



Relevant State/Federal Govt. Legislation	<i>Personal Information Protection Act 2004 (Tas)</i>
Commencement Date	5 September 2005
Review Date	5 September 2008

Policy Statement

1 Intent

The University is committed to the appropriate and lawful management of personal information, and in particular to compliance, as a personal information custodian, with the *Personal Information Protection Act 2004 (Tas)*.

2 Scope

This policy applies to all personal information collected, held, used or disclosed by the University, and must be complied with by all University employees.

3 Objective(s)

This policy is both required by, and intended to ensure compliance by the University with, the *Personal Information Protection Act 2004 (Tas)*, by clearly setting out the University's policy on its management of personal information.

This policy sets out the general principles governing the University's management of personal information. The intention is for these principles to reflect, as comprehensively as is practicable, the principles and obligations contained within the Act. There may, where contained within the Act, be exceptions or additions to the principles outlined in this policy. As the University is obliged to comply with the Act, this policy should be read subject to and in conjunction with the Act.

In particular, the Act provides for exceptions to some principles in the case of employee information. The exceptions relate to principles limiting the collection of individuals' personal information from other individuals, the collection of sensitive information, and the use of unique identifiers. Accordingly, these exceptions also apply to this policy.

4 Definitions and Acronyms

- “the Act”** means the *Personal Information Protection Act 2004 (Tas)*
- “personal information”** means any information or opinion in any recorded format about an individual:
- (a) whose identity is apparent or is reasonably ascertainable from the information or opinion; and
 - (b) who is alive or has not been dead for more than 25 years.

“sensitive information”	is a particular type of personal information. Its full definition can be found in the Act. It includes information such as racial or ethnic origin, political opinions, religious or philosophical beliefs, sexual preference and criminal record, as well as information such as counselling and disability information.
“employee information”	is defined in the Act, and includes personal information about an individual who is, was or applies to be an employee relating to things such as an individual’s selection, employment, training, discipline, performance, suitability, salary, terms and conditions of employment and employee entitlements.
“collection”	is the act of gathering, acquiring or obtaining personal information from any source, including third parties, by any means.
“counselling information”	in this Policy, means personal information obtained from a student of the University, on a confidential basis in the course of that student receiving a counselling service from the University.

5 Policy Owner

Director, Governance & Legal.

6 Policy Provisions

6.1 The sort of personal information collected and held

The University collects and holds personal information about individuals, which is necessary for its functions and activities. In particular, in relation to employees and students, the University collects the sort of personal information outlined below.

Employees

The University collects and holds personal information that is required to administer applications for employment, to administer employment entitlements, and to enable compliance in relation to reporting requirements to external agencies as required by law.

Personal information collected includes contact details, personal details (name, gender), residential status, educational qualifications, and, for actual employees, date of birth, bank account details and tax file number. Employees are also asked to provide personal information relating to emergency contact details and equal employment opportunity issues. The University also assigns a unique staff number to each staff member, as well as unique user name and email address to facilitate access to and use of information technology services.

Students

The University collects and holds personal information that is required to administer applications for admission to, enrolment and progress in and graduation from a higher education course of study and the provision of other services to enrolled students. Personal information collected includes:

- contact details, personal details (name, gender, date of birth), residential status, current or previous Year 12 and tertiary results;
- academic performance;
- decisions arising out of the operation of university ordinances and rules;

- equity group information – as part of our commitment to equity and as a DEST requirement we collect information about languages spoken at home, disability, place of birth and ethnicity; and
- the University assigns a unique student number to each student in order for the University to more efficiently carry out its functions of enrolling and assessing students. The University also assigns a unique user name and email address to each student in order to enable it to provide students with access to and use of information technology services.

Sensitive information will generally only be collected with the consent of the individual concerned and only at the time of accessing a service or accommodation. Sensitive information will only be collected without consent where required or permitted by law, including where required or permitted by the Act.

6.2 The purposes for collecting and holding personal information

The University will only collect and hold personal information if it is necessary for one or more of its functions or activities.

In relation to employees and students, the main purposes for collecting and holding personal information are:

Employees

- Administering applications for employment
- Administering employment entitlements
- Maintaining an employment record in relation to the individual employee
- Complying with reporting requirements to external agencies as required by law
- Providing employees with access to and use of information technology systems and services
- Ensuring compliance with University ordinances, rules and policies, including by logging and monitoring access to and use of information technology systems and services.

Students

- Administering admission and enrolment to a course of study, which includes confirming the data in enrolment applications, confirming past and/or current results, notifying offers, changes of preference and alterations to offerings by the University
- Administering progress in and graduation from a course of study
- Providing other services to enrolled students, including access to and use of information technology systems and services for online learning and other purposes
- Ensuring compliance with University ordinances, rules and policies, including by logging and monitoring access to and use of information technology systems and services.

