

1. PURPOSE

To provide governance relating to the collection and management of personal, health and other sensitive information in accordance with Legislation.

2. SCOPE

This policy applies to all past, present and prospective Holmesglen employees, learners and members of the public associated with Holmesglen business activities.

3. POLICY STATEMENT

Holmesglen collects information using lawful and fair means, with the prior consent of the individuals or as authorised by the Australian Law.

The Institute respects the rights of individuals' privacy and holds information in accordance with the Information Privacy Principles. Personal information collected may be disclosed in relation to its primary purpose in accordance with Legislation.

Exclusions

This policy does not apply to personal information that is:

- in a publication and available to the public
- in a library, art gallery or museum for reference, study or exhibition purposes
- a public record under the control of the Keeper of Public Records that is available for inspection

4. PRINCIPLES

Information privacy

- 4.1 Holmesglen collects and holds information assets (including sensitive and health information) about past, prospective and current learners, parents, guardians, care providers, employees, volunteers and contractors to inform its business operational requirements and meet its financial and legal accountabilities.
- 4.2 The collection of information is accurate and correct and its access is managed in accordance with the Information Privacy Principles. Individuals are advised of their rights and responsibilities and of the intended use of the information collected. Access and correction to personal information is provided under the Freedom of Information Act and, exceptions may apply. Refer [Appendix 1](#).
- 4.3 Holmesglen ensures that all information is protected from misuse, loss, or unauthorised access, modification or disclosure.
- 4.4 Information collected is used and disclosed for Holmesglen's primary use, with the prior consent of the individual except in any situation where the use and disclosure of information may be required for a secondary purpose in accordance with legislated requirements.
- 4.5 Third party access to personal and health information will only be granted if permitted or as required by Australian law.

Publications

- 4.6 Holmesglen ensures the publication of its Privacy Statement and related information is accessible to the public in accordance with the Information Privacy Principles.

Complaints, appeals and investigations:

- 4.7 Holmesglen investigates complaints relating to privacy breaches in accordance with Holmesglen's Complaints Policy (Learners) and Appeals Policy (Learners).

4 ACCOUNTABILITIES

Action	Accountability
<p>Ensure:</p> <ul style="list-style-type: none"> ▪ The implementation of the requirements of this policy ▪ Advice on privacy matters are referred to the Holmesglen Privacy Officer. ▪ Authorise the publication of relevant information in accordance with the Information Privacy Principles 	Executive Corporate and Commercial Services
<p>Ensure the provision and management of the ICT infrastructure for Information Assets and compliance with the requirements of this policy in relation to legal, auditory, regulatory and contractual obligations.</p>	Executive Director Corporate and Commercial Services Information Asset Owners
<p>Ensure that:</p> <ul style="list-style-type: none"> ▪ Employees understand their privacy responsibilities. ▪ Approved access to Information Assets are allocated to appropriate Holmesglen users ▪ Users are provided with relevant and timely information security awareness training ▪ The potential or actual use of personal information is considered and any risks are identified through a privacy impact assessment. 	Executive Directors Chief Financial Officer Chief Information Officer Information Asset Owners
<ul style="list-style-type: none"> ▪ Respond to privacy enquiries from employees, learners and members of the public ▪ Encourage and assist employees in complying with the Privacy Principles ▪ Respond to complaints in accordance with Holmesglen Complaints and Appeals Policy. 	Holmesglen Privacy Officer
<p>Ensure Holmesglen's Privacy Policy and Information Privacy Principles publications are current and accessible to the public.</p>	Associate Director Human Resources
<p>Ensure that:</p> <ul style="list-style-type: none"> ▪ Complaints of alleged acts, practices and/or breaches in relation to privacy matters are managed appropriately in consultation with Holmesglen Privacy Officer, Privacy and Data Protection Committee and relevant stakeholders. ▪ Outcomes are communicated and may be referred to external bodies for resolution in accordance with Holmesglen's Complaints and Appeals process. 	Executive Corporate and Commercial Services
<ul style="list-style-type: none"> ▪ Complete Information Security and Privacy Learning Modules to ensure an understanding of key requirements and responsibilities as outlined in this policy. ▪ Ensure personal information is updated as required. 	All employees

