

## POLICY S11.2

# PRIVACY OF STUDENT INFORMATION AND RECORDS

## 1.0 INTRODUCTION

### 1.1 Context

The Australasian College of Health and Wellness (ACHW) is a nationally accredited institute of higher education offering qualifications ranging from Undergraduate Certificates to Bachelor degrees. ACHW and its Third-Party Partners (TPPs) aim to provide courses which are of high standard to facilitate students to achieve graduate qualities that equip them for their chosen careers.

As part of this, ACHW and Third-Party Partners (TPPs) collect, generate, use, disclose (with permission where required), protect and dispose of the personal information of students in accordance with legislation.

### 1.2 Purpose

This policy outlines the principles under which ACHW and TPPs collect, manage, use, disclose, protect, and dispose of the personal information of students.

### 1.3 Scope

This Policy and its Procedure apply to all students of ACHW and Third-Party Partners (TPPs).

This policy applies to all academic and non-academic ACHW, TPP and volunteers, and members of Boards/Committees, including external members, (collectively referred to as 'staff' in this policy).

### 1.4 Scope Exceptions

This policy is not intended to apply to information and circumstances other than as provided for in the Privacy Act 1998.

This policy does not apply to staff information and records. Please refer to the Privacy of Staff Information and Records Policy and Procedure.

## 2.0 RESPONSIBILITIES

1. ACHW and TPP staff are responsible to comply with privacy legislation and this Policy.
2. ACHW and TPP students are responsible to comply with privacy legislation and this Policy.

## 3.0 POLICY

### 3.1 Principles

1. ACHW and TPPs are committed to ensuring confidentiality and privacy in regard to the personal information of students, with the principle of minimum disclosure applied to all academic and administrative practices where a student's personal information is accessed.
2. ACHW and TPPs uphold the right of students to know how their personal information is managed, used, stored and disposed of.
3. ACHW and TPPs collect personal information on students to conduct their business and comply with legislation in so doing. This includes personal information about:
  - a. students - including name, contact details, social media addresses, photographs, tax file numbers and other government related identifiers, grades and awards, prior studies, and information resulting from ACHW or TPP processes involving a student (e.g., investigation for academic misconduct, academic appeals);
  - b. individuals - related to, or associated with, students (e.g., emergency contacts, medical practitioners), including name and contact details;
  - c. alumni - contact details of past students if they wish to be on an alumni register; and
  - d. prospective students - including name, contact details, and grades and awards, prior studies and information resulting from selection and admission processes (e.g., recognition of prior learning).
4. Personal information of students is used in a number of processes for ACHW and TPP business operations, including:
  - a. admission and enrolment;
  - b. academic progress of students;
  - c. course and unit administration;
  - d. student finance administration;
  - e. provision of student services and student wellbeing;
  - f. mandatory reporting and disclosure to government departments- see 3.1.8; and
  - g. discretionary reporting and disclosure to other external bodies - see 3.1.9.
5. ACHW may also use personal information for purposes such as marketing with consent, satisfaction surveys, and complaint and incident reporting.

6. Use of images of students are only used with consent of each student in the image.
7. The confidentiality clauses in this Policy and the Privacy of Student Information Procedure may be over-ridden by legal or legislated obligations of disclosure - see 3.1.8 and 3.1.9.
8. ACHW and TPPs are required by legislation to provide student personal information to government departments as follows:
  - a. regular administrative reporting to the Australian government department that manages higher education student support funding and programs;
  - b. verification of eligibility of a student for Centrelink support; and
  - c. Australian Taxation Office -information about the liabilities of students who have elected to defer payment for a range of Commonwealth loans through the taxation system.
9. ACHW and TPPs release personal information about students in some other circumstances, and this includes to:
  - a. the police, if there is a court order in place, or the student is considered to be at risk, or the student is causing risk to others at ACHW or TPP's and cannot be managed except by the police;
  - b. the courts, in a civil action;
  - c. other higher education providers or tertiary admissions centres for assessment of eligibility for admission and/or recognition of prior learning;
  - d. external clinics and Third-Party Partners; and
  - e. external student appeal agencies/ ombudsman.
10. ACHW and TPPs do not release student personal information to external people, bodies or agencies including parents, spouses or other relatives or friends of the student, or to staff who have no need of the information, unless:
  - a. the student has given written permission to do so; or
  - b. ACHW is required by law to do so; or
  - c. there is an immediate threat to life of the individual student or others.
11. ACHW and TPPs do not collect sensitive information - see Definitions - unless required to by law or the student has given their consent.
12. ACHW and TPPs protect student records from misuse, loss, disclosure and unauthorised access and confidentially disposes of student records as required by law.

