

## PROCEDURE S11.2-P11.2

# PRIVACY OF STUDENT INFORMATION AND RECORDS

## 1.0 INTRODUCTION

### 1.1 Related Policy

Privacy of Student Information and Records Policy

### 1.2 Purpose

This Procedure provides information on the responsibilities and processes involved in the collection, storage, use, disclosure and disposal of student personal information, including, where appropriate, sensitive information.

### 1.3 Scope

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

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

### 1.4 Scope Exceptions

This procedure does not apply to the privacy of staff information and records. Refer to the Privacy of Staff Information and Records 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 PROCEDURE

### 3.1 Authority to Collect and Store Information

1. ACHW is an Institute of Higher Education registered by the Tertiary Education Quality and Standards Agency. This registration is issued under the authority of the Higher Education Support Act 2003 ('the Act').
2. The Act requires ACHW to collect, store and report specified information about students participating in tertiary education in accordance with the data requirements of the Department of Education, Skills and Employment (DESE).

The required data includes personal information on who the student is, where the education is delivered and what the student is studying.

3. ACHW's Third-Party Partners (TPPs) are authorised through a Third-Party Agreement to collect the specified information on behalf of ACHW and provide these for ACHW to report as per clause 3.1.2 above.
4. DESE requires ACHW to retain and store this information for up to 30 years and to report education activity to government agencies in accordance with the Act's mandatory reporting requirements.

### 3.2 Collection and Use of a Student's Personal Information

1. ACHW and TPPs endeavour to ensure the personal information they collect, use or disclose is accurate, up to date, complete and relevant.
2. ACHW and TPPs collect personal information from students, either directly or indirectly, that is reasonably necessary for, or directly related to delivery of the services they offer. Some of the information collected may be regarded as 'sensitive' as defined by the Privacy Act 1998 - see clause 3.3.
3. The kinds of information required and purposes for which it is used are listed in the Privacy of Student Information and Records Policy.
4. The personal, sensitive and education/training information that must be collected on each student is prescribed by the DESE. This information is collected directly from students using, for example, enrolment forms which may be paper based or electronic and other administrative forms including but not limited to complaint forms, recognition of prior learning applications, requests for refund, and course transfer applications.
5. Survey responses regarding satisfaction with teaching and other information are collected using online survey tools, issued in electronic format, maintain privacy and confidentiality and are used for the purpose described on the survey.
  - a. Surveys should contain the following wording, or similar: *Data collected through this survey will be used to inform improvements at ACHW and could also be used in external publications and presentations. Individual responses will remain confidential and no individuals will be identified.*
6. Enquiry information from prospective students including personal contact information is collected directly from individuals who make data requests either by telephone or email in person or via the ACHW website.

### 3.3 Collection of Sensitive Information

1. Personal information collected by ACHW and TPPs that may be regarded as 'sensitive' under the Privacy Act includes:
  - 'disability' and 'long-term impairment status' (health); and 'indigenous status', 'language spoken at home', 'proficiency in spoken English', 'country of birth' (implies ethnic/racial origin); and
  - 'dietary requirements' (health-related) are collected for event catering purposes only.
2. Sensitive information is collected to enhance a student's services, support and safety and is collected, used and disclosed with the student's knowledge and consent and under the provisions of the Australian Privacy Principles 2012 and the Privacy Act 1998.

### 3.4 Unsolicited Personal Information

1. If ACHW or TPPs should receive unsolicited personal information, it is managed according to the Australian Privacy Principles 2014.

### 3.5 Disclosure of Student Personal Information and Data

1. ACHW and TPPs do not disclose personal information other than for the purpose for which it was collected, or where an individual has consented to a secondary purpose, or where an individual would reasonably expect this (such as receiving communications about upcoming events), or if required by law.
2. ACHW is required to disclose personal information with the Commonwealth government in accordance with Commonwealth contractual obligations - see clause 3.1.2.
3. Where required under legislation, ACHW and TPPs will take reasonable steps to inform and seek consent from the students concerned and take all reasonable steps to ensure that the recipient of the information handles the personal information according to the Australian Privacy Principles.
4. ACHW and TPPs do not disclose students' personal information to overseas recipients. While people around the world can access material published on the ACHW website, no statistical or research publications contain identifiable personal information.
5. Reasonable requests by emergency services - such as emergency contact information - in the event a student is injured or ill and cannot give consent, are granted.

