



WIN EDUCATION

WIN COLLEGE

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1. Overview

The Privacy Act 1988 is an Australian law that regulates the handling of personal information by organisations. Its primary purpose is to protect the privacy of individuals, students and staff members, by setting out specific rules and principles regarding the collection, use, disclosure, and storage of personal information. At the same time, it establishes a procedure for dealing with complaints related to breaches of the policy. The Privacy Policy applies across all sections of WIN in relation to all information, electronic and hard copy files and documents.

2. Policy

1. Collection of Information

a) *Personal Information*

WIN will only collect personal information that is necessary for the operation of the College. Collection of such information will be undertaken in such a manner as to be seen to be lawful and fair and not intrusive. When WIN collects personal information directly from an individual (for example when a student applies for a course or a prospective employee applies for a position), it will take reasonable steps to ensure that the individual:

- is aware of the purposes for which WIN is collecting the information;
- is aware of the organisations (or types of organisations) to which WIN would normally disclose information of that kind;
- can access the information
- has accurate contact information for WIN

b) *Sensitive/ Health Information*

Generally, sensitive and health information will only be collected with the consent of the individual. Where an individual is incapable of giving consent to the provision of health information, WIN will seek the consent of an authorised representative such as guardian or next of kin.

c) *Collection of Personal Information from Third Party*

While WIN generally collects personal or health information directly from the relevant individual, in some cases we may collect it from a third party, such as an education agent. Where WIN collects information about an individual from a third party (for example if a student authorises a parent, spouse or partner to register for them on their behalf), WIN will still take reasonable steps to ensure that the individual is made aware of the details set

out above.

d) *WIN Staff Obligations for Collection of Personal Information*

If a staff member collects, uses, discloses or handles personal information on WIN's behalf, the staff member must meet the relevant requirements of the Information Privacy Principles set out in the relevant Acts. Staff members must only collect, handle, use, disclose and store the information for the agreed purposes only.

2. Types of information collected

WIN collects personal information from staff, students, and prospective students, past students, education agents and external contractors. Personal information that WIN collects includes:

- Names
- Student Identification Numbers
- USI
- Addresses
- Emergency Contacts
- Photographic Identification (for student ID cards)
- Health Information (Health Information is only collected with individual consent for the purpose of counselling, to ensure student needs are being met under the Access and Equity policy, to refer students to appropriate medical practitioners and to confirm reasons for absences in line with Department of Home Affairs (DHA) attendance requirements for students on Student Visas. WIN will only collect health information where it is necessary to do so and will not use the information other than for the purpose that it is provided, without authorisation from the individual concerned.

3. Notification related to privacy and information

When WIN collects personal information, health information or sensitive information, it will ensure that individual is properly notified of the following:

- why information is being collected about them;
- who else the information may be provided to;
- other relevant matters.

4. Use of Information

a) *Purpose of Collection*

The main functions of WIN are to provide teaching and student services, together with ancillary services, which may support students and staff in their study or work at WIN.

Some information needs to be collected by WIN, as the government requires the information for official purposes.

Information is collected for: -

- Enrolment in WIN Courses
- Provision of access to WIN facilities
- Maintenance of Student Records and Results
- Communication with previous, current and prospective students in relation to WIN Activities
- Maintenance of Records of External Parties including government departments
- Other reasons directly related to the activities of WIN

b) *Disclosure of Personal Information*

WIN will only disclose personal information that it collects to staff (including our agents) that require access to undertake WIN activities. This will generally be the primary purpose of the collection of the personal information.

WIN will not disclose personal information to other third parties without the consent of the individual, except where the disclosure is authorised under privacy laws.

5. Currency of information

WIN will take all reasonable steps to ensure the personal information collected, used or disclosed is accurate, complete and up-to-date. This may require students and staff to correct the information from time to time. Currency of student address information is a requirement of DHA and students are required to ensure that the College has accurate information in relation to this.

