

<p>Goulburn Ovens Institute of TAFE</p> <p>Policy No. OD7</p> <p><small>(Copy on public web site)</small></p>	<p>Title: Privacy and Freedom of Information Policy <i>(Previously Information Privacy Policy)</i></p> <p>Executive approved: 5/11/2014 Reviewed: 16/02/2015, 6/07/2015, 12/07/2016, 16/12/2016, 21/06/2018 re COO</p> <p>Responsible Officer: Executive Manager Human Resources Authorising Officer: CEO Review: Biennial (16th December 2018)</p>
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PRIVACY and FREEDOM OF INFORMATION POLICY

1. PURPOSE

To ensure that the privacy rights of all individuals are dealt with in accordance with the *Privacy & Data Protection Act 2014 (PDPA)* and the *Health Records Act 2001 (HRA)*. In addition, to ensure compliance with GOTAFE's obligations under the Victorian *Freedom of Information Act 1982 (FOI Act)*, and to promote a consistent approach to the handling of applications under that scheme.

2. SCOPE

This policy applies to all personal, health and sensitive information collected by or on behalf of GOTAFE in relation to employees, prospective employees, clients and prospective clients. This Policy also provides guidelines for the maintenance and access of employee records (personnel file) held within Human Resources.

3. DEFINITIONS

For the purposes of this policy, and in accordance with the PDPA and the HRA:

Term	Definition
Consent	Means express consent or implied consent.
Health Information	Means information or an opinion about a physical, mental or psychological health (at any time) of an individual; or a disability (at any time) of an individual; or an individual's expressed wishes about the future provision of health services to him or her; or a health service provided, or to be provided, to an individual – that is also personal information.
Personal Information	Means information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the <i>Health Records Act 2001</i> applies.
Personnel Files	Are those kept by Human Resources relating to an individual's employment at GOTAFE.
Primary Purpose	Means (for GOTAFE) the provision of vocational education and Training programs and services. Information includes enrolment information, tracking and reporting data, assessment information, recognition/award data, statutory statistical information, ethically approved research, internal marketing, employment, remuneration data and statutory employment information.
Privacy Officer	Means the Chief Operating Officer or designate.

Protected Disclosure	A disclosure about improper conduct or detrimental action made in accordance with the <i>Protected Disclosure Act 2012</i> which affords the person making the disclosure protection from liability and from detrimental action in reprisal for making the disclosure.
Sensitive Information	Means information or an opinion about an individual's racial or ethnic origin; or political opinions; or membership of a political association; or religious beliefs or affiliations; or philosophical beliefs; or membership of a professional or trade association; or membership of a trade union; or sexual preferences or practices; or criminal record – that is also personal information.
Unique Identifiers	Means an identifier (usually a number) assigned by an organisation to an individual uniquely to identify that individual for the purposes of the operation of the organisation.
Unique Student Identifier (USI)	Is a reference number given to students to access their online USI account. The USI allows an individual's USI account to be linked to the National Vocational Education and Training (VET) Data Collection, allowing an individual to see all of their training records, results, certificates and statements of attainment. This is managed in accordance with the terms of the <i>Privacy Act 1988 (Cth)</i> .

4. PRINCIPLES

In order to conduct its business, GOTAFE is required to collect personal, health and sensitive information. GOTAFE will only use this information for the primary purpose for which it was collected and will store, use and disclose this information in accordance with the Information Privacy Principles (IPP) and Health Privacy Principles, (HPP) contained within the *Privacy & Data Protection Act 2014* and the *Health Records Act 2001* respectively.

Individuals are at all times required to treat all privacy matters in accordance with the values underpinning the *Code of Conduct for Victorian Public Sector Employees*, namely those of responsiveness, integrity, impartiality, accountability, respect, leadership and human rights. Any breach of these values may initiate disciplinary action, up to and including summary dismissal.

If any individual holds concerns relating to the privacy of their personal information, they may contact GOTAFE's Privacy Officer to discuss the matter further.

5. POLICY

It is GOTAFE Policy that, in accordance with the principles of the PDPA and the HRA, all personal, sensitive and health information collected and held within GOTAFE will only be used for the primary purpose for which it was collected and will only be provided to government departments and agencies for which it is collected, to enable the GOTAFE to meet its statutory obligations (eg. Superannuation; Taxation; Centrelink; Payroll; etc), unless otherwise required by law. This Policy is also to apply to information held by Human Resources relating to an individual's employment (Personnel Files).

This Policy, in conjunction with the FOI Act, applies to all documents held by or on behalf of GOTAFE, unless exempted by law. This includes documents created or received by employees (Personal Files), titleholders and contractors acting on behalf of GOTAFE. Documents in any format are covered, including emails and electronic data stored on databases, servers and hard drives.

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accept cookies then you may not be able to access the Website. GOTAFE's website contains links to other sites on the Internet. Those sites are not under GOTAFE's control and GOTAFE cannot be held responsible for the privacy practices or content of those sites. Some sites may not be subject to Australian Privacy Law. We suggest that you review the privacy policy of each site before providing any response or information.

In accordance with the principles contained in the PDPA and the HRA, GOTAFE will observe the following principles:

a) Collection of information

We will only collect information that is relevant. At the time of collection, we will provide a written statement why we need the information requested, what purposes we use this information for and whom we regularly disclose this information to. Information will also be provided about the individual's right to access and, if appropriate, correct information we hold about them. Information that is collected will be held securely to prevent any security breaches. Information that is collected will be processed in order to meet the individual needs of our employees and customers. Matters related to the collection and use of information for the purposes of Unique Student Identifiers, is to be managed in accordance with the *Student Identifiers Act 2014*.

b) Use and Disclosure

GOTAFE will not divulge any personal or health information to a third party for any reason other than the primary purpose for its collection or for purposes specified in its privacy notice or with the consent of the individual or as required by law.

