



**CROMWELL COLLEGE**

within The University of Queensland

# **PRIVACY AND CONFIDENTIALITY POLICY**

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## 1. PURPOSE

Cromwell College (**the College**) holds a large amount of personal information concerning staff, students and other persons, as a natural consequence of our teaching, pastoral and administrative functions. Some personal information is collected from the persons concerned, while other information is generated by the College in the course of our activities (for example, examination results).

The College is bound by the *Privacy Act 1988* (Cth) and the Australian Privacy Principles set by the Federal Privacy Commissioner. The privacy of persons about whom the College holds personal information must be respected, and this policy addresses the circumstances in which privacy issues may arise.

## 2. SCOPE

This Policy applies to all students, employees, whether full-time, part-time, casual or temporary, as well as to contractors and consultants. In this Policy, all people to whom the Policy applies are referred to as "you."

## 3. DEFINITIONS

Personal information	<p>Personal information is information not in the public domain which identifies an individual and which is capable of being associated with a specified individual.</p> <p>In the College context, examples of personal information include home address, home telephone number, date of birth, marital status, next of kin; salaries and wages of staff; all information concerning students, their enrolment, academic performance and their personal welfare (such as medical matters) and records of an individual student's library borrowings; information concerning persons who apply to the College for appointment or admission. It may include visual information, such as photographs of people.</p>
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## 4. PRIVACY POLICY

### Collection of personal information

Information should be collected only where it is necessary to carry out a particular function or administrative activity.

Where information is collected for a particular purpose, it should not normally be used for any other purpose. For instance, it is not acceptable to supply the names and addresses of students to commercial providers of goods or services, even where particular benefits may be offered to those students, since such information has been collected by the College only for enrolment and study-related purposes. If personal information is or is likely to be used for some other purpose, this should be disclosed at least by the time that information is collected and preferably before it is requested and the written consent of the person obtained.

## **Access to and use of personal information stored in records**

There are several important principles which staff (and Residential Assistants) should consider when dealing with personal information held by the College.

Personal information should be secured.

Paper-based records should not be left where members of the public, or others to whom the information they contain is not generally made available, may access them. Records containing personal information should be filed securely.

Appropriate arrangements should be put in place to ensure that access to computerised records is granted only to staff requiring such access in the course of their duties. Computer access passwords are intended as security devices and hence staff should not disclose their password to others.

Sometimes personal information will be obtained orally, for instance, in an interview with a student concerning course progress. The information may or may not be recorded in documentary form. Nonetheless, privacy should be respected, and the information should not be discussed with others, except where this is necessary to undertake functions concerning the student or staff member who has provided the information.

Personal information should not be disclosed to third parties

Personal information should not be disclosed to third parties except in the circumstances outlined below.

As a general rule, information not publicly known concerning staff and students should be treated as confidential, and should not be disclosed to anyone but College staff who have a demonstrated need for this information to carry out their duties. There are several exceptions to this general rule.

(a) *Disclosure to the staff member or student to whom the personal information relates:*

- Information privacy principles entitle those about whom information is held to access that information. This enables them to ensure that information about them is accurate, relevant, up-to-date, complete and not misleading. Thus, a staff member or a student would be entitled to request access to their personal file or to view information held in computerised formats about them. This general entitlement is given effect by the *Right to Information Act 2009 (Qld) (RTI Act)*, and is subject to its detailed provisions.
- In most cases where access is requested, it will be possible for access to be obtained without the need to make a formal application under the RTI Act
- Sometimes, persons supply original documents to the College, such as birth certificates, or certified academic records of study undertaken elsewhere. Where it is practicable to do so, original documents supplied by a person may be returned to them, and should be returned upon request. If this occurs, College records relevant to the transaction should include an annotation indicating that original documents have been sighted and returned.

