



## PRIVACY PROCEDURE

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<b>Parent Policy</b>	Privacy Policy		
<b>Policy Category</b>	Operational		
<b>Governing Authority</b>			
<b>Responsible Officer</b>	Manager, Student and Academic Services		
<b>Related Documents</b>	Records Management Policy (and related Procedure) Human Resources Manual Student Handbook Admissions Policy (and related Procedure) Enrolment, Progress and Graduation Policy Enrolment Procedure Acceptance of Offer Higher Education Standards Framework (2015) Education Services for Overseas Students (ESOS) Act 2000 Privacy Act 1998 Privacy Amendment (Private Sector) 2000		

\* Unless otherwise indicated, this Procedure will still apply beyond the review date.

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## **1. PURPOSE**

1.1 The Privacy Procedure supports the Privacy Policy of Adelaide Institute of Higher Education (AIHE) by outlining procedures for collecting, using, disclosing and accessing the personal information of its students, staff and other stakeholders.

## **2. SCOPE**

This Policy applies to all students, staff and other stakeholders of AIHE and should be read in conjunction with the Privacy Policy.

## **3. COLLECTION OF PERSONAL INFORMATION**

3.1 AIHE may collect personal information in several circumstances including when an individual:

- lodges an enquiry through the AIHE online enquiry service;
- applies for admission to AIHE;
- registers or enrolls for a class or course offered by AIHE;
- attends a seminar; or
- applies for employment.

3.2 Additionally, AIHE will collect from users of AIHE's website, anonymous information for statistical purposes, such as the:

- internet protocol address from which AIHE receive the request;
- date and time of request;
- pages, documents and files accessed; and
- address of the resource that provided the link followed, if any, to AIHE website.

3.3 Some sections of the AIHE website use standard industry technologies, for example 'cookies', to make full use of the site. AIHE uses cookies to distinguish an individual from other users of the AIHE website. This helps AIHE to provide an individual with a good experience when they browse the AIHE website and allows AIHE to improve our site. AIHE will only use and disclose personal information about an individual that is collected using cookies for other purposes where AIHE have an individual's consent to do so, or as otherwise required or authorised by law.

3.4 If there is no longer any legitimate purpose for retaining personal information, and within the provisions of the Records Management Policy, it will be destroyed in a secure environment.

## **4. CONSENT TO USE AND DISCLOSURE OF PERSONAL INFORMATION**

4.1 Generally, AIHE will not use or disclose personal information unless the person about whom the information relates, or has consented to, the use or disclosure of their information.

4.2 By providing AIHE with an individual's consent to use their personal information, AIHE and AIHE staff may use an individual's information to contact them on an ongoing basis to provide them with marketing information AIHE considers would be of interest to them, including by mail, email, SMS and telephone.

## 5. USE OF PERSONAL INFORMATION

5.1 All personal information collected is for the primary purpose of the operations of AIHE, or where dictated by legislative guidelines. AIHE may also collect personal information for purposes related or ancillary to the primary purpose of collection, including:

- administering and managing the services provided to prospective and current students, including admissions, enrolment, education, billing, maintaining AIHE information technology services, customer service and data storage;
- marketing the services of AIHE and its related entities to prospective, current and past students;
- hiring and managing employees and contractors; and
- planning, monitoring, evaluating and improving service provision, including conducting market research and surveys and assessing customer satisfaction.

5.2 AIHE staff may require access at times to personal information about students. To the extent that the personal information is private, AIHE will restrict access to only those staff who need the information to carry out their responsibilities in the personal and/or academic interests of students.

## 6. DISCLOSURE OF PERSONAL INFORMATION

6.1 Other than to confirm that individuals are, or have been, a student at AIHE, AIHE will not disclose personal information about students or staff to other students, to people outside of AIHE (other than in accordance with any legal or academic obligations) or to staff who have no need to access the information, unless students advise AIHE in writing, that they have given permission, with the following exceptions:

6.1.1 If a student or staff member is alleged to have committed an offence, AIHE may be requested to assist the police or other authorised persons by providing personal information about that student or staff member for enforcement of the law.

6.1.2 If a student transfers to another tertiary institution AIHE may release to that institution information about the academic progress at AIHE, although normally the student will have consented to this in their application to the new institution.

6.1.3 Disclosure of personal information as necessary to prevent or lessen a serious and or imminent threat or as a duty of care when AIHE has been unable to contact a student for a period of ten (10) days. In this situation the disclosure of information will be approved by the General Manager.

6.2 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 or parents.

6.3 In the event of circumstances requiring critical incident management, AIHE reserves the right to disclose limited personal information of an individual where it is considered necessary to meet or maintain its duty of care responsibilities to that individual. In rare circumstances information regarding an individual may be disclosed where:

- there is a serious and imminent threat to a person's life, health or safety;
- there is a requirement under law, or authorised by law, or
- there is a requirement under an enforcement body.

