

Privacy Policy



Purpose/objective

Australasian Academy of Higher Education (AAHE) collects information and communications from staff, students and others electronically or in hard copy format, including information that may personally identify them. The purpose of this policy is to protect the privacy of personal information by stating the ways in which AAHE may collect, store, use, manage and protect that information.

The Policy and Procedure are designed to conform to the requirements of:

- a) the Australian Privacy Principles (APPs) set out in the Privacy Act 1988 as amended by the Privacy Amendment (Enhancing Privacy Protection) Act 2012,
- b) the Privacy and Data Protection Act (2014) (Victoria), and
- c) the Health Privacy Principles (HPPs) (Victoria) derived from the Victorian Health Records Act 2001 and the Information Privacy Act 2000.

Scope

This policy applies to any individual who discloses or collects personal information at AAHE, whether they are a part of or associated with the AAHE community or any member of the public worldwide.

Definitions

Personal information	Information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether or not the information or opinion is true, and whether or not the information or opinion is recorded in a material form, or as otherwise defined by applicable data protection laws.
AAHE community	<ol style="list-style-type: none">1. Enrolled AAHE students2. Employees and exchange staff3. Employees of affiliated associations, such as professional bodies4. Contractors and consultants performing work at or on behalf of AAHE5. Visiting academics or persons with academic status6. The Board of Directors, Academic Board and their committees7. A 'Work Integrated Learning' supervisor, and8. Any AAHE volunteer or other person involved in a AAHE project.

Sensitive information	<p>Any personal information about a person's:</p> <ul style="list-style-type: none"> a) health, health treatment, or other medical needs b) race, ethnicity or religion c) professional or political affiliations and memberships d) criminal record e) sexuality f) gender g) disability status h) religious or philosophical beliefs i) trade union membership j) genetic or biometric data.
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Policy

1 Data collection

1.1 AAHE may collect personal information:

- a) directly from staff and students
- b) from third parties whom staff and students have authorised to provide AAHE with that information
- c) from third parties who provide services to AAHE or organisations of which AAHE is a member
- d) from publicly available sources, such as public web pages and published databases
- e) via routine monitoring of AAHE IT and telephone networks
- f) from audio and video recordings in public locations and other spaces identified as being subject to recording devices, or
- g) where generated by AAHE in the course of our business activities (e.g. assessment results).

1.2 AAHE will only collect personal information from individuals by fair and lawful means where necessary for AAHE's operations, including:

- a) providing students and prospective students with goods or services, including processing payments
- b) providing students and prospective students with information about AAHE services
- c) developing or refining AAHE services, including for analysing, understanding and optimizing learning and educational outcomes
- d) internal business and administrative purposes (such as training staff, risk management, undertaking planning, research and statistical analysis)
- e) marketing material and communicating with staff and students generally
- f) providing information to prospective, current and former students and applicants about AAHE courses, activities and programs
- g) investigating student needs, such as by engaging with students about their studies and providing them with information about any educational, recreational or support services, resources or programs that AAHE considers may be of interest to them
- h) tailoring marketing, services, promotions, and other operations for students and prospective students
- i) student retention initiatives
- j) assessing applications for a position at AAHE and taking reference checks

