

Raffles

COLLEGE OF DESIGN

Privacy Policy

RSY-QC-PY-v2.0 Privacy Policy

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Document History

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2.0	June 2018	26 September 2018	-Complete re-write of policy to include requirements under the amended Privacy Act including mandatory data breach reporting

Approved by: SMC on 26 September 2018

Distribution List

To: Raffles College of Design and Commerce Academic Staff
Raffles College of Design and Commerce Student Services Staff
Raffles College of Design and Commerce Students
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1 Purpose

- 1.1 This Policy describes how Raffles College of Design and Commerce (RCDC) manages personal and sensitive information collected from students, staff, contractors, titleholders, education agents, suppliers other companies and individuals and defines the rights and obligations of stakeholders in the management of this information.
- 1.2 This Policy also identifies the obligation of RCDC to mitigate any risk as related to potential or actual breach of confidentiality of any personal and sensitive data held by RCDC and report such breaches in accordance with the *Mandatory Data Breach Notification* laws.
- 1.3 This document is to be read in conjunction with the Procedure Relating to Personal Information, Document and Records Management Policy, Student Contact Details Update Procedure and the Website Privacy Policy.

2 Scope

- 2.1 This Policy applies to the personal and health information (including sensitive information) of staff, students – past, current and potential and any other individuals associated with RCDC.
- 2.2 All RCDC staff are responsible for ensuring that all student and staff members' (including interns, volunteers and contractors) personal and sensitive information is maintained in accordance with the requirements of all relevant legislation both State and Commonwealth and this Policy.

3 Definition of Terms

- 3.1 **Data Breach:** this occurs when the security measures to protect confidential information, including Personal and Sensitive information, are compromised or contravened for any reason leading to the unauthorised access, disclosure, misuse, transmittal, copying, destruction, loss or modification of this data. The Notifiable Data Breaches (NDB) scheme under Part IIC of the Privacy Act 1988 (Privacy Act) has established mandatory requirements for entities to report such a breach where is likely to result in serious harm to any individuals whose personal information is involved in the breach. For further information visit the Office of the Australian Information Commissioner website, <http://www.oaic.gov.au>
- 3.2 **ESOS Act - *Education Services for Overseas Students Act 2000*:** sets out the legal framework governing delivery of education to international students in Australia on a student visa. The Australian Government, through the Department of Education and Training, administers the ESOS Act and its associated instruments. The Act governs:
 - a. the registration process and obligations of registered international education providers
 - b. the [Tuition Protection Service](#)
 - c. enforcement and compliance arrangements.
- 3.3 **ESOS National Code 2018:** The [National Code of Practice for Providers of Education and Training to Overseas Students](#) (the National Code) provides nationally consistent standards for the conduct of registered providers and the registration of their courses. The standards set out requirements and procedures to ensure providers of education and training courses to international students can clearly understand and comply with their obligations under the National Code.
- 3.4 **Health Information:** means information or opinion about:
 - a. the physical, mental or psychological health (at any time) of an individual; or
 - b. a disability (at any time) of an individual; or
 - c. an individual's expressed wishes about the future provision of health services to him or her; or

- d. a health service provided, or to be provided, to an individual; or
- e. other personal information collected to provide, or in providing , a health service; or
- f. other personal information, including genetic information, about an individual in a form which is , or could be, predictive of the health of the individual or any other individual.

3.5 **Immigration:** refers to the Department of Home Affairs. The Home Affairs Portfolio which includes the Department of Home Affairs overseas the Immigration and Border Related functions and agencies under which international students are provided appropriate visa's to complete their studies in Australia.

3.6 **Personal Information:** as defined in the Privacy Act 1998 (Commonwealth), Personal Information is:
" information or an opinion about an identified individual, or an individual who is reasonably identifiable:
a. whether the information or opinion is true or not; and
b. whether the information or opinion is recorded in a material form or not."

3.7 **Privacy Act:** [The Privacy Act 1988 \(Commonwealth\)](#) is an Australian law which regulates the handling of personal information about individuals. This includes the collection, use, storage, disclosure and destroying of personal and sensitive information, and access to, and correction of that information. The [Australian Privacy Principles](#) are contained in the Privacy Act.

3.8 **Privacy Management Plan:** a documented Plan that explains how RCDC handles personal, sensitive and health information to ensure security and integrity of the information it holds.

