

POLICY			
Privacy			
Date of approval	April 2015	Approved by	EMG
Date of effect	April 2015	Current to	April 2018
Registered no	SCS014	Version	2016 - 1
Policy Owner	Executive Director, Strategic and Shared Services		
Contact Officer	Senior Policy Officer		

1. Outline

- 1.1 Batchelor Institute is a Public Sector organisation for the purposes of the Northern Territory *Information Act*. The Act provides for:
- Access to personal information held by the Institute in conjunction with each individual's right to privacy;
 - An ability for individuals to correct information held by the institute;
 - An individual to expect the Institute to responsibly collect and handle their personal information; and
 - To appropriately manage and archive their personal information.
- 1.2 The policy applies to all areas of the Institute and to all staff and students.
- 1.3 The Institute is committed to protecting the privacy of all stakeholders of the Institute for which it collects personal information.
- 1.4 A fundamental philosophy of the Institute is the both-ways philosophy. While originally a philosophy of education that brings together Indigenous Australian traditions with western academic disciplinary contexts it also frames many of the administrative, operational and support activities of the Institute; including the approach to privacy. Both-ways impacts how the Institute view issues of privacy and confidentiality because integral to both-ways thinking are principles of respect, tolerance and diversity; which are aimed at the well-being and protection of individuals, families, clans and communities.

2. Summary

This policy while complying with relevant legislation aims to protect students, staff and other relevant stakeholders of the Institute from unauthorised or unwarranted disclosure of their personal information. This includes relevant information relating to Aboriginal and Torres Strait Islander Sacred Sites, Traditions or confidential cultural information.

3. Policy

3.1 In regard to the personal information of current and former staff, students and other relevant stakeholders the Institute will ensure that:

- 3.1.1 Protection of the privacy of personal information is in accordance with the Information Privacy Principles in the *Information Act* (NT).
- 3.1.2 Personal Information is only collected if it is required for a lawful purpose directly related to the functions or activities of the Institute, or as required by law.
- 3.1.3 Reasonable steps are taken to ensure that personal information collected and held by the Institute is accurate, authentic and reliable, and that individuals are informed of how the Institute will use the information.
- 3.1.4 The Institute only collects sensitive information as required by law or with the individuals consent.
- 3.1.5 The Institute will solicit personal information directly from the individual concerned except:
 - where the individual authorises otherwise; or
 - in cases where the individual would be disadvantaged if the information were not gained from another source; or
 - from third parties such as other educational institutions or government bodies where this is common practice; or
 - if the individual is reasonably suspected of being or having been engaged in unlawful activity.
- 3.1.6 Personal information collected and held by the Institute is only accessed and used by people employed or engaged by the Institute as required in the fulfilment of their duties and in a manner consistent with the original purpose stated at the time of collection.
- 3.1.7 Personal information is only disclosed to third parties in the following instances:
 - With the individual's written consent;
 - To reduce or avoid a threat to an individual's life, health or safety or a serious threat to public health and safety;
 - When the use or disclosure is required or is specifically authorised by law;
 - If the individual is reasonably suspected of being engaged in current or past unlawful activity, and the personal information is disclosed as a necessary part of the investigation or for reporting the matter;