- k) organising external activities related to study, including Work Integrated Learning, cross-institutional enrolments, study abroad and study exchanges
 - l) confirming that students meet registration and/or accreditation requirements with external professional registration or accreditation bodies
 - m) reporting to government agencies as required by law or government policy
 - n) for student visa or immigration applications and associated reporting obligations
 - o) for performance review and assessment purposes
 - p) for investigating a complaint or allegation made by or against staff or students
 - q) responding to, investigating and managing inquiries, complaints, feedback and claims
 - r) responding to legitimate inquiries from government agencies, including law enforcement agencies, upon request
 - s) corporate governance, auditing and record keeping, or
 - t) any other reason disclosed at the time of collection.
- 1.3 AAHE will only collect sensitive information with the consent of the individual. If an individual chooses not to provide certain information, AAHE may be unable to appoint a prospective staff member or enrol a prospective student in a course or supply them with appropriate information.
- 2 Data storage**
- 2.1 AAHE may store personal information in both hard copy format and digitally, on site and/or with third party providers.
- 2.2 All hard copy personal information must be secured using locked filing cabinets or office security.
- 2.3 All digitised personal information must be secured using file access controls.
- 2.4 AAHE's digital data storage may be located in Australia and/or overseas.
- 2.5 Agreements with digital data storage providers must ensure the protection of personal information. Privacy arrangements with providers will be reviewed and assessed periodically.
- 2.6 Personal information will be kept only for as long as it is required for the purpose for which it was collected or as otherwise required by law. If AAHE no longer needs to hold personal information for any reason, we will take reasonable steps to de-identify or destroy that information.
- 3 Third party access**
- 3.1 Personal information may be stored and disclosed to a third party for any of the above purposes, including to third parties who provide products or services to us (such as our accountants, auditors, lawyers, IT contractors, advertising and marketing providers, educational partners, and other service providers), or as required by law and law enforcement agencies upon receipt of an official request.
- 3.2 Any person or organisation collecting information on behalf of AAHE or to whom personal information is disclosed as described above will be required not to use or disclose that information for any purpose other than the purpose for which the information was collected by them or supplied to them.

4 Accessing or correcting personal information

- 4.1 Staff and students may request access or correction to their personal information at any time. Applicants must attach a statement to the request stating that they believe the information is incorrect and why.
- 4.2 Where access or correction is denied, AAHE will provide applicants with a written rejection stating reason(s).

Related documents and relevant legislation

[Higher Education Standards Framework \(Threshold Standards\) 2021 \(S7.3\)](#)

[Australian Privacy Principles \(APPs\)](#)

[Privacy Act 1988](#)

[Privacy Amendment \(Enhancing Privacy Protection\) Act 2012](#)

[Health Records Act 2012\) \(Victoria\)](#)

[Information Privacy Act \(2000\) \(Victoria\)](#)

[Privacy and Data Protection Act \(2014\) \(Victoria\)](#)

[Health Privacy Principles \(Victoria\)](#)

Staff Grievance Policy and Procedures

Student Complaints Policy and Procedures

Records Management Policy and Procedure

Document information

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1	Board of Directors	14/10/21	1/10/23	

Privacy Procedure

This procedure is intended to assist with compliance but is not a substitute for Commonwealth or Victorian privacy legislation. Where individuals are in any doubt about their privacy obligations, they should refer to the *Information Privacy Principles (Victoria)* (IPPs) (or *Health Privacy Principles (Victoria)* (HPPs) as appropriate) and/or seek legal advice.

1. Collecting information

When collecting information about an individual:

- a) Only collect information if it is necessary for one or more of AAHE's functions and activities.
- b) Wherever possible, collect the information directly from the individual concerned.
- c) Ensure that the information is collected lawfully, securely and fairly.
- d) Ensure the collection is not unreasonably intrusive, and
- e) Tell people that their information is being collected, why it is being collected and how it is to be used.

2. Privacy statement

Before or at the time of collecting information, individuals must take reasonable steps to ensure that the person who is providing the information is aware of the following:

- a) The identity of the organisation collecting the information (e.g. a specific unit within AAHE or a Work Integrated Learning placement) and how it can be contacted.
- b) The purpose(s) for which the information is being collected (e.g. student enrolment, research, marketing etc.).
- c) How the information being collected will generally be used and to whom it is usually disclosed.
- d) The fact that an individual is able to gain access to their own information.
- e) Whether the collection of the information is required by law.
- f) Any consequences of not providing the information (e.g. AAHE may not be able to provide a particular service), and
- g) The fact that AAHE has a Privacy Policy, which is available on the AAHE website, and a Privacy Officer (The Registrar) who can be contacted with queries or concerns.