(b) *Disclosure to third parties only with the consent of the student or staff member concerned:*

- Personal information may be disclosed to third parties with the consent of the student or staff member concerned. Such consent cannot be assumed, and should be given expressly and in writing. It cannot be assumed, for instance, that the College has implied consent to routinely supply student details to professional associations, potential employers or parents.
- Except in the special cases mentioned below (see items d and e below), the fact that the enquirer may hold an official position, for example, as an officer of a government department, or in some other way may claim a special or even official right to get information makes no difference to this position. Nor does it matter whether the enquiry is made informally or by means of a formal written document.
- Details of a student's academic record should not be given to third parties even though the results may have been published at the time of release in the normal way.
- The College will from time to time receive enquiries, often by telephone, from credit providers, in connection with applications by staff or students for credit facilities, and from real estate agents, in connection with rental of premises by former students. The enquirer usually asks for confirmation of employment and salary. The College is willing to assist the staff member or student in these cases and will provide confirmation.

(c) *Disclosure of matters of public record:*

- The fact that a student is enrolled at the College is not treated as a matter of public record. Consequently, such information should be disclosed only in the circumstances outlined in this policy.
- It should not automatically be assumed that divulging apparently innocuous information, such as student lists, is acceptable. This is because of the opportunities which exist for using sophisticated software technologies to consolidate that information with other publicly available information and produce selected mailing list, for example, for the direct marketing industry. Such requests should be referred to the Principal / CEO.

(d) *Disclosure of personal information under statutory or other legal authority:*

- In some cases, legislation has conferred upon certain public officers the right to demand and receive information, even though it would otherwise be regarded as confidential. A typical example is the *Income Tax Assessment Act 1936* (Cth) under which the Commissioner can authorise officers of that department to require any person to answer any question or to produce any document for inspection. The Commonwealth Departments of Education, Training and Youth Affairs, Social Security, or Immigration may also have powers to obtain access to personal information in specific circumstances.

- In cases where enquiries are received from public officials, the relevant statutory authority to obtain access to such information should be requested. Statutory authority should be detailed in writing, as should written verification of appointment as a person entitled to require the information. When this authority is produced, the enquiry should be referred to the Principal / CEO for confirmation.
- Until such confirmation is obtained, inspection of College documents is not permitted, no personal information should be released verbally and copies of documents should not be provided.
- Similarly, where disclosure is sought in the course of legal proceedings, e.g. by service of a subpoena or notice of third party disclosure, this must at all times be referred promptly to the Principal / CEO for action.

(e) *Disclosure in instances of wrongdoing associated with University activities:*

- Occasionally, police officers involved in investigations of offences associated with College activities or the misuse of College or community property will make enquiries for personal information about staff or students to assist with their enquiries. In exceptional circumstances, the College may consider release of such information. All such enquiries must be referred to the Principal / CEO.

(f) *Requests associated with bona fide research activities*

- The College is willing to assist bona fide researchers undertaking studies, for example, by the distribution of questionnaires within the College community. Any assistance must be approved by the Principal / CEO.
- Material to which such requests relate and which will be forwarded to staff/students must contain a clear statement of purpose, and responses must be entirely voluntary and made directly to the researcher.
- Usually, the College will distribute the material.

## **5. CONFIDENTIALITY**

Matters dealt with by the Cromwell College Board of Governors are confidential to the Board of Governors. In conversations with staff and or parents, Members of the Board of Governors always support the College and the Principal / CEO and avoid encouraging any dissent.

Members of the Board of Governors have a responsibility to comply with corporate law responsibilities.

## 6. GRIEVANCE PROCEDURE

Privacy issues can be discussed with the Principal / CEO, on a confidential basis. If an individual believes that their privacy has been breached, a complaint may be made in writing to the Principal / CEO. In order to enable such a complaint to be properly investigated, it should identify the person whose privacy appears to have been breached. Anonymous complaints will not be dealt with.

An investigation will be conducted and the Principal / CEO will have final responsibility for resolving the complaint.

Revision	Date	Description	Reviewed	Approved
0	16/04/2014	Issued for comment	Board of Governors	16/04/14
1	17/04/2014	Issued for Use		
2	March 2015			
3	March 2016			