6.4 AIHE will not disclose or externally publish personal information to third parties who are not related to AIHE, with a view to allowing them to direct market their products or services without the relevant individual's consent.

6.5 No attempt will be made to identify individual users of the AIHE website except in the unlikely event of an investigation or legal proceedings, or where otherwise permitted to do so under the Privacy Act. For example, AIHE will gather more extensive information than stated above in the following circumstances:

- unauthorised attempts to access files other than those published on our websites;
- unauthorised tampering or interference with files published on our websites;
- unauthorised attempts by other websites to index the contents of our websites;
- attempts to intercept messages of other users of our websites;
- communications which are defamatory, abusive, vilify individuals or groups or give rise to a suspicion that an offence is being committed; and
- attempts to otherwise compromise the security of the AIHE web server, breach the laws of the Commonwealth or a state of Australia, or interfere with the use of the AIHE websites by other users.

6.6 AIHE will only publish personal information on its website, where the individual has consented that the personal information being collected and disclosed for this purpose. The individual should be aware that information published on the website is accessible to millions of users from all over the world, that it may be indexed by search engines and that it may be copied and used by any web user.

6.7 Under no circumstances will AIHE sell or receive payment for licensing or disclosing personal information.

6.8 Where the AIHE website contains external links to other sites AIHE is not responsible for the privacy practices or the content of such websites.

6.9 Where AIHE is legitimately required to use or share information assets containing personal information, AIHE will de-identify the personal information to enable it to be shared or published without jeopardising personal privacy by:

- removing personal identifiers, such as an individual's name, address, date of birth or other identifying information, and
- removing or altering other information that may allow an individual to be identified, for example, because of a rare characteristic of the individual, or a combination of unique or remarkable characteristics that enable identification.

## **7. STATUTORY REQUIREMENTS FOR COLLECTION AND DISCLOSURE OF PERSONAL INFORMATION**

7.1 AIHE is required to collect and disclose information during a student's admission and enrolment to AIHE to meet our obligations under a range of legislative requirements.

7.2 Common examples of the disclosure of a student or staff member's personal information include to:

- Australian Government Department of Education and Training– statistical information about student enrolment, educational background country of birth, or where a student has requested financial assistance with tuition fees;
- Australian Government Tertiary Education Quality Standards Agency (TEQSA) – information relating to staff qualifications and professional development and student performance and satisfaction levels;
- Overseas Student Ombudsman – where an overseas student lodges an appeal against a decision of AIHE, AIHE will be required to respond with personal information relating to the student's case;

- Australian Government Department of Home Affairs (for international students) – reporting requirements of matters related to students on student visas;
- State Office of the Training Advocate – information relating to the investigation of student complaints, negotiation and mediation of matters arising out of a complaint, or other functions of the Office;
- Centrelink – enrolment information on domestic students accessing Centrelink benefits;
- Bupa Australia – where international students opt to pay their Overseas Student Health Cover (OSHC) through AIHE;
- Tuition Protection Service Director – tuition assurance for international students;
- AusAid – with certain information that AIHE is required to release; and
- Austudy – enrolment information for those domestic students accessing benefits.

The authority to collect this information is contained in the Education Services for Overseas Students Act 2000 (ESOS Act), 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.

7.3 Information collected about an individual can be provided, in certain circumstances, to the Australian Government and designated authorities and, if relevant, the Tuition Assurance Scheme and the Tuition Protection Service Director.

## **8. ACCESS TO PERSONAL INFORMATION**

8.1 All staff can access their personal information held by AIHE, by making an appointment with the Human Resources Officer. During this meeting the staff member will be shown their staff file and all notes AIHE has on record. AIHE will also answer any questions the staff member may have.

8.2 All students can access their personal information held by AIHE. Current students can access personal information via the secure Student Portal.

8.3 For security reasons requests to view other information not held on the portal must be in writing by completing a 'Request to View or Change Personal Information' form. Once this has been completed an appointment will be arranged between the student and the Student Support Officer (or nominee). During this meeting the student will be shown the complete student file and all notes AIHE has on record. AIHE will also answer any questions the student may have.

## **9. PRIVACY WITH AIHE WEB LINKS**

9.1 Persons visiting AIHE's web site can access various other sites by clicking on links that AIHE organisation embeds within its site. Stakeholders should be aware that other sites may might have their own privacy standards and procedures.

## **10. COMPLAINTS AND REVIEW PROCEDURES**

10.1 If an individual believes that their personal information has not been dealt with in accordance with the Commonwealth Privacy Act 1988 and the Privacy Amendment (Private Sector) Act 2000 they may lodge a Complaint.

10.2 All complaints to AIHE made by students and staff must be made in writing within the timeframe specified in the Student Grievance, Complaints and Appeals Policy and Staff Grievances Policy respectively.

## 11. DEFINITIONS

11.1 See the AIHE Glossary of Terms for definitions.

### Document Control

Version #	Date	Key changes
1.0	23/02/2018	Procedure approved by General Manager
1.1	15/04/2019	Updated agency names