

Procedure Title

Privacy Procedure

Parent Policy

Privacy Policy

Preamble

Monash College is committed to respecting your personal information and your right to privacy. The [Privacy Act 1988 \(Cth\)](#), the ([Privacy Amendment \(Enhancing Privacy Protection\) Act 2012 \(Cth\)](#)) and the [Health Records Act 2001 \(Vic\)](#) regulate the handling of an individual's personal information. This includes the collection, storage, use, disclosure, security and disposal of an individual's personal information.

Definitions

Australian privacy principles

A set of [13 principles](#) contained in the [Privacy Act 1988 \(Cth\)](#) governing the collection, management, use and disclosure and transfer of personal information by organisations such as Monash College.

Health privacy principles

A set of 11 principles contained in the [Health Records Act 2001 \(Vic\)](#) governing the collection, management, use, disclosure and transfer of health information by organisations such as Monash College.

Personal information

Personal information can be an opinion, which need not be true, or anything from which the person's identity could be reasonably ascertained from the information or opinion, but does not include health information. Common examples of personal identifiers are name, date of birth, physical characteristics and most commonly, staff or student identification numbers, email addresses, phone numbers and addresses.

Collection of personal information

The collection of any information that would allow an individual to be identified.

Health information

a. Information or an opinion about: the physical, mental or psychological health (at any time) of an individual; or a disability (at any time) of an individual; or an individual's expressed wishes about the future provision of health services to him or her; or a health service provided, or to be provided, to an individual, that is also personal information.

b. Other personal information collected to provide, or in providing, a health service.

- c. Other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances.
- d. Other personal information that is genetic information about an individual in a form which is or could be predictive of the health (at any time) of the individual or of any of his or her descendants.

Sensitive information

Information or opinion about an individual's: racial or ethnic origin; political opinions; membership of a political association; religious beliefs or affiliations; philosophical beliefs; membership of a professional or trade association; membership of a trade union; sexual preferences or practices; or criminal record that is also personal information.

Procedure

Ref	Steps	Responsibility
1.	<p>Privacy Officer</p> <p>1.1 The Manager Academic Governance and the Financial Planning & Analysis Accountant are Monash College's appointed Privacy Officers.</p> <p>1.2 Privacy queries may be directed via email to the Privacy Officer (privacy@monashcollege.edu.au)</p> <p>1.3 All privacy grievances must be in writing and must be addressed to the Privacy Officer.</p>	Privacy Officer
2.	<p>Training and Compliance</p> <p>2.1 The People and Culture Division is responsible for organising privacy training for all staff.</p> <p>2.2 Managers and supervisors must ensure their staff are aware of and attend training relating to the collection, disclosure, use and management of personal and health information handled in their areas.</p>	<p>People and Culture</p> <p>Managers and Supervisors</p>
3.	<p>Collection of Information</p> <p>3.1 Staff must ensure that they do not collect any more information than is necessary for one or more of Monash College's functions or activities.</p>	All staff

Ref	Steps	Responsibility
	<p>3.4 Where possible, staff must collect information about an individual only from that individual. If information is collected from someone else, that person must be made aware of the information in section 3.2.</p> <p>3.5 Staff must not collect sensitive or health information from an individual unless they have obtained the individual's consent.</p>	All staff
4.	<p>Use and Disclosure of Information</p> <p>4.1 Staff must be aware of any specific privacy or other legislative obligations that apply to the use and disclosure of information that they handle in the course of their duties.</p> <p>4.2 Before using and disclosing information within or outside of Monash College, staff must ensure that the use or disclosure meets the requirements of the Information Privacy Principles (IPPs) and the Health Privacy Principles (HPPs).</p> <p>4.3 Staff must consult the Privacy Officer before disclosing information contrary to Monash College's Privacy Policy and Collection Statements.</p>	All staff
5.	<p>Disclosure to Law Enforcement Agencies</p> <p>5.1 Information must not be released to law enforcement agencies without a written request from an agency officer of the rank of sergeant (or equivalent).</p> <p>5.2 Requests must be on letterhead and signed by the officer, or in an email that is clearly sent from the law enforcement agency's email address and has sufficient detail to identify the agency and the officer. A signed letter attached to an email is acceptable.</p> <p>5.3 Prior to information being made available the Request to Release Personal Information form must be completed and forwarded to Monash College solicitors.</p>	<p>Law Enforcement Agency</p> <p>Privacy Officer</p>

