



PRIVACY POLICY

Privacy Policy		
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Policy Developer/Reviewer: QAM	Review date: 02 Oct 2022	

VERSION HISTORY

Version	Authorised by	Approval Date	Details
1.0	EMG	02 Oct 2019	Document created. Information from Personal Information Procedures included.
1.1	PRG	20 Jan 2020	Section 2.5: Privacy in the SITCM Teaching Clinic added.

PURPOSE AND SCOPE

The aim of this policy is:

- Inform SITCM stakeholders of how their personal information may be collected and used.
- Ensure SITCM staff follow a clear, legal process in dealing with personal stakeholder information.

This policy applies to all staff at the Sydney Institute of Traditional Chinese Medicine (SITCM).

1 OVERVIEW

This policy sets out the minimum standards in the Sydney Institute of Traditional Chinese Medicine (SITCM)'s dealings with the privacy of its stakeholders, which includes but is not limited to: staff, students, graduates, clinic patients, and agents. In particular, it ensures SITCM staff are aware of legal requirements with regards personal stakeholder information collected for administrative and reporting purposes, and in relation to personal information collected for FEE-HELP, VET FEE-HELP, and VET Student Loans assistance. This policy also informs stakeholders of how their personal information may be used.

This policy is informed by the *Higher Education Standards Framework (Threshold Standards) 2015*, Section 7.3 Information Management and the *Australian Privacy Principles (APPs)*, as set out in Section 14 of the *Privacy Act 1988*.

2 POLICY

2.1 AUSTRALIAN PRIVACY PRINCIPLES

The *Australian Privacy Principles* specify rights and obligations surrounding the collection, use and disclosure of personal information in Australia:

- 1) Australian Privacy Principle 1 — open and transparent management of personal information.
- 2) Australian Privacy Principle 2 — anonymity and pseudonymity.
- 3) Australian Privacy Principle 3 — collection of solicited personal information.
- 4) Australian Privacy Principle 4 — dealing with unsolicited personal information.
- 5) Australian Privacy Principle 5 — notification of the collection of personal information.
- 6) Australian Privacy Principle 6 — use or disclosure of personal information.
- 7) Australian Privacy Principle 7 — direct marketing.
- 8) Australian Privacy Principle 8 — cross-border disclosure of personal information.
- 9) Australian Privacy Principle 9 — adoption, use or disclosure of government related identifiers.
- 10) Australian Privacy Principle 10 — quality of personal information.
- 11) Australian Privacy Principle 11 — security of personal information.
- 12) Australian Privacy Principle 12 — access to personal information.
- 13) Australian Privacy Principle 13 — correction of personal information.

2.2 PERSONAL INFORMATION

- 1) SITCM only collects personal information about stakeholders for legitimate purposes, including but not limited to:
 - a. To confirm a stakeholder's identity to respond to their inquiry;
 - b. To consider an application, be it related to study or employment;
 - c. To provide a student with important course information or updates;
 - d. To administer our courses or clinic, such as by recording a student's progress in a course or the outcome of a patient consultation;
 - e. To provide relevant marketing communications which may easily be opted out of;
 - f. To establish a business relationship; or
 - g. For other standard business purposes.
- 2) SITCM may collect personal information about a stakeholder who is involved in an SITCM course or in the SITCM Clinic, such as the stakeholder's name, contact details, credit card details and other information that is needed for the purposes outlined in 2.2.1).
- 3) SITCM collects personal stakeholder information when it is provided by the stakeholder, or by others with the stakeholder's authorisation.
- 4) SITCM may disclose personal stakeholder information to overseas recipients in rare situations.
- 5) SITCM will not collect sensitive information about a stakeholder, such as health information, or information about the stakeholder's racial or ethnic background, or criminal record, unless:
 - a. The stakeholder consents to the collection of the information; or
 - b. The collection of information is authorised or required by law.
- 6) SITCM will take all reasonable steps to make sure that the personal information it collects, uses, holds or discloses is accurate, complete and up to date.

2.2.1 ANONYMITY

- 1) Wherever practical, SITCM will provide the opportunity for stakeholders to interact with SITCM without identifying themselves.
 - a. This does not apply if SITCM is authorised or required by law to deal with stakeholders who have identified themselves.
- 2) SITCM ensures staff and students have the option of providing anonymous feedback through the availability of suggestion boxes, an anonymous feedback page on the learning management system Moodle, and anonymous student and staff surveys.

