

PROCEDURE			
Approved by:	Chief Executive Officer	Date:	02 May 2011
Date Effective:	02 May 2011	Date of Next Review:	May 2014
Document No:	PR-LGL-01.1	Revision:	2
Supporting Documents & Forms:	Privacy Policy Privacy Complaint Form (also attached to this Plan and Procedure)		
References & Legislation:	Privacy and Personal Information Protection Act, 1998 (NSW) ("PPIPA") Health Records and Information Privacy Act, 2002 ("HRIPA") Privacy Act, 1988 (Commonwealth) National Privacy Principles (NPP) NSW Privacy Commissioner Government Information (Public Access) Act 2009 (NSW) Independent Commission Against Corruption Act, 1988 (NSW) Protected Disclosures Act, 1994 (NSW) State Records Act, 1998 (NSW)		

Contents

1.	Introduction / Background.....	2
2.	Access and alteration to Information	2
3.	Retention and security of Information	2
4.	What are Internal Reviews?.....	3
4.2.	How to make an internal review application	3
4.3.	Who will conduct the internal review?	3
4.4.	How will the internal review be conducted?	3
5.	Roles & responsibilities for training and compliance	4
6.	Version Control and Change History	5

1. Introduction / Background

- 1.1. ITC Ltd is a controlled entity of the University of Wollongong. ITC includes UniAdvice, UOW external relations, ITCC and UOW College.
- 1.2. ITC has produced this Privacy Management Procedure to comply with section 33 of the *Privacy and Personal Information Protection Act 1998* (“**PIIP**”) Act.
- 1.3. This procedure is to be read in conjunction with the Privacy Policy, including definitions contained therein.
- 1.4. ITC collects, uses, discloses and otherwise handles Information in accordance with the *Privacy and Personal Information Protection Act 1998* (NSW) (PIIP), the *Health Records and Information Privacy Act 2002* (NSW) (“**HRIP**”), *Privacy Act 1988* (Cth), the *National Privacy Principles* (“**NPPs**”) and other relevant laws. ITC’s Privacy Policy is available online from ITC’s website at www.itcltd.com.au

2. Access and alteration to Information

- 2.1. ITC must, at the request of the individual to whom the Information relates and without excessive delay or expense, provide the individual with access to the Information.
- 2.2. ITC must, at the request of the individual to whom the Information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the Information:
 - a. is accurate; and
 - b. having regard to the purpose for which the Information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.
- 2.3. If ITC is not prepared to amend Information in accordance with a request by the individual to whom the Information relates, ITC must, if requested by the individual concerned, take such steps as are reasonable to attach to the Information, in such a manner as is capable of being read with the Information, any statement provided by that individual of the amendment sought.
- 2.4. If Information is amended in accordance with this principle, the individual to whom the Information relates is entitled, if it is reasonably practicable, to have recipients of that Information notified of the amendments made by ITC.

3. Retention and security of Information

- 3.1. If ITC holds Information it must ensure that:
 - a. The Information is kept for no longer than is necessary for the purposes for which the Information may lawfully be used;
 - b. The Information is disposed of securely and in accordance with any requirements for the retention and disposal of Information;
 - c. The Information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse; and
- 3.2. If it is necessary for the Information to be given to a person in connection with the provision of a service to ITC, everything reasonably within the power of ITC is done to prevent unauthorised use or disclosure of the Information.

4. What are Internal Reviews?

- 4.1. Individuals have the right to apply to ITC for a formal internal review of conduct, which they believe, contravenes the Privacy Policy or privacy legislation.
- 4.2. Before making an application for internal review, individuals are encouraged to first direct in writing to the ITC Privacy Officer any questions or concerns which an individual has in relation to privacy, so that privacy related issues can be easily and speedily resolved. The Privacy Officer's details are set out in 6.4 below.

4.3. How to make an internal review application

An application for an internal review should:

- a. be in writing using the Privacy Complaint Form (F-LGL-01.1.1), which is attached to this document.
- b. set out in detail the conduct, which the applicant believes, contravenes the Privacy Policy or privacy legislation;
- c. be addressed to the Privacy Officer (details set out below);
- d. specify a return address in Australia; and
- e. be lodged with the Privacy Officer within 6 months of the date the applicant first became aware of the conduct.

4.4. Who will conduct the internal review?

The ITC Privacy Officer will conduct the internal review, providing there is no conflict of interest.

