

Confidentiality of students' personal information

POLICY NO: A-46.5

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AMENDMENTS:

- Director: Student and Academic Services - September 2004
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- Director: Student and Academic Services – October 2006
- Director: Student and Academic Services – August 2007
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REFERENCE AUTHORITY: Director: Student and Academic Services

CROSS-REFERENCES:

- [Assessment Policies and Procedures Manual](#)
- [A-51: Graduations and records](#)
- [Higher Education Support Act 2003](#)
- [Privacy Act 1998](#) (Information Privacy Principles for Commonwealth Agencies)
- [Tax File Number Guidelines 1992](#)
- [Education Services for Overseas Students Act 2000](#)
- [Education Services for Overseas Students Regulations 2001](#)
- [National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007](#)

Preamble

The University collects and holds personal information about all of its students, and has a range of legislative responsibilities in regard to maintaining the confidentiality of students' personal information. These include, but are not limited to, responsibilities under the *Higher Education Support Act 2003*, the *Privacy Act 1988*, the *Tax File Number Guidelines 1992* (issued by the Privacy Commissioner), and the *Education Services for Overseas Students (ESOS) Act 2000*.

The privacy of this information is a vital part of the University's relationship with its students, and the University recognises its responsibility to collect, manage, use and disclose personal information in adherence with legislative requirements and in accordance with prevailing community expectations of best practice.

This policy does not extend to information that is by its nature public, such as an award conferral.

Definitions

Student: any current or former student of the University and its precedent institutions.

Personal Information: information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion (as defined in the *Privacy Act 1988* and the *Higher Education Support*

Act 2000). For the University's purposes, this includes assignments, examinations, individual student results, student results collated in a list with identification by student number, and practicum, field and clinical placement details.

Sensitive Information: personal information about an individual's racial or ethnic origin, political opinion, membership of a political association, religious beliefs or affiliations, health status (either physical or emotional), disability, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, or criminal record.

Record includes:

- a document
- a database (however kept)
- a photograph or other pictorial representation of a person

but does not include:

- a generally available publication
- anything kept in a library, art gallery or museum for the purposes of reference, study or exhibition
- letters or other articles in the course of transmission by post

Policy

1. Guiding principles and legislative requirements

- 1.1 The interests of the student and the preservation of their privacy and confidentiality are paramount in the interpretation of this policy. Student personal information will therefore not be used or disclosed except in accordance with this policy, and the principle of minimal disclosure will be applied.
- 1.2 The University upholds a student's right to know how their personal information will be used, stored and disposed.
- 1.3 The University will ensure the responsible handling of student personal information; however the confidentiality requirements under this policy will in certain instances be overridden by legal or legislative obligations of disclosure.
- 1.4 Certain types of information may be subject to additional confidentiality standards over and above those provided by this policy. These may be imposed by other University policies (for example University policy *C-12: Sexual Harassment*) or by legislative requirements.

2. Collection of personal information

- 2.1 The University collects and holds a range of personal information about all of its students. This includes:
 - a. **personal details:** name, student ID number, contact information, age, enrolment status, digital images, etc.
 - b. **academic records:** course and enrolment details, assessment results, academic standing
 - c. **personal welfare information:** emergency contacts, medical reports, financial information
 - d. **program information:** CRICOS program code, agreed starting date, actual start date, expected completion date, any termination of enrolment prior to the expected completion date; any change to the identity or duration of the program
 - e. **program costs:** the amount of money the University has received prior to issuing a confirmation of enrolment, and an estimate of the total amount the student will be required to pay to undertake the full program

- f. **health insurance:** whether the student has paid for Overseas Student Health Cover (OSHC) before the program starts
 - g. **English language proficiency:** whether the student has undertaken a test to determine their level of English proficiency, the name of the test, and the score the student achieved for the test
 - h. **visa details:** the Department of Immigration and Citizenship (DIAC) office where the application for a student visa was made or is expected to be made; and if the student holds a student visa, the number of the visa; and once studying in Australia, the student's local DIAC office
 - i. **passport details:** if the student was in Australia when they became a UniSA student, the student's passport number
 - j. **breaches of student visa conditions** relating to attendance or unsatisfactory academic progress
- 2.2 Information collected is used for a variety of purposes, including:
- a. student admission
 - b. enrolment and academic progress
 - c. program and course administration
 - d. communication with students
 - e. statistical purposes, such as University planning
 - f. scholarship administration
 - g. provision of student services
 - h. conduct of student elections
 - i. financial management
 - j. mandatory reporting to external agencies, as detailed in clause 10.1 below
 - k. discretionary reporting for a strictly limited number of external bodies, as detailed in clause 10.2 below
 - l. promotion of the University - in the case of photographs and other images, this will occur only with the explicit written permission of the individuals involved.
- 2.3 The University will collect personal information only where it is necessary for one or more legitimate functions or activities. Where personal information is collected, all reasonable steps will be taken to inform the student of:
- a. the purpose for which the information is collected
 - b. any person, body or agency to which the University usually discloses information of that kind
 - c. any law that requires or authorises particular information to be collected.
- 2.4 The University will take all reasonable steps to ensure that personal information collected is accurate, relevant, up-to-date, complete, and not misleading. To this end, the University will take reasonable steps to allow individual students to correct inaccurate information as appropriate.
- 3. Storage of personal information**
- 3.1 The University will take all reasonable steps to protect records of personal information from misuse, loss, unauthorised access, modification or disclosure.
- 3.2 Staff access to records of personal information will be on a strictly 'need to know' basis, that is, only staff members who need the information in order to carry out their duties and responsibilities in the personal and/or academic interests of students will be permitted to have access to student files.