5. DEFINITIONS

Term	Meaning
Health information	Is defined as: <ul style="list-style-type: none"> (i) information or an opinion about the physical, mental or psychological health of an individual, (ii) health services provided to an individual (iii) personal information collected: <ul style="list-style-type: none"> ▪ to provide a health service or, ▪ in connection with the donation, or intended donation, by the individual or, ▪ 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.
Holmesglen Privacy Officers	Associate Director Human Resources Registrar
Holmesglen Freedom of Information Officer	Associate Director Human Resources
Information Assets	In context refers to: <ul style="list-style-type: none"> ▪ A body of knowledge or data that is collected or captured to provide reliable and accurate evidence of business information, decisions and actions that have a business value, and are held as records. ▪ This includes information created and collected for past, current and prospective learners, employees and other individuals and business related information, as associated with Holmesglen business. ▪ Information held in paper-based or electronic/digital format within business systems and include contracts and agreements, research information, course training materials and information, user manuals, operational or support policy documents, business continuity and risk management plans and archived information. ▪ Records that may either be created by Holmesglen or supplied to Holmesglen from external sources during the conduct of business related activities. ▪ Includes the collection and retention of public, personal, health and sensitive information
Information Asset Owner	The Executive Director with accountability for the management of information or data created or collected within their portfolio.
Managers	The person who is responsible for the operations of a faculty, department, centre, unit or another functional area within Holmesglen.
Personal information	Includes information or an opinion that is recorded, whether true or not, about an individual whose identity is apparent, or can reasonably be found out, from the information or opinion. Such information may include but is not limited to emergency details, health records, sensitive information, residential information and emergency information.
Public information	Information Assets approved to be made available to the general public, as defined within the Privacy and Data Protection Act 2014 (VIC).

Privacy Policy

Term	Meaning
Sensitive information	Is defined as personal information and means information or an opinion about an individual's racial or ethnic origin, religious and philosophical beliefs or affiliations, sexual preferences or practices, political opinions or affiliations, disabilities and medical conditions, or criminal record.
Users	Includes Holmesglen employees, contractors, volunteers, individuals contracted via a third party agreement or any other persons including other employees, agents, partners in Australia or at off-shore locations who may be provided with access to Holmesglen Information Assets as prescribed in the Information Security Policy and Records Management Procedure.

6. CONTEXT AND/OR REFERENCED DOCUMENTS

Internal

Appendix 1 – Privacy Statement

Appeals Policy (Learners)

Complaints Policy (Learners)

Freedom of Information Policy

ICT Acceptable Use Policy

Information Security Policy

Records Management Procedure

Conduct Rule

Governance Framework Rule

Risk Management Rule

External

[Charter of Human Rights and Responsibilities Act 2006 \(VIC\)](#)

[Freedom of Information Act 1982 \(as amended \(Cth\)\)](#)

[Health Records Act 2001 \(VIC\)](#)

[Higher Education Support Act \(HESA\) 2003 \(Cth\).](#)

[Standards for Registered Training Organisations \(RTOs\) 2015](#)

[Privacy Act 1988 \(Cth\)](#)

[Privacy and Data Protection Act 2014 \(VIC\)](#)

[Public Interest Disclosures Act 2012 \(VIC\)](#)

[Public Interest Disclosure Act 2013 \(Cth\)](#)

7. REVIEW

This policy must be reviewed no later than three years from the date of approval.

The policy will remain in force until such time as it has been reviewed and re-approved or rescinded. The policy may be withdrawn or amended as part of continuous improvement prior to the scheduled review date.

8. VERSION HISTORY

Version Number	Date	Summary of changes
1	March 2020	Change in policy title to reflect underpinning legislation, Privacy and Data Protection Act 2014 (VIC). Includes references to the Charter of Human Rights and Responsibilities Act 2006 (VIC), the Public Interest Disclosures Act 2012 (VIC) and Public Interest Disclosure Act 2013 (Cth).

APPENDIX 1 – Holmesglen Privacy Statement

Holmesglen Institute respects your right to privacy and, any personal information provided by you to the Institute will be held in confidence. This policy outlines how Holmesglen handles personal and health information in accordance with the Privacy Act 1988 (Cth), Privacy and Data Protection Act 2014 (Vic), Health Records Act 2001 (Vic.) and the Higher Education Support Act (HESA) 2003 (Cth). The Policy applies to all personal and health information provided to Holmesglen Institute and information about individuals obtained from other sources.

