

Policy Number	PO-03
Approval Date	5/12/2019
Implementation Date	13/1/2020
Proposed Review Date	10/12/2020

Purpose

This policy explains how NMLL will handle information it receives from students (including prospective students) and program participants (including prospective program participants) that is covered by the following legislation:

- the Privacy Act 1988 (Cth) and the Australian Privacy Principles (APPs) it sets out,
- the Privacy Data and Protection Act 2014 (Vic), the Information Privacy Principles (IPPs) it sets out, and
- the Health Records Act 2001 (Vic).

In this policy, the legislation referred to above is referred to as the **Privacy Laws**.

Scope

NMLL may collect information covered by the Privacy Laws that fits into three main categories:

Health information - information or opinion (as held by NMLL or its employees or agents) about a person's physical, mental or psychological health or disability that is also personal information. This includes information or opinion (as held by NMLL or its employees or agents) about a person's health status and medical history.

Personal information - recorded information or opinion (as held by NMLL or its employees or agents), whether true or not, about a person whose identity is apparent, or can reasonably be ascertained, from the information. The information or opinion can be recorded in any form.

Sensitive information - information or opinion (that is also personal information) about a person's racial or ethnic origin, political opinions, religion, philosophical beliefs, sexual preferences or practices, membership of a political association, professional/trade association or trade union, or an individual's criminal record.

In this policy, information that meets any of the three definitions above is referred to as **information covered by the Privacy Laws**.

This policy does not apply in relation to NMLL's handling of information that fits any of the three definitions above provided to NMLL concerning its volunteers, staff and contractors.

In this policy, 'NMLL', 'we', 'us' and 'our' mean North Melbourne Language and Learning Inc.

Background

NMLL recognises the rights of individuals covered by the scope of this policy to have information covered by the Privacy Laws which NMLL collects about them administered in ways which they would reasonably expect – protected on one hand, and made accessible for NMLL’s use in running courses or providing programs and to them on the other.

In broad terms this means that we:

- Collect only information which NMLL requires for its primary function/s;
- Ensure that stakeholders are informed as to why we collect the information and how we administer the information gathered;
- Promote and protect individuals’ rights to privacy
- Use and disclose personal information only for our primary functions or a directly related purpose, or for another purpose with the person’s consent;
- Store personal information securely, protecting it from unauthorised access; and
- Provide stakeholders with access to their own information, and the right to seek its correction.

Policy

NMLL collects and administers a range of information covered by the Privacy Laws for the purposes of adhering to its legal obligations and requirements set by bodies that provide funding for its work. NMLL is committed to protecting the privacy of information covered by the Privacy Laws it collects, holds and administers.

Information covered by the Privacy Laws provided by individuals covered by the scope of this policy may also be disclosed, if the disclosure is required by a law of Victoria or the Commonwealth of Australia.

Collection

NMLL collects information covered by the Privacy Laws, because:

- It is provided to us in our interactions with the people who contact us
- We need it to provide services to students and program participants
- We are committed to tailoring our services to meet our students’ and program participants’ needs – this means that we analyse information covered by the Privacy Laws in developing courses and programs
- We need it to comply with our legal or contractual obligations

NMLL will:

- Generally, only collect information that is necessary in the performance of its primary function/s.
- Generally, make available an Information Collection Statement on the website and at reception which notifies students and program participants about why we collect the information and how it is administered.
- Generally, only conduct interviews where information covered by the Privacy Laws is to be discussed in a private space.
- Ensure personal information including enrolment forms, appointment books and message slips are not be left open in publicly accessible areas.

Privacy Policy

Use and Disclosure

NMLL will:

- Only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose.
- Allow discussion between staff about information covered by the Privacy Laws concerning students and program participants, if this is necessary in the running of courses or programs.

Data Quality

NMLL will:

- Take reasonable steps to ensure the information covered by the Privacy Laws we collect is accurate, complete, up-to-date, and relevant to the functions we perform.
- To the extent that contracts NMLL enters into to provide courses or programs oblige NMLL to take specific action in relation to data related to the relevant course or program, NMLL will take steps to abide by its relevant obligations.

Data Security and Retention

NMLL will:

- Safeguard the information we collect and store it against loss, unauthorised access, use, modification, or unauthorised disclosure.
- Maintain and destroy records in accordance with the **Records Management Policy**.
- To the extent that contracts NMLL enters into to provide courses or programs oblige NMLL to take specific action in relation to data related to the relevant course or program, NMLL will take steps to abide by its relevant obligations.

Openness

NMLL will:

- Ensure stakeholders are aware of NMLL's Privacy Policy and its purposes.
- Make this information freely available in relevant publications and on our website.

Access and Correction

NMLL will:

- Provide individuals covered by this policy with the opportunity to seek access to information covered by the Privacy Laws NMLL holds about them and to correct it if it is inaccurate, incomplete, misleading or not up-to-date.
- Ensure all requests for information disclosure are referred to the Manager. In some cases, consistent with the Privacy Laws, NMLL may refuse to give participants access to information it holds about them. If a request is refused, reasons for the refusal will be provided.

Anonymity

NMLL will:

- Consider giving those individuals covered by this policy the option of not identifying themselves when completing evaluation forms or opinion surveys (or other documents).

Making information available to other service providers

NMLL:

- Can only release information covered by the Privacy Laws about an individual covered by this policy with that person's express permission. The individual concerned must sign a release form.
- Can release information to third parties where it is requested in writing by the individual concerned.

Notifiable Data Breaches

NMLL may be required to notify the Australian Information Commissioner and the individuals affected about a breach of privacy concerning information covered by the Privacy Act 1988 (Cth), under the Notifiable Data Breach regime in the Privacy Act 1988 (Cth).

Related Procedure/s or other Quality Documents

Privacy Policy

APPROVAL AND REVIEW

Approved By: Mark O'Neil
Position: Chairman NMLL Committee of Mgt
Meeting Name: Committee of Mgt
Meeting Date: 5/12/2019
Effective Date: 5/12 Date Signed
Review Date: Date Review Due
Policy Owner: Mark O'Neil

Amendments

Version	Date	Author	Change Description
V1			
V2			
V3			
V4			