13. Students may view and edit their personal records through as outlined in the Privacy of Student Information and Records Procedure.
14. ACHW respects an individual's right not to receive marketing material, and provides an option within communications and on its website for individuals to unsubscribe from receiving marketing material. ACHW conducts its marketing communications and dissemination of service information in accordance with Australian Privacy Principle 7 (Direct marketing), the Spam Act 2003 (in respect of electronic communications), and the Do Not Call Register Act 2006. It is not, however, ACHW's practice to 'cold call' for the purpose of marketing its products and services.
15. Student complaints and grievances related to this Policy are managed in accordance with the Student Grievances and Complaints Policy.

## 4.0 DEFINITIONS

- **Australian Privacy Principles** - govern standards, rights and obligations around:
  - the [collection](#), [use and disclosure](#) of [personal information](#)
  - an organisation or agency's governance and accountability
  - integrity and [correction](#) of personal information
  - the rights of individuals to [access](#) their personal information
- **Personal information:** information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion (as defined in the Privacy Act 1988 and the Higher Education Support Act 2003). For the purpose of this policy 'personal information' means student personal information and includes, but is not limited to, assignments, examinations, and individual student results, including results collated in a list with identification by student ID number.
- **Record** - includes a document (hard copy or electronic); email or other form of electronic communication; any form of database; a photograph, footage or other pictorial representation of a person. It does not include a generally available publication, for example an award conferral; anything kept in a library, art gallery or museum for the purposes of reference, study or exhibition; or letters or other articles in transit by post.
- **Sensitive information:** information about an individual's racial or ethnic origin, political opinion(s), membership of a political association, religious beliefs or affiliations, physical or mental health status, disability, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, or criminal record.
- **Student** - in the privacy context means current and past students.

## 5.0 REFERENCES AND ASSOCIATED INFORMATION

- Australian Privacy Principles (2014)
- Critical Incidents Policy
- [General Data Protection Regulations \(EU\)](#)
- Health, Safety and First Aid in the Workplace Policy
- Higher Education Standards Framework, Standard 7.3.3 Information Management
- Higher Education Support Act (2003)
- Privacy Act (1998)
- Privacy Amendment (Enhancing Privacy Protection) Act 2012 (s6(1))
- Privacy of Staff Information and Records Policy and Procedure
- Privacy of Student Information and Records Procedure
- Staff Code of Conduct
- Student Code of Conduct

## 6.0 POLICY OWNERSHIP

Policy Owner	Director of Education
Status	Reviewed on August 2021
Approval Authority	ACHW Corporate Board
Date of Approval	21/10/2021
Effective Date	21/10/2021
Implementation Owner	Director of Education
Maintenance Owner	Senior Policy and Compliance Officer
Review Due	October 2024
Content Enquiries	Janene Barrett - Director of Education Email: <a href="mailto:jbarrett@achw.edu.au">jbarrett@achw.edu.au</a>

## 7.0 AMENDMENTS

Version	Amendment Approval (Date)	Amendment Made By (Position)	Amendment Details
S11.0	10 July 2017	Head of Compliance / Director ACHW	Initial document review after purchase of MHMHE
S11.1	10 March 2020	Academic Board	General review
S11.2	21 October 2021	ACHW Corporate Board	<p>Policy and procedure separated.</p> <p>Title changed and policy refers only to privacy of student information and records. [A Scenia corporate policy refers to privacy of staff].</p> <p>Clauses about which student information is gathered, what it is used for, and who it is disclosed to includes more detail.</p> <p>Definitions and References increased.</p>