Personal information collected by Holmesglen for the purposes of State and Commonwealth Supported Places or HELP Loans assistance and the repayment of HELP loans is handled in accordance with the information privacy principles set out in the Privacy Act 1988 (Cth), Privacy and Data Protection Act 2014 (Vic), and the Higher Education Support Act (HESA) 2003 (Cth). Learners who are eligible for State and Commonwealth Supported Places or HELP Loans should refer this policy that provides you with the relevant information.

Collection of personal information

Holmesglen collects and holds personal information (including sensitive information) about prospective, current and past learners, parents, guardians, care providers, prospective, current and past employees, volunteers and contractors. The purposes of collecting this information is to:

- Enable Holmesglen to deliver educational services; and
- Meet the wider functional needs of Holmesglen, including financial management, legal accountability, and national reporting requirements; and
- Meet the requirements of Legislation.

Holmesglen will only collect personal information using lawful and fair means, and not in an unreasonably intrusive way.

Holmesglen will collect health information only if the information is necessary for one or more of its functions or activities and with consent, or pursuant to an exception specified in the Health Records Act 2001.

Sensitive information

Holmesglen will collect sensitive information about an individual:

- with the consent of the individual and
- the collection is reasonably necessary for, or directly related to, any of the purposes outlined above.

Method of collection

Holmesglen takes all reasonable steps to ensure that information collected:

- is necessary for Holmesglen's purposes; and
- is relevant to the purpose of collection; and
- is collected in a fair way, with consent where reasonably possible and without unreasonable intrusion; and
- is as up to date and complete as reasonably possible.

Where Holmesglen collects personal and health information about an individual directly from that individual, it will take reasonable steps to ensure that the individual is aware of:

- the identity of Holmesglen and contact details; and
- the fact that he or she is able to gain access to the information; and
- the purposes for which the information is collected ("the primary purposes"); and
- to whom (or the types of individuals or organisations to which) the Holmesglen usually discloses information of that kind; and
- any law that requires the particular information to be collected; and
- the main consequences (if any) for the individual if all or part of the information is not collected.

Important sources of personal information, collected by Holmesglen may include:

Learners

- Schools, Victorian Tertiary Admissions Centre (VTAC), its successors and equivalent interstate and overseas bodies; and
- Other tertiary institutions, including private providers and recruitment agencies.

Employees (includes volunteers)

- Previous employers and referees nominated by prospective and current employees;
- Academic assessors;
- External and internal medical and rehabilitation providers; and
- Employment review assessments, and
- Other government bodies for the purposes of employment eligibility.

Holmesglen will not collect personal information about an individual from any party other than those outlined above, or the individual themselves unless:

- prior consent is provided or,
- where the collection of information is required or authorised by the Australian law or course/tribunal order or,
- where it is impractical or unreasonable to obtain the individual consent.

Other persons

- Information for parents, guardians, care providers, for learners as relevant
- Information on contractor details as relevant to the requirements of related legislation who provide goods and services to Holmesglen.

Notification

Holmesglen will take all reasonable steps to ensure an individual is aware that personal information has been collected about them, and the circumstances of collection if:

- the information has been collected from a person or entity other than the individual; and
- the individual could not reasonably be expected to know that the information has been collected about them.

This notification will include:

- the purpose of collection;
- the consequences for the individual if the information is not collected;
- the bodies and organisations (if any) to which the information may be disclosed;
- who within the organisation is collecting the information, and with whom it will be shared
- that individuals can request access to their information and,
- whether the collection is required by law.

Use of disclosure

Holmesglen uses or discloses personal or health information collected for its primary use, with the prior consent of the individual except in any of the following situations where the use and disclosure of information may be required for a secondary purpose:

1. If the information directly relates to the primary purpose; or
2. The use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
3. For personal information, if the use or disclosure is necessary for research, or the compilation or analysis of statistics, other than for publication in a form that identifies any particular individual; and
 - i) it is impracticable for Holmesglen to seek the individual's consent before the use or disclosure; and
 - ii) in the case of disclosure – Holmesglen reasonably believes that the recipient will not disclose the information; or
4. For health information, if the use or disclosure is necessary for research, or the compilation or analysis, in the public interest as contained in the Statutory Guidelines on Research 2002 under the *Health Records Act 2001 (Vic)*; or
5. Holmesglen reasonably believes that the use or disclosure is necessary to lessen or prevent either:
 - i) a serious and imminent threat to an individual's life, health, safety or welfare; or

