

Policy Title

Privacy Policy

Preamble

The Privacy Policy was approved by the Senior Management Group on 23 March, 2018.

The Policy complies with the following legislation:

- Privacy and Data Protection Act 2014 (Vic)
- Health Records Act 2001(Vic)
- Privacy Act 1988 (Cth)
- Australian Privacy Principles
- The Spam Act 2003 (Cth)
- Do Not Call Register Act 2006 (Cth)
- Privacy Amendment (Notifiable *Data Breaches*) Act 2017 (Cth)

Purpose

Deakin College's role as an education provider requires it to collect, store, use and disclose personal information relating to its students, staff and other clients. Deakin College is required to comply with the Australian Privacy Principles in the Privacy Act 1988 and other Commonwealth and Victorian legislations which regulate the manner in which personal information is managed throughout its life cycle, from collection, to use and disclosure, storage, access and disposal. Deakin College is committed to protecting the privacy of personal information.

Scope

This policy applies to all staff at all campuses of Deakin College. All Deakin College staff must respect the privacy of Personal and Health Information that they collect, use or disclose in the course of their employment, and comply with the requirements of the Privacy legislation and this Policy.

This Privacy Policy does not apply to employee records as, generally, Deakin College will be exempt from the requirements of the Privacy Act when it collects and manages such information. However, the Privacy Act (and this Privacy Policy) will apply to Deakin College's collection, use and management of personal information about job applicants, contractors and volunteers.

Deakin College will also ensure that it complies with the State health privacy laws in relation to employee records.

Policy

1. Responsibility for protecting the privacy of all personal information

- 1.1. The overall responsibility for protecting the privacy of all personal information held by Deakin College resides with the College Director and Principal, with the day to day

management delegated to the Quality and Compliance Manager. The Quality and Compliance Manager is the first point of contact for privacy queries, including if general information about Deakin College's privacy obligations, requests for access to and/or to amend personal information or to make a complaint about a possible breach of privacy.

1.2. The contact details for the Quality and Compliance Manager are set out below:

Quality and Compliance Manager

Deakin College

Deakin College at Deakin University, 70 Elgar Road, Building LA, Level 4, Burwood VIC 3125

Email: dcoll-privacy@deakin.edu.au

Telephone: (03) 9244 5269

International Telephone: +61 3 9244 5269

2. Collection of Personal Information

2.1. Deakin College collects personal information through a variety of lawful and fair means including:

- on hard copy forms;
- by email;
- over the telephone;
- through written correspondence; and/or
- in person.

2.2. Unsolicited personal information

- If Deakin College receives personal information about you which it has taken no active steps to collect, Deakin College may keep that information if the Privacy Act permits it to do so. If it does not, the information will be destroyed or de-identified, provided it is lawful and reasonable to do so.

2.3. Types of personal information collected by Deakin College

- The type of personal information which Deakin College collects will depend on the type of dealings an individual has with Deakin College, and may include name, phone number, email address, address, nationality, date of birth, and educational history.
- Sensitive information is a subset of personal information that is generally afforded a higher level of privacy protection. Deakin College only collects sensitive information where it is reasonably necessary for our functions or activities and either:
 - the individual has consented; or
 - we are required or authorised under law to do so.

2.4. Purposes of collecting information

- Personal information may be collected by Deakin College in the following instances:
 - when an enquiry is lodged through the Deakin College online enquiry service;

- when a person applies for admission to Deakin College;
- when a person enrolls for a course or unit offered by Deakin College; and
- when a person applies for employment at Deakin College.
- Sensitive information may also be collected by Deakin College in the following instances:
 - information about the disability support needs of individual students, to assist with special needs and to develop disability access plans where appropriate; and
 - health information that may be relevant to an individual student's failure to achieve a satisfactory course outcome.

