

POLICY

Approved by:	Chief Executive Officer	Date:	02 May 2011
Date Effective:	02 May 2011	Date of Next Review:	May 2014
Document No:	POL-LGL-01	Revision:	2
Custodian:	Legal Counsel		
Supporting Documents, Procedures & Forms:	Privacy Management Plan and Procedure Privacy Complaint Form		
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)		

1. Purpose of policy

ITC Ltd is a controlled entity of the University of Wollongong. ITC includes UniAdvice, UOW external relations, ITCC and UOW College.

ITC is committed to protecting your privacy. ITC takes all reasonable steps to ensure that the collection, use, disclosure, disposal and handling of Information by ITC complies with the law.

2. Definitions

Word/Term	Definition
Health Information	<p>is defined under HRIPA, and includes information that is in the possession or control of ITC or its employees in the course of their employment which is:-</p> <ol style="list-style-type: none"> a. Personal Information that is information or an opinion about: <ol style="list-style-type: none"> (i) the physical or mental health or a disability (at any time) of an individual, or (ii) an individual's express wishes about the future provision of health services to him or her, or (iii) a health service provided, or to be provided, to an individual, or b. other Personal Information collected to provide, or in providing, a health service, or c. other Personal Information about an individual collected in connection with the donation, or intended donation, of an individual's body parts, organs or body substances, or d. other Personal Information that is genetic information about an individual arising from a health service provided to the individual in a form that is or could be predictive of the health (at any time) of the individual or of any sibling, relative or descendant of the individual.

HRIPA	means the Health Records and Information Privacy Act 2002 (NSW).
Information	means Health Information, Sensitive Information and/or Personal Information held by ITC.
Personal Information	<p>is defined under PPIPA and the privacy Act, and includes:</p> <ul style="list-style-type: none"> a. information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the Information or opinion; b. an individual's fingerprints, retina prints, body samples or genetic characteristics <p>Personal Information does not include a range of Information, including Information:</p> <ul style="list-style-type: none"> a. regarding an individual who has been deceased for more than 30 years; b. about an individual that is in a publicly available publication; c. about an individual contained in a protected disclosure under the Protected Disclosures Act 1994 (NSW) d. or an opinion about an individual's suitability for appointment or employment as a public sector official; or e. held in a library, museum or gallery for the purpose of reference, study or exhibition.
PPIPA	means the Privacy and Personal Information Protection Act 1998 (NSW).
Primary Purpose	means the main purpose for which the Information was collected.
Sensitive Information	<p>is defined in the Privacy Act 1988 (Cth) and is a subset of Personal Information. It includes:-</p> <ul style="list-style-type: none"> a. Information or an opinion about an individual's: <ul style="list-style-type: none"> (i) racial or ethnic origin; or (ii) political opinions; or (iii) membership of a political association; or (iv) religious beliefs or affiliations; or (v) philosophical beliefs; or (vi) membership of a professional or trade association; or (vii) membership of a trade union; or (viii) sexual preferences or practices; or (ix) criminal record; <p>that is also personal Information; or</p> b. Health Information about an individual; or c. genetic Information about an individual that is not otherwise Health Information.

3. Our commitment to privacy

- 3.1. ITC will collect, manage, use and disclose Personal Information, Health Information and Sensitive Information in accordance with the Privacy and Personal Information Protection Act 1998 (NSW) (PIIP), the Health Records and Information Privacy Act 2002 (NSW) (HRIP), the Privacy Act 1988 (Cth), the National Privacy Principles, and other relevant laws.
- 3.2. ITC is bound by the NSW and Commonwealth privacy laws.
- 3.3. In compliance with the s. 33 of the PIIP Act, the Privacy Management Plan and Procedure addresses strategies and procedures for compliance with Privacy laws.

