

PROCEDURE

Procedure Title

Data Protection and Privacy Procedure

Parent Policy

Information Management Policy (Under Development)

Scope

This Procedure applies to personal information, sensitive information, health information, personal data and special category data as defined under applicable privacy laws (collectively referred to as 'personal data' throughout this Procedure and the Collection Statements), regardless of how it is processed or stored (or whether it is hardcopy, electronic or by verbal means).

This policy applies to all Monash College employees, students', placement candidates, external agents and Monash College providers.

Procedure Statement

Monash College values the privacy of every individual and is committed to the protection of personal data. This Data Protection and Privacy Procedure ('Procedure') outlines how the College ('us', 'our' or 'we'):

- handles personal data including health information (as defined below), in carrying out its main functions;
- complies with applicable privacy laws in processing personal data, including the Privacy Act 1988(Cth) (which covers the Australian Privacy Principles), the (*Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Cth), and to the extent it applies to Monash College activities, additional international requirements (e.g. the General Data Protection Regulation ('GDPR') (which gives certain rights to individuals who are based in the European Economic Area (EEA)) during their interactions with Monash College.

This Procedure, together with the Privacy Collection Statements ('Collection Statements') described below, supports the principle of responsible and transparent handling of personal data by explaining what personal data Monash College processes, the reasons why Monash College needs to process and use it, who the College shares it with and how you can exercise your rights in relation to the personal data that Monash College holds about you.

The ways in which Monash College processes and uses your personal data will vary depending on your relationship with Monash College and the College will rely on a number of legal bases to lawfully process your personal data.

1. Data Protection & Monash College Privacy Officer

- 1.1 The Monash College Privacy Officer is a nominated member of the Governance team.
- 1.2 The Privacy Officer(s)

- provides assistance with interpretation and compliance regarding applicable privacy laws and this Procedure;
- manages data management and privacy related queries, incidents and complaints;
- develops and publishes supporting documents that assist in the application of this Procedure;
- maintains a register of all requests for personal information; and
- coordinates with the People and Culture team on privacy related training and education for Monash College. 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.

- 1.3 The College's Privacy Officer will liaise with the Data Protection and Privacy Officer of Monash University as and when necessary on privacy related matters involving shared data and others.

2. Processing of personal data and Monash College's lawful bases

- 2.1 Monash College will only process personal data that is necessary to fulfil the functions and activities of the College as determined by the nature of your interaction with Monash College and where Monash College has a lawful basis to do so.
- 2.2 Monash College will not use or disclose your personal information unless you are aware of, or have consented to, the use or disclosure of that information. Personal information may be disclosed where you have consented to the disclosure, and for minors where parental consent is provided. A common example is where students permit the release of information to their agent and/or parents. In addition, information may be disclosed in situations where you have been informed of the usual practice of disclosure, such as the transfer of results to Monash University. For more details on parental/guardian consent for minors, refer to <https://www.monashcollege.edu.au/life-at-monash-college/under-18s>.

Monash College Collection Statements

- 2.3 Monash College collects information for various purposes, including the provision of education and related activities; including Homestay accommodation for students and the employment of staff.
- 2.4 When collecting information, Monash College expects that it will only be collected by lawful and fair means and not in an unreasonably intrusive way. When collecting information, the individual to whom the request relates should be advised of:
- a) the purpose for which Monash College is collecting the information;
 - b) how the individual can access their information;
 - c) to whom the information will be disclosed;
 - d) whether the collection is required by law; and
 - e) the consequences of not providing the information.

Monash College will only collect sensitive information in limited circumstances (e.g. with the individual's informed consent, if required by law).

- 2.5 Monash College Collection Statements provide detailed information relating to the handling of your personal data, including the lawful basis and purposes for which Monash College is processing your personal data, as well as any individual rights that may be available to you. Your personal data may, at any one time, be processed in accordance with multiple Collection Statements depending on the nature of your interaction with Monash College (e.g. if you are a former student and also an employee of the College). Monash College Collection Statements outline how your personal data is collected, moved and shared across the College.

- 2.6 **When you are interacting with Monash College as a current, former or prospective student during the enrolment process when pursuing Monash College courses or when participating in Monash College activities or projects,** please refer to the Student or RTO Data Protection and Privacy Collection Statement (<https://monashcollege.edu.au/privacy>).

