1. POLICY STATEMENT

1.1 Purpose/Intent:

This Privacy Policy supersedes any former Polytechnic West and/or Challenger Institutes’ Policies on Confidentiality of Personal Information.

An individual's rights to security of personal information, privacy and service are important to the Institute. South Metropolitan TAFE embraces the Australian Privacy Principles (APP) by implementing procedures that will safeguard the rights of students, clients, employees and other people we deal with.

Supplementary to this Policy document, is a rendering of the Australian Privacy Principles based on the Privacy fact sheet 17 issued by the Office of the Australian Information Commissioner. It seeks to present the APPs as they will be applied by South Metropolitan TAFE, recognising that South Metropolitan TAFE, as a State institution is not subject to the Federal Government’s Privacy Act 1988 (Cth).

1.2 Policy Objectives:

To ensure that South Metropolitan TAFE staff and contractors collect, store, use and disclose personal information in accordance with the thirteen (13) Australian Privacy Principles of the Privacy Act 1988, thereby safeguarding confidential information in accordance with the Standards for Registered Training Organisations (2015).

1.3 Scope:

This policy is applicable to all employees, contractors and their staff, including overseas contractors.

Where South Metropolitan TAFE contracts out an operation or service, it is to ensure that the contractual agreement includes appropriate reference to the Australian Privacy Principles.

2. POLICY PRINCIPLES

2.1 South Metropolitan TAFE, staff and contractors shall abide by the Australian Policy Principles in its dealings with the information it gathers or is provided by individuals. South Metropolitan TAFE’s iteration of the Australian Policy Principles entitled ‘Australian Privacy Principles and South Metropolitan TAFE’ is provided for the guidance of all staff and contractors.

The ‘hyperlinks’ embodied in each of the Australian Privacy Principles below takes you to a more detailed explanation of the requirements pertaining to each particular Principle:

1. Open and Transparent Management of Personal Information

South Metropolitan TAFE will manage personal information in an open and transparent way. This includes having a clearly expressed up to date Australian Privacy Principles Privacy Policy.

2. Anonymity and Pseudonymity

The APPs give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.
3. **Collection of Solicited Personal Information**  
Australian Privacy Principles 3, outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of ‘sensitive’ information.

4. **Dealing with Unsolicited Personal Information**  
How South Metropolitan TAFE deals with unsolicited personal Information is covered by APP4.

5. **Notification of the Collection of Personal Information**  
Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

6. **Use or Disclosure of Personal Information**  
Outlines the circumstances in which South Metropolitan TAFE may use or disclose personal information that it holds.

7. **Integrity of Personal Information**  
An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

8. **Cross-border Disclosure of Information**  
Outlines the steps South Metropolitan TAFE must take to protect personal information before it is disclosed overseas.

9. **Adoption, use or disclosure of Government related identifiers**  
Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual.

10. **Quality of Personal Information**  
South Metropolitan TAFE must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. The organisation must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

11. **Security of Personal Information**  
South Metropolitan TAFE must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. South Metropolitan TAFE has obligations to destroy or de-identify personal information in certain circumstances.

12. **Access to Personal Information**  
Outlines South Metropolitan TAFE’s obligations when an individual requests to be given access to personal information held about them by the organisation. This includes a requirement to provide access unless a specific exception applies.

13. **Correction of Personal Information**  
Australian Privacy Principle 13 outlines the obligations in relation to correcting the personal information it holds about individuals.
2.2 Powers of the Australian Information Commissioner

The Privacy Act gives the Office of the Australian Information Commissioner (OAIC) very significant powers and under prescribed circumstances may initiate, exercise or make;

- Performance assessments;
- Code making powers;
- Ability to make a determination to resolve OMIIs;
- Enforceable undertakings;
- Civil penalty orders; and,
- Privacy Impact Assessment to be conducted.

2.3 Policy breaches

Violation of this policy may result in disciplinary action being taken by South Metropolitan TAFE as well as the Office of the Australian Information Commissioner under any or all relevant statutes and policies, or in other legal action including criminal proceedings.

Serious penalties may apply including substantial civil penalty orders (e.g. $340,000 for individuals and $1.7 million for companies under the Privacy Commissioner’s powers) and imprisonment (e.g. 2 year term under the Higher Education Support Act 2003).

Disciplinary action may include removal of access to the Institute's information systems, withholding of results, expulsion, or in the case of employees suspension or termination of employment.

If an individual has an urgent concern that a South Metropolitan TAFE Information Technology System has been breached and personal information is not properly secure, please immediately notify ICT Service Desk. System breaches are critical events and should be reported immediately.

2.4 APP Privacy Co-ordination

The Manager Corporate Information who is the Freedom of Information Coordinator will also act as the APP Privacy Co-ordinator.

All requests for access to personal information under the provisions of the Australian Privacy Principles are to be directed to the Manager Corporation Information, as are any reports of Breaches or complaints relating to the APPs.

APP matters are like FOI matters, in that they are ‘on the clock’ as from the date of receipt. A key difference is that APP response times are only 30 days where as FOI is 45 days.

3. GUIDELINES (Optional)

N/A

4. RELATED DOCUMENTS

4.1 Governing Documents:

- Freedom Of Information Act 1992
- State Records Act 2000
- Privacy Act 1988: Australian Privacy Principles
- Standards for Registered Training Organisations (2015)
4.2 Related Policies:

Freedom of Information Policy
Records Management Policy

4.3 Related Procedures and Forms:

N/A

4.4 Supporting/Related Documents:

Freedom of Information Statement
Australian Privacy Principles & South Metropolitan TAFE
South Metropolitan TAFE Privacy (APP) Statement

5. ACCOUNTABILITIES

Monitoring and Evaluation:
Manager Corporate Information
Corporate Executive

6. DEFINITIONS

(For a full list of definitions please see the QMS Glossary List of Definitions and Acronyms on QMS and Corporate Information Units Records Management Glossary of Terms)

7. POLICY APPROVAL

Approved and Endorsed: Managing Director Date: 11 April 2016
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