2.2.2 UNSOLICITED INFORMATION

- 1) If SITCM receives unsolicited personal information, SITCM must within a reasonable timeframe determine whether or not SITCM could have lawfully collected the information.
- 2) SITCM must promptly destroy the information if:
 - a. SITCM determines that the information could not have lawfully collected;
 - b. The information is not contained in a Commonwealth record; and
 - c. Prompt destruction of the information is both lawful and reasonable.

2.2.3 COLLECTION OF PERSONAL INFORMATION

- 1) Either at or before, or as soon as practical after, SITCM's collection of personal information about a stakeholder, SITCM will take reasonable steps to notify the stakeholder of the following:
 - a. SITCM's name and contact details;
 - b. The fact that SITCM is collecting personal information about the stakeholder and the circumstances of the collection;
 - c. If the collection is required or authorised by law, the fact that the collection is so required or authorised;
 - d. The main purposes for which SITCM is collecting the information;
 - e. The main consequences for the stakeholder if the information is not collected by SITCM;
 - f. Any other person or organisation which may receive the collected information;
 - g. That this policy contains information about the stakeholder may access or correct the personal information, and about how the stakeholder may complain about any privacy breach; and
 - h. Whether SITCM is likely to disclose the information to overseas recipients and, if so, in which countries the recipients are likely to be located.

2.2.4 USE OR DISCLOSURE OF PERSONAL INFORMATION

- 1) If SITCM holds personal information that was collected for a particular purpose, the information cannot be used for secondary purpose without the consent of the stakeholder unless:
 - a. The stakeholder would reasonably expect SITCM to use or disclose the information for the secondary purpose and the secondary purpose is directly related to the primary purpose;
 - b. The use or disclosure of the information is required or authorised by law; or
 - c. The use or disclosure is necessary for enforcement related activities conducted by or on behalf of an enforcement body.
 - i. In this situation, SITCM must make a written note of the use or disclosure.
- 2) This section does not apply to the use or disclosure of:

- a. personal information for the purpose of direct marketing; or
- b. government related identifiers.

2.2.5 DIRECT MARKETING

- 1) SITCM will not use or disclose any personal information for the purpose of direct marketing, unless:
 - a. SITCM collected the information from the stakeholder, and the stakeholder would reasonably expect SITCM to use the information for direct marketing, and the stakeholder did not request not to receive direct marketing from SITCM despite having an easy avenue to do so; or
 - b. The stakeholder consented to the use or disclosure of the information for that purpose, or it is impractical for SITCM to obtain that consent, and each direct marketing communication with the stakeholder makes clear that the stakeholder can easily request not to receive direct marketing from SITCM, and the stakeholder made no such request.

2.2.6 CROSS-BORDER DISCLOSURE

- 1) SITCM will not disclose a stakeholder's personal information to any overseas third party without first taking reasonable steps to ensure that the overseas recipient does not breach the Australian Privacy Principles.

2.2.7 SECURITY OF PERSONAL INFORMATION

- 1) SITCM will take all reasonable steps to protect all personal information it holds from misuse and loss, and from unauthorised access, modification or disclosure.
- 2) SITCM will destroy personal information that it holds when:
 - a. SITCM no longer has any lawful use for the information;
 - b. The information is not contained in a Commonwealth record; and
 - c. SITCM is not required by law to retain the information.

2.2.8 ACCESS TO PERSONAL INFORMATION

- 1) Stakeholders can inspect information held about them by SITCM free of charge, except to the extent that SITCM is required or authorised to refuse under the applicable provisions of any law of the Commonwealth that provides for access by persons to documents.
- 2) To apply for and receive a copy of their personal information held by SITCM, stakeholders need to complete and submit a *Student Records Request Form* through the Administration Office.
- 3) SITCM staff will supply a copy within five (5) working days of the request being made.

2.2.9 CORRECTION OF PERSONAL INFORMATION

- 1) If a stakeholder considers their personal information to be incorrect, incomplete, out of date or misleading, they can request that SITCM amend the information.
- 2) SITCM must promptly consider all requests.
- 3) Where a record is found to be inaccurate by SITCM, a correction will be made.
- 4) Where a stakeholder requests that a record be amended because it is inaccurate, but the record is found to be accurate:
 - a. The details of the request for amendment will be noted on the record; and
 - b. The reasons for the refusal will be provided to the stakeholder in writing.
- 5) SITCM will inform the stakeholder of a correction to their personal information, if the stakeholder requested SITCM do so.