When you are interacting with Monash College as an employee of the College or applicant, please refer to the Human Resources Data Protection and Privacy Collection Statement Human Resources (<https://monashcollege.edu.au/privacy>).

When you are interacting with Monash College as a visitor or enquirer to the College, please refer to the Visitors and Enquirers Data Protection and Privacy Collection Statement- Monash College (<https://monashcollege.edu.au/privacy>).

- 2.7 You will be given further information about the uses of your personal data when you sign up to use specific Monash College services and facilities that the College offers to you that are not covered by this Procedure or a relevant Collection Statement, and in certain situations, you may be asked whether you give your consent to Monash College processing certain information about you. Sensitive information and health information (collectively referred to as 'special category data') will only be processed by Monash College with your specific and informed consent or as otherwise permitted or required by law (including pursuant to any government directions, such as the such as the Public Health and Wellbeing Act Vic (2008).
- 2..8 Monash College will process personal data directly from you wherever possible. In some cases, Monash College may need to process your personal data indirectly from a third party, and other educational institutions if you are applying to become a student of the College or an employment agency, a former employer, a contractor or a government authority such as Victoria Police if you are an employee applicant. Please refer to Monash College Collection Statements for more detailed information as they apply to your interaction with Monash College
- 2..9 Any automated decision making by Monash College, including profiling, will be set out in the Collection Statements.

3 Automatically processed information, including use of cookies

- 3.1 Personal data may be automatically processed by Monash College when you visit Monash College campuses or premises or use Monash College websites, mobile

applications, Wi-Fi and other online services. The types of personal data processed may include:

- user names, passwords and other registration details that you provide when registering to use any Monash College websites, mobile applications or other services;
- details of your visits to, and use of, Monash College websites, mobile applications, Wi-Fi and other online services, including different parts of those services you access during your visits, your IP address, and the date and time of your access;
- where you use our Wi-Fi or mobile applications, your location on Monash College premises as identified by the Wi-Fi or mobile application. This may include device details such as device identifiers, usage and location data and, if you have logged into Monash Eduroam (or other such wireless connections), your username;
- the IP address of your wireless enabled device while you are on Monash College premises as wireless traffic is monitored;
- when on Monash College premises, personal data and images collected from video camera surveillance.

- 3.2 The Monash College website uses cookies and related technologies. A cookie is a small message given to your web browser by Monash College's web server. The browser stores the message in a text file and the message is then sent back to the server each time the browser requests a page from the server. It is possible to disable the acceptance of cookies by your web browser. However, doing so may restrict your ability to access some web pages. Some Monash College sites are access restricted. These sites may use cookies to deliver content specific to your interest. Cookies may also be used for authentication purposes and to improve security during a visitor's session online. please refer to Monash University Website Terms and Conditions for more detailed information (<https://www.monash.edu/terms-and-conditions>).

4. Use and disclosure of personal data

- 4.1 Personal data processed by the College is used and disclosed:

- to support prospective and current students and employees in their study or work with the College;
- to provide analytics, including traffic flows in and around our facilities, for the purpose of space utilisation and Monash College campus management functions;
- to ensure the use of the Monash network is authorized to protect against unauthorised access, to monitor the use and availability of the network, and system administration purposes, facilities and services;
- in the management, security and safety of Monash College premises generally and for the safety and security of Monash College students, employees and visitors;
- to provide emergency or safety messages and to facilitate appropriate assistance in the event of an emergency including to comply with any government directions;
- in the course of addressing enquiries and requests; and
- for the specific purposes outlined in the Collection Statement(s) that apply to your interaction with Monash College.

- 4.2 Monash College may also use and disclose information for a secondary purpose if the secondary purpose is:

- a. related to the primary purpose in the case of personal information; or
- b. directly related to the primary purpose in the case of health and sensitive information; and
- c. the individual would reasonably expect Monash College to use or disclose the information for that secondary purpose.

