

## PRIVACY PROCEDURE

<b>Approving authority</b>	Governing Board
<b>Purpose</b>	This Procedure outlines how the Institute collects, uses, discloses and otherwise manages personal information supplied by its students.
<b>Responsible Officer</b>	Vice President
<b>Next scheduled review</b>	September 2021
<b>Document Location</b>	<a href="http://www.ozford.edu.au/higher-education/life-at-ozford/">http://www.ozford.edu.au/higher-education/life-at-ozford/</a>
<b>Associated documents</b>	Student Grievances and Appeals Procedure

### 1. PRINCIPLES

Ozford Institute of Higher Education's role as a provider of higher education requires it to collect, store, use and disclose personal information relating to its staff and students. The Ozford Institute of Higher Education (hereinafter referred to as 'the Institute') is committed to protecting the privacy of personal information while honouring its obligations under the Privacy Act 1988 (Cth) (**Privacy Act**), the Australian Privacy Principles (**APPs**) and the Health Privacy Principles which are contained in the Health Records Act 2001 (Vic) (Health Records Act). The following Privacy Procedure is based on the APPs in the Privacy Act 1988 (Privacy Act) and the Office of the Australian Information Commissioner's (OAIC) APP guidelines.

This Privacy Procedure explains how the Institute collects, uses, manages, discloses and otherwise handles the personal information of its staff and students. It explains how information might be accessed or corrected and how a suspected privacy breach might be investigated.

The Institute may, from time to time, review and update this Privacy Procedure to take account of new laws and technology, changes to its operations and practices and to make sure it remains appropriate to the changing environment.

### 2. SCOPE

This privacy Procedure applies to the personal and health information (including sensitive information) of staff and students of the Institute.

### 3. DEFINITIONS

**Acts** means *Privacy and Data Protection Act 2014* (Vic), *Health Records Act 2001* (Vic), *Public Records Act 1973* (Vic) and *Privacy Act 1988* (Cth).

**Australian Privacy Principles** means the set of 13 principles in the *Privacy Act 1988* (Cth) governing the collection, use, disclosure, management and transfer of personal information by Commonwealth government agencies and private entities with an annual turnover of more than \$3 million.

**Health information** has the meaning given to it in section 3 of the *Health Records Act 2001* (Vic).

**Health Privacy Principles** means the set of 11 principles in the *Health Records Act 2001* (Vic) governing the collection, management, use, disclosure and transfer of health information by organisations such as the University.

**Information Privacy Principles** means the set of 10 principles in the *Privacy and Data Protection Act 2014* (Vic) governing the collection, use, disclosure, management and transfer of personal information by organisations such as the University.

**Personal information** has the meaning given to it in section 3 of *the Privacy and Data Protection Act 2014* (Vic).

**Sensitive information** is a subset of personal information that is generally afforded a higher level of privacy protection. Sensitive information is information or opinion about an individual's:

- membership of a political association;
- racial or ethnic origin;
- health or disability;
- membership of a professional or trade association or membership of a trade union;
- political opinions;
- religious beliefs, affiliations or philosophical beliefs;

- criminal record;
- sexual preferences or practices;

#### **4. PROCEDURE**

The overall responsibility for protecting the privacy of all personal information held by the Institute resides with the Vice president with the day to day management delegated to the Head of Student Services and Administration and Academic Dean. The Head of Student Services and Administration is the first point of contact for privacy queries.

The Institute observes and complies with the Australian Privacy Principles (APP) in the Privacy Act 1988 and the Health Privacy Principles which are contained in the Health Records Act 2001 (Vic) (Health Records Act). The APPs regulate the manner in which personal information is handled throughout its life cycle, from collection, to use and disclosure, storage, access and disposal.

