use or disclosure is required or authorised by or under law.

2.3 The Centre will also adhere to procedures identified under Principle Clauses 2.1 (g) to (h) inclusive if required under law.

2.4 Learner personal information will never be sold to any marketing company or third party.

### **3 The Centre may market directly to learners for the provision of further training, assessment, programs or services with The Centre, in accordance with the Spam Act 2003**

#### **Data Quality**

3.1 The Centre will;

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

3.1.2 will take all reasonable steps to ensure that the information provided by individuals is correct

3.1.3 any third-party information received can be verified for accuracy, currency and completeness.

### **4 Data Security**

4.1 The Centre will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.

4.2 The Centre will take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose.

### **5 Openness**

5.1 This document sets out The Centre's policy on Privacy and management of personal information and will be made available to anyone upon request.

5.2 On request by any individual, The Centre will take reasonable steps to let the individual know, generally, what sort of personal information it holds, for what purposes, and how it manages the personal information. (Refer also to section 6 below).

### **6 Access and correction**

6.1 Individuals may request copies of information which is kept about them at any time free of charge. The Centre may charge for printing and postage in some circumstances.

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- 6.2 All requests for access to personal information must be in writing and the individual must be able to identify themselves and verify their identity prior to any information being disclosed.
- 6.3 Individuals who feel that the information used and stored is inaccurate or incomplete may request to have the information updated and corrected
- 6.4 Individuals may at any time request that their personal information be destroyed, in accordance with section 1.5.
- 6.5 The Centre will provide an individual with access to the information on request by the individual, except to the extent that:
  - 6.5.1 providing access would pose a serious and imminent threat to the life or health of any individual; or
  - 6.5.2 providing access would have an unreasonable impact on the privacy of other individuals; or
  - 6.5.3 the request for access is frivolous or vexatious; or
  - 6.5.4 the information relates to existing legal proceedings between the organisation and the individual, and the information would not be accessible by the process of discovery or subpoena in those proceedings; or
  - 6.5.5 providing access would reveal the intentions of the organisation in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
  - 6.5.6 if providing access would be unlawful; or
  - 6.5.7 if denying access is required or authorised by or under law; or
  - 6.5.8 providing access would be likely to prejudice an investigation of possible unlawful activity.
- 6.6 The Centre will, if the individual is able to establish that the information is not accurate, complete and up to date, take reasonable steps to correct the information.
- 6.7 The Centre will provide reasons for the denial of access or a refusal to correct personal information. Refer to Privacy Principle Clauses 6.2 to 6.8 inclusive for further information about access to information procedures and other requirements.
- 6.8 All requests must be made to:

**The Privacy Officer**  
THE CENTRE for Continuing Education  
17 Chisholm Street  
Wangaratta, Vic, 3677  
[compliance@thecentre.vic.edu.au](mailto:compliance@thecentre.vic.edu.au)

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## 7 Government related or Unique identifiers

- 7.1 Unique identifiers will not be assigned to individuals other than to enable The Centre to carry out any of its functions efficiently. Refer also to the definition in Table below, and for further information clauses 7.2, 7.3 and 7.4 of the Privacy Principles.
- 7.2 The Centre will not use government related identifiers for any reason or purpose except for the explicit reason it is required (e.g., Concession numbers, Tax File Numbers, Drivers Licence Number, etc) and will not use these numbers as an identifier of individuals.
- 7.3 The Centre will only disclose government related identifiers where required by law or express consent has been given to disclose this information.

## 8 Anonymity and pseudonymity

- 8.1 Wherever it is lawful and practicable, individuals will be provided with the option of not identify themselves when entering transactions with The Centre
- 8.2 Individuals who wish to undertake nationally recognised training with The Centre will be required to disclose information of a personal nature as outlined in this policy.
- 8.3 the nature of the business carried on by The Centre means that it may not always be possible for The Centre to provide services to clients or staff members in an anonymous way.

