

Monash University Procedure

Procedure Title	<u>Privacy</u>
Parent Policy	Conduct and Compliance Policy
Date Effective	3 March 2017
Review Date	3 years from effective date
Procedure Owner	Chief Human Resources Officer
Category	Human Resources
Version Number	3
Content Enquiries	ask.monash or phone Monash HR on 990 20400
Scope	<p>This procedure applies to:</p> <ul style="list-style-type: none"> • all personal, sensitive or health information regardless of how it is collected or stored; • all university students and staff including adjunct and honorary appointments; • the management of all personal, sensitive and health information held by an Australian campus of the University and the University controlled entities in Australia; and • to any external providers or contractors engaged by the University who may collect, access, use, disclose or manage personal, sensitive or health information. <p>This procedure does not apply to:</p> <ul style="list-style-type: none"> • personal information or data which is legitimately in the public domain; • personal information an individual has made public; or • information that relates to corporate, government or business entities. <p>This procedure and all related documents are based on the privacy principles contained in the Privacy and Data Protection Act 2014 (Vic) and the Health Records Act 2001 (Vic).</p> <p>Staff employed and students studying at Monash University Malaysia should refer to local policies in relation to confidentiality or privacy.</p> <p>Where this procedure is adopted by Monash College, it should be read in reference to Monash College.</p>
Purpose	<p>Monash University is a global university with a distinct international focus, the main functions of which are to provide education and conduct research, together with ancillary activities to support students and staff in their study or work at the University and ensure the ongoing effective operation of the University. Personal and health information is collected to enable the University to conduct these activities. Information may be used for analysis and reporting to manage, evaluate and improve the operations of the University. Information is also collected by the University where required by law.</p>

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	This procedure outlines how the University handles personal, sensitive and health information to comply with applicable privacy legislation. It also directs staff on the responsible collection and handling of personal information. The procedure supports the principle of responsible and transparent handling of personal information.
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PROCEDURE STATEMENT

1. Underlying Principles

1.1. In the handling of personal information the University will:

- collect only the information necessary to fulfil the functions and activities of the University;
- take reasonable steps to inform the individual of the purpose of collection and the use and disclosure of the personal information, through the use of [privacy collection statements](#);
- use and disclose the personal information for the primary purpose, a reasonably expected related secondary purpose, as authorised by law or with an individual's consent;
- take reasonable steps to ensure the personal information it holds is accurate, complete and up to date; and
- designate a University Privacy Officer responsible for overseeing the administration of the University's privacy compliance matters.

2. Collection of personal information

2.1. The University may collect personal, sensitive or health information from students, staff and other individuals who interact with the University. Only information that is necessary to fulfil the functions and activities of the University will be collected. Such collection will be by lawful and fair means and will not be unreasonably intrusive.

2.2. Sensitive and health information will only be collected if it is directly related to the primary purpose for which the information will be collected or as required by law or with the specific and informed consent of the individual.

2.3. Where practicable, the University will collect personal information direct from the individual. In some cases the University may collect information from a third party, such as Victorian Tertiary Admissions Centre (VTAC), another educational institution, an employment agency, a former employer, a contractor or a government authority such as Victoria Police.

2.4. Unsolicited personal information

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- 2.5. Where personal information is provided to the University by a person other than the individual, the University will:
- de-identify or destroy the information if it is not to be retained; or,
 - if the information is to remain identified and be retained, provided the person to whom the information relates a copy of the relevant privacy collection statement explaining the purposes of collection, where such a statement has not already been provided.
- 2.6. The University has adopted a number of central [privacy collection statements](#) . When collecting information a link to the appropriate specific privacy collection statement must be included.

3. Use and disclosure of personal information

- 3.1. The University will use and disclose personal information for the purposes for which it was collected. The purposes for which information is commonly used and disclosed by the University includes:
- to support the individual as a student of the University;
 - the employment of staff;
 - in the course of addressing enquiries and requests; and
 - for a secondary purpose or where permitted by the law.
- 3.2. In addition, sensitive and/or health information may be used or disclosed if it is necessary to lessen or prevent:
- a serious and imminent threat to an individual's life, health, safety or welfare; or
 - a serious threat to public health, public safety or public welfare.
- 3.3. Details of the use and disclosure of information are outlined in the applicable [privacy collection statement](#).
- 3.4. If the proposed purpose for, use or disclosure is not covered by the existing privacy collection statement please contact the University Privacy Officer for advice prior to the use or disclosure occurring.