##### **4.1 Collection of Personal Information**

The Institute collects personal information from a variety of sources. This privacy Procedure applies to any personal information collected by the Institute about:

- prospective employees;
- individuals who are customers of the organisation or party in question;
- clients;
- business partners;
- suppliers;
- contractors;
- shareholders;
- students;
  - when a course enquiry is made;
  - when a person applies for admission to the Institute; or
  - when a person enrolls for a course or unit offered by the Institute.
  - when a person applies for a job in the Institute
- other people who may come into contact with the Institute;

Sensitive information is collected only where it is necessary for the functions or activities of the Institute and:

- (a) the individual has consented; or
- (b) the Institute is required or authorised under law to do so.

Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless the individual agrees otherwise, or the use or disclosure of the sensitive information is allowed by law.

The Institute collects personal information from its students and staff through a variety of lawful and fair means including:

- a) on printed forms;
- b) through email exchange;
- c) over the phone;
- d) through written correspondence;
- e) in person.

The type of information the Institute collects and holds includes (but is not limited to) personal information, including health and other sensitive information, about:

- students and parents and/or guardians ('Parents') before, during and after the course of an enrolment at the Institute, including:
  - name, contact details (including next of kin), date of birth, previous education/school and religion;
  - medical information (e.g. details of disability and/or allergies, absence notes, medical reports and names of doctors);
  - conduct and complaint records, or other behaviour notes, and academic reports;
  - information about referrals to government welfare agencies;
  - counselling reports;
  - health fund details and Medicare number (if applicable);
  - information about the disability support needs of individual students, to assist with special needs and to develop disability access plans where appropriate;
  - health information that may be relevant to an individual student's failure to achieve a satisfactory course outcome. any court orders;
  - volunteering information; and
  - photos and videos at Institute events;
- job applicants, staff members, volunteers and contractors, including:
  - name, contact details (including next of kin), date of birth, and religion;
  - information on job application;
  - professional development history;
  - salary and payment information, including superannuation details;
  - medical information (e.g. details of disability and/or allergies, and medical certificates);
  - complaint records and investigation reports;
  - leave details;
  - photos and videos at Institute events;
  - workplace surveillance information;
  - work emails and private emails (when using work email address) and Internet browsing history; and
- other people who come into contact with the Institute, including name and contact details and any other information necessary for the particular contact with the Institute.

The Institute will generally collect personal information held about an individual by way of forms filled out by students (or their parents/legal guardians), face-to-face meetings and interviews, emails and telephone calls. On occasions people other than students (or their parents/legal guardians) such as education agents provide personal information.

In some circumstances the Institute may be provided with personal information about an individual from a third party, for example a report provided by a medical professional or a reference from another education provider.

On occasions, the Institute may collect personal information about students from:

- Commonwealth and State agencies;
- Education agents who may be based in Australia or overseas;
- a company for whom you work;
- other individuals and/or organisations with whom you have any dealings;
- an employment recruitment agent or agency;
- a student related recruitment agent or agency;

***Exception in relation to employee records:*** Under the Privacy Act, the Institute handles staff health records in accordance with the Health Privacy Principles in the Health Records Act.

#### 4.2 Use of Personal Information

The particular purpose for which personal information is collected by the Institute is specified or reasonably apparent at the time the information is collected. The Institute uses personal information it collects for the primary purpose of collection, and for such other secondary purposes that are related to the primary purpose of collection and reasonably expected, or to which it was consented.

The Institute collects personal information for the primary purpose of providing students with the courses of study for which they are enrolled and the associated services to individuals. Personal information may be collected for purposes related, or ancillary to, the primary purpose of collection. This includes:

- a) administering and managing the services provided by the Institute to prospective and current students, including admission and enrolment;
- b) the delivery of courses including teaching, learning and assessment functions;
- c) marketing the services of the Institute to prospective, current and past students;
- d) guiding students in their study options;
- e) providing student counselling services;
- f) conducting surveys;
- g) keeping students informed about matters related to education services, through correspondence, newsletters and magazines; conducting research for service improvement purposes and to compile statistics and analyse trends; and
- h) the regulation of student visas and Australian immigration laws generally under the Education Services for Overseas Students Act 2000, and the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

In relation to personal information of job applicants and contractors, the primary purpose of collection is to assess and (if successful) to engage the applicant or contractor, as the case may be.