3.9 **RCDC:** refers to Raffles College of Design and Commerce, Raffles College of Design and/or Raffles College Pty Ltd.

3.10 **Sensitive Information:** is defined in the Privacy Act 1988 (Commonwealth) as information or an opinion about an individual's:
c. health (including predictive genetic information)
d. racial or ethnic origin
e. political opinions
f. membership of a political association, professional or trade association or trade union
g. religious beliefs or affiliations;
h. philosophical beliefs;
i. sexual orientation or practices
j. criminal record
k. biometric information that is to be used for certain purposes
l. biometric information that is to be used for the purpose of automated biometric verification or biometric identification.

3.11 **Student/s:** refers to all individuals enrolled with RCDC including individuals enrolled or seeking to enrol in a unit of study and/or a course of study as provided by RCDC.

3.11 **Student/s at Risk:** a student who has been identified as one requiring the imposition of an intervention plan or strategy to enable them to meet academic or regulatory requirements to complete their course of study.

4. Policy Statement

4.1 RCDC is committed to respecting the privacy of individuals, creating a privacy culture and promoting fair and compliant information handling practices in its educational, engagement, and administrative procedures and activities.

- 4.2 RCDC will systematically collect, use, disclose and manage personal and sensitive information based on a proactive, risk-averse approach to data collection and embed privacy considerations in all academic and operational processes.
- 4.3 RCDC will take all reasonable actions to ensure that the personal and sensitive information it collects is protected from misuse, loss or unauthorised access, modification or disclosure.
- 4.4 RCDC will collect personal and sensitive information of individuals and other stakeholders in accordance with the following legislation:
 - a. [Privacy Act 2008](#) – including observance of the [Privacy Principles](#) as defined in the Act.
 - b. [Privacy Amendment \(Notifiable Data Breaches\) Act 2017](#)
 - c. [Health Records and Information Privacy Protection Act 2002](#),
 - d. [Education Services for Overseas Students \(ESOS\) Act 2000](#)
 - d. [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#)
- 4.5 RCDC will provide all students and staff access to a copy of this Policy and ensure that adequate procedures are in place to support the requirements of this policy.

5. Collection of Personal and Sensitive Information

- 5.1 RCDC will collect personal and sensitive information by lawful, fair and not unreasonably intrusive means and, where possible, directly from the individual.
- 5.2 When collecting personal and health information, RCDC will take reasonable steps to advise individuals why the information is needed, how it will be used and to whom it may be disclosed.
- 5.3 RCDC collects personal and sensitive information in a number of ways including:
 - a. directly from the student or from a potential student through the College website information request portal;
 - b. from a student or potential student's education agent;
 - c. by the student accessing a secure site on the RCDC student portal to update personal information;
 - d. from Australian Government Departments
 - e. directly from staff members (including contractors, volunteers and interns); and
 - f. directly from suppliers or contractors.
- 5.4 RCDC will not collect personal and sensitive information unless:
 - a. it relates specifically to the purpose for which it was collected; and
 - b. it is done so with the individual's consent; or
 - c. it is required or authorised by Australian law or court/tribunal order; or
 - d. if an exemption exists under the Privacy Act.
- 5.5 RCDC will take all reasonable steps to ensure that this information is accurate, up to date, complete and not misleading.
- 5.6 RCDC will make appropriate amendments, corrections or updates of an individual's or stakeholder's information as necessary in a timely manner.
- 5.7 RCDC will allow individuals or other stakeholders access to information collected about them without unreasonable delay or expense.
- 5.8 It is the responsibility of students, staff and other stakeholders to provide current and accurate personal information to RCDC in order for RCDC to maintain the integrity of information held.
- 5.9 Where RCDC receives unsolicited personal or health information, staff should make a determination as to whether the information is reasonably necessary for RCDC's functions or activities. In the event where this information is not necessary, where lawful and reasonable to do so, unsolicited information will be destroyed or de-identified.

6 Use of Personal and Sensitive Information Collected

6.1 The purposes for which RCDC uses and discloses personal and sensitive information will vary, depending on the nature of the association between the individual/stakeholder and RCDC.

6.2 Personal Information of Students

RCDC may use this information for:

- a. assessing and processing admission applications;
- b. administration of a student's course of study (including course offers, enrolment, creation of student records, visa requirements etc);
- b. delivery of teaching, educational resources and other services related to the student's enrolment;
- c. monitoring a student's progress in their course of study including the identification of Students At Risk;
- d. preparation of internal and external reporting including regulatory reporting; internal planning and resource management;
- e. management of health, safety and wellbeing; and
- f. communication to students about RCDC and other parties or activities related to the student's course of study.