- ii) a serious threat to public health, public safety or public welfare; or
- 6. Holmesglen has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; or
- 7. Holmesglen reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

In some circumstances Holmesglen may release learners' personal information in the following instances:

- academic progress information to another tertiary institution or related body as required in the course of a learner's transfer to a new institution;
- personal and enrolment information, including academic results, of learners undertaking cross-institutional study to the relevant institution as required to confirm the learner's enrolment or qualification;
- personal information to relevant organisations engaged by Holmesglen to provide debt recovery services;
- personal and enrolment information, including academic results, of learners undertaking apprenticeship training to their employer.
- Other government and regulatory bodies as required under Australian Law or court/tribunal order.

Individuals may request that Holmesglen does not send direct marketing communications to them by contacting Holmesglen's Privacy Officer. However, Holmesglen reserves the right to use or disclose personal information about an individual for the purposes of direct marketing if the information was collected from the individual or someone other than the individual and, where the individual did not reasonably expect use of disclosure of the information.

Holmesglen will not use sensitive information for the purpose of direct marketing without the individual's consent.

Holmesglen has advised the individual that they can request not to receive direct marketing communications by contacting Holmesglen Privacy Officer.

Data quality

Holmesglen will take reasonable steps to make sure that the personal and health information it collects, uses or discloses is accurate, complete and up to date. If Holmesglen is to ensure quality and accuracy of personal information, this places an obligation upon the individual to provide relevant and accurate information to Holmesglen.

Unsolicited personal information

If Holmesglen receives personal information about an individual that it did not solicit, Holmesglen will determine whether Holmesglen could have collected the information under the Information Privacy Principle 3, as contained in the Victorian *Privacy and Data Protection Act 2014*.

Holmesglen reserves the right to use or disclose the unsolicited information for the purposes of making this determination.

If Holmesglen determines that it could not have collected the information under the Victorian *Privacy and Data Protection Act 2014*, Holmesglen will destroy or de-identify the information as soon as practicable, provided it is lawful and reasonable to do so.

Data security

Holmesglen will take all reasonable steps to ensure that the personal and health information it holds is protected from misuse, loss, or unauthorised access, modification or disclosure.

Holmesglen will also take all reasonable steps to destroy or permanently de-identify personal and health information if it is no longer needed for any purpose. Under the *Public Records Act 1973 (Vic)* Holmesglen is

required to keep full and accurate records. Destruction of personal and health information will be carried out according to Holmesglen's disposal schedules.

Openness

Holmesglen makes this Privacy Policy available on its website.

On request by a person to the Privacy Officer, Holmesglen will take reasonable steps to let the person know, generally, what sort of personal and health information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

Access to and correction of personal information

Access

If Holmesglen holds personal or health information about an individual, it will provide the individual with access to the information on request by the individual, except to the extent that:

1. Holmesglen reasonably believes that giving access may pose a serious and imminent threat to the life, health or safety of any individual, or to public health or public safety; or
2. Giving access would have an unreasonable impact on the privacy of other individuals; or
3. The request for access is frivolous or vexatious; or
4. The information relates to existing or anticipated legal proceedings between Holmesglen and individual, and would not be accessible by the process of discovery in those proceedings; or
5. Giving access would reveal the intentions of Holmesglen in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
6. Giving access would be unlawful; or
7. Denying access is required or authorised by or under an Australian law or a court/tribunal order; or
8. Both of the following apply:
 - a. Holmesglen has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to Holmesglen's functions or activities has been, is being or may be engaged in; and
 - b. Giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
9. Giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
10. Giving access would reveal evaluative information generated within Holmesglen in connection with a commercially sensitive decision-making process.

Holmesglen will respond to a request for access to personal information within a reasonable period, and give access to the information in the manner requested by the individual, if Holmesglen considers that it is reasonable and practicable to do so. If Holmesglen has refused access, it will provide reasons for the refusal.

Access charges

Holmesglen reserves the right to charge an individual for access information under the Freedom of Information Act. Details of relevant fees will be provided to the individual on receipt of a request for access, but no charges will apply to the actual making of the request.

Holmesglen may refuse to provide access until the fee is paid.

