

	Title: <b>Privacy and Personal Information Policy</b>	
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	Author: T O'Brien	Next Review: 31.03.2020
	Administered: Human Resources	Signed : <i>Ann Hearn</i>

### 1. Purpose:

Hunter Trade College (the College) is committed to ensuring the privacy of the personal information you have provided to the College as required under the Privacy Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Act 2012. This document details the Hunter Trade College policy on privacy and the principles adopted in order to protect information about individuals.

### 2. Scope:

This document outlines requirements for information relative to HTC employees, students, student families / carers / guardians, clients and service providers.

### 3. Definitions:

APP	Australian Privacy Principle
APP Entity	is a trading corporation formed within the limits of Australia
Sensitive information	(a) information or an opinion about an individual's: (i) racial or ethnic origin; or (ii) political opinions; or (iii) membership of a political association; or (iv) religious beliefs or affiliations; or (v) philosophical beliefs; or (vi) membership of a professional or trade association; or (vii) membership of a trade union; or (viii) sexual preferences or practices; or (ix) criminal record; that is also personal information; or (b) health information about an individual; or (c) genetic information about an individual that is not otherwise health information
the College	Hunter Trade College
USI	Unique Student Identifier

### 4. Responsibilities:

Chief Executive Officer	Policy Approval
Business Manager	Records Filing, Storage and Backup systems
Staff	Treat staff and student personal information in accordance with this policy.

## 5. Policy

### 5.1 Australian Privacy Principles

The College is bound by the thirteen Australian Privacy Principles, which form part of the Privacy Amendment (Enhancing Privacy Protection) Act 2012. The College will address these principles as follows:

#### **APP 1 — Open and Transparent Management of Personal Information**

The HTC will manage personal information in an open and transparent way that complies with the Australian Privacy Principles and registered APP code (if any) that binds the College. Access to all personal information is as set out in this policy. Complaints can be dealt with through the College Complaints Policy or you may access the Office of the privacy Commissioner directly, see details below.

#### **APP 2 — Anonymity and pseudonymity**

Individuals have the option of not identifying themselves, or of using a pseudonym, when dealing with the College in relation to a particular matter unless;

- a) the College is required or authorised by or under an Australian law, or a court/tribunal order, to deal with individuals who have identified themselves; or
- b) it is impracticable for the College to deal with individuals who have not identified themselves or who have used a pseudonym.

#### **APP 3 — Collection of Solicited Personal Information**

The College will not collect personal information (other than sensitive information) unless the information is reasonably necessary for one or more of the College's functions or activities.

The College will only:

- collect personal information by lawful and fair means.
- collect personal information about an individual from the individual unless it is unreasonable or impracticable to do so.

#### **APP 4 — Dealing with unsolicited personal information**

4.1 If the College:

- a) receives personal information; and
- b) did not solicit the information;

the College will, within a reasonable period after receiving the information, determine whether or not the College could have collected the information under APP 3 if the College had solicited the information.

4.2 The College may use or disclose the personal information for the purposes of making the determination under subclause 4.1.

4.3 If:

- a) the College determines that it could not have collected the personal information; and
- b) the information is not contained in a Commonwealth record;

the College will, as soon as practicable but only if it is lawful and reasonable to do so, destroy the information or ensure that the information is de-identified.

4.4 If subclause 4.3 above does not apply in relation to the personal information, APP 5 to 13 will be applied in relation to the information as if the College had collected the information under APP 3.

#### **APP 5 — notification of the collection of personal information**

5.1 At or before the time or, if that is not practicable, as soon as practicable after, the College collects personal information about an individual, the College will take such steps (if any) as are reasonable in the circumstances:

- a) to notify the individual of such matters referred to in subclause 5.2 as are reasonable in the circumstances; or
- b) to otherwise ensure that the individual is aware of any such matters.

5.2 The matters for the

purposes of subclause 5.1 are as follows:

- a) the identity and contact details of the College;
- b) if:
  - i. the College collects the personal information from someone other than the individual; or
  - ii. the individual may not be aware that the College has collected the personal information;the fact that the College so collects, or has collected, the information and the circumstances of that collection;
- c) if the collection of the personal information is required or authorised by or under an Australian law or a court/tribunal order — the fact that the collection is so required or authorised (including the name of the Australian law, or details of the court/tribunal order, that requires or authorises the collection);
- d) the purposes for which the College collected the personal information;
- e) the main consequences (if any) for the individual if all or some of the personal information is not collected by the College;
- f) any other APP entity, body or person, or the types of any other APP entities, bodies or persons, to which the College usually discloses personal information of the kind collected by the entity;
- g) that the APP privacy policy of the College contains information about how the individual may access the personal information about the individual that is held by the entity and seek the correction of such information;
- h) that the APP privacy policy of the College contains information about how the individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds the College, and how the College will deal with such a complaint;
- i) whether the College is likely to disclose the personal information to overseas recipients;
- j) if the College is likely to disclose the personal information to overseas recipients — the countries in which such recipients are likely to be located if it is practicable to specify those countries in the notification or to otherwise make the individual aware of them.