GOTAFE values its employees and customers and will respect the privacy of their personal and health information.

c) Data Quality

GOTAFE will take all reasonable steps to ensure the information that is collected is complete, accurate and current.

If a client or employee wishes to access or update their personal or health information, GOTAFE will provide all reasonable assistance with this.

d) Data Security

GOTAFE will take all reasonable steps to ensure that information is protected from misuse, unauthorised access, modification or disclosure. All information not required will be destroyed in accordance with privacy legislation or as required by other legislation or as required under guidance from the Public Records Office Victoria.

e) Openness

GOTAFE will take all reasonable steps to provide employees and customers with details of their personal and health information being held, upon request. GOTAFE will advise them of the type of information it possesses, the purpose for it being held, the method of collection, use and disclosure of the information as well as their rights to access and amend this information.

f) Access and Correction

In most circumstances GOTAFE grants employees and customers access to their personal or health information upon request. All requested information will be provided within **30 days** from receipt of the request. All information that is not accurate will be amended within **5 days** of receiving a written request to do so.

Informal access to records is usually available, though in some circumstances a request for access will need to be made under the FOI Act.

GOTAFE seek to have accurate records so information needed to update these records such as current contact details will be made on request. Other amendments may require an application and consideration under the FOI Act.

g) Unique identifiers

Sometimes GOTAFE is required to collect unique identifiers such as Centrelink numbers, Tax File Numbers or Health Care Card Numbers. If GOTAFE requires this information, the purposes of its collection will be explained to individuals.

GOTAFE will not use these unique identifiers for any purposes other than those for which they were collected.

If GOTAFE ascribes a unique identifier to an individual for internal use, this will not be shared with any other body or person without the written consent of the affected individual, unless authorised under law.

h) Anonymity

GOTAFE will allow employees or customers the option of not identifying themselves when entering transactions with GOTAFE, wherever it is lawful and practicable.

i) Transborder data flows

GOTAFE will not transfer personal information to any person, unless that person or body is legally obliged to protect the individual's privacy under equivalent or higher privacy legislation than GOTAFE. In most circumstances, the transborder transfer of personal or health information that is held about an individual will only be transferred with that individual's consent, unless it relates to personal or community health and safety, or is permitted by law.

j) Sensitive Information

GOTAFE will only collect and release sensitive information about an individual with consent of the person or as required by law.

k) Freedom of Information

Any request for access to GOTAFE documents, or information held by GOTAFE under the FOI Act, is to be done as per GOTAFE's Freedom of Information Procedure.

l) Protected Disclosure

GOTAFE supports the making of disclosures that reveal improper conduct.

The *Protected Disclosure Act 2012* (Victoria) provides protection of individuals who may disclose improper or corrupt conduct by public officers. Please refer to GOTAFE's Protected Disclosure (Whistleblower) Policy for further information and guidance.

6. Human Resources Records

It is the responsibility of the Executive Manager: People, Capability & Culture to ensure that all personal, sensitive and health information collected and held within Human Resources is kept secure and confidential. Personnel files retained within Human Resources are only accessed by employees on the authority of the Executive Manager: People, Capability & Culture. Any information held within Human Resources will not be used for any purpose other than the primary purpose for which it was collected without the individual's consent, or unless the use or disclosure of the information is authorised by or under law.

Employees of GOTAFE are to be aware of the following requirements relating to Privacy, and any personal records held within Human Resources;

a) Contents Of Personnel/Electronic Files

Personnel/electronic files may contain some or all of the following:

- Personal information i.e., Name, age, next of kin, family details, telephone numbers, address, emergency contacts, police record check results etc.
- Statutory employment information i.e., superannuation, Workcover declaration, leave records, tax file numbers, appointment and ongoing salary and contractual details, etc.

- Professional information i.e., qualifications, copy of resume, memberships, professional development details, etc.
- Other records maintained by GOTAFE i.e., performance of duties, workplans, matters of discipline, OH&S medical information, commendations, references, awards, hearing test results, etc.

b) Update of Information

Human Resources employees will take all reasonable steps to ensure the information collected is accurate, complete and up to date.

An employee of GOTAFE has the right under the FOI Act and the PDPA to access and correct an incorrect record, or add to a record that is incomplete, inaccurate, out of date or misleading or ask GOTAFE to correct an incorrect record, or add to a record that is incomplete, inaccurate, out of date or misleading.

Should a GOTAFE manager request that documentation concerning an employee be placed on that employees file, a copy of that documentation will be made available to the employee by Human Resources when it is placed on the personal file and the manager advised that this will occur. The employee has the opportunity to comment in writing and have the response placed on their file also.

c) Access To Personnel Files

Employees have the right to access their personnel file. Access however will not be given to material provided in confidence or restricted by law, or material provided as part of a law enforcement process.

The CEO or line manager have the right to access relevant information in the personal files of employees for whom they have line management responsibility.

Requests for access shall be made in accordance with the following:

- Requests for access must be made in writing to the Executive Manager: People, Capability & Culture, and give at least **2 day's notice**. Access will only be given to the personal file of the individual making the request or to the file requested by the CEO.
- Files remain in the control of Human Resources and must not be removed from Human Resources.
- Copies made of file material by the employee must be recorded on the file.

d) Retention of Personnel Files

Personnel files will be securely retained for a period of time as specified by law, and will then be destroyed.

7. DOCUMENTATION

- [Freedom of Information Procedure – PRHR-173](#)
- [Protected Disclosure \(Whistleblower\) Policy – POHR11](#)
- [Freedom of Information Act 1982](#)
- [Privacy and Data Protection Act 2014](#)
- [Health Records Act 2001](#)