



# Privacy Principles Policy

**Policy number: IS09**

**Version: 1.2**

**Policy Owner: General Manager Corporate Services**

**Subject Expert: Director Information Services (CIO)**

**Next review date: 26 August 2021**

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## 1. PURPOSE

This policy establishes a framework to ensure that personal information is managed within information privacy principles which safeguard the rights of students, clients, employees, contractors and that information is not released where it is unlawful to do so.

### 1.1. Objectives

Personal Information can be defined as information that identifies an individual or could identify that individual. Consequently, South Metropolitan TAFE in the course of its business collects, stores, uses and in some instances discloses personal information. The disclosure of personal information will only occur in accordance within the following guidelines and principles prescribed in this policy.

## 2. SCOPE

This policy is applicable to all employees, contractors and their staff, including overseas contractors.

## 3. POLICY GOVERNANCE

- Freedom of Information Act 1992 (WA)
- State Records Act 2000 (WA)
- Children and Community Services Act 2004 (WA)
- Children and Community Services Regulations 2006
- Family Court Act 1997 (WA)
- Public Sector Commission *Commissioner's Instruction No. 7 Code of Ethics 2012 WA*
- Public Sector Commission *Commissioner's Instruction No. 8 Code of Conduct and Integrity Training 2012 (WA)*
- Youth Student Assistance Act Part 10 Division 2 (Cth)
- Student Identifiers Act 2014
- Australian Privacy Principles (Cth)
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (Cth)
- Standards for Registered Training Organisations (2015)
- Ombudsman The Management of Personal Information – good practice and opportunities for improvement
- Public Sector Commissioner's Circular 2014-02 Policy Framework and Standards for Information Sharing between Government Agencies
- Information Sharing between Government Agencies – Department of Justice



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### 4. KEY DEFINITIONS

**Personal Information** – means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

**Australian Privacy Principles** – these are contained in schedule 1 of the Privacy Act 1988 and outline how to handle, use and manage personal information.

**VETiS** – VET in Schools refers to a student attending a TAFE Course while enrolled fulltime at secondary school.

**Minor** – refers to a person under the age of 18 years.

**Parent** – is a person with legal position of mother or father.

**Guardian** – refers to a person who is entrusted by law with the care of a minor.

**Prescribed Authorities** – provides for the exchange of information between certain government agencies that is relevant to the wellbeing of a child or a class or group of children.

### 5. PRINCIPLES

Instructions and guidance for the management of personal information by State Government agencies are provided in a range of sources, including:

- Legislation (e.g. Freedom of Information Act 1992).
- The Western Australian Public Sector Code of Ethics.
- The Public Sector Commissioner's circulars on information sharing and computer security, as well as related materials on information security management.
- Australian Privacy Principles
- Ombudsman WA – The Management of Personal Information – good practice and opportunities for improvement.
- Accountability and Ethical Decision Making Guidelines, and
- South Metropolitan TAFE Code of Conduct policies and guidelines.
- Working Together for a Better Future for At Risk Children and Families: A guide on information sharing for government and non-government agencies.

The summary of good practice principles as recommended by the Ombudsman WA include:

- 5.1. Only personal information necessary for service delivery is collected.
- 5.2. Personal Information is used only for the primary purpose it was collected, except in certain defined circumstances.
- 5.3. Personal information collected, used and disclosed is accurate and current.
- 5.4. Personal information is not disclosed to any people or organisations other than the individual concerned, except in certain defined circumstances.
- 5.5. Personal information is protected from misuse, loss and inappropriate access and disclosure.



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- 5.6. Agencies ensure personal information provided to third party service providers is protected from inappropriate use and disclosure.
- 5.7. Agencies allow individuals reasonable access to their personal information, except in certain defined circumstances, and take reasonable steps to make requested corrections or deletions.
- 5.8. The type of personal information that is collected and held, and the principles for its management, is accessible to clients and other interested members of the public.

## 6. POLICY GUIDELINES

### 6.1. Release of information to students

Students can on request be provided with personal or enrolment information about themselves which South Metropolitan TAFE possesses.

Such requests should be directed to the appropriate individual(s) from the following list:

- Manager Admissions
- Manager Customer Services
- Manager Student Support Services
- Training Services Directors
- Training Services Team Leaders
- Portfolio Managers
- Academic Records Staff
- Manager Apprenticeship & Traineeships
- VETIS and Duty of Care Consultant
- Manager Corporate Information

### 6.2. Information requests from third parties

Where a person or entity other than a student requests the student's personal or enrolment information which South Metropolitan TAFE possesses, such information shall only be released upon receiving consent from the student or in accordance with sections 6.2 to 6.11 of this Policy.

Requests for information should be directed to the appropriate individual(s) identified in the list detailed in section 6.1 of this Policy.