2.5. Deakin College website

- When a person visits the Deakin College website, a record is logged of the visit and the following anonymous information is retained for Deakin College's statistical purposes:
 - the Internet Protocol (IP) address from which the request is received;
 - the date and time that the request is received by the Deakin College server;
 - the pages, documents and files requested;
 - the address of the resource which provided the link followed, if any, to the Deakin College website;
 - the type of browser and, in some case, the operating system used; and
 - in some instances, data sent to its website from web forms (eg. search terms).
- This information is used and disclosed by Deakin College in anonymous, aggregated form only, for purposes including statistical analysis and to improve the functionality and usability of Deakin College websites. Although a person is not identified, Deakin College reserves its right to use or disclose this information to try and locate an individual where we reasonably believe that the individual may have breached the Student Code of Conduct (see <http://www.deakincollege.edu.au/policies-procedures>) or otherwise engaged in any unlawful or inappropriate activity in connection with the Deakin College website or where we are otherwise required or authorised by law to do so.
- Some sections of the Deakin College website use standard industry technologies, for example, 'cookies'. A cookie is a small string of information that a website transfers to your browser for identification purposes. Any information collected from the Deakin College website is session information that is collated for analysis, evaluated and published in reports that show Deakin College usage patterns. Popular areas of the website are identified in order to improve and develop the website and its services. Deakin College also uses software programs to monitor network traffic and to identify unauthorised attempts to upload or change information, or otherwise cause damage.
- Most internet browsers are set to accept cookies. If you prefer not to receive them, you can adjust your internet browser to reject cookies, or to notify you when they are being used. There are also software products available that can manage cookies for you. Rejecting cookies can, however, limit the functionality of the Deakin College website.

3. Use of Personal Information

3.1. Deakin College collects personal information for the primary purpose of providing its services to individuals. Personal information may be collected for purposes related, or ancillary to, the primary purpose of collection. This includes:

- administering and managing the services provided by Deakin College to prospective and current students, including admission, enrolment, education, billing, maintaining information technology systems, customer service and data storage;
- marketing the services of Deakin College and its related entities to prospective, current and past students;
- guiding students in their study options;
- providing student counselling services;
- conducting surveys;
- conducting research for service improvement purposes and to compile statistics and analyse trends;
- recruiting and managing employees and contractors;
- processing payments;
- the administration of Commonwealth education assistance programs under the *Higher Education Support Act 2003* and guidelines made under that Act (including FEE-HELP); and
- the regulation of student visas and Australian immigration laws generally under the *Education Services for Overseas Students Act 2000*, the *National Code of Practice for Providers of Education and Training to Overseas Students 2018*, the *Migration Act 1958* and the *Migration Regulations 1994*.

3.2. Deakin College will only use and disclose personal information about a person for the purposes provided in this policy, where consent is given to Deakin College to do so, or as otherwise required or authorised by law. If Deakin College collects information about an individual from a third party (for example, an authorised parent or spouse that is authorised to act on the individual's behalf or any of Deakin College's contractors who supply us with a service), all reasonable steps must be taken to ensure that the individual providing such information is made aware of how their information will be used and with whom it might be shared or communicated in an appropriate collection statement. The collection statement must include:

- the purpose for which the information is being collected (the proposed use) and to whom it might be disclosed
- the area collecting the information and the contact details
- that the individual is able to gain access to the information
- any law that requires the particular information to be collected
- the main consequence if any for the individual if all or part of the information is not provided to Deakin College.

4. Disclosure of Personal Information

4.1. Deakin College may disclose personal information about a student to third parties for the purposes set out in 3.2 above , including:

- to Deakin College representatives (agents) acting on a student’s behalf;
- to a student’s parent where the student has given permission either in writing or by using the privacy flag option on the student portal, and where the parent has initiated contact with Deakin College and/or the student has requested that contact be made.
- to Deakin University for the purposes of statistical analyses, transferring academic results or information on students to determine eligibility for transfer into the second year bachelor degree;
- to any other educational institutions that provide access to units and other resources through Deakin College or that any student is eligible for admission to;
- to Navitas Limited and its affiliates; and
- to Deakin College’s contractors including financial institutions, print and mail houses and debt collectors.

4.2. Deakin College may also disclose personal information about a person to third parties not contemplated in this policy if:

- Deakin College reasonably believes that the disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety;
- Deakin College has reason to suspect that unlawful activity or misconduct of a serious nature that relates to Deakin College’s functions or activities has been, is being or may be engaged in and Deakin College reasonably believes that the disclosure is necessary in order for appropriate action to be taken;
- Deakin College reasonably believes that the disclosure is reasonably necessary to assist in locating a person who has been reported as missing; or
- the disclosure is required by law, regulation or a court / tribunal body.