6.3 Personal Information of Prospective Students

RCDC may use this information to:

- a. provide prospective students with information about RCDC and courses it delivers;
- b. assess admission applications; and
- c. undertake internal planning and resource management.

6.4 Personal Information of Employees, Contractors or Titleholders (eg Board or Committee members).

RCDC may use this information to:

- a. provide administration and management support for the employee, contractor or titleholder;
- b. manage health, safety and wellbeing;
- c. fulfil external reporting requirements;
- d. undertake internal planning and resource development;
- e. create a RCDC staff contact directory.

6.5 Personal and Sensitive Information of Job Applicants

Raffles may use this information to:

- a. assess employment applications;
- b. conduct reference checks; and
- c. complete new employee records and letters of offer.

Note: all CVs submitted for roles with RCDC will be managed in strict confidence by the recruiting manager and Human Resources. Any manager who wishes to forward a CV to another discipline manager must get prior permission from the applicant.

6.6 Personal Information of Suppliers

RCDC may use this information for:

- a. communication and request for service; and
- b. financial transactions and reporting.

6.7 Personal Information of Education Agents

RCDC may use this information for:

- a. marketing and compliance activities;
- b. communication regarding assessment and processing of student applications; and
- c. analysis of agent performance and the payment of commissions.

7 Disclosure of Personal Information

7.1 RCDC respects the right of all individuals and stakeholders to assurance that their personal, sensitive and health information is held and managed by RCDC appropriately to ensure the confidentiality and integrity of that information.

7.2 Student Information

RCDC will not disclose personal or health information about students to another student, to another person/s outside the college (including parents/guardians of students) or to staff who have no need of access to the information, unless the student authorises the disclosure in writing or as authorised by this Policy.

However, RCDC may, where appropriate, disclose personal information to:

- a. Government agencies as identified for legislative, regulatory reporting, statistical and/or research purposes. Such agencies may include, but are not limited to, the Department of Education and Training and the National Centre for Vocational Education Research Ltd (NCVER). For international students this may include, but is not limited to, the Australian Department of Education and Training and the Department of Home Affairs (Immigration) through PRISMS if the international student:
 - changes the course of study in which he/she is enrolled;
 - changes the duration of his/her course of study; or
 - breaches an international student visa condition relating to attendance or academic performance;
- b. an education agent acting on an international student's behalf;
- c. another Educational Institution to confirm enrolment details and academic progress to facilitate a student's transfer to or from another provider and under whose written authority RCDC may disclose the relevant information;
- d. Raffles College's Student Council to enable them to manage their membership;
- e. external service providers, to the extent such personal and sensitive information is required for the service provider to provide services to RCDC (e.g. mail house services, email services, externally hosted software, database surveys and debt recovery); and
- f. collaborating parties where personal and sensitive information is required for the collaborative activity to be undertaken (e.g. jointly delivered courses or programs).

7.3 Staff Information (including titleholders, contractors, interns and volunteers)

RCDC will not disclose personal or health information about a staff member to another staff member (except where the information is required to undertake the function of that staff member's role) or student or any person/s outside of RCDC without that staff member's written authorisation or as authorised by this Policy.

However, RCDC may, where appropriate, disclose the personal, sensitive and health information of its staff to:

- a. banking Institutions and compliant, nominated Superannuation Funds as related to the processing of salary payments; and
- b. external service providers, to the extent such personal and sensitive information is required for the service provider to provide services to RCDC (e.g. mail house services, email services, externally hosted software, database surveys and debt recovery).

7.4 Exceptions

On occasion there will be a need for RCDC to disclose personal information with third parties. These include:

- a. where the use or disclosure of personal and sensitive information is the requirement of a Local, State or Commonwealth Government entity;
- b. where the use or disclosure of personal information is required or authorised by or under an Australian law or a court/tribunal order;
- c. where RCDC reasonably believes that the use or disclosure is necessary to lessen or prevent either
 - a serious and imminent threat to an individual's life, health, safety or welfare; and/or
 - a serious threat to public health, public safety or public welfare;
- d. where RCDC has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses and discloses personal and sensitive information as a necessary part of its investigation of the matter or in reporting its concerns to the relevant persons, authorities or enforcement bodies; and
- e. where the use or disclosure of personal and sensitive information is necessary for research, or the compilation of statistics or analysis for internal and external reporting where the identity of the individual cannot be determined.

