

Health Education and Training Institute Higher Education Privacy and Personal Information Policy and Procedures

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Summary	This policy outlines how Health Education and Training Institute Higher Education will meet its State and Commonwealth legislative obligations in protecting the privacy of personal information entrusted to it.
Keywords	Collect, electronic, personal information, PPIP Act, privacy, records, rights, secure
Authoring Portfolio	Mental Health
Contact	Director
Consultation	as per Document History
Distribution	Higher Education
Applies to	Higher Education
Related documents	NSW Health Policy Directive PD2015_036 Privacy Management Plan Personal Details Variation Form
Review date	February 2023
Risk Assessment	As per Attachment 1 to this document.

Issued under the authority of the Health Education and Training Institute Higher Education Governing Council

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Health Education and Training Institute Higher Education Privacy and Personal Information Policy and Procedures

Policy Statement

Health Education and Training Institute (HETI) Higher Education is committed to fair and compliant personal and health information management practices in its educational, training, research, community engagement and associated administrative procedures and activities.

In protecting the privacy of personal and health information entrusted to it, HETI Higher Education will meet its State and Commonwealth legislative obligations, by observing the privacy and information protection principles laid down.

Aims

1. To ensure HETI Higher Education meets its obligations to respect the privacy rights of NSW Health employees and other members of the public;
2. To ensure that in collecting personal information, HETI Higher Education will comply with the requirements of:
 - a. The *Privacy and Personal Information Protection Act 1998 (NSW)* (PPIP Act); and
 - b. The *Health Records and Information Privacy Act 2002 (NSW)* (HRIP Act); and
 - c. Where otherwise required, the Australian Privacy Principles (APPs) set out in the *Privacy Act 1988 (Cth)*.

Overview

3. In the course of conducting its business, HETI Higher Education may collect personal information:
 - a. About students;
 - b. About persons seeking to enrol as students;
 - c. About persons participating in educational and training programs;
 - d. About its staff and contractors.
4. Information may be collected in electronic and/or hard copy format, or by other means.
5. All staff are required to comply at all times with this policy and procedures and with the NSW Health Privacy Management Plan PD2015-036. "Staff" includes any person working in a permanent, temporary or casual capacity, whether full time or part time, including volunteers, consultants, contractors, visiting staff (paid or honorary), board and advisory committee members and any person performing a public official function.

Definitions

6. For the purpose of this policy:
 - a. **Collection (of personal information):** the way the information is acquired. This can include a written form or other written documentation, a verbal conversation, an on-line form or a photographic image.
 - b. **Disclosure (of personal information):** means providing personal information to an individual or entity outside of NSW Health.
 - c. **Health information:** personal information or an opinion about a person's physical or mental health or disability, or a person's express wishes about the future provision of health services for themselves or a health service provided, or to be provided to a person. Any personal information collected for the purposes of the provision of health care will generally be 'health information' and will also include personal information that is not itself health related but is collected in connection with providing health services.
 - d. **Personal information:** information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.

Procedures

7. Procedures employed by HETI Higher Education must comply at all times with the following Information Protection Principles (IPPs), Clause 8 – 23.

Collection

8. **Lawful** – HETI Higher Education will only collect personal information for a lawful purpose, which is directly related to our functions or activities and necessary for that purpose.
9. **Direct** – HETI Higher Education will only collect personal information directly from the person concerned, unless they have authorised collection from someone else.
10. **Open** – HETI Higher Education will inform people why their personal information is being collected, what it will be used for, and to whom it will be disclosed. We tell people how they can access and amend their personal information and the consequences if they decide not to give their personal information.
11. **Relevant** – HETI Higher Education ensures that personal information is relevant, accurate, is not excessive and does not unreasonably intrude into peoples' personal affairs.

Storage

12. **Secure** – HETI Higher Education will store personal information securely, keep it no longer than necessary and destroy it appropriately. We protect information from unauthorised access, use or disclosure.