Wherever it is lawful and practicable, individuals will have the option of not identifying themselves when entering transactions with the University. It is unlikely that this would be lawful and practicable in relation to the enrolment and employment of staff and students.

6.3 How personal information is collected

The University will only collect personal information by lawful means, and will, in accordance with the Act, take any reasonable steps necessary to ensure that individuals are aware of, among other things, the purpose for which their personal information is collected and the intended recipients of the information. If it is reasonable and practicable to do so, the University will, in accordance with the Act, only collect an individual's personal information from that individual.

The main ways in which personal information is collected in relation to employees and students are outlined below.

Employees

Much of this information will be collected directly from individuals from the Application for Employment form, the curriculum vitae or the Casual Employment Authority form. Information relating to employees' employment entitlements will also be collected and recorded during the course of their employment.

Personal details of all staff will be recorded on University systems including the University's Human Resources Management System. In addition, each continuing and fixed-term employee will have a confidential personal file maintained by Human Resources that will contain documentation relating to their employment with the University.

Students

Much of this information will be collected directly from individuals in completing applications for admission and enrolment forms. In relation to admission information the University may obtain any Australian Year 12 results or Australian University results directly from the relevant university or national database. The University will also derive personal information as part of a student's progress through their course of study or arising out of the operation of university ordinances and rules.

6.4 How Personal Information is Used and Disclosed

The University will generally only use or disclose personal information (including sensitive information) for a purpose for which it was collected. Personal information (including sensitive information) will only be used or disclosed for a different purpose if the individual concerned has consented, or if required or authorised by or under law, including where required or authorised by or under the Act. Such circumstances include:

- where the secondary purpose is related to the primary purpose and would be reasonably expected by the individual;
- in a non-identifying manner where necessary for research or the compilation or analysis of statistics in the public interest;
- to lessen or prevent a serious threat to an individual's life, health, safety or welfare or a serious threat to public health or safety;
- where necessary to investigate or report suspected unlawful activity;
- where reasonably necessary for the purposes of a law enforcement agency in accordance with the Act;
- as required by law to certain government departments and statutory bodies including Centrelink, the Department of Immigration and Multicultural Affairs, the Department of Education, Science and Training and the Australian Taxation Office; and
- to provide officers of the University or its affiliated bodies with information to allow them to administer the provisions of any Council and University approved legislation.

Counselling information is only collected for the purposes of providing a counselling service to the relevant student. Counselling information will only be used or disclosed for a different purpose at the request, or with the authorisation, of the Executive Director, Finance and Administration, the Academic Registrar or the Director, Governance & Legal, and only:

- in order to lessen or prevent a serious threat to an individual's life, health, safety or welfare or a serious threat to public health or safety,
- to lessen the risk, or prevent the occurrence, of significant property damage;
- where required by law; or

- in circumstances that, in the opinion of the Executive Director, Finance and Administration, the Academic Registrar or the Director, Governance & Legal, are exceptional.

Personal information collected and held by the University will only be accessible within the University to people employed or engaged by the University as required in the fulfilment of their duties. University staff, and where appropriate, agents and contractors, are bound by duties of confidentiality to the University.

6.5 Maintenance of quality and security of personal information

The University will take reasonable steps to:

- ensure that the personal information it collects, uses, holds or discloses is accurate, complete, up-to-date, and relevant to its functions or activities;
- protect the personal information it holds from misuse, loss, unauthorised access, modification or disclosure;
- destroy or permanently de-identify personal information if it is no longer needed for any purpose.

Records will be disposed of securely and in accordance with any requirements for the retention and disposal of personal information.

Individuals may request access to personal information the University holds about them, and may, if they believe that it is incorrect, incomplete, out of date or misleading, request amendment of their personal information.

In some circumstances, the University may require individuals seeking to access or correct their personal information, to make a written request under the *Freedom of Information Act* 1991, in which case, the decision on the person's right to access or correct the information will be made in accordance with that Act. For example, staff will be provided with access to their personal file kept by Human Resources, but will be required to submit a Freedom of Information request if they wish to seek access to confidential material obtained by the University and contained on their file – for example, referee reports, confidential medical reports, legal opinions, workers' compensation reports, or selection committee minutes. Freedom of information requests should be directed to one of the University's Freedom of Information Officers in the Legal Office.

7 Supporting/Related Documents

Personal Information Protection Act 2004 (Tas)

8 Key Words

- *Privacy*
- *Personal*
- *Information*
- *Protection*

Responsibilities

Implementation	Director, Governance & Legal
Compliance	All staff
Monitoring and Evaluation	Director, Governance & Legal
Development and/or Review	Director, Governance & Legal
Interpretation and Advice	Director, Governance & Legal

Who Needs to Know this Policy?

- **ALL STAFF**

Policy History

Policy No.	4
Approved / Rescinded	Approved
Date	1 September 2005
Vice-Chancellor	Professor Daryl Le Grew