4. Security and quality of personal information

- 4.1. The University takes reasonable steps to ensure that personal, sensitive and health information the University collects, maintains, uses or discloses is:
- accurate, complete and up to date;
 - protected from misuse, loss, unauthorised access, modification or disclosure; and
 - securely destroyed or permanently de-identified when no longer required.
- 4.2. When using contract service providers, the University endeavours to ensure contract service providers are subject to a law, binding scheme or contract that provides similar protection of the personal information as provided for by the privacy principles.

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5. Access and correction of personal information

- 5.1. Students and staff should ensure their personal information is accurate, complete and up to date, through online systems such as the [Web Enrolment System \(WES\)](#) or [Employee Self Service \(ESS\)](#). Staff or students unable to access these systems should refer to Monash Connect (students) or Monash HR (staff) to update relevant personal information.
- 5.2. Students who require access to their information, including access to their student file, should refer to the [Privacy of Student Records policy](#) and procedure. Students who wish to access other personal documents not held on their personnel file must lodge a request in accordance with the [Freedom of Information procedure](#).
- 5.3. Current staff seeking access to their personnel file may lodge a request in writing to the Executive Director, Monash HR. Staff who wish to access other personal documents not held on their personnel file must lodge a request in accordance with the [Freedom of Information procedure](#).
- 5.4. Members of the public and former staff members and former students should refer to the [Freedom of Information Policy for access procedures](#).

6. Use of identifiers

- 6.1. The University will assign staff and students with a unique identifier in the form of a staff or student ID number. Staff and student ID numbers are considered to be personal information and will be handled accordingly.
- 6.2. Except to the extent permitted by the law, the University will not use Commonwealth or State government identifiers (such as tax file numbers, Medicare number etc) as its own identifier nor will it disclose such identifiers.

7. Anonymity

- 7.1. The University will provide an individual with the option of not identifying who they are or using a pseudonym when it is lawful and practicable to do so. However, the nature of the activities conducted by the University means that, generally, it is not possible for the University to deal with a student or staff member anonymously or using a pseudonym.

8. Transfer of Personal information outside Victoria or (for controlled entities) outside Australia

- 8.1. Personal information may be transferred interstate or overseas where it is necessary for the operation of the University or to facilitate the activities of an individual conducted at or through the University. For example, where a student studies or a staff member works at an international campus, or to utilise the services of contracted service providers.
- 8.2. The University may use service providers that are located outside of Victoria and/or Australia and as a result, personal information collected and held by the University may be transferred outside of Victoria (but within Australia) or outside Australia.

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- 8.3. Where the University transfers personal information outside Victoria, the University takes reasonable steps to comply with the relevant information privacy principle relating to trans-border data flows (IPP9). Such reasonable steps may include:
- de-identifying personal information; or
 - determining if the recipient is subject to legal or binding scheme that provides protection which is substantially similar to the applicable information or health privacy principles; or
 - contractual arrangements requiring the recipients of the information to handle information in accordance with the privacy and health privacy principles; or
 - seeking the consent of the individual prior to transferring the information; or
 - as is otherwise permitted by law.

9. Responsibility for Privacy Compliance

- 9.1. Privacy compliance is the responsibility of all staff, students and other authorised users who handle personal or health information.
- 9.2. Staff must not knowingly direct another staff member or student to handle (including disclosing) information in a manner which will breach privacy obligations.

10. Opting out of receiving material produced by the University

- 10.1. If a student or staff member does not wish to receive communications from the University, the student or staff member can opt out by utilising the unsubscribe options on the specific publication.
- 10.2. Alternatively, a written request can be forwarded to the University's Privacy Officer at privacyofficer@monash.edu [detailing the communications the individual no longer wishes to receive](#).
- 10.3. Some University communications are not optional and must continue to enable the University to operate effectively.

11. Privacy Complaints

- 11.1. Where a staff member or student is concerned their personal information has not been handled in accordance with this procedure, the individual should contact the Privacy Coordinator within the faculty/division who will seek to resolve the matter. A list of Privacy Coordinators is available [here](#).
- 11.2. The Privacy Coordinator will then advise the complainant what action, if any, the University will take to resolve their concerns.
- 11.3. If the student or staff member is not satisfied with the response of the Privacy Co-ordinator, the student or staff member may lodge a written complaint to the University's Privacy Officer. Such complaint should include contact details, an outline of the issues relating to the alleged inappropriate handling of personal information and the remedy sought.