### 6.3. Information requests which include information about third parties

Where the release of information about a current or former student is requested and such information includes personal or enrolment information about another party (e.g. about an employer or another student), the information may only be released with the consent of the other party or in accordance with sections 6.2 to 6.11 of this Policy. However, it may be possible to release the information provided third party information is deleted/redacted from the document as per Freedom of Information guidelines.

### 6.4. Consent

Consent must be in writing and clearly state that consent is given. Where consent cannot be provided in writing, South Metropolitan TAFE will consider alternative methods of receiving consent subject to the requirements of applicable law.



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### 6.4.1 Academic Record Requests

Academic Records receive numerous requests from students to release their results to third parties. For the purpose of this policy, a student is required to give consent to release of their personal details by completing and signing form *ISO90002 Application to Release Academic Records and or Information to a Third Party*. In the event that the student emails the form omitting their signature, then the student would have deemed to have provided consent where their email address matches that on the student management system.

### 6.5. Situations where consent to release information is not required – Government Department or Agency.

Consent to release personal or enrolment information which South Metropolitan TAFE possesses is not required where the release is to a government department or agency and conforms to the principles of information sharing which include:

- Agencies must act within the limits of relevant legislation.
- Open and accountable processes and procedures are required for information sharing.
- Information sharing should be consistent with appropriate minimum privacy standards such as the Australian Privacy Principles.
- Procedures need provide for the security of confidential information.
- Agencies sharing information do so within the context of information policies, procedures and practices, relevant legislation and privacy principles.

Such situations include but are not limited to:

- Mandatory reporting of sexual abuse of students that are under 18 years of age to the Government of Western Australia Department for Child Protection
- Facilitating Centrelink enquiries regarding study assistance to particular students.
- For the purposes of Training Accreditation Council audits.
- Department of Veterans' Affairs – Veterans' Children Education Scheme (VCES)

#### Prescribed Authorities for Information Sharing:

Section 28B of the Children and Community Services Act 2004 enables the Chief Executive Officers of public authorities (and his or her delegate/s) to exchange information relevant to the wellbeing of a child, or class or group of children, in circumstances where the Department of Communities is not necessarily involved. Current prescribed authorities include:

- Department of Education;
- Department of Health;
- North Metropolitan Health Service;
- South Metropolitan Health Service;
- East Metropolitan Health Service;
- Child and Adolescent Health Service;
- Health Support Services;
- WA Country Health Service;
- PathWest;
- Quadriplegic Centre;
- Department of Justice;
- Department of the Premier and Cabinet;
- Department of Treasury;



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- Disability Services Commission;
- Housing Authority;
- Judges, the Principal Registrar and Registrars, Family Law Magistrates and family consultants in the Family Court of WA;
- Mental Health Commission;
- State Training Providers;
- Teacher Registration Board of Western Australia;
- Training Accreditation Council Western Australia; and
- Western Australian Police Force.

Requests for the release of personal or enrolment information from a government department or agency must be in writing, clearly identifying the government department or agency making the request and should state the authority under which the information is being requested e.g. details of a court order, the legislation or regulation being acted under, or current MOU/Agreement for information sharing etc.

South Metropolitan TAFE may provide personal or enrolment information it possesses about individuals or entities to an enforcement body where it reasonably believes that the release of the information is necessary to:

- Reduce or prevent a serious and imminent threat to an individual's life, health or safety or a serious threat to public health or safety.
- For an investigation into criminal activity or serious improper conduct.
- For the enforcement of law or protection of public revenue.

The Manager International Student Services must be notified of information released to a government department or agency, or enforcement body in respect of an international student.

The VETIS and Duty of Care Consultant for Minors must be notified of information released to a government department or agency, or enforcement body in respect of a student who is less than 18 years of age.

### **6.6. Situations where consent to release information is not required – non-government service or a non-government school.**

Section 28B of the Children and Community Services Act 2004 enables the Chief Executive Officers of public authorities (and his or her delegate/s) to exchange information relevant to the wellbeing of a child, or class or group of children, in circumstances where the Department of Communities is not necessarily involved.

The Information Sharing provisions have been broadened to enable prescribed authorities to share relevant information with certain service providers and schools in the non-government sector. This means that, in addition to being able to exchange relevant information with other prescribed authorities, the CEO (and his or her delegate/s) is able to disclose relevant information to, or request it from, a non-government service or a non-government school. Information could be shared when relevant to the safety of a person subjected or exposed to family violence. The service or school is able to provide the information without incurring legal or professional liability for doing so, provided the information is disclosed in good faith.

Services from the non-government sector include:



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- Those which provide a 'social service' (services provided to assist children, other individuals, families and communities) under a contract or other agreement with a prescribed authority or the Minister for Child Protection.
- Schools in the non-government sector (Independent schools and those in the Catholic schools sector).

### **6.7. Situations where consent to release information is not required – employer and other RTOs.**

Consent is not required for the release of enrolment information and information pertaining to a student's capacity to complete their training (Results/Attendance etc.) To an employer, where a student is undertaking training as a condition of employment with the employer e.g. an apprenticeship or traineeship.

