

131 Information Privacy Policy

Purpose

1. The purpose of this policy is: to ensure all staff are familiar with the Privacy Amendment (Enhancing Privacy Protection) Act 2012; to provide guidance on the positive management of personal and/or confidential information; and to protect staff, students, and clients of Community College Gippsland (CCG) from unauthorised or accidental disclosure of confidential information.

Policy

2. CCG respects the privacy of all staff, students and clients and is committed to protecting any personal information provided in the course of business. All confidential information related to the business of CCG and of its staff, students and clients must be protected from disclosure to any outside party, unless authorised by the Chief Executive Officer.
3. CCG acknowledges its responsibilities for information privacy in accordance with Australian Privacy Principles.
4. The unauthorised use or disclosure of personal and or confidential information will be regarded as serious misconduct and may, following investigation, be subject to disciplinary action up to and including dismissal.

Scope

5. In general terms, any information is deemed to be confidential if it is not freely available in the public domain. All personal information is confidential.
6. Staff should use common sense to determine whether or not information is confidential and if there is doubt, treat the information as confidential.

Responsibilities

7. Individuals are responsible for ensuring that any confidential information they produce or have access to is adequately protected and appropriately classified. As a minimum staff should:
 - Refrain from disclosing confidential information to anyone outside CCG, including family and friends
 - Not disclose or discuss confidential information in a public forum
 - Ensure that confidential documents are carried securely, whether inside or outside the workplace
 - Ensure that confidential documents are marked accordingly and are only distributed to the intended recipients
 - Ensure that confidential documents are kept in a secure place with restricted access, (including computer drives)
 - Exercise caution in all email communication.

8. Managers are responsible for ensuring that employees understand their responsibility to maintain confidentiality of information.
9. The CEO holds ultimate responsibility for information privacy at CCG.

Australian Privacy Principles

10. CCG is an organisation that is committed to complying with the Australian Privacy Principles (APPs). The APPs are outlined below as they apply to CCG.

- a. Part 1 – Consideration of Personal Information Privacy

- 1) **APP 1 – Open and Transparent Management of Personal Information.** CCG has implemented systems, processes, and practices relating to its functions and activities that ensures CCG’s compliance with the APPs and will enable CCG to deal with inquiries and or complaints from individuals in matters relating to the APPs.

CCG has a compliant policy that is publicly available through its web site or free of charge in hard copy should it be requested.

- 2) **APP 2 – Anonymity and Pseudonymity.** CCG will provide individuals, where it is reasonable and practicable to deal with particular matters, the option of not identifying themselves or of using a pseudonym when dealing with CCG.

- b. Part 2 – Collection of Personal Information

- 3) **APP 3 – Collection of Solicited Personal Information.** CCG will not collect personal information unless that information is reasonably necessary for CCG’s functions and activities.

CCG will not collective sensitive personal information without the individuals consent unless one or more elements of APP 3 subclause 3.4 apply.

CCG will only collect information by lawful and fair means.

- 4) **APP 4 – Dealing with Unsolicited Information.** If CCG receives unsolicited personal information it must within 30 days determine if the information could have been collected under APP 3.

If CCG determines that it could not have collected the information under APP 3 and the information is not contained in a Commonwealth record CCG will, if lawful and reasonable, destroy or de-identify the information received.

- 5) **APP 5 – Notification of the Collection of Personal Information.** CCG will notify the individual of the collection of personal information at or before the time of collection, or as soon as practicable after.

CCG will notify the individual of matters relevant to the use and disclosure of personal information as per APP 5 subclause 5.2 as soon as practicable and no later than 30 days after the information is received.

c. Part 3 – Dealing with Personal Information

- 6) **APP 6 – Use or Disclosure of Personal Information.** CCG will not use or disclose personal information collected for a primary purpose for a secondary purpose without the individuals consent except where matters identified in APP 6 subclause 6.2 apply.
- 7) **APP 7 – Direct Marketing.** CCG will not use or disclose personal information for direct marketing unless:
- i. CCG collected the information from the individual
 - ii. The individual would reasonably expect CCG to use or disclose the information for direct marketing
 - iii. CCG will provide a simple ‘opt out’ method for the individual to request not to receive CCG direct marketing
 - iv. The individual has not made a request not to receive direct marketing
- 8) **APP 8 – Cross Border Disclosure of Personal Information.** CCG does not disclose any personal information about any individual to any person not resident in Australia.
- 9) **APP 9 – Adoption, Use, or Disclosure of Government Related Identifiers.** CCG will not adopt a government related identifier of an individual as its own identifier unless:
- i. The adoption of the identifier is required by or authorised by or under an Australian law or a court/tribunal order; OR
 - ii. APP 9 subclause 9.3 applies
- CCG will not use or disclose a government related identifier of an individual unless one or more of the provisions of APP 9 subclause 9.2 applies such as:
- i. The use or disclosure is reasonably necessary for CCG to verify the individual for the purposes of CCG’s activities or functions, OR
 - ii. The use or disclosure is reasonably necessary for CCG to fulfil its obligations to a Government agency.

d. Part 4 – Integrity of Personal Information

10) **APP 10 – Quality of Personal Information.** CCG will take all reasonable steps to ensure that the personal information collected, used and or disclosed is accurate, up to date, complete and relevant having regard to the use or disclosure.

11) **APP 11 – Security of Personal Information.** CCG will take all reasonable and practicable steps to ensure that personal information collected is protected from misuse, interference, loss, unauthorised access, modification, or disclosure.

CCG will take all reasonable steps to ensure that personal information held is destroyed and or de-identified when it is no longer required for the purpose for which it was originally collected and the information is not required to be kept.

e. Part 5 – Access to and Correction of Personal Information

12) **APP 12 – Access to Personal Information.** CCG will provide access, at no charge, to personal information held on an individual on request unless one of the exceptions in APP 12 subclause 12.3 applies. These exceptions include but are not limited to:

- i. The request is deemed by the CEO to be frivolous or vexatious
- ii. Giving access would be unlawful
- iii. Giving access would have an unreasonable impact on the privacy of other individuals

CCG will respond to all requests as soon as practicable which is generally within 30 days of the request. Information requested will, provided it is reasonable and practicable, provide the information in the manner requested by the individual.

Should CCG decline the request for access it will provide the reasons why in writing including avenues of complaint.

13) **APP 13 – Correction of Personal Information.** CCG will provide, at no cost, opportunities for an individual to check the personal information held in order for that individual to request CCG to update that information.

Should CCG receive a request from an individual to correct information, held by CCG and or disclosed to third parties, CCG will do so to ensure that the information held is fit for purpose, accurate, up to date, complete, relevant, and not misleading.

Definitions

N/A



Relationships

Internal:

- Policy 121 Conflict of Interest
- Policy 423 Code of Conduct and Disciplinary Procedures
- Policy 622 Information and Communications Technology

External:

- Privacy Amendment (Enhancing Privacy Protection) Act 2012

Procedures

131-A Managing Information Privacy

Forms

131-A1 Personal Information Access Request Form