

Policy Title

Privacy Policy

Purpose

This Policy outlines the collection, storage and use of personal information handling practices at Monash College. The Monash College Privacy Policy has been developed to align with the Monash University Privacy Process and the Monash University Student's Records Policy and Procedure.

Scope

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

Policy Statement

Monash College collects personal information through a variety of paper and electronic formats in regards to its staff, students, external agents and Monash College providers. All information collected is for the purposes of the operations of Monash College, or where dictated by legislative guidelines.

Monash College values the privacy of all individuals and is committed to handling their personal information in a lawful and responsible manner. Monash College is committed to ensuring that it is compliant with the Australian Privacy Principles (APPs) in the *Privacy Act 1988 (Cth)*, the *(Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth))*, the Health Privacy Principles (HPPs) in the *Health Records Act 2001 (Vic)*, and to the related legal obligations by which it is bound.

Collecting information

Monash College collects information only where it is necessary in order to carry out its functions and activities.

Monash College will not use or disclose personal information unless the person about whom the information relates is aware of, or has consented to, the use or disclosure of their information. Personal information may be disclosed where an individual has consented to the disclosure, and 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 individuals have been informed of the usual practice of disclosure, such as the transfer of results to Monash University.

Monash College collects information for various purposes, including:

- a. the provision of education and related activities; including Homestay accommodation for students
- b. the employment of staff

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).

Providing information to Monash College anonymously

Where lawful and practicable, individuals may choose not to identify themselves when transacting with Monash College. However, Monash College may consequently be unable to provide services in these circumstances.

Using and disclosing information

In most cases, Monash College will only use or disclose an individual's information for the primary purpose for which it was collected. However, in rare circumstances information in regards to an individual may be disclosed where:

- a. There is a serious and imminent threat to life, health or safety;
- b. There is a requirement under law, or authorised by law;
- c. There is a requirement under an enforcement body; or
- d. Statutory Requirements for Collection and Disclosure of Personal Information

Monash College is also required to collect and disclose information during a student's admission and enrolment in order to meet its obligations under a range of legislative requirements. 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 Immigration and Border Protection - 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. Australian Council for Private Education and Training - administration of the Australian Student Tuition Assurance Scheme and International Student Tuition Assurance Scheme.
- 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.

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.

Cross-border Disclosures - Sending information outside of Australia

Staff and agents sending information outside of Australia as part of Monash College's functions and activities must only do so:

- a. if the recipient is subject to principles for fair handling of information that are substantially similar to those in the *Privacy Act 1988 (Cth)* and in accord with Australian Privacy Principle No. 8;
- b. with the individual's consent, 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;
- c. if contracting with the individual, or with a third party for the individual's benefit; or
- d. in accordance with the applicable legislation.

How Monash College assigns identifiers

Monash College will only assign identifiers to individuals, or use or disclose identifiers assigned by other organisations, in accordance with Information Privacy Principle No. 9 or other applicable legislation.

Accessing and correcting information

Monash College will provide individuals with access to information it holds about them, subject to legal requirements.

Requests for access to information will be considered in accordance with the applicable legislation.

Where there is concern, staff should contact Monash College's Privacy Officer for advice.

If an individual establishes and notifies Monash College that their information is inaccurate, incomplete or not up to date, Monash College will take reasonable steps to correct the information or to record that the individual disagrees with the information on file.

Maintaining data quality

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.

Securing, storing and retaining data

Monash College will take reasonable steps to ensure that the information it handles is protected from misuse, loss, unauthorised access, modification and disclosure.

Disposing of and destroying information

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.

Monash College will only destroy or permanently de-identify health information in accordance with the *Health Records Act 2001 (Vic)*.

Health information

In addition to the above, there are specific obligations with respect to health information received in confidence and transferring health records to other health service providers.

Health records may be created in many circumstances at Monash College. Examples include:

- research, teaching and learning activities
- work performed by People & Culture
- student counselling;
- work of the student coordinator

These must be managed in accordance with the *Health Records Act 2001 (Vic)*.

Complaint and Appeals Process

If an individual believes that their personal information has not been dealt with in accordance with the Monash College Privacy Policy they may lodge a complaint or appeal with the Monash College Privacy Officer.

Records Management

The Privacy Policy is a Level 2 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)

Health Records Act 2001 (Vic)

Education Services for Overseas Students Regulations 2000

Higher Education Support Act 2003

Social Security (Administration) Act 1999

Student Assistance Act 1973

Migration Act 1958

Reference Policies and Supporting Documentation	<p>Education Services for Overseas Students Regulations 2001</p> <p>National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018</p> <p>Monash University Privacy Regime including Privacy of Student's Records Policy and Procedure</p> <p>Privacy Procedure</p> <p>Data Breach Response Policy</p> <p>Data Breach Response Procedure</p> <p>Privacy Collection Statement Students</p> <p>Privacy Collection Statement Human Resources</p> <p>Privacy Collection Statement Monash College</p>
Responsibility for Implementation	<p>Monash College Senior Leadership Team</p>
Status	<p>New</p>
Key Stakeholders	<p>Monash College Senior Leadership Team</p> <p>Monash College Employees</p> <p>Monash College Students</p>
Approval Body	<p>Monash College Senior Leadership Team</p>
Date Effective	<p>29/09/2016</p>
Next Review Date	<p>29/09/2019</p>
Policy Owner Job Title	<p>Associate Director, Governance</p> <p>Governance</p>

Policy Author	Associate Director Governance
Contact	
Policy Level	Level 2

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.

Implementation plan

Update Policy Bank

Upload approved policy to the Policy Bank on the Monash College intranet and Monash College website

Notify key stakeholders

Provide final version of the policy and procedure.

Communicate to staff

This policy will be communicated to staff through the Monash College intranet site and the Monash College website.

Make available for publication on Monash College intranet (The Source) and Monash College website.

Consult with the Communications team to confirm other mediums by which to inform students and staff.

Change history

Version number	Approval date	Approved by	Brief outline of changes
1.0	SLT approval 29.9.2016	MC Senior Leadership Team	New policy
1.1	11.12.19	Director, Governance	Legislation Updates