The purposes for which the Institute uses personal information of job applicants and contractors include

- administering the individual's employment or contract, as the case may be;
- for insurance purposes;
- seeking funds and marketing; and
- satisfying legal obligations.

The Institute also obtains personal information about volunteers who assist the Institute in its functions or conduct associated activities, such as alumni associations, to enable the Institute and the volunteers to work together.

The Institute treats marketing for the future growth and development of the Institute as an important part of ensuring that the Institute continues to be a quality learning environment in which both students and staff thrive...

Parents, staff, contractors and other members of the wider community may from time to time receive marketing and fundraising information. Institute publications, like newsletters and magazines, which include personal information, may be used for marketing purposes.

The Privacy Act allows the Institute to share personal (but not sensitive) information with other Ozford entities. The Institute may then only use this personal information for the purpose for which it was originally collected. This allows the Institute to transfer information between Ozford College Pty Ltd, Ozford English Language Centre Pty Ltd and Ozford Business College Pty Ltd.

All reasonable steps are taken to destroy hard copies of personal information that are obsolete or no longer required by the Institute. Destruction of personal information is undertaken by secured means authorised by the Head Student Services and Administration (HOSSA).

In some cases where the Institute requests personal information about an individual, if the information requested is not obtained, the Institute may not be able to enrol or continue the activity. For example, for a student, the enrolment of the student may not be offered or the student may not be permitted to take part in a particular activity.

#### 4.3 Disclosure of Personal Information

The Institute may only disclose a student's personal information for the purpose which was either specified or reasonably apparent at the time when the information was collected.

The Institute may disclose personal information to:

- its related entities, Ozford College Pty Ltd and Ozford English Language Centre Pty Ltd and Ozford Business College Pty Ltd;
- State and Commonwealth Government departments including the Department of Education **and Training**, the Department of Home Affairs and the Tuition Protection Service in compliance with the ESOS legislative requirements **and their successors**;
- its regulator, the Tertiary Education Quality and Standards Agency, and its successors;
- anyone that a student or employee has authorised for disclosure information; and
- any other person with a lawful entitlement to obtain the information.

Personal information will also be disclosed where consent is given to the Institute to do so or the Institute believes that disclosure is necessary to lessen or prevent a serious threat to life, health, or safety or the disclosure is necessary to assist in locating a person who has been reported as missing or the disclosure is required by law, regulation or a court/tribunal body.

The Institute on the request of the individual will allow that individual access to personal information held by the Institute about them. The Institute will also a student to give or withhold consent to the use of their personal information.

#### 4.4 Direct Marketing

The Institute may use the personal information of its students to send information about the services offered, as well as other information (including enrolment reminders, study suggestions, and invitations to participate in forums or surveys). The Institute may send this information in a variety of ways, including by mail, email, SMS and telephone. The Institute will not disclose or externally publish personal information to third parties who are not related to the Institute to allow them to market their products or services without the relevant person's consent.

The Institute may then contact individuals to let individuals know about these products and services and how they may be of benefit. If a person does not want to receive any of this information, the person should contact the Institute immediately and the Institute will ensure that they are no longer offered this information.

#### 4.5 Transferring Personal Information Overseas

The Institute does not transfer your personal information overseas unless it is authorised by law to do so or you have consented to it as part of the services it provides.

The Institute may disclose personal information about an individual to overseas recipients, for instance, to facilitate an exchange. However, the Institute will not send personal information about an individual outside Australia without:

- obtaining the consent of the individual (in some cases this consent will be implied); or
- otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

The Institute may use online or 'cloud' service providers to store personal information and to provide services that involve the use of personal information, such as services relating to email, instant messaging and education and assessment applications. Some limited personal information may also be provided to these service providers to enable them to authenticate users that access their services. This personal information may be stored in the 'cloud' which means that it may reside on a cloud service provider's servers which may be situated outside Australia.