## **APP 6 — Use or disclosure of personal information**

### **Use or disclosure**

6.1 The personal information held by the College about an individual that was collected for a particular purpose (the primary purpose), will not be used or disclosed for another purpose (the secondary purpose) unless:

- a) the individual has consented to the use or disclosure of the information; or
- b) subclause 6.2 or 6.3 applies in relation to the use or disclosure of the information.

6.2 This subclause applies in relation to the use or disclosure of personal information about an individual if:

- a) the individual would reasonably expect the College to use or disclose the information for the secondary purpose and the secondary purpose is:
  - i. if the information is sensitive information — directly related to the primary purpose; or
  - ii. if the information is not sensitive information — related to the primary purpose; or
- b) the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- c) a permitted general situation exists in relation to the use or disclosure of the information by the College; or

- d) a permitted health situation exists in relation to the use or disclosure of the information by the College; or
- e) the College reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

6.4 If:

- f) subsection 16B(2) (Permitted Health Situation) of the Privacy Act 1988 as amended applied in relation to the collection of the personal information by the entity;

the entity must take such steps as are reasonable in the circumstances to ensure that the information is de-identified before the entity discloses it in accordance with subclause 6.1 or 6.2.

### **Written note of use or disclosure**

6.5 If the College uses or discloses personal information in accordance with paragraph 6.2(e), the College will make a written note of the use or disclosure.

### **Related bodies corporate**

6.6 If:

The College collected personal information from a related body corporate, this principle applies as if the entity's primary purpose for the collection of the information were the primary purpose for which the related body corporate collected the information

### **Exceptions**

6.7 This principle will not apply to the use or disclosure by the College of:

- a) personal information for the purpose of direct marketing; or
- b) government related identifiers.

## **APP 7 — Direct marketing**

### **Direct marketing**

7.1 The College will not use or disclose personal information about an individual for the purpose of direct marketing.

## **APP 8 — Cross-border disclosure of personal information**

The College will not disclose personal information about an individual to a person (the overseas recipient):

- a) who is not in Australia or an external Territory; and
- b) who is not the entity or the individual;

## **APP 9 — Adoption, use or disclosure of government related identifiers**

### **Adoption of government related identifiers**

9.1 The College will not adopt a government related identifier of an individual as its own identifier of the individual.

### **Use or disclosure of government related identifiers**

9.2 The College will not use or disclose a government related identifier of an individual unless:

- a) the use or disclosure of the identifier is reasonably necessary for the organisation to verify the identity of the individual for the purposes of the organisation's activities or functions; or
- b) the use or disclosure of the identifier is reasonably necessary for the organisation to fulfil its obligations to an agency or a State or Territory authority; or
- c) the use or disclosure of the identifier is required or authorised by or under an Australian law or a court/tribunal order; or
- d) the College reasonably believes that the use or disclosure of the identifier is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or

### **APP 10 — Quality of personal information**

10.1 The College will take such steps (if any) as are reasonable in the circumstances to ensure that the personal information that the entity collects is accurate, up-to-date and complete.

10.2 The College will take such steps (if any) as are reasonable in the circumstances to ensure that the personal information that the entity uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant.

### **APP 11 — Security of personal information**

11.1 The College will take such steps as are reasonable in the circumstances to protect personal information:

- a) from misuse, interference and loss; and
- b) from unauthorised access, modification or disclosure.

11.2 If:

- a) the College no longer needs the information for any purpose for which the information may be used or disclosed by the entity under this Schedule; and
- b) the information is not contained in a Commonwealth record; and
- c) the entity is not required by or under an Australian law, or a court/tribunal order, to retain the information;

the College will take such steps as are reasonable in the circumstances to destroy the information or to ensure that the information is de-identified.

### **APP 12 — Access to personal information**

#### **Access**

12.1 If the College holds personal information about an individual, the College will, on request by the individual, give the individual access to the information.

#### **Exception to access — organisation**

12.3 The College, despite subclause 12.1, will not give the individual access to the personal information to the extent that:

- a) the College reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
- b) giving access would have an unreasonable impact on the privacy of other individuals; or
- c) the request for access is frivolous or vexatious; or
- d) the information relates to existing or anticipated legal proceedings between the College and the individual, and would not be accessible by the process of discovery in those proceedings; or
- e) giving access would reveal the intentions of the College in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- f) giving access would be unlawful; or
- g) denying access is required or authorised by or under an Australian law or a court/tribunal order; or
- h) both of the following apply:
  - a. the College has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to the entity's functions or activities has been, is being or may be engaged in;
  - b. giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
- i) giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- j) giving access would reveal evaluative information generated within the entity in connection with a commercially sensitive decision-making process.

#### **Dealing with requests for access**

12.4 The College will:

- a) respond to the request for access to the personal information within a reasonable period after the request is made (up to 30 working days); and
- b) give access to the information in the manner requested by the individual, if it is reasonable and practicable to do so.