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- 11.4. Members of the public may lodge a written complaint direct to the University Privacy Officer.
- 11.5. Where necessary, the Privacy Officer will investigate the complaint and provide a response in writing to the complainant.
- 11.6. Written correspondence may be forwarded to the Privacy Officer at:
- Privacy Officer
Monash HR
Monash University
211 Wellington Rd
Clayton Vic 3800
Email: privacyofficer@monash.edu

12. Privacy Incidents

- 12.1. Where staff, students or a member of the public is informed of a privacy incident, the incident should be reported directly to the University's Privacy Officer.
- 12.2. The Privacy Officer will investigate the alleged privacy incident, and provide a report on the outcome of the investigation and the actions recommended to address the incident to the Chief Operating Officer or nominee.

13. Breach of this procedure

- 13.1. If a staff member breaches this procedure, depending on the circumstances it may be regarded as misconduct or unsatisfactory performance of their duties and may result in action being taken in accordance with the provisions set out in the applicable Monash University enterprise agreement or contract of employment.

14. Responsibilities

Staff Member

- 14.1. All university staff including adjunct and honorary appointees of the University are responsible for being aware of and complying with this procedure. Whilst there are some differences between the state and federal privacy legislation, staff of Monash controlled entities should also be aware of and comply with this procedure.

Students

- 14.2. Students are responsible for being aware of and complying with this procedure and keeping their details updated.

Faculty and divisions are responsible for:

- appointing a privacy coordinator for the faculty/division; and
- informing the University Privacy Officer of changes to privacy appointments.

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Privacy Coordinators

14.3. Privacy Coordinators are responsible for:

- assisting staff and students with general queries regarding privacy;
- escalating queries and privacy complaints to the Privacy Officer where appropriate; and
- informing the University Privacy Officer immediately of privacy incidents.

University Privacy Officer

14.4. The University Privacy Officer is responsible for:

- providing expert assistance with interpretation and compliance regarding Privacy Laws and this procedure;
- managing privacy related queries, incidents and complaints;
- providing guidance to Privacy Coordinators on escalated privacy queries;
- as the delegate of the Chief Operating Officer, investigating privacy incidents and written complaints and reporting on the outcome of such investigations;
- developing and publishing supporting documents which assist staff in the application of this procedure; and
- coordinating privacy related training and education for university staff.

15. Further information and assistance

15.1. Staff, students or members of the public requiring assistance with the interpretation of the procedure should contact:

- The relevant Privacy Coordinator; or
- The University Privacy Officer on ext. 29589 or by email privacyofficer@monash.edu;
- The Office of the General Counsel on ext. 55126

Responsibility for implementation		
Status	Revised	
Approval Body	Academic Quality and Standards procedure Name: Meeting: Date: Agenda item:	Operational procedure Name: Chief Human Resources Officer Date: 03 March 2017 Author: Director, Workplace Relations
Definitions	Health Information: information or an opinion about: <ul style="list-style-type: none"> • the physical, mental or psychological health (at any time) of an individual; or 	

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- a disability (at any time) of an individual; or
- an individual's expressed wishes about the future provision of health services to him or her; or
- a health service provided, or to be provided, to an individual.
- that is also personal information; or
- other personal information collected to provide, or in providing, a health service; or
- other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or
- other personal information that is genetic information about an individual in a form which is or could be predictive of the health (at any time) of the individual or of any of his or her descendants.
- but does not include [health information](#), or a class of [health information](#) or [health information](#) contained in a class of documents, that is prescribed as exempt [health information](#) for the purposes of this Act generally or for the purposes of specified provisions of this Act.

Health information does not need to be recorded to come under the definition of health information.

Health Information is as defined in section 3 of the Health Records Act 2001

Unique Identifier: means an identifier (usually a number) assigned by an organisation to an individual uniquely to identify that individual for the purposes of the operations of the organisation but does not include an identifier that consists only of the individual's name.

For example the University utilises staff and student ID numbers. These are treated as personal information.

Unique Identifier is as defined in Schedule 1 of the Privacy and Data Protection Act 2014 (Vic).