6. Security of information

WIN will take all reasonable steps to protect the personal information held from misuse and loss and from unauthorised access, modification or disclosure. This will include ensuring that all electronic systems are protected through electronic passwords, and departments that hold hard-copy files not stored in the Administration Section are secure. WIN will also ensure that electronic back-up copies are safely secured.

7. Government Identification numbers

WIN student identification numbers will not be the same as those allocated by government departments such as the Department of Education. Nor will WIN disclose such numbers to a third party except to the extent permitted by the Privacy Laws. WIN will only assign identification numbers to individuals if the assignment of identifiers is reasonably necessary to enable it to carry out its functions efficiently. For example, both staff and

student identification numbers are necessary to enable WIN to carry out its functions.

8. Removal/ Destruction of Information

While all records will be securely stored until no longer needed, WIN will take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose for which information was provided. Personal information will only be removed/ destroyed by secure means.

9. Provision of Information to external parties

If it is necessary to transfer information to an external organisation or party WIN will only transfer personal information if the external party has similar procedures in relation to the collection, storage, use and disclosure of personal or sensitive information where:

- an individual provides consent to the transfer of information
- the transfer of information is for the benefit of the individual

Where WIN transfers any personal or sensitive information to a third party, it will ensure that WIN's privacy obligations travel with the personal information.

10. Transfer of Health Information to a Health Service Provider

WIN's Counselling Service will only transfer information to Health Service Providers where:

- Requested by the individual, or
- Requested by a Health Service Provider that is authorised by the individual

3. Procedures

1. Access to Personal Information

WIN will provide access to personal information under:

- Freedom of Information legislation
- Legislative Obligations
- Individual Consent Arrangements

a) *Staff Access to Personal Information (student and staff)*

- Staff will only be provided with access to such personal information as is necessary to carry out their responsibilities.

Academic Manager, Administration Manager and Student Services are required to maintain a register of staff who are given access to personal information collected by WIN and whether the staff member may amend or delete the information.

b) *Access to Employee Records*

The Freedom of Information Act requires that staff have access to their records. Staff may request access to their employee records from:

- The Administration Manager and Student Services – for records held by the Administration Department
- Academic Manager, for locally held records

2. Disclosure of Personal Information

The disclosure by WIN of all personal, health and sensitive information is subject to the Freedom of Information Act. WIN will disclose personal information to a third party on request of an individual, where it receives a written authorisation (signed) by the individual to be released for a specified purpose. The Administration Manager and Student Services must co-sign but a written authorisation will not be required where the disclosure is authorised by law.

3. Privacy Management Procedures

- All Managers have primary responsibility for privacy compliance in their department.
- Managers must ensure that all staff are aware of the Privacy of Information Policy as it applies to their department.
- Where a Manager is responsible for parts of an information technology system, they are required to ensure that the applicable system complies with privacy legislation.
- WIN will not acquire or implement information systems that are not privacy compliant.

4. Breach of policy

a) Procedure for dealing with breach of policy

The following procedure will apply if an individual considers that WIN has breached the privacy principles in respect of that individual:

- A written complaint must be forwarded to the Administration Manager and Student Services within three (3) months of the time the complainant first became aware of the apparent breach. The complaint must specify details of the apparent breach in writing.
- The Administration Manager and Student Services must decide on a complaint/request to access information within thirty (30) days of receipt of the complaint and advise the complainant in writing.
- If the Administration Manager and Student Services determines that there has been a breach of the policy, he or she will, notify the complainant, advise relevant WIN personnel in writing and take any action required 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 Administration Manager and Student Services the Head of Operations must be informed.

b) Consequences of Breach of policy

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 WIN considers there to have been a serious breach.

4. Policy Review

The policy will be reviewed as part of the three-year policy review cycle.

5. Legal Framework

- The *Education Services for Overseas Students Act* (ESOS Act)
- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code)
- Standards for Registered Training Organisations (RTOs)
- *National Vocational Education and Training Regulator Act* (Cth)
- *Privacy Act 1988*