3. Collecting information from third parties

- 3.1 If information about an individual is to be collected from someone other than that individual (for example another institution or a partner), AAHE must have the individual's written permission.
- 3.2 In certain exceptional circumstances, a formal authority may not be required (e.g. for emergency health reasons).
- 3.3 If information is collected about an individual from someone other than the individual, reasonable steps must be taken to ensure that the individual collecting the information is made aware of their obligations under this Policy.

4. Collecting sensitive information

- 4.1 Sensitive information must only be collected if it is essential for AAHE's operations. In addition, sensitive information should not normally be collected unless:
 - a) the individual has provided informed consent

- b) the collection is required by law
- c) it is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual
- d) it is necessary for the establishment, exercise or defence of a legal or equitable claim
- e) it is necessary for research, or the compilation or analysis of statistics, relevant to government funded targeted welfare or educational services; or
- f) it is of information relating to an individual's racial or ethnic origin and is collected for the purpose of providing government-funded targeted welfare or educational services; and
- g) there is no reasonably practicable alternative to collecting the information for that purpose, and
- h) it is impractical for AAHE to seek the individual's consent to the collection.

5. Collecting health information

- 5.1 Health information is broadly defined in the Health Records Act 2001 (Vic) and includes information or an opinion about the physical, mental or psychological health of an individual or a disability or a health service provided to an individual.
- 5.2 The collection of health information is subject to very stringent legislative requirements and it must only be collected if it is essential for AAHE's operations. Health information should not be collected unless the individual has provided their consent or in accordance with the limited exceptions set out in the Victoria's Health Privacy Principles (see below).

6. Anonymity

- 6.1 Individuals generally have the option of not identifying themselves when dealing with AAHE.
- 6.2 Such a request should be accommodated wherever lawful and practicable. However, the person should be advised that AAHE may not be able to provide services to them because the nature of AAHE's work means that it is generally not possible to provide services to, or interact with, students or staff in an anonymous way.

7. Disclosing information

- 7.1 Generally speaking, an individual's information should only be used or disclosed for the purpose for which it was collected - this is considered the "primary purpose".
- 7.2 However, AAHE may use and disclose information for a "secondary purpose" without first obtaining an individual's consent, if:
 - a) it is reasonably believed that the use or disclosure is necessary to lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare and/or a serious threat to public health, safety or welfare,
 - b) the use/disclosure is otherwise authorised or required by law
 - c) disclosure for the secondary purpose is related to the primary purpose in the case of personal information, or directly related to the primary purpose in the case of sensitive/health information; and
 - d) the individual would reasonably expect AAHE to use or disclose the information for that secondary purpose.
- 7.3 It is important to note that the sensitivity of the information will affect a person's reasonable expectation about an appropriate secondary use/disclosure. For example, if a student provides sensitive information (e.g. information about their religious practices) as part of a

request for an extension of time, the student would reasonably expect that the information would only be shared to the extent necessary to facilitate consideration of their request.

- 7.4 In addition to the above requirements regarding the use and disclosure of sensitive information, the *Health Records Act 2001 (Victoria)* (see below) has additional requirements regarding health information. Health information must not be used or disclosed unless in accordance with the *Health Privacy Principles (Victoria)* (see below).
- 7.5 Unless an individual has consented to the use/disclosure of their information, advice should be sought from the Registrar before a disclosure is made.
- 7.6 From time to time, and where appropriate, AAHE may use or disclose information (excluding sensitive or health information) for marketing purposes. Where AAHE engages in marketing, it will ensure that there is a simple means by which an individual may request not to be identified in marketing materials.
- 7.7 Staff and agents sending information outside of Victoria as part of AAHE's functions and activities (e.g. overseas for international students) must only do so:
- a) if the recipient is subject to privacy principles for fair handling of information that are substantially similar to Victoria's; or
 - 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; or
 - c) if contracting with the individual, or with a third party for the individual's benefit; or
 - d) in accordance with the applicable legislation.
- 7.8 The *Health Records Act 2001 (Victoria)* contains additional requirements with which AAHE must comply with when sending health information outside of the jurisdiction. (See *Health Privacy Principles (Victoria)* for further information.)
- 7.9 If a third party requests information about an individual, they must either have the individual's permission for AAHE to disclose the information, or a legal right to obtain it.
- 7.10 Any request for information on behalf of an individual must be accompanied by a signed written authority from the individual whose information is to be disclosed. For instance, personal information may not be disclosed to a partner or a solicitor acting on behalf of staff or students unless a signed authority has been provided.
- 7.11 In some circumstances in which disclosure of the information is sought, permission will already have been obtained via AAHE's overarching privacy statements for staff and students.
- 7.12 Requests for information about individuals from law enforcement organisations (e.g. Federal or State Police, Police task forces, etc) must be forwarded to the Registrar as soon as possible. The Registrar will consider the request and, if a disclosure is made, ensure it is recorded in the Disclosures Register as required by law.
- 7.13 Information may be disclosed in certain emergency situations, such as to a hospital. Advice should be obtained from the Registrar where there is any uncertainty.
- 7.14 Student personal information should not be provided to partners or to other family members in the absence of the express consent of the student.
- 8. Use of unique identifiers**
- 8.1 AAHE will not assign unique identifiers unless it is necessary to carry out its functions efficiently.