Correction

If Holmesglen holds personal information about an individual and either:

- Holmesglen is satisfied that, considering the purposes for which the information is held, the information is inaccurate, out of date, incomplete, irrelevant or misleading; or
- the individual requests Holmesglen to correct the information;

Holmesglen will take such steps (if any) as reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up to date, complete, relevant and not misleading, within a reasonable time frame.

If changes have been made to information that has previously been disclosed to a third party, and the individual requests that the third party be notified of the correction, Holmesglen will take all reasonable steps to give that notification, unless it is impracticable or unlawful to do so.

Refusal to correct personal information

If Holmesglen determines that it will not alter the personal information as requested by the individual, it will provide written notice of this decision, including the reasons for a refusal and the mechanisms available to the individual to gain more information.

Request to associate a statement

If Holmesglen refuses to correct personal information as requested by the individual, the individual may request that Holmesglen associates a statement with the information to the effect that the information may be inaccurate, out of date, incomplete, irrelevant or misleading. Holmesglen will take all reasonable steps to ensure that this statement is apparent to users of the information.

Costs

Holmesglen will not charge an individual for making a request for correction of personal information, for correction of the personal information, or for associating a statement with the personal information.

Unique identifiers

Holmesglen assigns unique identifiers to employees and learners which are necessary for Holmesglen to carry out its function efficiently.

All learners undertaking study in a nationally recognised training course will need to have a Unique Student Identifier (USI), as required by the Australian Government. More information is accessible from the [Australian Government USI Website](#)

Holmesglen will not adopt a unique identifier of an individual that has been assigned by another organisation. However, Holmesglen may collect and store unique identifiers used by other organisations. These may be included in reports to relevant Commonwealth and Victorian departments and agencies.

Anonymity

An individual may, in some circumstances, be able to request and receive information from Holmesglen anonymously. This may be done by making a request to Holmesglen's Privacy Officer.

Anonymity will not be available if:

- Holmesglen is required or authorised by Australian law, or by a court or tribunal order, to deal with individuals who have identified themselves; or
- it is impractical for Holmesglen to deal with individuals who have not identified themselves.

Transborder data flow

Holmesglen will only transfer personal or health information about an individual to someone (other than Holmesglen or the individual) who is outside Victoria if:

- Holmesglen reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the Information Privacy Principles set out in this Policy and in accordance with the Privacy and Data Protection Act 2014 (VIC) and Health Records Act 2001 (VIC); or
- The individual consents to the transfer; or
- The transfer is necessary for the performance of a contract between the individual and Holmesglen, or for the implementation of pre-contractual measures taken in response to the individual's request; or
- The transfer is necessary for the performance of a contract in the interest of the individual between Holmesglen and a third party; or
- All of the following apply:
 - the transfer is for the benefit of the individual;

- it is impracticable to obtain the consent of the individual to that transfer;
- if it were practicable to obtain that consent, the individual would be likely to give it; or
- Holmesglen has taken reasonable steps to ensure that the information which it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the Privacy Statement.

Sensitive information

Holmesglen will not collect sensitive information about an individual unless:

- the individual has consented; or
- the collection is required under law; or
- the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:

Despite the above, Holmesglen may collect sensitive information about an individual if the collection:

- is necessary for research, or the compilation or analysis of statistics, relevant to government funded targeted welfare or educational services; or
- is of information relating to an individual's racial or ethnic origin and is collected for the purpose of providing government funded targeted welfare or educational services; and
- there is no reasonably practicable alternative to collecting the information for that purpose; and
- it is impractical for Holmesglen to seek the individual's consent to the collection.

Information Privacy Enquiries

All enquiries must be in writing to Holmesglen Privacy Officer, PO Box 42, Holmesglen.

Advice on privacy matters including requests to update personal information may also be referred to:

- Tel: 03 9564 1576 (for learners)
- Tel: 03 9564 1536 (other persons)

Breaches of this Policy

The Institute has an established Information Privacy Committee whose responsibilities ensure that details contained within this policy are adhered to throughout the Institute.

In the first Instance, alleged breaches of this policy should be referred to the area where the information was initially lodged by you.

If a satisfactory resolution cannot be reached at this level, the alleged breach should be submitted in writing through [Holmesglen's complaint and appeals process](#). All matters received through this process will be managed in accordance with Holmesglen's complaint and appeals process.