2.2.10 THIRD PARTIES

- 1) To fulfil its legal obligations, SITCM may be required to share personal stakeholder information with designated authorities, including but not limited to TEQSA, AQSA, the Department of Education, the Department of Home Affairs, the Australian Skills Quality Authority and the National Centre for Vocational Education Research.
- 2) SITCM may also share information about international students with SITCM agents, including but not limited to contact details, course enrolment details and information related to suspected breaches of visa conditions, as required by the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* Section 4.
- 3) Stakeholders may also be directed to surveys administered by third parties. Completion of such surveys is optional.
- 4) All external bodies which receive personal SITCM stakeholder information will collect, hold, use and disclose the information in accordance with the *Privacy Act 1988*.
- 5) SITCM will not disclose a stakeholder's personal information to third parties without written permission from the stakeholder, except in circumstances described elsewhere in this section.

2.2.11 COMMONWEALTH ASSISTANCE

- 1) Personal information may be collected so that SITCM can assess a stakeholder's entitlement to FEE-HELP, VET FEE-HELP, or VET Student Loans assistance and to allocate a Commonwealth Higher Education Student Support Number (CHESSN).
- 2) SITCM will disclose this information to the Department of Industry, Innovation, Science, Research and Tertiary Education (DIISRTE) for these purposes.
- 3) DIISRTE will store the information securely. DIISRTE may disclose information to the Australian Taxation Office.
- 4) Personal information gathered for these purposes will not otherwise be disclosed without the stakeholder's consent unless required or authorised by law.

2.2.12 GOVERNMENT IDENTIFIERS

- 1) Government identifiers (Medicare number, Unique Student Identifier or tax file number) will only be used for the purposes for which they were issued.
- 2) SITCM will not adopt a government identifier except when required or authorised by law.
- 3) SITCM will not use or disclose a government identifier unless:
 - a. Necessary for identification purposes;
 - b. Necessary for SITCM to fulfil its obligations to a government authority;
 - c. Required or authorised by law; or
 - d. Necessary for enforcement related activities conducted by or on behalf of an enforcement body.

2.3 PRIVACY OFFICER

- 1) The Privacy Officer is responsible for both ensuring this policy is followed and handling all privacy concerns.
- 2) The Privacy Officer is normally the Quality Assurance Manager.
- 3) If the Quality Assurance Manager is unable to act as Privacy Officer, another member of the Executive Management Group may take this role.
- 4) The Privacy Officer can be contacted at privacy@sitcm.edu.au.

2.4 BREACHES OF PRIVACY

- 1) Suspected breaches of privacy should be reported to the Administration Office for investigation by the Privacy Officer.
- 2) Any breach of privacy alleged by a staff member will be investigated under *E2.11 Staff Grievance Policy and Procedure*.
- 3) Any breach of privacy alleged by student will be investigated under *E2.07 Non-Academic Grievance Policy and Procedure*.
- 4) Any breach of privacy will be dealt with under *E2.24 Staff Misconduct Policy*.

2.5 PRIVACY IN THE SITCM TEACHING CLINIC

- 1) In addition to the general Privacy Act 1988, the SITCM Teaching Clinic must adhere to the *Health Records and Information Privacy Act 2002* (the HRIP Act).
- 2) The HRIP Act protects the privacy of health information in NSW and includes 15 Health Privacy Principles.
- 3) For further information on privacy requirements in the SITCM Teaching Clinic, refer to SITCM's *Manual for Clinical Practice*.

2.6 PUBLICATION

- 1) This policy will be made available to students and persons seeking to enrol with SITCM by publication on its website (www.sitcm.edu.au).
- 2) In order to ensure that students have given their informed consent for their personal information to be disclosed to certain third parties as outlined in this policy, SITCM will advise students on enrolment about these procedures and where they are located.

3 RELATED POLICY AND OTHER DOCUMENTATION

- 1) Higher Education Standards Framework (Threshold Standards) 2015.
- 2) Privacy Act 1988.
- 3) Australian Privacy Principles.
- 4) Student Records Request Form.
- 5) National Code of Practice for Providers of Education and Training to Overseas Students 2018.
- 6) E2.11 Staff Grievance Policy and Procedure.
- 7) E2.07 Non-Academic Grievance Policy and Procedure.
- 8) E2.24 Staff Misconduct Policy.
- 9) Health Records and Information Privacy Act 2002.
- 10) Manual for Clinical Practice.