Access and Accuracy

13. **Transparent** – HETI Higher Education is transparent about the personal information we store about people, why we use the information and about the right to access and amend it with authorisation from its owners.
14. **Accessible** – HETI Higher Education allows people to access their own personal information without unreasonable delay or expense.
15. **Correct** – HETI Higher Education allows people to update, correct or amend their information where necessary.

Use

16. **Accurate** – HETI Higher Education makes sure that personal information is relevant, accurate and up to date.
17. **Limited** – HETI Higher Education only uses personal information for the purpose we collected it for, unless the person consents to us using it for an unrelated purpose.
18. In the case of students, prospective students and others undertaking training and other programs offered, information collected by HETI Higher Education will only be used to provide details of study opportunities, to enable efficient course administration, to maintain proper academic records, to assess and manage an individual's entitlement to FEE-HELP assistance and to report to government agencies as required by law. If an individual chooses not to give us certain information, then we may not be able to enrol that person in a course or supply them with appropriate information.

Disclosure

19. **Restricted** – HETI Higher Education only discloses personal information with the person's consent, unless they were already informed that the information would be disclosed, if disclosure is directly related to the purpose for which the information was collected and there is no reason to believe the person would object, or the person has been made aware that information of that kind is usually disclosed, or if disclosure is necessary to prevent a serious and imminent threat to any person's health or safety.
20. **Safeguarded** – HETI Higher Education will take particular care not to disclose sensitive personal information without the person's consent. For example, information, about ethnic or racial origin or other. We will only disclose sensitive information without consent in order to deal with a serious and imminent threat to any person's health or safety.
21. Personal information about students studying with HETI Higher Education may be disclosed to the Australian Government, including the Tertiary Education Quality and Standards Agency (TEQSA). It may also be disclosed in other circumstances to which

exemptions set out in the PPIP Act apply including exemptions relating to law enforcement; investigation of offences; specified informative purposes; and other investigative purposes.

22. For further information about exemptions which may apply to the collection, use and disclosure of personal information and about the management of **personal information** generally, reference should be made to NSW Health Policy Directive *PD2015_036 Privacy Management Plan*.
23. For further information about requirements for the management of **health information**, reference should be made to the NSW Health *Privacy Manual for Health Information*.

Right of Access and Amendment to Personal Information

24. HETI Higher Education uses a Personal Details Variation Form which is found at <http://www.heti.edu.au/forms> to capture personal information on students. Individuals have a right to access personal information held about them by HETI Higher Education. This can be done in the following ways:

Informal request

25. A person wanting to access or amend their personal information can make an informal request to do so direct to the appropriate staff member immediately responsible for the information concerned. This request may not need to be in writing. If the person is unhappy with the outcome of their informal request, they can make a formal application.

Formal Application

26. A person may make a formal application to access or amend their personal information held by HETI. Requests must:
 - a. Be made in writing and addressed to:
Executive Director
HETI Higher Education
5 Fleet St
North Parramatta, NSW 2151, Australia
Or
Locked Mail Bag 7118
Parramatta BC, NSW 2121, Australia
 - b. Include the applicant's name and contact details;
 - c. Explain what personal information the applicant wants to access or amend;
 - d. Explain how the applicant wants to access or amend their personal information.
27. There is no charge for lodging an application to access or amend a person's personal information held by HETI Higher Education, however we may charge reasonable fees for copying or inspection and applicants will be informed of these at the outset. The officer managing the formal request will aim to respond to the application within 20 working days and the applicant will be informed of progress.

28. If the applicant is dissatisfied with the progress or outcome of their formal application, or if they believe HETI Higher Education has breached the PPIP Act, they may seek a review as follows.

Review Processes

Internal Review

29. If a person considers that HETI Higher Education has breached the PPIP Act relating to their personal information, they may request an internal review. An application for an internal review must:
- a. Be made in writing addressed to:
Mr Ravi Srinivasan
Director Information Systems and Technology Support
Privacy Contact Officer
Locked Bag 5022
Gladesville NSW 1675

Tel 02 9844 6551
Ravi.Srinivasan@health.nsw.gov.au
 - b. Specify an address within Australia to which a notice can be sent;
 - c. Be lodged within 6 months from when the applicant became aware of the alleged breach;
 - d. Set out details of why the breach is said to have occurred.
30. The review will be completed by the Privacy Contact Officer as soon as is reasonably practical and within 60 days from the date the application is received. Upon completion, the Privacy Contact Officer will notify the applicant in writing of:
- a. The findings of the review;
 - b. The reasons for the findings described in terms of the IPPs;
 - c. Any action we propose to take;
 - d. The reasons for the proposed action (or no action); and
 - e. The applicant's entitlement to have the findings and reasons reviewed through external review, by the NSW Civil and Administrative Tribunal (NCAT).