Ref	Steps	Responsibility
	5.4 Requests must provide specific detail of the personal information being requested and sufficient information to enable the Monash College solicitors and Monash College staff member to decide whether or not disclosure is reasonably necessary.	Privacy Officer
	5.5 The Privacy Officer will keep a register of all request for personal information.	Privacy Officer
	5.6 Decisions to release or withhold information must be made by the Director of the relevant division.	Director
	5.7 The decision maker must take into account the requirements of Information Privacy Principle No. 2 in deciding to withhold or release information.	Director
	5.8 In accordance with the Privacy Act 1988 (Cth) , the decision maker may approve urgent request from a law enforcement agencies for personal information if they are convinced the disclosure is necessary to lessen or prevent: <ul style="list-style-type: none"> • A serious and imminent threat to a person's life. Health, safety or welfare, or • A serious threat to public health, public safety or public welfare. It is not enough to be satisfied that disclosing the personal information might be of general benefit to the person.	Director
	5.9 If there is any doubt in relation to any request, staff must contact the Monash College Privacy Officer (privacy@monashcollege.edu.au) .	Staff
	5.10 Following release of any information to a law enforcement agency, the decision maker must ensure that a written summary is sent to the Monash College Privacy Officer providing the: <ul style="list-style-type: none"> • information used or disclosed, with a copy of any material supplied 	Director

Ref	Steps	Responsibility
	<ul style="list-style-type: none"> • law enforcement agency or agencies and their representatives' names • basis of the reasonable belief that the use or disclosure was reasonably necessary, taking care not to prejudice any investigation or proceeding. • name and title of the decision maker. 	
6.	<p>Integrity of Information</p> <p>6.1 It is the student's responsibility to advise Monash College of any changes to relevant personal information, and to inform the College if they suspect that the College's information about the student is not accurate and complete</p> <p>6.2 If staff become aware that information is not accurate, they must rectify it as soon as possible.</p>	<p>All staff</p>
7.	<p>Privacy Clauses in Contracts</p> <p>7.1 Where personal information will be transferred to a third party, the contract or agreement must contain privacy clauses requiring compliance with the Monash College Privacy Policy.</p>	<p>Contract developers</p>
8.	<p>Dealing with Privacy Breaches</p> <p>The Monash College Data Breach Response Policy provides a framework for dealing with a data beach. The Monash College Data Breach Response Procedure sets out procedures and clear lines of authority for Monash College staff in the event of a data breach.</p>	<p>All staff</p>

Legislation and Standards	<u>Privacy Act 1988 (Cth)</u> <u>Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)</u> <u>Health Records Act 2001 (Vic)</u> <u>Information Privacy Principles</u> <u>Health Privacy Principles</u>
Reference Policies and Supporting Documentation	<u>Privacy Policy</u> <u>Monash College Student Privacy Collection Statement</u> <u>Monash College HR Privacy Collection Statement</u> <u>Monash College Privacy Collection Statement</u> Monash College Data Breach Response Policy Monash College Data Breach Response Procedure
Responsibility for Implementation	Monash College Senior Leadership Team
Status	New
Key Stakeholders	Monash College Senior Leadership Team All Monash College staff
Approval Body	Monash College Senior Leadership Team
Date Effective	8 November 2016
Next Review Date	8 November 2019
Owner Job Title	Associate Director, Governance Governance
Procedure Author	Project Officer Governance

Contact	Privacy Officer (privacy@monashcollege.edu.au)
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Change History

Version number	Approval date	Approved by	Brief outline of changes
1.0	29.9.2016 approval by SLT	MC Senior Leadership Team	New procedure