

## Student Data Protection and Privacy Collection Statement

### 1. Who does this Data Protection and Privacy Collection Statement apply to?

This Student Data Protection and Privacy Collection Statement applies to current, prospective and past students of Monash College. This will, without limitation, also apply to overseas students enrolling in Monash College courses in overseas jurisdictions, noting that for these students, personal data may be provided to Monash College by the licensed offshore provider and also when they access Monash College systems.

This Student Data Protection and Privacy Collection Statement is to be read in conjunction with the Monash College Data Protection and Privacy Procedure.

### 2. What types of personal data will be processed by the College?

Monash College only collects personal information that is necessary for, or directly related to, one or more of Monash College's functions or activities.

Monash College generally collects information at enrolment, when you access Monash College's systems, or when you participate in special activities or projects. Some special projects or activities may have their own collection notice, which is in addition to the information contained in this Student Data Protection and Privacy Collection Statement (e.g. when accessing health services or using Monash College's IT services).

As a current student enrolled in the Monash College program, the College will keep a record of the details you provided in your application and any supporting documents requested as part of your enrolment, and additional details provided by any referees and anything recorded during or after any interview process. This will become part of your student record. Your student record also includes information about academic progress and standing, exclusion, assignments and examinations, results and details of practical and work placements (if applicable to your course of study).

Monash College processes personal data directly from you through a variety of forms, including about your use of the College's academic and non-academic facilities, your participation in study abroad programs, when you agree to participate in user experience research or provide feedback and during the College communications with you.

The personal information Monash College collects will comprise:

- Names and other related contact details;
- Student Identification Numbers and email addresses;
- Emergency contacts;
- Photographic identification;
- Academic qualifications, history and progress;
- Information relating to entitlements of related educational government payments or support (e.g. FEE HELP);
- Study arrangements and details including enrolments and course progress,
- Payment arrangements, including tuition fees paid or payable, scholarships and payments by third parties;

- Complaints or misconduct details or information;
- If engaging any health service, information necessary to deliver that service (e.g. medical history);
- Unique personal identifiers assigned to you (e.g. your student number) and details of any disciplinary or conduct issues; and
- Other related personal information required for the effective management of Monash College.

In accessing academic and non-academic facilities and services that Monash College offers, the College may also process personal data about you that is classed as special category data (e.g. when you access student welfare services or provide health information), and which requires additional protections under the law. For certain courses of study, other types of special category data may also be processed by Monash College, such as information about, working with children or vulnerable adults, information about your vaccinations against certain diseases and your fitness to practice in certain regulated professions. Access to, and the sharing of, this type of data is controlled very carefully. You will be given further details about the College processing, including the lawful basis of the processing and our use of this data at the time that we collect it from you.

Where you provide the College with the personal data of others (e.g. emergency contact details) you are encouraged to inform them that:

- you are disclosing that information to the College;
- the information will be retained; and
- they can access that information by contacting the College's Privacy Officer.

Your personal data is created, stored and transmitted securely in a variety of paper and electronic formats. This includes databases that are shared across the College. Access to your personal data is limited to College and College affiliates' representatives who have a legitimate interest in it for the purpose of carrying out their duties.

### **3. Why do we need your personal data, what is our legal basis for processing it, and how will we use it?**

The personal data processed by Monash College, or processed on behalf of the College, is needed for the purpose of your enrolment in a Monash College program and throughout your candidature as a student and to help the College improve your experience as a student. If you choose not to provide your personal data, it may not be possible for the College to enrol you, provide you with your course of study and may limit opportunities available to you.

The specific purpose for processing personal data outside of your student record will be communicated to you at the time that Monash College interacts with you about that matter. If you choose not to provide your personal data, it may not be possible for the College to provide you with the specific information, assistance, facilities or services that you have requested.

Monash College considers that the lawful basis for the processing of your personal data as a student of the College is that it is necessary for the pursuit of the legitimate interests of the College to provide you with the course of study to which you are enrolled and necessary for the tasks Monash College carries out in the public interest (e.g. teaching).

Monash College will only collect personal information by lawful and fair means

Monash College will generally collect personal information directly from you unless:

- You consent to the collection of the information from someone else; or
- Monash College is required or authorised by, or under, an Australian law, or a court tribunal order, to collect the information from someone else; or
- It is directly unreasonable or impracticable to get the information from you directly.

Monash College will obtain your consent for specific use of your personal data not covered by this Student Collection Statement or where that personal data includes special category data which will be collected from you at the appropriate time. You can withdraw your consent to the College's specific use of such data at any time.

Sensitive or specific category data will only be collected if:

- you consent to the collection, and the information is reasonably necessary for, or directly related to, one or more of Monash College's functions or activities or the provision of associated services;
- the collection of the information is required or authorised by or under an Australian law or a court tribunal order (e.g. when providing Government student support);
- it is required to facilitate appropriate assistance in the event of an emergency involving you.

