

 <b>Privacy</b>	Document Number	<b>PR-CLHR002</b>
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<b>References</b>	<b>Standard</b>	<b>Element</b>
	AQTF	Standard 2
	AS/NZS ISO 4360-1999, 2004 Risk Management	2.3 Organisation, Administration and Governance
	AS 15489.2-2002 Records Management	4.3 Records Management
	AS 4122-2000 Engagement of Consultants	To be reviewed
	AS 2124-2127-1992 Contract Management	To be reviewed
	AS 4915-2002 Project Management	To be reviewed
	CB 020-2000 Int Customer Service	To be reviewed
	AS 4269-1995 Complaints Handling	To be reviewed
	ESOS, 2000 Overseas Students	To be reviewed
	QNC, 2005 Nursing Education	Standard 2 – Administration

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### 1. PURPOSE

To establish guidelines which must be observed by King's international College in relation to the collection, use, storage, security and disclosure of personal information and sensitive information.

This policy document serves to outlines the College's commitment to privacy in accordance with the with the information privacy principles set out in Section 14 of the Privacy Act 1988 when handling personal information..

### 2. POLICY

King's International College's functions necessitate the collection, creation and use of personal information about students, staff and other clients. The College is strongly committed to protecting personal privacy by complying with privacy principles which regulate how and when personal information may be collected, stored, used and disclosed.

King's International College recognises that staff and students, both past and present, and other clients and individuals having links to the College, have an expectation that the

College will protect and appropriately manage the personal information it collects and holds about them.

King's International staff and stakeholders will ensure that:

- Personal Information is collected in accordance with information privacy principles
- Effective storage and security arrangements are in place
- Records are complete, up to date and accurate
- Students can access their personal information at no charge
- Corrections are made to inaccurate records and student requests to amend records are noted on the record
- Personal information is only used for the purposes for which it was collected and personal information is only disclosed in accordance with the principles in the Privacy Act.

### **Collection of Personal Information**

King's International College collects personal information in order to assist in the provision of its services. Personal information will not be collected unless for a purpose directly related to a function or activity of King's International College.

King's International College will generally collect personal information held about an individual by way of forms filled out by parents or students, face to face meetings, interviews, telephone calls and Internet or email enquiries. On occasions, people other than parents and students provide personal information.

King's International College collects personal information, including sensitive information about:

- students and parents and/or guardians
- potential students
- former students
- staff members, volunteers and contractors
- industry partners
- agents and other people who come in contact with the College

In referring to 'sensitive information' King's International College means information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual preferences, criminal record and health information about an individual.

King's International College ensures that:

- the information is collected for a purpose that is a lawful purpose directly related to a function or activity of the college and is necessary and related to that purpose;
- shall not be collected by unlawful or unfair means;
- before the information is collected or, if that is not practicable, as soon as practicable after the information is collected the individual concerned is generally aware of :
  - i) the purpose for which the information is being collected

- ii) whether the collection of the information is required by law
  - iii) any person to whom, or any body or agency to which, it is the collector's usual practice to disclose personal information of the kind so collected, and (if known by the collector) any person to whom, or any body or agency to which, it is the usual practice of that first mentioned person, body or agency to pass on that information where information is collected for a record, the information collected is relevant to that purpose and is up to date and complete; and the collection of the information does not intrude to an unreasonable extent upon the personal affairs of the individual concerned.
- Information is collected in a timely and thorough way such that it is accurate, up to date, complete and not misleading;
  - King's International College ensures that all reasonable safeguards are taken to ensure that the information it holds is protected against misuse or loss from unauthorised access, use, modification or disclosure, locked filing cabinets and computer access security are in place to protect privacy of personal information.

### **Examples of Purposes for which Personal Information is collected**

Personal information collected by King's International College may include but is not limited to that required for:

- Processing Applications for Enrolment
- VET FEE-HELP Assistance Applications
- Provision of access to King's International College facilities
- Maintenance of Student Records and Results
- Communication with previous, current and prospective students in relation to King's International College
- Other reasons directly related to the activities of King's International College.
- Providing services to students
- Maintaining Academic, Financial and Compliance Records
- Information required by Federal and State Governments and Laws

### **Use & Disclosure**

King's international College will use personal information it collects for the primary purpose of communicating with staff, potential students, students and graduates, parents and guardians, agents, employers, contractors, maintaining student records and providing education and for such other secondary purposes that are related to the primary purpose and are reasonably expected or for which consent has been granted.

**All personal information collected by the King's International College is only to be used for the purposes for which it was collected or other purposes allowed by the Privacy Act 1988 as below:**

- the individual concerned has consented to use of the information for that other purpose;
- the General Manager & Director of King's International College believes on reasonable grounds that use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person;

- use of the information for that other purpose is required or authorised by or under law;
- use of the information for that other purpose is reasonably necessary for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue; or
- the purpose for which the information is used is directly related to the purpose for which the information was obtained.