Consent is not required for the release of a student's enrolment information to another registered training organisation (RTO) where the information is necessary for the enrolment of the student with that RTO.

### **6.8. Situations where consent to release information is not required – students less than 18 years of age**

Where a student is less than 18 years of age, consent is not required to release information to the student's parent(s) or legal guardian(s) or responsible adult who are identified in the student's enrolment records in respect of:

- the payment of outstanding fees;
- results;
- attendance; or
- misconduct.

South Metropolitan TAFE may release this information to a parent or legal guardian irrespective of their marital status unless a court order is in place which prevents the release.

### **6.9. Situations where consent to release information is not required - serious and imminent threat to an individual's life, health or safety**

Consent is not required if a student is deemed to be at imminent risk of harm and intervention is considered essential. In such circumstances support will be offered as a priority and parent/guardian or emergency contact may be notified if necessary

### **6.10. Verifying identity**

Where a student requires information about themselves that South Metropolitan TAFE possesses, all reasonable attempts must be made to verify the student's identity. Such verification may include requiring the student to confirm personal or enrolment information.

Where a party other than a student requests information about a student which South Metropolitan TAFE possess and the party is eligible to receive such information in accordance with this Policy, reasonable attempts must be made to verify the identity of the party. For example mobile phone number, date of birth, ABN etc.

### **6.11. Freedom of Information**

All freedom of information requests must be managed in accordance with the Freedom of Information Policy and should be directed to the Manager Corporate Information.



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### 7. TYPES OF PERSONAL INFORMATION

#### 7.1. Students

South Metropolitan TAFE usually collects personal information (including sensitive information) when a student enrolls in any course. It does not collect personal information unless that information is necessary for, or directly related to training delivery and issuance of certificates of competency or qualifications. Information is used to provide additional support services to students who give consent for their personal information to be used to identify a need, for instance those with a disability.

South Metropolitan TAFE also collects personal information through our website and social networking services. This information is only used to improve our website and receive feedback from the community.

South Metropolitan TAFE collects sensitive information from a student for:

- Australian Vocational Education and Training Management Information Statistical Standard (AVETMISS). AVETMISS VET data is collected under the Data Provision Requirements legislative instrument of the National Vocational Education and Training Regulator Act 2011.
- VET FEE-HELP, and STUDENT LOAN Applications. Any personal information supplied during the application will be used to provide assistance with applications and repayment of HELP loans.

#### 7.2. Employees

South Metropolitan TAFE collects Employee or Prospective Employee information for:

- Recruitment purposes
- Remuneration purposes
- Performance Management

### 8. STORAGE AND SECURITY OF PERSONAL INFORMATION

South Metropolitan TAFE endeavours to ensure that any record containing personal and sensitive information is:

- Protected by such security safeguards as it is reasonable in the circumstances to take against loss, unauthorised access, use, modification or disclosure or possible misuse.
- When no longer required, South Metropolitan TAFE will destroy personal information in a secure manner, in accordance with the Western Australian State Records Act 2000, the General Disposal Authority for State Government Information 2013-017 and the TAFE Sector Disposal Authority DA2012-045.

Staff members who have access to personal information should not disclose that information unless in accordance with this policy. Unauthorised disclosure of personal information will result in disciplinary action.

### 9. DIRECT MARKETING

South Metropolitan TAFE will not use or disclose personal and sensitive information for the purpose of direct marketing unless;



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- We have collected that information and there is an expectation to disclose the information for that purpose.
- We provide a simple opt out of any direct marketing communications.

## 10. GOVERNMENT BODIES

South Metropolitan TAFE is required to disclose the student's personal information such as name, gender, date of birth, citizenship, some education background, email and course details to the Commonwealth in order to create a VET Student Loan application.

## 11. DOCUMENTS SUPPORTING THIS POLICY

### Policies

- IS02 Records Management Policy

### Procedures

N/A

### Forms

- IS090001 Record of Conversation Form
- IS090002 Application to Release Academic Records and or Information to a Third Party

### Other

Content Manager (TRIM) document SMT/D19/0053124

## 12. POLICY REVIEW AND COMMUNICATION

All staff will be notified of new policies and policy changes and the documents will be available on the QMS.

## 13. POLICY APPROVAL

Approved and Endorsed:

Terry Durant

Managing Director

Date: 30 May 2018

## 14. DOCUMENT HISTORY AND VERSION CONTROL

Version	Date Approved	Approved by	Brief Description
V1.0	4/10/2017	Managing Director	Privacy Principles Policy
V1.1	30/05/2018	General Manager Corporate Services	Minor amendments to 6.5 & 6.6
V1.2	26/08/2019	General Manager Corporate Services	Additional information included in 6.5 and new section added



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			6.6 relating to information sharing between prescribed agencies as well as non-government services and non-government schools
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