In addition to the purposes set out in the Data Protection and Privacy Procedure, some of the main reasons that Monash College collects information from you and processes your information include:

- To correspond with you;
- To attend to day-to-day administrative purposes;
- To inform you about your course or other Monash College or Monash University courses /events;
- To confirm your entitlements to commonwealth assistance;
- To allocate you with a Victorian Student Number and update your personal information on the Victorian Student Register;
- To verify your FEE-HELP balance and to facilitate or verify the allocation of a Commonwealth Higher Education Student Support Number (CHESSN);
- For the purpose of administering tuition protection services;
  - To facilitate and enable programs relevant to your candidature (such as student placements, voluntary workplace activities, internships, industry experience opportunities with third parties etc.), to enable your participation at events (e.g. functions);
- For the provision of associated services such as security (including CCTV), 24-7 on- demand personal support, parking, information technology; and
- (where used by you) accommodation services, and to operate governance, disciplinary (including plagiarism and academic misconduct), grievance, and quality assurance processes and arrangements;
- To seek feedback of your experience as a student of the College;
- For benchmarking, analyses, quality assurance and planning purposes;
- To compile statistics and conduct research for internal and statutory reporting purposes;
- To fulfil and monitor our responsibilities to comply with legal obligations and legislative reporting requirements; and
- To use the information as otherwise permitted or required by the law, including pursuant to any government directions (e.g. under the Public Health and Wellbeing Act Vic (2008).

#### 4. Who will the College share my personal data with?

If Monash College holds personal information about you that was collected for a particular purpose (the primary purpose), Monash College will not use or disclose this information for another purpose (the secondary purpose), unless:

- You consented to the use or disclosure of the information; or
- You would reasonably expect Monash College to use or disclose the information for the secondary purpose (does not apply to sensitive or health information).

##### 4.1 External organisations

Information collected by Monash College may be disclosed to various organisations, including:

- Commonwealth and State government agencies where this is required or authorised by law under the *Education Services for Overseas Students Act 2000*
- Government departments or agencies such as the Australian Taxation Office, the Department of Education, Skills and Employment, Centrelink and the Department of Home Affairs and Services Australia ((Information about your enrolment may be disclosed if you are claiming or receiving a payment from Services Australia. You are still required to notify Services Australia of any change in circumstances that may affect your payment) and others;
- Agencies and organisations involved in quality assurance and planning for higher education such as federal and state government, TEQSA, tertiary admissions centres (e.g. VTAC) and Universities Australia;
- In the event Monash College defaults and you are assisted to complete your studies in an equivalent or similar unit and/or course with a replacement provider, then Monash College and the Tuition Protection Director may disclose your personal information to the replacement higher education provider in order for you to be enrolled in a replacement unit and/or course.
- External organisations such as professional bodies, hospitals or government agencies in connection with your studies;
- Off-shore campuses and educational institutions for any overseas or cross institutional study undertaken by you;
- Monash College cooperative offshore partners, if necessary for the enrolment in, administration, promotion and management of related courses;
- External contracted recruitment service providers to facilitate and enable programs relevant to your candidature (such as student placements, voluntary workplace activities, internships, work integrated learning, industry experience and other related activities). This also applies to graduates from Monash University where Monash College has agreed with Monash University to provide these services for its graduate students;
- 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 or where it is necessary for your enrolment or where reasonably necessary to support the operations of Monash College:

- Contracted service providers the College uses to perform services on its behalf (such as course administration, banks, mailing houses, logistics and IT service providers). Some of our service providers are located outside of Victoria and/or Australia and, as a result, personal information collected and held by the College may be transferred outside of Victoria (but within Australia) or outside Australia;
- Monash College student associations;
- Monash College's legal advisers or other professional advisers and consultants engaged by Monash College; and
- In the event of an emergency, police, medical or hospital personnel, civil emergency services, your legal representative or nominated emergency contact person, or any other person assessed as necessary to respond to the emergency.

#### 4.2 Emergency situations and criminal activity

Monash College may disclose your information for a secondary purpose if it reasonably believes that the use or disclosure is necessary to lessen or prevent:

- a serious and imminent threat to an individual's life, health, safety or welfare; or
- a serious threat to public health, public safety or public welfare; and
- the information is used or disclosed in accordance with the exemptions set out in the Australian Privacy Principles (APP 6)  
(<https://www.oaic.gov.au/privacy/australian-privacy-principles-guidelines/chapter-6-app-6-use-or-disclosure-of-personal-information>)

Monash College may disclose health information for a secondary purpose where it has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the health information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities.

#### 4.3 Overseas disclosures

On occasion, the above types of sharing may involve the transfer of your personal data outside Victoria or Australia. As described in the Privacy Procedure, such transfers are carried out with appropriate safeguards in place to ensure the privacy and security of your personal data. Some Monash College IT systems use *cloud computing* services and are hosted in countries other than Australia. Depending on the service accessed this could include selected countries in the Americas, Europe or Asia-Pacific region.

Before Monash College discloses personal information about you to a person (the overseas recipient):

- who is not in Australia or an external territory; and
- who is not Monash College or the individual;

Monash College will take steps that are reasonable in the circumstances to ensure that the overseas recipient does not breach Australian privacy laws in relation to the information.