External Review by the NSW Civil and Administrative Tribunal (NCAT)

31. When people are dissatisfied with the outcome of an internal review, they may apply to the NSW Civil and Administrative Tribunal (NCAT) for an external review of the earlier conduct which was subject to the internal review. Generally a person has 28 days from completion of the internal review to seek an external review.
32. NCAT has the power to make binding decisions on an external review. For more information on how to request an external review, the NCAT may be contacted at www.ncat.nsw.gov.au.

Related Documents

- NSW Health Policy Directive PD2015_036 Privacy Management Plan
- Personal Details Variation Form

Acknowledgement:

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DOCUMENT HISTORY

Version	Issued	Status	Author	Reason for Change
v0.1	16 May 2017	Draft	Geoff Murphy	Draft document
v0.2	22 May 2017	Draft	Geoff Murphy	Inclusion Clauses 26-30
v0.3	23 May 2017	Draft	Mark Wilbourn	Amendment to Clause 2
v0.4	1 June 2017	Draft	Mark Wilbourn	Incorporating feedback from the T& L Committee
v0.5	7 June 2017	Draft	Rhonda Loftus	Feedback Academic Board – formatting Clause 2b.
v0.6	13 June 2017	Draft	Rhonda Loftus	Feedback Governing Council
v0.7	13 June 2017	Draft	Rhonda Loftus	Slight amendments identified after approval
v1.0	13 June 2017	Final	Rhonda Loftus	Governing Council Out of Session Approval
v1.0	22 August 2018	Final	Valerie Rhodes	Updated logos, template and new TRIM Reference
v1.1	03 February 2020	Noted	Susan Grimes	Organisational changes; new position title, and responsibilities and formatting edits. Noted by the T&L Committee.
v1.1	18 February 2020	Final	-	Published

IMPLEMENTATION CHECKLIST – COMPLIANCE SELF ASSESSMENT

Assessed by:	Date of Assessment:		
IMPLEMENTATION REQUIREMENTS	Not commenced	Partial compliance	Full compliance
1.			
	Notes:		
2.			
	Notes: Relevant Director		
3.			
	Notes: TRIM reference number -		
4.			
	Notes:		
5.			
6.			
	Notes:		

Attachment 1 - RISK ASSESSMENT

<Document Title>

1.	Policy/Process being assessed	Notes
	Privacy and Personal Information Policy v1.0	
	Document Number	
	Publication date	
	Scheduled review date	June 2019
	Date of this risk assessment	
	Name & position of assessing officer	
2.	Summary of policy purpose (from PD Cover Page)	
	This policy outlines how HETI Higher Education will meet its State and Commonwealth legislative obligations in protecting the privacy of personal information entrusted to it.	
3.	Agency (HETI) key roles & responsibilities as per PD	
4.	Risk Assessment	
4.1	<u>Identification of risks</u> – what might happen & how?	
	1.	
	2.	
4.2	<u>Analysis of risks</u> – combined estimate of the consequence & likelihood of the risk, using NSW Health Risk Matrix (attached)	
	<ul style="list-style-type: none"> • Consequence: • Likelihood: • Risk rating : 	
4.3	<u>Evaluation of risks</u> – comparison of the level of risk as determined against a predetermined criteria to determine whether a level of risk is acceptable or needs to be treated.	
	Risk level assessed after implementing treatment:	
	<ul style="list-style-type: none"> • Consequence: • Likelihood: • Risk rating : Evaluation – 	

Risk Assessment Approval

Name & position of approving T2 Officer:	
Date:	