4.3 Personal data used or disclosed by the College where permitted by law will usually be where it is necessary to lessen or prevent:

- a serious threat to your life, health, safety or welfare; or
- a serious threat to public health, public safety or public welfare;

4.4 In addition, Monash College may, from time to time, be required to disclose your personal data to third parties, such as:

- corporate and public sector organisations to facilitate and enable opportunities for community engagement, work integrated learning activities and student placements;
- off-shore Monash campuses and Monash associated teaching and researching institutions to facilitate and enable opportunities for employee/student research, work and scholarship opportunities
- law enforcement or other government and regulatory bodies as required by law and some common examples of a disclosure of this type of information include:
 - a. Commonwealth Department of Education - statistical information about student enrolment, educational background country of birth, or where a student has requested financial assistance with tuition fees;
 - b. Commonwealth Department of Education - reporting requirements of Fee-Help student information;
 - c. Commonwealth Tertiary Quality Standards Agency (TEQSA) – information relating to staff qualifications, professional development and student performance and satisfaction levels. Also, TEQSA's regulatory and quality assurance functions, information relating to provider case management, regulatory complaints and enquiries and information obtained as part of TEQSA's annual Provider Information Request;
 - d. Overseas Student Ombudsman - where an overseas student lodges an appeal against a decision of the College, Monash College will be required to respond with personal information relating to the student's case;
 - e. Australian Taxation Office - in relation to FEE-HELP where students may defer fee payment through the taxation system and TFN declarations of staff members.
 - f. Department of Home Affairs - reporting requirements of matters related to students on student visas under the *Migration Act 1958*;
 - g. Centrelink - enrolment information on domestic students accessing Centrelink benefits;
 - h. Federal and Victorian Departments of Health for matters concerning management of public health, such as contact tracing in a pandemic;
 - i. External Audit Body – Student and staff information is requested. The authority to collect this information is contained in the *Education Services for Overseas Students Act 2000*, the *Education Services for Overseas Students Regulations 2001*, the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018*, the *Higher Education Support Act 2003*, *Social Security (Administration) Act 1999* and *Student*

Assistance Act 1973, Migration Act 1958. Information collected can be provided, in certain circumstances, to the Australian Government and designated authorities and, if relevant, the Tuition Assurance Scheme and the ESOS Assurance Fund Manager; and

- j. Monash College affiliates, namely Monash University or other related parties/ subsidiary companies or Monash University partner organisations when you are or will be engaging with this entity.

- external third-party providers such as Monash College insurers or those who require the information to provide a service to Monash or for the purposes of checking the quality of the services Monash College provides (e.g. our auditors); and
- third party payment processors for the purposes of validation where payments are made online to the College; and
- the College's legal advisers or other professional advisers and consultants engaged by the College.

4.5 Any other disclosures that the College makes will be where permitted by law or other lawful bases (as notified to you) and your interests will always be considered. Where the College is required to disclose your personal data to third parties, Monash College will always seek to share the minimum amount of personal data necessary.

4.6 Some Monash College sites may have chat rooms, forums, message boards and/or news groups available to users. Please remember that any information that is disclosed in these areas may become public information and you should exercise caution when deciding to disclose your personal data.

5. Security and quality of personal data

5.1 Monash College expects its staff, students and agents to take reasonable steps to ensure that any information being collected, used or disclosed is accurate, complete and up-to-date.

5.2 Monash College is committed to the integrity and safeguarding of personal data and will take all reasonable steps to ensure that the personal data Monash College processes, maintains, uses or discloses is:

- accurate, complete and up-to-date;
- protected from misuse, loss, unauthorised access, modification or disclosure; and
- managed in accordance with the College's Recordkeeping Procedure.

5.3 Physical, technical and appropriate protective data security practices are applied to all personal data held by Monash College.

5.4 Monash College sites have security measures in place against the loss, misuse and alteration of information as defined in Monash University's Electronic Information Security Policy, which encompasses Monash College.

5.5 When using contracted service providers, Monash College will endeavour to ensure contracted service providers are subject to a law, binding scheme or contract that

provides similar protection of the personal data as provided for by applicable privacy laws. Where personal information will be transferred to a third party, the contract or agreement shall contain privacy clauses requiring compliance with this Procedure.

6. Disposing of and destroying information

- 6.1 Monash College will take reasonable steps to destroy or permanently de-identify personal or sensitive information if it is no longer legally required to be held.
- 6.2 Monash College will only destroy or permanently de-identify health information in accordance with the *Australian Privacy Act and associated principles and any other relevant legislation*.

7. Access and correction of personal data

- 7.1 You should ensure your personal data is accurate, complete and up-to-date.
- 7.2 You have a right to access or correct the personal data that Monash College holds about you.
- 7.3 As a student or staff member, it is your responsibility to advise Monash College of any changes to relevant personal information, and to inform the College if you suspect the College's information about you is not accurate and complete.
- 7.4 If you would like to request access to, or correction of, your personal data, please contact the Monash College Privacy Officer. If you are an employee, the Privacy Officer will liaise with the Executive Director, Monash College People and Culture.
- 7.5 The Collection Statements provide further details on the additional rights that may be available to you in certain circumstances depending on the nature of your interaction with us.