If the Institute engages a third-party contractor to perform services which involves handling personal information, the Institute will ensure that the contractor will be subject to the same privacy obligations as the Institute to protect your personal information. The Institute will also take reasonable steps to prohibit the contractor from using personal information, except for the purposes for which it was supplied.

#### **4.6 Access to and Correction of Personal Information**

Any person may request access to own personal information held by the Institute and to request its correction if the information held is inaccurate, incomplete or outdated.

To make a request to access or to update any personal information the Institute advises to contact the Head Student Services and Administration by telephone or in writing using the contact information on the website.

There are some exceptions to these rights set out in the applicable legislation.

The Institute may require identity verification and specifications of the information required. The Institute may charge a fee to cover the cost of verifying an application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the Institute will advise the likely cost in advance. If the Institute cannot provide access to that information, the Institute will provide written notice explaining the reasons for refusal.

The request for access or any requested changes will be dealt with in a reasonable manner and time.

#### **4.7 Data Quality and Accuracy**

The Institute will take all reasonable steps to ensure that any personal information it collects, uses and discloses is accurate, up to date, complete and (in the case of use or disclosure) relevant. Accordingly individuals are required to keep personal information accurate and up to date, advising the Institute in writing of changes required.

The Institute will also take reasonable steps to correct personal information if an APP entity is satisfied, independently of any request, that personal information it holds, is inaccurate, out-of-date, incomplete, irrelevant or misleading, having regard to a purpose for which the information is held

#### **4.8 Security of Personal Information**

The Institute and its staff are required to respect the confidentiality of students' and Parents' personal information and the privacy of individuals.

The Institute has in place steps to protect the personal information it holds from misuse, interference and loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and password access rights to computerised records.

The Institute will take all reasonable steps to protect against loss, interference, and misuse, and from unauthorised access, modification or disclosure of all personal information under its control, as required by law.

The Institute uses industry standard safeguards to ensure the security of personal information through physical, electronic and managerial procedures. When the Institute no longer requires personal information, it will safely destroy the information and delete it from its systems.

#### **4.9 Publishing Personal Information on the Institute Website**

The Institute will only publish personal information on its website if that information has been collected for this purpose, and only with the knowledge and consent of the individual concerned. When giving such consent, an individual should be aware that information published on the Institute's website is accessible to millions of users from all over the world, that it will be indexed by search engines and that it may be

copied and used by any web user. This means that once the information is published on the Institute website, the Institute will have no control over its subsequent use and disclosure.

#### 4.10 Complaints

If a person believes that the Institute has failed to handle the personal information in accordance with this Privacy Procedure, a formal grievance should be made consistent with the Institute *Student Grievances and Appeals Procedure* 1 which is located on the Institute website. Alternatively, a copy may be requested from the HOSSA who may also be contacted for more information if required.

The Institute will investigate any complaint and will notify in writing of a decision in relation to the complaint as soon as is practicable after it has been made.

### 5. QUALITY ASSURANCE

To ensure that this Procedure is fit for purpose and meet the requirements of the HES Threshold Standards the Procedure will be;

- 5.1 internally endorsed by the Executive Management Team on development or review
- 5.2 externally reviewed as part of any independent review of the HES Threshold Standards approved by the Governing Board;
- 5.3 internally reviewed by the Responsible Officer every three years from the date of approval (if not earlier).
- 5.4 referenced to the applicable HES threshold Standard and/or other legislation/regulation.

### 6. FEEDBACK

Feedback or comments on this Procedure is welcomed by the listed Responsible officers of the Institute.

### 7. ACKNOWLEDGEMENTS

This Procedure was initially developed with reference to the following institution's Procedure:

MIBT Privacy Procedure, May 2016

VU Privacy Procedure, May 2016

Independent Schools Council of Australia and national Catholic Education Commission Privacy Compliance Manual, August 2016

### 8. VERSION CONTROL

Version	Date approved	Description	Approved by
3.0	September 2018	Initial issue	GB
Related legislation/ regulation/standard	HES Threshold Standards 2015 ESOS National Code 2018		