Privacy Incident: means a breach or potential breach of the Information Privacy Principles (IPPs) or Health Privacy Principles (HPPs), including, without limitation:

- the use or disclosure of Personal Information or Health Information for a purpose that is not authorised by the individual or by law; or
- the loss, unauthorised access or modification of Personal Information or Health Information.

Privacy Collection Statement: are statements used by the University to inform an individual of:

- the purpose of collection of personal information,
- the use and disclosure of the personal information,
- their right to access their personal information,
- how to contact the university,
- whether the information is to be transferred outside of Victoria or Australia; and
- the main consequences for the individual if the information is not provided.

The University has a number of [privacy collection statements](#) available [here](#).

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	<p>Personal Information: means information or an opinion (including information or an opinion forming part of a database) that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the Health Records Act 2001 applies.</p> <p>Personal information includes sensitive information.</p> <p>Examples include name, email address, student or staff ID number, username, date of birth, telephone number, marital status, educational, financial, criminal or employment history, finger prints or other biometrics, image in a photograph, voice recording, etc.</p> <p>For the purposes of the Privacy Act 1988 (Cth) the personal information does not have to be in a recorded form.</p> <p>Personal Information is as defined in section 3 of the Privacy and Data Protection Act 2014 (Vic).</p> <p>Privacy Officer: the Chief Operating Officer who oversees privacy compliance by Monash University and delegates responsibility for the day to day administration of the privacy compliance arrangements to the University Privacy Officer for Victorian campuses, including to investigate and report findings in relation to privacy incidents, complaints and other privacy related matters. The Privacy Officer, in conjunction with the Office of the General Counsel will be responsible for updating this procedure and other supporting documents in accordance with changes in privacy legislation.</p> <p>Sensitive Information: means information or an opinion about an individual's:</p> <ul style="list-style-type: none"> • Racial or ethnic origin; or • Political opinions; or • Membership of a political association; or • Religious beliefs or affiliations; or • Philosophical beliefs; or • Membership of a professional or trade association; or • Membership of a trade union; or • Sexual preferences or practices; or • Criminal record <p>that is also personal information.</p> <p>Sensitive Information is as defined in the Privacy and Data Protection Act 2014 (Vic).</p>
Legislation Mandating Compliance	
Related Policies	<ul style="list-style-type: none"> • Representing Monash (Public Utterances) procedure • Whistleblowers procedure
Related Documents	<p><u>EA Agreements</u></p> <ul style="list-style-type: none"> • Clause 53 Termination of Employment and Disciplinary Action – Academic Staff • Clause 54 Professional Staff Disciplinary Procedures

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	<p><u>Documents & Forms</u></p> <ul style="list-style-type: none"> • Authorisation for Information Disclosure • Privacy at Monash University • Privacy Compliance Manual [pdf] • Monash University Privacy Collection Statements including: <ul style="list-style-type: none"> – Student Privacy Collection Statement – HR Privacy Collection Statement – Admission Privacy Collection Statement – Monash University Privacy Collection Statement – University eRecruitment Privacy Collection Statement – Alumni Privacy Collection Statement – Monash Scholars Program Privacy Collection Statement – Survey Privacy Collection Statement – Access Monash Program Privacy Collection Statement – Donor Privacy Collection Statement • Guidelines for Collecting / Distributing Student Results / Assignments and Other Information • Guidelines for local storage of personnel files • Collection and Storage of Tax File Numbers • Payment Card Industry Data Security Standards (PCI-DSS) Procedures (Australia only) • Electronic Information Security Policy • Monash University Enterprise Agreement (Academic and Professional Staff) 2014 • Privacy of Student Records Policy • Other Helpful Guidelines <p><u>Related Legislation</u></p> <ul style="list-style-type: none"> • Privacy and Data Protection Act 2014 (Vic) contains 10 Information Privacy Principles (IPP) which outline how personal information should be handled • Health Records Act 2001 (Vic) contains 11 Health Privacy Principles (HPP) which outline how health information should be handled • Freedom of Information Act 1982 (Vic) • Privacy Act 2000 (Cth) applicable to Monash University Controlled Entities (such as Monash College)
SCHEDULE(S)	
<p>Additional mandatory requirements specific to a Faculty or Offshore location Education procedure</p> <p>This field will only be published if required.</p>	
Name of Faculty/Offshore Location	N/A
Procedure Statement	N/A