4.3. Deakin College may be required to collect, use and disclose personal information when each student is admitted and enrolled with the College in order to meet its obligations under a range of legislative requirements. Examples of the entities Deakin College may disclose personal information and the types of personal information disclosed include:

- Department of Education and Training - statistical information about student enrolment, educational background, country of birth, or if a student has requested financial assistance with tuition fees;
- Australian Taxation Office (ATO) - in relation to FEE-HELP where a person may defer fee payment through the taxation system, their tax file number will be disclosed;
- Department of Education and Training under the obligations of the *Education Services for Overseas Students (ESOS) Act 2000*;

- Department of Home Affairs - reporting requirements in respect of matters relating to students on overseas student visas under the *Migration Act 1958* and the *Migration Regulations 1994*;
- Centrelink - enrolment information on domestic students accessing Centrelink benefits;
- OSHC Provider - where overseas students purchase Overseas Student Health Cover (OSHC) through Deakin College; and
- Tuition Protection Scheme - tuition assurance for overseas students.

4.4. Direct Marketing

- Where the College has express or implied consent, or where otherwise permitted by law, personal information may be used to send students information about the services we offer, as well as other information (including enrolment reminders, study suggestions, and invitations to our surveys). We may send this information in a variety of ways, including by mail, email, SMS and telephone.
- Students can opt out of receiving these communications at any time, in the following ways:
 - unsubscribe links; or
 - SMS reply 'STOP'
- Deakin College will not disclose or externally publish personal information to third parties who are not related to Deakin College to allow them to direct market their products or services without the relevant person's consent.

4.5. Cross-Border disclosure of Personal Information

- Deakin College will always comply with the requirements of the Privacy Act that apply to cross border disclosures of personal information.
- Deakin College may also use a cloud-based service located in Chicago and Hong Kong to store and process personal information.

5. Use of government related identifiers

- 5.1.** Deakin College will not adopt any government related identifier (such as tax file number, or Medicare number) as our own identifier for students and staff, unless this is permitted by the Privacy Act.
- 5.2.** Deakin College collects the tax file numbers of domestic students who are accessing FEE-HELP, for the purposes of disclosing this information to the Australian Taxation Office.
- 5.3.** Deakin College will not otherwise use or disclose a government related identifier unless this is permitted by the Privacy Act.

6. Access to and Correction of Personal Information

- 6.1.** Any person may request access to the personal information held by Deakin College about them and to request its correction.

- 6.2. Students of Deakin College can review and amend the personal information held by Deakin College by logging on to the student portal or by contacting the Quality and Compliance Manager.
- 6.3. Individuals who are not students of Deakin College can obtain access to your personal information held by Deakin College by contacting the Quality and Compliance Manager. Deakin College will generally provide individuals with access to their personal information, subject to some exceptions permitted by law. Generally access will be in the manner requested, provided it is reasonable and practical to do so. Deakin College may charge a fee to cover reasonable costs of locating and providing the information.
- 6.4. If Deakin College decides not to provide an individual with access to the personal information held, the individual will be provided with a written notice explaining the decision not to give access to the information and how the individual may make a complaint about our refusal to provide the information.
- 6.5. Students can also contact the Quality and Compliance Manager to seek correction of any personal information held by Deakin College. If a student asks Deakin College to correct personal information held (or if Deakin College determine that personal information held is inaccurate, out of date or incomplete), reasonable steps will be taken to correct the information. If personal information has been corrected and Deakin College has previously provided the information to another organisation that is subject to the Privacy Act, the student may ask Deakin College to notify that other organisation and reasonable steps will be taken to do so.
- 6.6. If a student asks personal information held by Deakin College to be corrected and Deakin College decide not to do so, the student will be provided with a written notice explaining why the decision not to correct the information was made and how the student may make a complaint about the refusal to do so. In addition, a student may ask Deakin College to attach a statement to the record of personal information stating that the information is out of date, incomplete, inaccurate or misleading, and Deakin College will generally do so, subject to our legal requirements.
- 6.7. Individuals will not be charged for making a request to correct personal information.
- 6.8. Except in the case of more complicated requests, Deakin College will endeavour to respond to access and correction requests within 30 days.

7. Quality, Storage and Security of Personal Information

7.1. Data quality and accuracy

- Deakin College takes reasonable steps to make sure that any personal information it collects, uses and discloses is accurate, up to date, complete and (in the case of use or disclosure) relevant.
- Individuals may assist Deakin College to keep personal information accurate and up to date, by advising of any changes, such as to email address or phone number. As noted above, enrolled student may log on to the student portal to update your contact and other personal information.