**NB.** Where personal information is used for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue, the record keeper shall include in the record containing that information a note of that use.

**Personal Information will only be disclosed in accordance with the Privacy Act 1988 thus where:**

- the individual concerned is reasonably likely to have been aware, or made aware that information of that kind is usually passed to that person, body or agency;
- the individual concerned has consented to the disclosure;
- the record-keeper believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or of another person;
- the disclosure is required or authorised by or under law; or
- the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.

**NB.** Where personal information is disclosed for the purposes of enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the purpose of the protection of the public revenue, the record-keeper shall include in the record containing that information a note of the disclosure.

**NB.** A person, body or agency to whom personal information is disclosed under clause 1 of this Principle shall not use or disclose the information for a purpose other than the purpose for which the information was given to the person, body or agency.

Personal information will not be disclosed to a third party without the written consent of the individual concerned. The College may be required to provide personal information to external organisations in order to provide specific services and as required by law.

With consent, King's International College may disclose personal information, including sensitive information held about an individual.

This may include, but is not limited to sharing information with:

- Government departments
- Other educational institutions
- Medical practitioners
- Insurance companies
- People providing specialist services to the College
- Recipients of College publications
- Newspapers and trade journals

- Potential employers
- Parents or guardians
- College representatives/agents in order to provide overseas students with services.
- The College may also disclose information if it is reasonably believed to be necessary to prevent or lessen a serious threat to life or health of any person.
- Anyone you authorise the College to disclose information to

**Note:** During the application process, the student will be informed by the interviewing officer of any requirements to provide information to any third party.

During the enrolment process, the student will be required to complete a statement granting permission for any applicable information disclosure as part of the relevant application forms.

### **Access to Personal Information**

Under the Commonwealth Privacy Act, an individual has the right to request access to any personal information which King's International College holds about them and to advise King's International College of any perceived inaccuracy.

### **Privacy complaints**

If an individual believes that the College has not dealt with their personal information in accordance with this policy, they may make a complaint to the College. Complaints should be sent to the Quality Department PMB 68 Burleigh MDC Qld 4220.

Primary responsibility for investigating and responding to the complaint will rest with the General Manager, with advice from the Quality Manager as required. The College's main objective in responding to privacy complaints is to conciliate an outcome which is acceptable to the complainant and which addresses any broader or systemic privacy issues which may arise.

If a complainant does not agree with the College's response, an internal review process is available.

Alternatively complaints may be addressed to the Federal Privacy Commissioner as follows:

Office of the Federal Privacy Commissioner  
 GPO Box 5218  
 Sydney NSW 1042  
[www.privacy.gov.au](http://www.privacy.gov.au)  
 Email: [privacy@privacy.gov.au](mailto:privacy@privacy.gov.au)

## **3. SCOPE**

This procedure describes the responsibilities and rights adhering to the management of personal information at King's International College and deals with the collection, use and disclosure, security and access to personal information.

## **4. REGULATIONS**

### **4.1 LEGISLATION**

- Anti-Discrimination Act 1991
- Disability Services Act 1992

- Education Services for Overseas Students Act 2000
- Higher Education Support Act 2003 (HESA)
- Freedom of Information Act 1992
- Privacy Act 1988
- Vocational Education Training and Employment Act 2000
- Vocational Education Training and Employment Regulation 2000
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Human Rights and Equal Opportunity Commission Act 1986
- Disability Discrimination Act 1992
- Equal Employment Opportunity for Women in the Workplace Act 1999
- Racial Hatred Act 1995
- Ombudsman Act 2001
- Age Discrimination Bill 2003
- Criminal Law (Rehabilitation of Offenders) Act 1986
- Workplace Relations Act 1997

#### **4.2 ACCREDITATION ORGANISATIONS & STANDARDS**

- Australian Quality Training Framework (AQTF)
- National Code of Practice for Registration Authorities and Providers of Education & Training to Overseas Students 2007
- CRICOS, Office of Non-State Schooling, Education Queensland
- Department of Education Training (DET)
- Department of Education, Employment and Workplace Relations
- Higher Education, Office of Non-State Schooling, Education Queensland
- National English Language Training Accreditation Scheme (NEAS)
- Queensland Nursing Council (QNC)

#### **4.3 INDUSTRY BODIES**

- Queensland Communities
- Higher Education Sector Provider Partners
- Queensland Business Services Industries Training Council (Qld) Inc
- Industry Skills Councils (ISC)
- Industry Associations
- Vocational Education and Training Sector Provider Partners.

## **6. PROCEDURE**

### **6.1 Access to own personal information**

King's International College ensures that individuals have access to their own personal information at no charge.