- 8.2 AAHE will not adopt as its own a unique identifier assigned to an individual by another organisation (e.g. tax file number, driver's licence number).
- 8.3 AAHE's use or disclosure of a unique identifier assigned to an individual by another organisation will be in accordance with *Information Privacy Principles (Victoria)* (see below) or other applicable legislation.
- 9. Accessing and correcting information**
- 9.1 Wherever possible AAHE will allow people see their own information in the simplest way possible.
- 9.2 Whenever AAHE receives a written request from a student or staff member to access or obtain their own information, the identity of the individual should be verified before any information is provided.
- 9.3 Where a request for access is denied, reasons must be provided in writing.
- 9.4 There may be occasions where a request from an individual needs to be carefully considered before a determination can be made about whether the information can be disclosed. For instance, information may not be disclosable where that information was given in confidence, or where disclosure may have an unreasonable impact on another person's privacy. For advice about whether a request for information should be rejected, contact the Registrar.
- 9.5 If AAHE holds information about an individual, staff must take reasonable steps to correct the information where an individual is able to satisfactorily demonstrate that it is inaccurate.
- 9.6 If an individual and AAHE disagree about whether their information is inaccurate, the individual may request that AAHE associate with the information a statement setting out that the individual believes the information to be inaccurate. AAHE will take reasonable steps to accommodate such a request.
- 9.7 The *Health Records Act 2001 (Victoria)* (see below) contains additional requirements with which AAHE must comply with when correcting health information. See *Health Privacy Principles (Victoria)* for further information (see below).
- 10. Maintaining data quality**
- 10.1 All AAHE units must take reasonable steps to ensure that the information they hold is accurate, complete, and up-to-date.
- 10.2 Maintaining data quality is everyone's responsibility and staff and students are expected to provide AAHE with accurate and up-to-date information and to inform AAHE of any changes to their personal information (for example by regularly checking and updating information held on staff and student portals).
- 11. Securing, storing and retaining data**
- 11.1 AAHE stores information using electronic and hardcopy record systems. All staff and each operational area must take reasonable steps to ensure that:
- a) information is protected from misuse, loss, unauthorised access or modification, or improper disclosure
 - b) practices, procedures and systems (including electronic and physical) are in place to ensure that the information is stored (and if necessary moved) safely and securely

- c) the information has not been changed or been tampered with
- d) all records containing personal, sensitive and health information are kept in a secure location and cannot be accessed by unauthorised persons
- e) authentication processes (for identification) are adhered to, i.e. that a person accessing or providing information are who they claim to be; and
- f) AAHE requirements regarding retention of information are complied with.

12. Disposing of and destroying information

- 12.1 AAHE will take reasonable steps to destroy or permanently de-identify information which is no longer required for any legitimate purpose.
- 12.2 No one at AAHE should destroy information unless they are confident they are permitted to do so. Staff should consult the Registrar if they are unsure about destroying any information.

Document information

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