7.2. Security of personal information

- Deakin College takes reasonable steps to protect against loss, interference, and misuse, and from unauthorised access, modification or disclosure of all personal information under its control, as required by law.
- All personal information that is stored on Deakin College's server is password protected.

7.3. Destruction of personal information

- Deakin College takes all reasonable steps to destroy personal information that is obsolete or no longer required by Deakin College. Destruction of personal information is undertaken by secured means.

8. Publishing Personal Information on the Deakin College Website

- 8.1.** Deakin College will only publish personal information on its website if that information has been collected for this purpose, and only with the knowledge and consent of the individual concerned.
- 8.2.** When giving such consent, an individual should be aware that information published on Deakin College's website is accessible to millions of users from all over the world, that it will be indexed by search engines and that it may be copied and used by any web user. This means that once the information is published on our website, Deakin College will have no control over its subsequent use and disclosure.
- 8.3.** Names and email addresses of Deakin College staff appearing on the website are provided with their knowledge and consent.
- 8.4.** Under no circumstances will Deakin College sell or receive payment for licensing or disclosing personal information.
- 8.5.** Where there are links to other sites on the Deakin College website, Deakin College is not responsible for the privacy practices of those businesses or organisations or for the content of those websites.

9. Notifiable Data Breach

- 9.1.** Deakin College has a responsibility to report to the Australian Information Commissioner any data breach that has the the potential to cause serious harm and to notify individuals whose personal information is involved in this data breach.
- 9.2.** Breaches of the privacy rights of an individual must be reported to the Quality and Compliance Manager who will manage the breach in conjunction with the relevant area.
- 9.3.** Staff members at Deakin College undertake training in the required data breach identification and reporting. The protocol includes:
 - Data breaches immediately reported by the staff member to his or her line manager and to the Navitas Australian Regional Data Protection Manager;
 - The staff member then sends an email to the central data breach email account - dataprotection@navitas.com ;

- The incident response team will assess the seriousness of the breach, contact the staff member for further information and/or in containing the breach; and
- The incident response team implements the appropriate reporting action

10. Training

10.1. All Deakin College staff must undertake privacy training at induction and refresher training at least every two years unless they can demonstrate that the nature of their work at the College is such that additional privacy training is not required

11. Privacy Complaints

11.1. If an individual believes that Deakin College has failed to manage their personal information in accordance with this Privacy Policy or an Australian Policy Principle, a formal grievance should be lodged in writing with the Quality and Compliance Manager in the first instance.

12. Further Information

12.1. For any queries about this Privacy Policy or about how Deakin College handles personal information it holds, please contact Deakin College's Quality and Compliance Manager.

Related Policies

Procedure

Click or tap here to insert procedure.

Definitions

For the purpose of this Policy the following definitions apply:

Key Term or Acronym	Definition
Collection	includes any means by which Deakin College obtains Personal or Health Information, including information that is volunteered, incidentally obtained or gathered from another organisation.
Collection Statement	a statement of the Deakin College practices when collecting, using, disclosing and otherwise managing Personal and Health Information collected in the course of its activities, which is provided at or near the time such information is collected.
Health Information	as defined in the Health Records Act 2001 (Vic), information or an opinion about: <ul style="list-style-type: none"> • the 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

	<ul style="list-style-type: none"> a health service provided, or to be provided, to an individual that is also personal information; or other personal information collected to provide, or in providing, a health service
Personal Information	as defined in the Privacy and Data Protection Act 2014 (Vic) is 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 health information.
Privacy Complaint	a complaint by an individual about an act or practice of the University in relation to the individual's Personal or Health Information that the individual believes is contrary to or inconsistent with the Information Privacy Principles set out in the Privacy and Data Protection Act 2014 (Vic) or the Health Privacy Principles set out in the Health Records Act 2001 (Vic).
Sensitive Information	a subset of Personal Information that constitutes information or an opinion about an individual's racial or ethnic origin; political opinions; membership of a political association; religious beliefs or affiliations; philosophical beliefs; membership of a professional or trade association; membership of a trade union; sexual preferences or practices; or criminal record.
Staff member	Any person employed by Deakin College

Status and Details

Status	Current
Domain	Governance
Effective date	22/03/2018
Review date	30/04/2020
Approval Authority	Senior Management Group
Implementation Officer	College Director and Principal
Enquiries Contact	Jit Au