Individuals can obtain information about personal information which the College may hold about them, and can request access and receive copies of the information by contacting the Quality Manager - PMB 68 Burleigh MDC QLD 4220, the request should be in writing.

A student may request in writing on the Access to Personal Information Form held in the administration office to see all or part of the information held by the college.

Some form of identification should be provided by the individual (eg student card or drivers licence).

King's International College will supply a copy within seven days of the request being made

Where any record is found to be inaccurate a correction is made. Where an individual requests amendment of inaccurate information but the record is found to be accurate the details of the request are noted and the individual advised.

### **Requests for access to personal information required by law**

Under the Privacy Act 1988, King's International College may disclose personal information if the disclosure is required or authorised by or under law. Any requests to release personal information under a court document should be promptly referred to the Quality department for action. There can be serious consequences for failure to comply with the requirements of court documents.

Where King's International College is named as a party to the proceedings (for example, as a defendant or respondent), you should contact the General Manager & Director immediately.

## **6.2 Records of enquiries**

All access to Personal Information Documentation is to be documented on the individuals file and recorded in the enquiries log.

The Privacy Act 1988 specifies that, where the personal information has been used or disclosed for law enforcement or revenue protection purposes, the College must "include in the record containing that information a note of the disclosure". With paper records, this is straightforward, and can be satisfied by adding a note or attachment to the document holding the information (the content of the note should be consistent with the requirements for the log which are described below).

The log must contain sufficient detail of the enquiry to record:

- what type of personal information has been used and/or disclosed;
- when the use or disclosure occurred, who did so (ie the name of the College officer who did so), to whom the information was disclosed and for what purpose.

The following information must be included in the log:

- Date of enquiry and date of use or disclosure;
- Name of organisation requesting the personal information;
- Name and contact details of person requesting the personal information;
- Nature of information requested;
- Source of the personal information requested;
- Purpose of and justification for disclosure.

Any records, such as faxes, emails, file notes, which were generated in dealing with the enquiry must be retained.

## **Privacy Complaints Handling Procedure**

The following procedure applies if an individual considers that the College has breached this policy or the privacy laws in respect of that individual:

A written complaint must be forwarded to the College Quality Department within six (6) months of the time the complainant first became aware of the apparent breach. The complaint must specify details of the apparent breach in writing.

Unless principles of due and fair process dictate otherwise, the Quality Officer must make a determination on a complaint/ request to access information within forty-five (30) days of receipt of the complaint, and advise the complainant in writing.

If the Quality Officer determines that there has been a breach of the policy, he or she will, upon notification of the determination to the complainant, advise relevant College management in writing and any action required in order to remedy the breach. If the breach is capable of being rectified and is not rectified within thirty (30) days of the advice from the Quality Officer, the Quality Officer must inform the General Manager & Director.

Disciplinary action may be instigated against any staff member who breaches this policy, which may result in the employee being summarily dismissed in circumstances that the College considers there to have been a serious breach

## 7. Responsibilities

### All staff

It is the responsibility of all staff to respect personal privacy in so far as they collect access or use personal information about others in the course of their duties, and to comply with the specific requirements of this policy.

### Quality Manager

The Quality Manager has general responsibility for privacy management, and facilitates the implementation and review of this policy.

## 8. Publication

These Personal Information Procedures will be published on the College website and included in the student information handbook.

**(Process Ends)**

## 8. DOCUMENTATION

Document Number	Document Title	File Location
PR-CL002	Enrolment (International)	K:\Kic Quality Management System\Procedures Manual\
PR-CL004	Assessment	K:\Kic Quality Management System\Procedures Manual\
PR-CL007	Student Complaints	K:\Kic Quality Management System\Procedures Manual\
PR-CL007a	Academic Student Complaints	K:\Kic Quality Management System\Procedures Manual\
PR-CL008	Student Appeals	K:\Kic Quality Management System\Procedures Manual\
PR-CL009	Support Services	K:\Kic Quality Management System\Procedures Manual\
PR-HR001	Recruitment Selection & Employment	K:\Kic Quality Management System\Procedures Manual\
PR-HR004	Employee Complaints	K:\Kic Quality Management System\Procedures Manual\
PR-MG001	Administration and Records Management	K:\Kic Quality Management System\Procedures Manual\
FO-CL001	Application for enrolment domestic	K:\Kic Quality Management System\Forms Manual\
FO-CL004	Student Support Action Plan	K:\Kic Quality Management System\Forms Manual\
FO-CL005	Student Induction Checklist	K:\Kic Quality Management System\Forms Manual\
FO-CL008	Photo Release	K:\Kic Quality Management System\Forms Manual\
FO-CL019	International Student Enrolment Form	K:\Kic Quality Management System\Forms Manual\
RE-008	Enquires log	K:\Kic Quality Management System\Registers\