### 5. How will the College use my personal data after I complete my studies?

Monash College is committed to the integrity and safeguarding of personal data as set out in the Data Protection and Privacy Procedure. Monash College will take all reasonable steps to ensure that the personal data processed is managed in accordance with the College's Recordkeeping Procedure.

If your application to study at the College is unsuccessful, Monash College will take all reasonable steps to ensure that the personal data processed is managed in accordance with the College's Recordkeeping Procedure.

If you are successful in your application, your personal data will be used to register you as a student of the College, including for the provision of associated services (e.g. information technology and where intended to be used by you, residential services). Your personal data from your application will become part of your ongoing student record. Your academic record is retained indefinitely so that the details of your academic achievements can be confirmed and for statistical or historical research.

Upon completion of your studies, Monash College will communicate with you where you have consented to receiving updates on the College's events and activities through social media and other modes of communication.

## **6. Accessing and seeking correction of personal information**

Monash College will take steps (if any) that are reasonable in the circumstances to ensure that the personal information that it uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant. Subject to an overriding legal consideration, if Monash College holds personal information about an individual, Monash College will, on request by the individual, give the individual access to the information.

Monash College, subject to the privacy legislation, is not required to give you access to your personal information if:

- Monash College 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
- Giving access would have an unreasonable impact on the privacy of other individuals; or
- The request for access is frivolous or vexatious; or
- The information relates to existing or anticipated legal proceedings between Monash College and the individual. And would not be accessible by the process of discovery in those proceedings; or
- Giving access would reveal the intentions of Monash College in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- Giving access would be unlawful; or
- Denying access is required or authorised by or under an Australian law or a court or tribunal order; or
- Monash College has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to Monash College's functions or activities has been, is being or may be engaged in AND giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
- Giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- Giving access would reveal evaluative information generated within Monash College in connection with a commercially sensitive decision-making process.

## 7. What are my individual rights?

You have the right to access and correct your personal data, the latter 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, and lodge a complaint relating to how Monash College handles your personal data as set out in the Privacy Procedure and clause 6 above. Additionally, if the Global Data Protection Regulation (GDPR) or the data protection and privacy laws of any other jurisdiction applies, you may, under certain conditions, have the following rights available:

- to object to any processing of your personal data that Monash College processes on the lawful basis of legitimate interests, unless the reasons for the underlying processing outweighs your interests, rights and freedoms;
- to withdraw your consent where Monash College has processed any of your personal data based on consent;
- to object to direct marketing (including any profiling) at any time;
- to ask Monash College to delete personal data that the College no longer has lawful grounds to process; and
- to object to the use of automated decision making.

## 8. Who can I contact if I have any questions about how my personal data is being used or how I can exercise my rights?

If you have any questions about how your personal data is being used, or you wish to exercise any of your individual rights that are available to you, please visit the College's Privacy webpage at <https://www.monashcollege.edu.au/privacy> or contact the [Monash College Privacy Officer](#) by email.

For more information about how the Department of Education, Skills and Employment will handle your personal information, please refer to the department's Privacy policy at <https://www.dese.gov.au/privacy> or by requesting a copy from the department at [privacy@dese.gov.au](mailto:privacy@dese.gov.au).

<b>Legislation and Standards</b>	<i>Privacy Act 1988 (Cth)</i> <i>Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)</i> <i>Higher Education (Upfronts Payments Tuition Protection Levy) Act 2020</i> <i>Higher Education Support Act 2003</i> <i>Tertiary Education Quality Standards Act 2011</i> <i>Education Services for Overseas Students Act 2000</i>  Public Health and Wellbeing Act Vic (2008)
<b>Status</b>	Revised
<b>Approval Body</b>	Monash College Senior Leadership Team
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<b>Owner Job Title</b>	Director, Governance Governance
<b>Author</b>	Compliance Specialist
<b>Contact</b>	<a href="mailto:privacy@monashcollege.edu.au">Privacy Officer (privacy@monashcollege.edu.au)</a>

## Change History

Version number	Approval date	Approved by	Brief outline of changes
1.0	29/9/16	Senior Leadership Team	New statement for Monash College (no longer using Monash University privacy information).



1.1	2/12/16	Associate Director Governance (minor change)	Change to title from HR Privacy Collection Statement to align with the naming conventions for The Source. Change enacted 1013117.
2.0	16/8/19	Senior Leadership Team	Disclosure of students' information to Sonder and aligned wording with the Monash University Student Collection Statements
2.1	7/7/20	Director, Governance	Changes in relation to using student data for recruitment, work integrated learning, internship and other related recruitment activities.  Also to address overseas students data handled by Monash College
2.2	2/3/2021	Senior Leadership Team	Changes aligned with the University Student Data Protection and Privacy Collection Statement and incorporating GDPR requirements, where applicable.
3.0	28/04/2021	Director, Governance	Changes in relation to providing data for Tuition Protection obligations
3.1	03/11/2021	Senior Leadership Team	Changes for collection of COVID vaccination data.