4. Collection of Information

- 4.1. ITC will collect the Information in an open manner, including informing individuals that Information is being collected, why it is being collected and who will be using it.
- 4.2. ITC will only collect the Information by lawful means and for a purpose that is directly related to one of its activities where the Information is reasonably necessary for that purpose.
- 4.3. The collection of Sensitive Information, including Health Information, is restricted and will only be collected with the specific consent of the individual, except in limited circumstances such as where collection without consent is required by law.
- 4.4. At the time of collection (or if that is not practicable, as soon as practicable thereafter), ITC will take reasonable steps, through to provision of a privacy statement, to ensure that the individual is aware of:
 - 4.4.1. the identity of the ITC and how to contact it;
 - 4.4.2. the fact he or she is able to gain access to the Information;
 - 4.4.3. the purpose for which the Information is collected;
 - 4.4.4. the organisations (or types of organisation) to which ITC usually discloses Information of that kind;
 - 4.4.5. any law that requires the Information to be collected;
 - 4.4.6. the main consequence (if any) for the individual if all or part of the Information is not provided.
- 4.5. ITC will collect the Information directly from the person unless
 - 4.5.1. the person has consented to the collection of Information from someone else; or
 - 4.5.2. the person is under 16 years of age; or
 - 4.5.3. it is unreasonable or impractical to do so.
- 4.6. ITC will not collect Sensitive Information, including Health Information, unless:
 - 4.6.1. the individual has consented; or
 - 4.6.2. the collection is required by law; or
 - 4.6.3. the collection is necessary to prevent or lessen a serious and imminent threat to life or health of an individual; or
 - 4.6.4. the collection is in relation to a legal claim.

5. Use and disclosure of Information

- 5.1. ITC will use and disclose the Information only for the Primary Purpose of collection unless use or disclosure for another purpose is lawfully permitted or required, or the person consents.
- 5.2. The use and disclosure of Sensitive Information, including Health Information, is restricted. The use must be directly related to the Primary Purpose for which the Information was collected. Sensitive Information, including Health Information, is only disclosed with the consent of the individual, except in limited circumstances.
- 5.3. ITC will only disclose Information about an individual to third parties including its related entities and/or government agencies without an individual's consent if:
 - 5.3.1. that Information is directly related to the purpose for which it was collected, and ITC has no reason to believe that the person would object to disclosure; or
 - 5.3.2. the individual is reasonably likely to have been aware, or has been made aware, that Information of that kind is usually disclosed to that other entity; or
 - 5.3.3. ITC believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person; or
 - 5.3.4. the Personal Information relates to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership or sexual activities, unless the disclosure is necessary to prevent a serious and imminent threat to the life or health of the individual concerned or another person; or
 - 5.3.5. the Information is required under law to be disclosed.

6. Information quality

ITC takes all reasonable steps to ensure that the Information it holds is accurate, complete and up-to-date.

7. Retention and security

- 7.1. ITC takes all reasonable steps ensure that Information is:
 - 7.1.1. held for no longer than is necessary, subject to the State Records Act 1998 (NSW)
 - 7.1.2. disposed of securely; and
 - 7.1.3. protected to the extent reasonable in the circumstances from loss, unauthorized access, use, modification or disclosure or other misuse.
- 7.2. The [Privacy Management Plan and Procedure](#) provides further details concerning the retention and security of records.

8. Openness – access, correction and amendment

- 8.1. A person can access their Information and can request correction of Information about them to ensure the Information is accurate, complete and not misleading.
- 8.2. The [Privacy Management Plan and Procedure](#) provides further details concerning the access, correction and amendment of records.

9. Identification & anonymity

- 9.1. Because of the nature of ITC core business, it will usually be impractical for individuals interacting with ITC to have the option of not identifying themselves. However, ITC will, where lawful and practicable, give a person the opportunity to not identify themselves.
- 9.2. ITC will only will only:
- assign identification numbers; or
 - upon request provide an individual with the opportunity not to identify themselves;

where the assigning of numbers or anonymity are reasonably practicable and lawful in the circumstances, and do not negatively affect the functions of the ITC.

10. Transborder data flows

- 10.1. In the course of its operations, ITC may provide personal data to organisations outside of Australia. In such a case, ITC will take steps to ensure that the recipient overseas will treat the personal data in substantially the same way as would be required under Australian law.

11. Complaints and further Information

- 11.1. If an individual believes that ITC has breached their privacy, that person should direct their questions in writing, to the Privacy Officer in accordance with the [Privacy Management Plan and Procedure](#).
- 11.2. Individuals have the right to apply to ITC for a formal internal review. [The Privacy Management Plan and Procedure](#) also sets out the internal review procedure.
- 11.3. The Privacy Officer's contact details are:
- The Privacy Officer
ITC Legal Office
Building 39A
Locked Bag 8812
WOLLONGONG, NSW 2500
Phone: (02) 5252 8901
Email: itc-privacy@uow.edu.au
- 11.4. For more information about ITC privacy practices, please see the [Privacy Management Plan and Procedure](#).

12. Version Control and Change History

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