- 3.3 Staff who are granted access to records of personal information will be made aware of the strict conditions set out under the *Higher Education Support Act 2003* for access to records of personal information that have been collected for the purposes of administering Commonwealth contributions and loans programs. Staff will be made aware that the following are all offences under the *Higher Education Support Act 2003*, for which severe penalties apply:
- a. disclosing such personal information, outside of the requirements of official duties
 - b. copying a record of such personal information outside of the requirements of official duties, and
 - c. causing unauthorised access to such personal information held in a computer system
- 3.4 Where personal information is no longer needed for any legitimate purpose it will be destroyed using a confidential disposal method.

4. Use and disclosure of personal information

- 4.1 Personal information will be used only for the purpose for which it is required. Where information has been obtained for a particular purpose, it will not be used for any other purpose, unless:
- a. the individual concerned has consented to its use
 - b. use of the information is required by law
 - c. the University believes it is necessary in order to prevent or lessen a serious and imminent threat to the life or health of the individual concerned, or another person.
- 4.2 The University will not disclose personal information about students to people, bodies or agencies outside the University (including parents, spouses or other relatives of the student), or to staff who have no need of the information, unless:
- a. the student has given written permission for the University to disclose the information
 - b. the University is required by law or by Commonwealth or State funding bodies to disclose the information, as detailed in clause 10.1
 - c. the University has taken reasonable steps to inform the student that information of that kind is usually passed on to those people, bodies or agencies, (for example those detailed in clause 10.2)
 - d. the University believes the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned, or another person.

5. Sensitive information

- 5.1 The University will not collect sensitive information as defined above unless such collection is required by the law, or occurs with the consent of the individual student.

6. Individual's right of access to personal records

- 6.1 The University will take reasonable steps to allow individual students to view the personal information the University holds about them.
- 6.2 In particular, where the University collects and holds personal information for the purposes of administering Commonwealth contributions and loans programs, students have a legislative right to view their individual personal information, except where the University is required or authorised by Commonwealth legislation to refuse to provide the individual with access.

Procedures

7. Access to personal information records

- 7.1 Any student may view and correct their personal data, enrolment details, and details of deferred payment options via the University's on-line enrolment system.
- 7.2 Students who wish to view any additional personal information kept about them by the University may apply to do so through Campus Central, Transnational Student Services, or, in the case of research candidates, at the Graduate Studies Office.
- 7.3 Students who wish to correct a record of personal information kept by the University, which they believe to be incorrect, may do so either via the University's on-line enrolment system, through Campus Central or Transnational Student Services, or, in the case of research candidates, at the Graduate Studies Office.
- 7.4 In circumstances where the University is unwilling to amend a record of personal information at the request of a student (for example, if the University believes that the record is correct, and that the correction sought by the student is unwarranted or not made in good faith), the student may request that the University keep a record of the request being denied. Where a student provides a request for correction in writing, this will be kept on the student's file.

8. Maintenance of a public record

- 8.1 The University is obliged, under the *Privacy Act 1988*, and the *Higher Education Support Act 2003*, to maintain a public record, detailing:
 - a. the nature of the records of students' personal information that are kept by the University for the purposes of administering Commonwealth contributions and loans programs
 - b. the period for which each type of record is kept
 - c. the persons who are entitled to have access to personal information contained in such records and the conditions under which they are entitled to that access, and
 - d. the steps that should be taken by persons wishing to obtain access to that information.
- 8.2 The University is required to give the Federal Privacy Commissioner an updated copy of this record in June of each year. The Director: Student and Academic Services will have responsibility, under this policy, for the provision of that record each year.

9. Complaints regarding Personal Information Records

- 9.1 Complaints regarding any aspect of the University's collection, storage, use and disclosure of students' personal information may be made to the Student Ombud.

10 Disclosure of Personal Information Records

- 10.1 The University will regularly provide personal information about students to the following:
 - a. The **Department of Education, Employment and Workplace Relations (DEEWR)**: as required for various administrative purposes. This will include information about all students regarding:
 - i. enrolments and student load, including demographic information
 - ii. academic programs being undertaken
 - iii. student liabilities under Commonwealth higher education loans and contribution schemes, and payment options declarations
 - iv. completion of courses and academic programs
 - b. **Centrelink**: as required to enable verification of entitlement to payments made under the *Social Security Act 1991*, or the *Student Assistance Act 1973*, such as ABSTUDY, AUSTUDY, Youth Allowance, Newstart Allowance, or Pensioner Education

Supplement. This will include information on all students regarding enrolment and work load.

- c. **The Australian Taxation Office (ATO):** on the individual liabilities of all enrolled students who have elected to defer and repay through the taxation system liabilities accrued under a range of Commonwealth loans and contribution programs, including HECS, PELS, BOTPLS, and HELP.
- d. **The Department of Immigration and Citizenship (DIAC):** providing information on various administrative matters relating to overseas student visa requirements.

10.2 The University will release information about individual students under certain circumstances to the following:

- a. **AusAID:** providing information on various administrative matters relating to overseas students supported by AusAID
- b. **recognised education providers and tertiary admission centres:** providing information on students who have applied for admission
- c. **the police:** the University is not obliged to provide information about a student to the police unless there is a court order in place, or there is potential for a student to be at risk. Approval must be sought from the Director: Student and Academic Services before any information is released.
- d. **the court:** the University may be required to provide information related to a civil action
- e. **professional bodies:** providing information only to the extent needed to meet requirements for establishing the entitlement of students and graduates to practice in a profession
- f. **UniLife (Students Association):** providing information as agreed between UniLife and the University, or approved by the Director: Student and Academic Services, but only in relation to students who have elected to become members of UniLife
- g. other agencies as required and approved by the Director, Student and Academic Services