8 Review and Access of Personal and/or Sensitive Information

- 8.1 An individual may request access to or obtain a copy of their personal records/information or for their personal information to be amended so that it is accurate.
- 8.2 Individuals are able to access their own records by requesting in writing to the Student Services Manager at Raffles College, Ground Level, 1 Fitzwilliam Street, Parramatta, NSW, 2150. There is no charge for an individual to access personal information that RCDC holds about them; however RCDC may charge a fee to make a copy.
- 8.3 If an individual considers their personal information to be incorrect, incomplete, out of date or misleading, they can request that the information be amended. Where a record is found to be inaccurate, a correction will be made. Where an individual requests that a record be amended because it is inaccurate but the record is found to be accurate, the details of the request for amendment will be noted on the record.

9 Data Storage and Security

- 9.1 RCDC will take all reasonable steps to ensure personal, sensitive and/or health information is suitably and securely stored including appropriate filing procedures are in place. RCDC will take all reasonable steps to ensure the security of physical files, computers, networks and communications are maintained at all times.
- 9.2 RCDC will also ensure that personal, sensitive and/or health information is protected from loss, unauthorised access, use, modification, disclosure and/or any other misuse. Personal, sensitive and/or health information will be appropriately disposed of or de-identified once it is no longer required for the primary purpose for which it was collected.

10 Privacy Breaches and Complaints

- 9.1 In accordance with the requirements of the Commonwealth Privacy Act 1988 and subsequent amendments including the *Mandatory Data Breach Notification* laws, in the event that the security of an individual's personal information is breached, any RCDC staff member or student of who becomes aware of any breach of this Policy is responsible for reporting the matter to the Manager - Quality and Compliance or a member of the Senior Management Committee immediately the breach is identified.

- 9.2 Where there has been any loss or unauthorised access, use, modification, disclosure or other misuse of personal, sensitive and/or health information ("data breach") that is identified as non- IT system related e.g. the disclosure of personal, sensitive and/or health information by a staff member to a third party either verbally or in writing, investigations will be conducted at the direction of the College Principal and CEO.
- 9.3 If a staff member or temporary/contract worker is found to have breached this policy, they may be subject to disciplinary action in accordance with the RCDC Staff Disciplinary Policy.
- 9.4 Where there has been any loss or unauthorised access, use, modification, disclosure or other misuse of personal, sensitive and/or health information that is IT systems-related, personnel from the RCDCIT must follow the data breach procedures contained in the RCDC Privacy Management Plan.
- 9.5 If an individual, a student, staff member, education agent, contractor or supplier believes that their personal, sensitive and/or health information has not been handled by RCDC in accordance with this Policy, the individual may make a complaint in writing or by email to:

Manager - Quality and Compliance
Raffles College of Design and Commerce
1 Fitzwilliam Street,
Parramatta NSW 2150

Email: contact@raffles.edu.au

11 Responsibilities

- 9.1 All RCDC staff will be aware of their responsibilities on both a personal and professional basis to uphold the confidentiality of personal information to which that have access and the delegations/circumstances under which personal information may be disclosed.
- 9.2 The RCDC Senior Management Committee will ensure that staff are adequately trained in the handling of personal, sensitive and/or health information and the requirements of related legislative instruments as they relate to that staff member's role with RCDC.
- 9.3 It is the responsibility of RCDC Quality and Compliance team to monitor this Policy and report any breaches of this Policy as applicable under the Notifiable Data Breach legislation and in accordance with the RCDC Privacy Management Plan.

12 References

- Higher Education Standards Framework (Threshold Standards) 2015 of the Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act 2011)
<https://www.legislation.gov.au/Details/F2015L01639>
- Standards for Registered Training Organisations (RTOs) 2015:
www.legislation.gov.au/Details/F2017C00663
- Education Services for Overseas Students Act 2000- National Code of Practice for Providers of Education and Training to Overseas Students 2018
<https://www.legislation.gov.au/Details/F2017L01182>

13 Supporting and Related Documents

- Personal Information Procedure
- Document and Records Management Policy
- Student Contact Details Update Procedure
- Student Personal Information Declaration - VET
- Website Privacy Policy.