4.5. How will the internal review be conducted?

- 4.5.1. On receiving an application for an internal review, the Privacy Officer must inform the NSW Privacy Commissioner as soon as practicable.
- 4.5.2. The Privacy Officer must consider any relevant material submitted by the applicant or by the NSW Privacy Commissioner.
- 4.5.3. The Privacy Officer will complete the internal review within 60 days of receipt of the internal review application, failing which the applicant may apply to the Administrative Decisions Tribunal.
- 4.5.4. Once the internal review has been completed, the Privacy Officer may do one or more of the following:
 - a. take no further action on the matter; or
 - b. make a formal apology to the applicant; or
 - c. take such remedial action as it thinks appropriate; or
 - d. provide undertakings that the conduct will not occur again; or
 - e. implement administrative measures to ensure that the conduct will not occur again.
- 4.5.5. Within 14 days of the completion of the internal review, the Privacy Officer will notify the applicant in writing of:
 - a. the findings of the internal review (and the reasons for those findings);
 - b. the action proposed to be taken by **ITC** (and the reasons for taking them); and
 - c. the right of the person to have those findings, and the proposed action, reviewed by the Administrative Decisions Tribunal.

5. Roles & responsibilities for training and compliance

- 5.1. The Privacy Officer will be responsible for control and maintenance of the Privacy Policy and Privacy Management Plan and Procedure. Specifically, the Privacy Officer(s) will:
 - 5.1.1. investigate complaints concerning a contravention of the Privacy Policy or privacy legislation;
 - 5.1.2. conduct an ongoing review of practices and procedures to ensure that they comply with the Privacy Policy, current legislation and best practice; and
 - 5.1.3. inform and assist staff with respect to privacy issues.
- 5.2. **TRAINING:** The Human Resources division conducts a staff induction program for new staff which covers staff member's privacy obligations. Ongoing training of staff is the responsibility of the Privacy Officer. The induction and ongoing training aims to ensure that staff members have sufficient understanding of their privacy obligations to feel confident in handling Information so as to meet their requirements of work, while at the same time complying with the Privacy Policy and privacy legislation.
- 5.3. **COMPLIANCE:** The Compliance Committee maintains a Compliance Matrix which includes privacy obligations. The Compliance Committee receives bi-monthly compliance reports from each Division, which includes reporting of non-compliances with privacy legislation. The Compliance Committee tracks remedial action to be taken and reports incidents of high risk to the CEO and Board Audit and Risk Committee.
- 5.4. For further Information in relation to this Plan and Procedure, please contact the Privacy Officer at the following address:

The Privacy Officer
ITC Legal Office
Building 39A
Locked Bag 8812
WOLLONGONG, NSW 2500
Phone: (02) 5252 8901
Email: itc-privacy@uow.edu.au

6. Version Control and Change History

Revision No.	Approved By	Date Approved	Amendment
1	Vince Lendrum	02/05/11	New Plan and Procedure
2	ITC Quality Manager	08/06/11	Address in section 5 updated

PRIVACY COMPLAINT FORM

This form is to assist you in making a complaint about the handling of your personal information.

You can only complain about the mishandling of your own personal information and not about anyone else's information.

Please note, use of this form is optional, however, to assist our investigation of your complaint, it is important that you include all the required information in a legible letter. If more space is required, please attach additional pages.

About You – The Complainant

Your details:

Dr/Mr/Mrs/Miss/Ms Name: _____

Address: _____

Postcode: _____

Email: _____

Contact phone number during business hours: _____

Please advise our office as soon as possible if any of your contact details change.

The Respondent – who you are complaining about

I am complaining about:

Division: _____

Individual(s) involved (if known): _____

Location: _____

Please provide the same information on an extra page if there are more people/Divisions you are complaining about.

Have you complained to the Respondent?

As an initial step, please raise your complaint in writing with the Respondent. Have you written to the Respondent about your concerns? **YES / NO** (circle)

If **YES**, describe any action they took in responding to your complaint. Where possible, give dates. Please attach a **copy** (not the original) of your complaint to the Respondent and any letter of reply you have received.

If **NO**, is there any reason you cannot do so now?

Please give us all the information that you think is relevant to your complaint. The ITC Privacy Officer is available during office hours to help you decide what is relevant to your complaint.

How do you believe your privacy has been breached?

Please give a brief description of the events which you allege were an interference with your privacy. We need to know what happened, where it happened and who did it. Please give us all the dates and other details that you can remember.

How has this affected you?

Complaints to other agencies

Have you taken this complaint to another agency, eg. An adviser, the police, the University? If so, which agency? Please give details and provide copies of relevant documents.

Please give us **copies** (not the original) of any documents that may help us to investigate your complaint (for example, any correspondence or records of conversations you have had with the Respondent, including their letter of reply).

Please sign and date this form.

Signature _____ Date: _____

Please mail this form, together with any attachments, to:

The Privacy Officer
ITC Legal Office
Building 39A
Locked Bag 8812
Wollongong NSW 2500

Email: itc-privacy@uow.edu.au