

DOCUMENT REFERENCE:	PPP046
RESPONSIBLE COMMITTEE:	Executive Team
CATEGORY:	Governance
APPROVED DATE:	25/07/2023
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RELATED DOCUMENTS:	<p>Legislation: Privacy and Data Protection Act (<i>amended</i>) 2014 (Vic) Privacy Act 1988 (Commonwealth) Student Identifiers Act 2014 (Commonwealth) Health Records Act 2001 Freedom of Information Act 1982 VPDSF Protective Data Security Plan</p> <p>Documents: PPP047 Privacy Statement PPP186 Integrity Framework</p>

1. Introduction

South West TAFE (We/Us) (SWTAFE or the ‘Organisation’) complies with the Victorian *Privacy and Data Protection Act 2014 (PDPA)*, Commonwealth *Privacy Act 1988* and the *Health Records Act 2001* and with the following privacy principles referred to in those Acts.

2. Definitions

Disclose	the disclosure by us to a third party
Individual	a natural person
Party	a third party other than us or an individual
Personal Information	information or an opinion about an identified <u>individual</u> , or an <u>individual</u> who is reasonably identifiable: <ul style="list-style-type: none"> • whether the information or opinion is true or not; and • whether the information or opinion is recorded in a material form or not.
Use	the internal use of personal information by us

3. Collection of data

We will not collect personal information about an individual unless the information is necessary for one or more of our functions or activities. Our collection of personal information will be fair, lawful and not intrusive. Where we collect personal information, we will declare:

- the purpose of the collection,
- how the information will be used,
- how the individual can get access to that information, and
- what happens if the individual does not provide the information.

4. Use

We will only use information for the purpose for which it was collected; for a secondary purpose which the provider of the information could reasonably expect; or where they have provided us with permission to do so. We may have an obligation to collect information and data on behalf of the Government or other agency and pass on this information when requested.

5. Disclose

We will only disclose information for the purpose for which it was collected. Where a request is made by a party other than the individual to obtain, use or share information about the individual, then we will not do so unless we have sought permission in writing from the individual concerned. We are not required to seek permission, to use or disclose personal information in circumstances related to public interest, such as law enforcement and public or individual health and safety. We cannot control how a third party uses the data that has been disclosed.

In accordance with the Privacy and Data Protection Act 2014, sections 15A (*Family Violence Protection Act 2008*) and 15B (*Child Wellbeing and Safety Act 2005*), we are required to disclose personal information to the relevant authorities.

6. Data quality

We take reasonable steps to ensure that the personal information we collect, use or disclose is accurate, complete and up-to-date.

7. Data and Information security

We take reasonable steps to protect the personal information we hold, from misuse and loss and from unauthorised access, modification or disclosure.

In some cases, in order to perform our roles and meet our obligations, it is necessary to take personal information off site. For example, this may be to visit students in their workplace or mark assessments. Where this is necessary, all reasonable steps are taken to protect the personal information contained within those documents. Only necessary documentation will be taken. Where documents are being accessed, they must not be left unattended in view. If left unattended they must be held within a lock container such as filing cabinet or briefcase/attaché.

8. Privacy Statement

We have a Privacy Statement PPP047 that outlines how we will treat personal information. It is available on request, at Reception at each campus and via our website.

9. Anonymity

We give people the option to interact anonymously whenever it is lawful and practicable to do so.

10. Access and correction

We provide an individual with access to their personal information upon written request and proof of identification. Where an individual can show that the information held about them is not accurate, current or complete, we will take reasonable steps to correct that information. Some requests for access or amendment to information held by us will need to be made under the *Freedom of Information (FOI) Act 1982*. Charges for FOI access are governed by the Freedom of Information Act, its amendments and regulations.

Unless being accessed under the Freedom of Information Act, access to any personal information held about an individual is provided to them free of charge. We may choose to charge a fee to make a copy of personal information. Should a fee apply, it will not be excessive and the cost incurred will be disclosed prior to preparation of the information.

11. Identifiers

Where a person is required to provide us with their unique identifier from another agency (*such as Centrelink*) we will not adopt this identifier as our own.

We only assign unique identifiers to individuals where it is necessary in order to carry out one or more of its functions or activities. Our Student ID is created for this purpose. We will not make this unique identifier available to others unless obligated by Government or another agency to pass on this information as an element of data reporting.

We are obliged to abide by the Student Identifiers Act 2014, and must collect, record and report a student's USI to Government upon enrolment into their qualification and/or application for a VET Student Loans

12. Transborder data flows

We only transfer personal information to a recipient in another state or a foreign country in circumstances where the information will have appropriate protection.

13. Sensitive information

We will not collect sensitive information unless the individual has consented, or it is required by law, or where there are other special circumstances such as those relating to health services provision and individual or public health or safety.

14. Data and Information Storage

We store data and information in Australia and/or overseas. We prefer Data Centres in Australia that we believe will take appropriate measures to ensure that the data and information they store for us will be protected. We store data in many locations, within SWTAFE, in Data Centers in Australia and overseas. When we are storing data overseas, we will make all reasonable attempts to ascertain what country the data is stored in, maintain a register of these locations and ensure adequate data protection is in place for the safety of your information.

15. Other Obligations

We comply with the Internet Industry Code of Practice regarding electronic information and other applicable codes of practice.

Our existing obligations under other laws, such as providing formal access to records under the Freedom of Information Act 1982 apply.

16. Breaches of this Policy

In the first instance, alleged privacy breaches should be referred to the area where the information was initially lodged by the individual.

If a satisfactory resolution cannot be reached at this level, the alleged breach should be submitted in writing to the Audit and Compliance Officer as our nominated Privacy Officer:

Privacy Officer
South West Institute of TAFE
P O Box 674
WARRNAMBOOL 3280
Email: feedback@swtafe.edu.au