

## **NAME OF POLICY: Privacy & Confidentiality**

### **RATIONALE**

At NMLL maintaining confidentiality and privacy of personal information is part of creating an environment where people feel safe and their rights are protected. NMLL understands the importance of developing information handling practices in which students, staff and volunteers can place their trust and openly exchange information which assists NMLL to develop and deliver its programs and activities.

### **DEFINITIONS**

**Personal information** – this refers to information (or an opinion), whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained from the information. The personal information can be verbal, written or digital;

**Confidentiality** – this refers to the *treatment* of information, i.e. the responsibility to treat personal information which has been entrusted to NMLL in a safe and secure manner;

**Privacy** – this refers to the *right* to control your own personal information, i.e. to know why the information is collected by NMLL, how it is used and to whom it is disclosed;

**Use** – this refers to how personal information is used *within* NMLL by staff, volunteers and Committee of Management members;

**Disclosure** – this refers to the release of personal information to anyone *outside* of NMLL.

### **LEGISLATIVE CONTEXT**

*Privacy Act 1988* (Commonwealth);

*Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Commonwealth), including Schedule 1 of the Act: the Australian Privacy Principles (APPs);

*Public Records Act 1973* (Victoria), including the General Retention & Disposal Authority for the Records of Higher and Further Education Institutions.

### **PRINCIPLES**

This policy is based on the principles that:

- an individual's right to privacy should be promoted and protected
- open and transparent management of personal information should be ensured
- confidentiality of personal information may not apply where it involves:
  - criminal actions on the part of a person involved with NMLL
  - any issue which could endanger the safety of other people
  - mandatory reporting to the Department of Human Services.

### **RESPONSIBILITIES**

The NMLL Manager oversees the implementation of this policy by ensuring that

- members of the Committee of Management are aware of their obligation to respect the confidentiality of personal information to which they may have access
- the policy is available to staff, volunteers and participants in NMLL courses and activities
- staff and volunteers are informed of the policy and their role in its implementation as part of their induction

## PROCEDURES

Implementation of this policy is undertaken by following a set of internal procedures which are reviewed and updated as deemed necessary by the Manager. These relate to:

### **Collection and access of Personal Information**

Collection of any personal information at NMLL is directly related to a program or activity. All forms collecting personal information need to include a Privacy Statement outlining why it is being collected, how the information will be used and to whom it might be disclosed.

All files created by NMLL staff and volunteers are the property of NMLL and reasonable steps should be taken to ensure that any personal information held within the files is accurate and complete. In some cases, consistent with the *Privacy Act*, NMLL may refuse to give individuals access to personal information held about them.

### **Use of Personal Information**

Details about how personal information is used within NMLL are made available via a Privacy Statement to people enrolling in NMLL activities or on becoming members of staff or volunteers.

Personal information that is collected will only be used for the purposes outlined in the Privacy Statement, except where further approval has been provided by the individual to use the information for another purpose.

### **Disclosure**

A Privacy Statement, which is provided to people enrolling in NMLL activities or on becoming members of staff or volunteers, provides details about the persons/organisations outside NMLL to whom their personal information may be disclosed, and the reason for disclosure.

An individual's personal information will not be disclosed by NMLL to any other third party, except where further approval has been provided by the individual to disclose the information.

### **Protection of Records and Personal Information**

NMLL has developed procedures to protect personal information and records from misuse, loss, modification or unauthorised disclosure, which take into account that:

- as an RTO (Registered Training Organisation), NMLL is bound by the *AQTF Essential Conditions and Standards for Continuing Registration*, which include the retention, archiving, retrieval and transfer of student records; and
- under the *Victorian Training Guarantee Program (VTG) Service Agreement* which NMLL has with the Victorian Skills Commission, NMLL is obligated to implement a recordkeeping system that complies with the standards outlined in that agreement.

## RELATED PROCEDURES AND MATERIAL

Enrolment Forms

Job Application Forms

Staff Appointment Forms

Records of Statements of Attainment issued

Records of Qualifications issued

Recordkeeping Procedures

<b>CHANGE HISTORY</b>	<b>Initial approval date:</b> 17 February 2003
<b>Date last reviewed:</b> 1 June 2006	<b>This version approved at Committee of Management Meeting on</b> 12 June 2013
<b>Policy review due:</b> May 2016	