## 9 Transborder Data Information Flows

- 9.1 The Centre may transfer personal information outside of Victoria where it is necessary to do so. If The Centre transfers personal information outside Victoria, it will comply with the relevant requirements of those Privacy Laws that relate to transborder information flows outside Victoria.
- 9.2 This stipulates that the recipient of the information must protect privacy of personal information to a similar standard as the Victorian Privacy Principles – refer Clause 9.1 (b) to 9.1 (f).
- 9.3 The Centre will not disclose learner personal information to any entity outside Australia unless you have provided The Centre with express written consent.
- 9.4 All records, both hardcopy and electronic will be kept in Australia

## 10 Sensitive Information

- 10.1 The Centre will not collect sensitive information about an individual unless:
  - 10.1.1 the individual has consented; or
  - 10.1.2 the collection is required under law; or
  - 10.1.3 the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns is physically or legally incapable of giving consent to the collection, or physically cannot communicate consent to the collection; or
  - 10.1.4 the collection is necessary for the establishment, exercise or defence of a legal or equitable claim

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10.2 The Centre may collect sensitive information about an individual if:

- 10.2.1 the collection is necessary for research, or the compilation of or analysis of statistics, relevant to government-funded targeted welfare or educational services; or is of information relating to an individual's racial or ethnic origin and is collected for the purpose of providing government funded targeted welfare or educational services; and
- 10.2.2 there is no reasonably practicable alternative to collecting the information for that purpose; and it is impracticable for The Centre to seek the individual's consent to the collection.

## 11 Record Management

- 11.1 The Centre will securely retain records for statutory periods in accordance with legislation, funding body, government, operational and RTO standards.
  - 11.1.1 these records provide evidence of actions, decisions and represent a vital asset to support The Centre's daily functions and operations
  - 11.1.2 they promote accountability, consistency, continuity, efficiency, and productivity in program delivery, management, and administration
  - 11.1.3 the records support a high level of decision-making policy, and development and represent The Centres corporate memory
- 11.2 The records are archived in accordance with the Record Keeping Guidelines
- 11.3 The Centre has a clean desk policy to ensure the security and integrity of records.

## Definitions

### Information

In this policy a reference to 'information' is a reference to both health information and personal information.

### Personal information

Information which directly or indirectly identifies a person

### Primary purpose

Is one for which the individual concerned would expect their information to be used. Using the information for this purpose would be within their reasonable expectations eg. client enrolment in a course or employment as a staff member

### Privacy principles

Information Privacy Act 1988 (Federal), including the 13 Australian Privacy Principles (APP) contained in schedule 1

Privacy and Data Protection Act 2014 (Victoria) including the ten Information Privacy Principles specified in Schedule 1

### Sensitive information

Typically refers to information that is health related or of a socio-economic nature eg. racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations,

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philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record

### Unique Identifiers

Refers to 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 but does not include an identifier within the meaning if the Health Records Act 2001

### Staff

For the purpose of this policy staff refers to permanent, full-time or part-time employees, casual staff, volunteers and tutors. Contractors are also covered by this policy

### Records

Legal documents, publications, client records including enrolment, assessments and other evidence gained through the delivery of programs, general Centre records and archives.

### Legal Documents

All legal documents, such as memoranda of understanding, contracts and agreements

### Archives

Records that have been identified as having continuing value and that are kept permanently, or for statutory periods of time, as defined by the Document Retention Schedule Record Keeping Guidelines

### Clear Desk Policy

The Centre has the directive to staff that records covered under the requirements of this policy will be stored suitably. This ensures that information is not left unattended on desks to ensure the security of records. Records are to be securely stored at the end of the day and not be left on desks. Security is a culture requirement in the organisation and is supported through the application of a clear desk policy

## Version Control

Procedure Operative From	08/2003	Date and Current Version	V1.1 10-2022
Responsible Officer	CEO	Policy Approved By	Leadership

### References

Privacy and Data Protection Act 2014	Australian Privacy Principles (APP)
Spam Act 2003	Student Identifiers Act 2014
Health Records Act 2001	

### Related Policy

Complaints and Appeals Policy	HR Policy
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### Related Procedures

HR Procedure	Client Complaints and Appeals Procedure
Record Keeping Guidelines	Privacy Impact Assessment Procedure
	Data Breach Procedure and Response Plan
Related Document, Forms or Guidelines	

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