6. Non-legislated, external requests for student information or data - from the media, other education providers, or other external organisations are considered, and approved where appropriate, by the Director of Education, using the following criteria:
  - a. the reputational risk to ACHW of releasing the data;
  - b. consideration of privacy and/or confidentiality concerns particularly in relation to students;
  - c. the amount of effort required to produce the information versus the return on the investment of time; and
  - d. maintaining openness and the need to engage with stakeholders and the community.
7. Requests from other education providers to verify a student's results/certification is provided only with the student's written permission.
8. Approved external requests for data will contain only de-identified information.

### 3.6 Access to and Correction of Personal Information

1. Students may, subject to the exceptions prescribed by the Australian Privacy Principles 2014, request access to and correction of their personal information where this is collected directly from students by ACHW or TPPs.
2. ACHW does not charge for giving access to or for correcting personal information.
3. Students can view some personal information on the Learning Management System and can view their application information through the application portal. Student academic records are hosted in the Student Management System.
4. Requests for access to or correction of personal information should be made in writing to Student Support or the TPP equivalent. Requests will be answered within 14 business days.
5. Approval of access by a student to their personal information, other than the information they have access to through the Learning Management System (Moodle) and the application portal, is granted by either the Registrar or Head of School, ACHW, depending on the nature of the information.

### 3.7 Information Retention and Disposal

1. Personal information of students is held in electronic format:
  - Information collected from student enrolment applications and survey responses is held in databases.
  - Names and contact details of students, emergency contacts etc, are held in the Student Management System and in email contact lists.

- Names and contact details collected during the delivery of services may be held in electronic form in ACHW's document management system.
  - Backup copies of all electronic files held in ACHW's systems are kept in the event of system failure/loss. All backup copies of system files are secured.
2. ACHW and TPPs retain personal information of students for 30 years. When personal information is no longer necessary for ACHW's business functions, and it is lawful to do so, ACHW securely destroys the information.

### 3.8 Information Security

1. ACHW and TPPs take active steps to protect students' personal information from misuse, interference and loss, and from unauthorised access, modification or disclosure.
  - Access to the Student Management System is protected through user log-on and password, and assignment of user access rights.
  - Third-Party Partners and external clinics used by ACHW for the delivery of services are required to be compliant with the Privacy Act 1998 and the Australian Privacy Principles and offer appropriate safeguards to protect personal information.
  - ACHW's premises and data storage systems are fully secured. ACHW practices clean-desk policy and locking workstations when working with personal information. Paper documents containing names and addresses are required to be locked away and shredded when destroyed. All hardware is properly 'sanitised' before disposal.
2. The ACHW web servers automatically log information such as server address, date and time of visit and web pages accessed. No personal information is recorded. These logs are used for website management and improvement.

### 3.9 Grievances and Complaints

1. Grievances and complaints about ACHW's or a TPP's management of students' personal information and/or records 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.
- **Unsolicited information** - means not requested by the receiver of the information.

## 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 Student Information and Records Policy
- Staff Code of Conduct
- Student Code of Conduct

## 6.0 POLICY/PROCEDURE 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-P11.0	10 July 2017	Head of Compliance / Director ACHW	Initial document review after purchase of MHMHE
S11.1-P11.1	10 March 2020	Academic Board	General review
S11.2-P11.2	21 October 2021	ACHW Corporate Board	Policy and procedure separated. Title changed and procedure refers only to privacy of student information and records. [A Scentia corporate procedure refers to privacy of staff information and records]. Definitions and References increased.