8. Use of identifiers

- 8.1 Monash College will only assign identifiers to individuals, or use or disclose identifiers assigned by other organisations, in accordance with Australian Privacy Principle No. 9 or other applicable legislation. Monash College will assign employees and students with a unique identifier in the form of a staff or student ID number. Staff and student ID numbers are considered to be personal data and will be handled in accordance with the law.
- 8.2 Except to the extent permitted by the law, Monash College will not use Commonwealth or State government identifiers (such as tax file numbers, Medicare number etc.) as Monash College's own identifiers nor will Monash College disclose such identifiers.

9. Anonymity

- 9.1 Monash College will provide you with the option of not identifying who you are or using a pseudonym when it is lawful and practicable to do so. However, the nature of the activities conducted by Monash College means that, generally, it is not possible for

Monash College to provide services or deal with you anonymously or using a pseudonym.

10. Transfer of your personal data

- 10.1 Your personal data may be transferred outside of Victoria or outside of Australia where it is necessary for the operation of the College or to facilitate the activities of an individual conducted at or through the College. For example, where a student studies or an employee works at an international location, or to utilise the services of contracted service providers.
- 10.2 Monash College may use service providers that are located outside of Victoria and/or Australia and, as a result, personal data processed and held by Monash College may be transferred outside of Victoria (but within Australia) or outside Australia.
- 10.3 Where Monash College transfers personal data outside of Victoria or outside of Australia, it will take all reasonable steps to comply with the relevant Australian Privacy Principle relating to trans-border data flows (APP 8). Such reasonable steps may include:
- de-identifying personal data; or
 - determining if the recipient is subject to legal or binding scheme that provides protection which is substantially similar to the applicable Australian Privacy Principles or Health Privacy Principles; or
 - contractual arrangements requiring the recipients of the personal data to handle information in accordance with the Australian Privacy Principles and Health Privacy Principles; or
 - seeking the consent of the individual prior to transferring the personal data or if it is impracticable to obtain their consent, if the transfer is for their benefit and they would be likely to consent if they could; or
 - as is otherwise permitted by law.
- 10.4 Where Monash College transfers personal data from inside the European Economic Area (EEA) to outside the EEA, it will, to the extent applicable, comply with the GDPR and take specific measures to safeguard your personal data.

11. Opting out of receiving material produced by the College

- 11.1 If you do not wish to receive communications from Monash College, you can opt out by utilising the unsubscribe options on the specific publication. Each marketing material/publication must have an opt out communication which should satisfy the following criteria:
- written in plain English without legal or industry jargon;
 - positioned prominently and must draw sufficient attention to it; and
 - published in a font size which is easy to read for e.g., at least the same size as the text.
- 11.2 Alternatively, a written request can be forwarded to marketing@monashcollege.edu.au and/or copied to the Monash College Privacy Officer detailing the communications you no longer wish to receive.

- 11.3 Some Monash College communications to employees and students are not optional and must continue to enable the College to operate effectively and carry out its main functions.

12. Data Protection Impact Assessments

- 12.1 A Data Protection Impact Assessment ('DPIA') may be undertaken when there is a change to an existing project, system or process, or the introduction of a new project, system or process, that involves a change in current practices for the processing, use, disclosure or storage of personal data.

A DPIA is undertaken:

- to ensure legal obligations are met to protect the privacy of any personal data we process, use, disclose, and store;
- to assess the necessity and proportionality of processing in relation to any risks against the rights and freedoms of individuals resulting from the processing of personal data;
- to support good governance and informed decision making in the handling of personal data;
- to ensure appropriate risk mitigation considerations to the College, community and individuals in the handling of personal data are considered;
- to assess whether it is safe and appropriate to proceed to the implementation phase of a new activity/project/process; and
- to consider non-legal risks related to the planned change such as, but not limited to, individuals being uncomfortable with the use of their information for particular purposes that the College should be sensitive to.