- As required by law to certain government departments and statutory bodies; and
 - Circumstances where the Institute is not prohibited from disclosing the information, as described in the *Information Act* (NT).
- 3.1.8 Disclosure of statistical information will be in a way that the compilation or publication of those statistics will not reveal an individual's identity.
- 3.1.9 The release of personal information, where relevant, will take into account indigenous traditions and sensitivities. For example, sensitivities and traditions relating to deceased persons.
- 3.2 In addition to the above the Institute is committed to:
- 3.2.1 Taking reasonable steps to ensure that personal information is protected by all reasonable safeguards against loss, unauthorised access, use, modification, disclosure or any other misuse. This also includes working information that might be held temporarily by staff; for example student information held by VET lecturers.
- 3.2.2 Retaining personal information for no longer than is necessary for the purposes for which it may lawfully be used. The Institute is also committed to disposal of records securely and in accordance with any requirements for the retention and disposal of personal information.
- 3.2.3 Taking reasonable steps to allow an individual to access the personal information it holds about them and to correct inaccurate information as appropriate.
- 3.2.4 Taking reasonable steps to ensure, where disclosure to a third party has occurred, that the third party agrees to preserve the confidentiality of any personal information. and
- 3.2.5 Taking reasonable steps to ensure that confidential information in relation to Aboriginal Sacred Sites or Aboriginal Traditions are not disclosed to third parties, except in accordance with the provisions of the *Information Act* (NT).
- 3.2.6 Ensuring that as part of the induction process staff are given information regarding privacy.
- 3.3 The Institute recognises that individuals have the following rights:
- 3.3.1 Access to their personal information,
- 3.3.2 To correct their personal information if it is inaccurate, incomplete or out of date,
- 3.3.3 Access to information about themselves,
- 3.3.4 To apply for an internal review if dissatisfied with issues taken by the Institute regarding access or correction of information; and
- 3.3.5 If dissatisfied with the internal review conducted by the Institute to make a complaint to the Information Commissioner of the Northern Territory.

4. Responsibilities

- 4.1 All staff and students that collect or access personal information are responsible for ensuring that all reasonable steps are taken to prevent unauthorised access to, or release of, that information.
- 4.2 All staff and students are to ensure that the personal information they provide is accurate.
- 4.3 The Responsible Officers listed in the following table, or those acting for the time being in the position; are the only staff within the Institute authorised to release personal information;

Responsible Officer	Authority to Release Personal Information in Relation to
Director	Any personal or related information.
Director, Human Resources	Staff - including current & former staff, or those who have submitted information in relation to applying for a position.
Director, Performance Monitoring & Review	Personal information related to current or past students or individuals who have submitted information in relation to admission to courses at the Institute.
Executive Director, Strategic & Shared Services	Information related to the role & functions of the position.
Chief Financial Officer	Financial or other information related to the role of the position.

- 4.4 The Privacy Officer is the Institute point of contact in issues regarding privacy. This includes providing advice to Responsible Officers and staff and for applicants who may be dissatisfied with the decision of Responsible Officers and refer the complaint to the Information Commissioner. The Privacy Officer may also undertake, or advise on, investigations in regard to Privacy issues or complaints by applicants. The email address for the Privacy Officer is privacyofficer@batchelor.edu.au and the email address of the Information Commissioner is infocomm@nt.gov.au.

5. Acronyms & Terms

Acronym/Term	Definition/Description
Personal Information	Personal Information means any information or opinion about an individual whose identity is apparent or can reasonably be ascertained. It may include name, address, date of birth and staff or student identification number. This includes personal information pertaining to current and former students, current and former staff, and associates of the Institute. Personal information does not include information about an individual that is contained within publicly available publications..
Sensitive Information	As defined in the <i>Information Act</i> (NT). However, among other things sensitive information may include information about racial or ethnic origin, health, political opinions, religious or philosophical beliefs, criminal record, or membership of a professional or trade association.
Responsible Officer	The person authorised under this policy to release personal information.
Staff	Means the Council, Director, academic or salaried staff of the Institute or any other person employed by the Institute, and can mean one or more people, depending on the context.

6. Supporting Batchelor Institute documents

- Council Members Code of Conduct
- Staff Code of Conduct
- Student Code of Conduct
- Student Records Retention Schedule
- Application to access information
- Application to correct information
- Application for internal review
- Application to waive or reduce fees

7. Related documents

- *Information Act* (NT)
- *Higher Education Support Act 2003*
- *Fair Work Act 2009*

8. Modification history

<i>Date</i>	<i>Version</i>	<i>Sections modified</i>	<i>Authority</i>	<i>Details</i>
April 2015	1	Complete revise of previous policy	EMG	New Policy
November 2016	2016 - 1	Titles, sect 4	Senior Policy Officer	Change in titles due to organisational changes

9. Feedback

If you have any comments or feedback about this Policy, please contact the Senior Policy Officer 8939 7246.