### **Other means of access**

12.5 If the College refuses to give access or in the manner requested by the individual; the College will:

- a) take such steps (if any) as are reasonable in the circumstances to give access in a way that meets the needs of the College and the individual. Such access may also include be given through the use of a mutually agreed intermediary.
- b) give the individual a written notice that sets out:
  - i. the reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so; which may include an explanation for the commercially sensitive decision and
  - ii. the mechanisms available to complain about the refusal

### **Access charges**

- a) the College will not charge the individual for the making of the request for access or giving access to the personal information unless providing such access requires time in excess of 1 hour, after which a fee of \$10 per hour or part thereof will apply.

## **APP 13 — Correction of personal information**

13.1

- i. If the College is satisfied that, having regard to a purpose for which the information is held, the information is inaccurate, out of date, incomplete, irrelevant or misleading; or
- ii. the individual requests the College to correct the information;

the College will take such steps (if any) as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up to date, complete, relevant and not misleading.

### **Notification of correction to third parties**

13.2

- a) If the College corrects personal information about an individual that the College previously disclosed to another related entity; and
- b) the individual requests the entity to notify the other entity of the correction;

the College will take such steps (if any) as are reasonable in the circumstances to give that notification unless it is impracticable or unlawful to do so.

### **Refusal to correct information**

13.3 If the College refuses to correct the personal information as requested by the individual, the College will give the individual a written notice that sets out:

- a) the reasons for the refusal except to the extent that it would be unreasonable to do so; and
- b) the mechanisms available to complain about the refusal.
- c)

### **Request to associate a statement**

13.4 If:

- a) the College refuses to correct the personal information as requested by the individual; and
- b) the individual requests the entity to associate with the information a statement that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading;

the entity must take such steps as are reasonable in the circumstances to associate the statement in such a way that will make the statement apparent to users of the information.

## **Dealing with requests**

13.5 If a request is made under subclause 13.1 or 13.4, the College:

- a) will respond to the request — within a reasonable period after the request is made (30 working days; and
- b) will not charge the individual for the making of the request, for correcting the personal information or for associating the statement with the personal information (as the case may be).

## **5.2 Details of Personal Information Kept by the College**

The College generally keeps the following personal information about you in order to manage our business relationship:

- Name, address, phone number, gender, Tax File Number, e-mail address, age, and employment details (status, employer, and length of service) and USI.
- For students, the college will also maintain records of student disability and medical records that are required ensure appropriate support and resources are provided.

Depending on the product or service you have acquired, we may hold specific information about you. If you require more detailed information on this matter please feel free to contact the College at the address below.

## **5.4 Disclosure of Personal Information**

Please note that although the right to disclose personal information is your choice, should you fail to provide the information needed, the College may not be able to provide the product or service to the level you require.

## **5.5 Collection of Personal Information**

The College may acquire personal information:

- directly from you, when provided by phone or in person
- in documents such as an application form; and
- through the College web site.

## **5.6 Requirement to Hold Personal Information**

The College holds personal information for the following purposes:

- to efficiently manage and administer all products and services provided to you,
- to send correspondence in relation to the product or service you have acquired,
- for the purpose of internal accounting and administration; and,
- to inform you of updates or changes to the product or service you have acquired.

Please note that the College will only use personal information you have provided for purposes directly related to the product or service you have acquired or applied for.

## **5.7 Complaints Process**

If you feel that your privacy has been interfered with, due to a breach in the College's obligations to you, then you may lodge a complaint to the contact below.

If you are not satisfied with the Colleges response, you have the right to further proceed with your complaint by contacting the:

Office of the Privacy Commissioner  
GPO Box 5218,

Sydney, NSW 1042.

If you wish to know more about the way the College manages personal information, access your personal information or lodge a complaint you can contact us at:

Hunter Trade College  
60 Junction Street  
TELARAH NSW 2320

### 5.9 Security and Storage of Records

All records are maintained to facilitate their retrieval as needed. This control includes appropriate identification, protection, indexing and organization.

All records are stored to ensure protection from loss, damage or deterioration. This includes data backup for electronic records. Storage locations are designated and cabinets, drawers, shelves and files (including computer files for electronic records) containing records are clearly labeled. Where information is stored in hard copy on files, the cabinets or storage cupboards are locked to prevent unauthorized access.

Employees requiring use of controlled records will be granted access to facilitate timely retrieval. Records removed for reference must be re-filed as appropriate.

### 5.11 Variation

The College reserves the right to review, vary or revoke this policy.

## 6. Reference Documents

Privacy Act 1988, and Privacy Amendment (Enhancing Privacy Protection) Act 2012

## 7. Document History and Version Control Record

Version Number	Version Date	Authorised Officer	Amendment Details
1.2	19 January 2011	R. Hill	Added Doc Control box
1.3	22 March 2011	T. O'Brien	Updated Introduction and College address
1.4	22 March 2011	C. Swanson	Amended NPP 5 Openess Added 5.10 Security and Storage of Records Added Section 6. Reference Documents
1.5	30.07.2014	T. O'Brien	Amended policy for release of Privacy Amendment (Enhancing Privacy Protection) Act 2012
1.6	20.03.2017	A. Holcombe	Periodic review. Added USI to information held. Added student disability and medical data to information held.