13. Complaints relating to how Monash College handles your personal data

- 13.1 If you are concerned that your personal data has not been handled in accordance with this Procedure, the relevant Collection Statement(s) and/or your individual rights, you may lodge a written complaint to the Monash College Privacy Officer or fill in a [Privacy Complaint Form](#) and send to the Monash College Privacy Officer at privacy@monashcollege.edu.au.
- 13.2 Your complaint will be appropriately investigated and Monash College will provide a response to you, as required, within a reasonable period of time.
- 13.3 If you are unhappy with the way that Monash College is using your personal data, or if you are not satisfied with Monash College's response to a complaint, you may lodge a complaint (in relation to personal information and/or sensitive information), with the Office of the Australian Information Commissioner (OAIC) at enquiries@oiac.vi.gov.au; by mail to *Sydney Office* GPO Box 5218, Sydney NSW 201; or *Canberra Office*, GPO Box 2999, Canberra ACT 2601; the [Health Complaints Commissioner](#) (in relation to health information) or if the GDPR applies or other jurisdiction's data and privacy law, with a Data Protection Authority in EEU.

14. Reporting data and privacy incidents and responsibilities

- 14.1 If you become aware of a data or privacy incident, including an actual or suspected data privacy breach, this must be immediately reported to the College's Privacy Officer.
- 14.2 A data or privacy incident means an actual or suspected data breach as defined under applicable privacy laws, including:
- the use or disclosure of personal data for a purpose that is not authorised by the individual or by law; or
 - the loss, accidental or unlawful destruction, misuse, unauthorised access, alteration or unauthorised disclosure of personal data.
- 14.3 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.

15. Changes to the Procedure and Collection Statements

- 15.1 Monash College may, occasionally, make changes to this Procedure and to the Collection Statements from time to time.
- 15.2 When Monash College makes changes, it will make reasonable efforts to bring this to your attention by placing a notice on the website or by sending you an email.

16. Further information and assistance

- 16.1 If you have any questions, or you would like to find out more about this Procedure and the Collection Statements, please contact the Monash College Privacy Officer.

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.

Collection of personal information

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

DPIA

Data Protection Impact Assessment which is a process designed to assist in systematically analysing, identifying and minimizing the data protection risks of a project or plan.

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.

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.

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.

Personal information

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.

Personal Information which covers personal data is an opinion about an identified individual, or an individual who is reasonably identifiable:

- a. whether the information or opinion is true or not; and
- b. whether the information or opinion is recorded in a material form or not.'

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. Other examples of personal information encompass sensitive information' (includes information or opinion about an individual's racial or ethnic origin, political opinion, religious beliefs, sexual orientation or criminal record, provided the information or opinion otherwise meets the definition of personal information)

- 'health information' (which is also 'sensitive information')
- 'credit information'
- 'employee record' information (subject to exemptions), and
- 'tax file number information

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.

Special category data

Referred to in GDPR and is Personal information that needs more protection as it is sensitive data and would include personal data

- revealing racial or ethnic origin;
- political opinions; religious or philosophical beliefs;
- trade union membership;
- genetic data;
- biometric data (where used for identification purposes);
- data concerning health; data concerning a person's sex life; and
- data concerning a person's sexual orientation.

**Monash College
Privacy Officer
email**

privacy@monashcollege.edu.au

Records Management

The Privacy Policy is a Level 1 Management Policy and the latest approved version will be stored from the Policy Bank on the Monash College intranet. The policy owner will maintain a record of issues relevant to the Privacy Policy for consideration at the time of review.

Legislation and Standards

Privacy Act 1988 (Cth)

Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)

Public Health and Wellbeing Act 2008 (Vic)

Reference Policies and Supporting Documentation	Data Breach Response Procedure Student Data Protection and Privacy Collection Statement Human Resources Data Protection and Privacy Collection Statement Visitors and Enquirers Data Protection and Privacy Collection Statement Registered Training Organisation Data Protection and Privacy Collection Statement
Responsibility for Implementation	Director Governance
Status	Revised
Key Stakeholders	Monash College Board SLT
Approval Body	Monash College Board
Date Effective	9/03/2021
Next Review Date	9/03/2023
Owner Job Title Division	Director Governance Governance
Procedure Author	Compliance Specialist

Change History

Version number	Approval date	Approved by	Brief outline of changes
1.0	02.03.21	MC Senior Leadership Team	Replaces Privacy Policy Consolidation of Privacy Policy and Procedure into a Data Protection and Privacy Procedure aligned to Monash University
1.1	3.11.23	MC Senior Leadership Team	Minor changes to align with Monash University
2.0	03.11.21	MC Senior Leadership Team	Changes to support collection of COVID data