

Policy Title: Privacy Policy

Descriptors : 1) Personal Information 2) Health Information 3) Privacy
4) Sensitive Information

Category : Administration

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1. Intent

To support privacy of data through appropriate management of personal and health information of students, staff and third parties.

This policy is intended to substantially reflect the Australian Privacy Principles although Edith Cowan University is not bound by the provisions of the recently amended *Privacy Act 1988 (Cth)*.

2. Organisational Scope

Edith Cowan University students, staff, Council members and contractors.

3. Definitions

| TERM | DEFINITION |
|----------------------------|---|
| “Direct Marketing” means | Direct marketing involves the use and/or disclosure of personal information to communicate directly with an individual to promote goods and services. A direct marketer may communicate with an individual through a variety of channels, including telephone, SMS, mail, email and digital advertising. |
| “Health information” means | (a) information or an opinion about – <ul style="list-style-type: none">(i) the physical, mental or psychological health (at any time) of an individual; or(ii) a disability (at any time) of an individual; or(iii) an individual’s expressed wishes about the future provision of health services to him or her; or(iv) a health service provided, or to be provided, to an |

| TERM | DEFINITION |
|--|--|
| | <p>individual,</p> <p>that is also personal information; or</p> <p>(b) other personal information collected to provide, or in providing, a health service; or</p> <p>(c) other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body tissue; or</p> <p>(d) other personal information, including genetic information, about an individual in a form which is, or could be, predictive of the health of the individual or any other individual.</p> <p><i>body tissue</i> includes an organ or part of the human body or a substance extracted from, or from a part of, the human body.</p> |
| <p>“Personal information” means</p> | <p>information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual or an individual who is reasonably identifiable, whether living or dead.</p> |
| <p>“Sensitive information” means</p> | <p>(a) information or an opinion about an individual’s:</p> <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) sexual preferences or practices; or (viii) criminal record; <p>that is also personal information; or</p> <p>(b) health information about an individual; or</p> <p>(c) genetic information about an individual that is not otherwise health information.</p> |
| <p>All undefined expressions used in this Policy should be taken to have the meaning as defined in the <i>Privacy Act (1988)</i> (Cth) and the Australian Privacy Principles Guidelines made by the Office of the Australian Information Commissioner.</p> | |

4. Policy Content

The University will deal with personal and health information in a manner that protects the privacy of individuals whilst meeting obligations as may be prescribed by applicable laws, or as set out in University policies.

4.1 *Privacy Principles*

Appendix A sets out the principles the University will follow when dealing with the personal, sensitive and health information of individuals. In particular the principles deal with the following:

- Collection and Holding of Personal, Sensitive and Health Information
- Use and Disclosure of Personal, Sensitive and Health Information
- Collection and Use of Non-Identifying Information
- Research – Personal, Sensitive and Health Information
- Disclosure – overseas recipient

4.2 *Student Information*

The University will not disclose personal or health information about students to another student, to people outside the University (including parents of students) or to staff who have no need of access to the information, unless the student authorises the disclosure or as authorised by this Policy. There are exceptions, however, some of which are obligations imposed on ECU by law. The Statement on Confidentiality of Personal Student Information contained in Schedule 1 (the “Information Statement”) provides further details.

4.3 *Staff Information*

Under the Privacy Act, employers are not required to comply with the Australian Privacy Principles in relation to any act or practice that relates directly to an employee’s current or former employment relationship or an employee record (as defined in the Privacy Act). However, where an employer deals with an employee’s personal or health information for any other purpose and no other exemptions arise, it will be required to comply with the Australian Privacy Principles. The University endeavours to follow this approach subject to the Access to Personal Files Policy and any contractual obligations to staff under their terms of employment.

4.4 *Direct Marketing*

The University collects personal information in order to provide future students, students, alumni, staff and the community with useful and relevant information about products, services and events. This information is generally collected directly from individuals, however in some circumstances may come from third parties, including from University service providers. The University may also access aggregated, non-personally identifiable information provided by social media channels, website behavioural modelling and website analytics.

The University may use and disclose the personal information collected for the purpose of providing future students, students, alumni, staff and the community with tailored marketing communications or to conduct market research and analysis.

Marketing communications will contain a statement that provides the recipient with the choice of opting out of receiving such communications in future.

4.5 *Records Management*

Records & Archives Management Services (RAMS) staff by virtue of their role and responsibilities in relation to the management of the University's corporate files and the University's recordkeeping system, require full access to all records. Records staff are aware of and comply with all relevant legislation, including the *State Records Act 2000 (WA)* and are bound by the University's confidentiality requirements.

4.6 *Quality and Security of Personal or Health Information*

The University will:

- (a) Take reasonable steps to protect personal and health information from misuse, interference and loss, and from unauthorised access, modification or disclosure;
- (b) Take reasonable steps to ensure that personal and health information it collects, uses and/or discloses is relevant, accurate, complete and up to date.

4.7 *Access to and the Correction of Personal or Health Information*

- (a) The University has a general responsibility to provide individuals with access to their own personal and health information. This a general right, but instances may occur where the University may limit or refuse access to this information, for example where the information includes personal or health information of a third party. Decisions on access to information are made with reference to legislative requirements, reasonableness, University policies, and contractual obligations.
- (b) Where information is not routinely available, individuals may apply for access under the Freedom of Information Act 1992. Further information on Freedom of Information at ECU is set out in the University's Information Statement.
- (c) Where an individual requests correction of their personal or health information, the University will consider such requests, and if reasonable in the circumstances take steps with regards to the purpose for which the information is held, and make the requested correction. Where such correction is not made by the University, individuals may apply for an amendment of personal information under the Freedom of Information Act 1992. Further information is set out in the University's Information Statement

4.8 *Privacy requests for access and correction should be made:*

- (a) by students to the Director, Student Services Centre;
- (b) by staff to the Director, Human Resource Services. Such requests will be handled in accordance with the Access to Personal Files policy; and
- (c) by any other party under the FOI Act to the FOI Coordinator.

4.9 The University will respond to requests for access and correction within a reasonable period, and in a manner that meets the needs of the University and the individual and in accordance with any related Policy.

4.10 *Complaints regarding the University's Handling of Personal and Health Information*

- (a) All privacy related complaints should be made to the Privacy Primary Contact Officers listed in section 6.
- (b) Complaints from Students - Staff who receive complaints from students with regard to privacy issues will deal with such complaints in accordance with the Student Complaints Policy.

- (c) Complaints from Staff - Staff who receive complaints from other staff members with regard to privacy issues will deal with such complaints in accordance with the Grievance Resolution Policy.
- (d) Complaints from External Persons - Staff who receive complaints from persons other than ECU staff or ECU students, with regard to privacy issues that pertain to ECU, will refer such complainants to the Director, Risk and Assurance Services Centre who shall deal with them in accordance with the Public Complaints policy.

5. References

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| Policy Code: | ad067 PL090 | File No: SUB/29576 |
| Policy Owner: | Director, Office of Governance Services | |
| Approved by: | Vice-Chancellor | |
| Date First Approved: | 20 October 2008 | |
| Revision Date: | February 2018 | |
| Amendments: | <ul style="list-style-type: none"> • Minor Amendment December 2012 as a result of amendments to the Higher Education Support Act. • Minor amendment September 2012 to re-word Records staff responsibilities. • Reviewed and updated July 2011. Minor amendments only, <ul style="list-style-type: none"> ○ addition of new section 4.3 on Records Management and ○ removal of references to the Information Privacy Bill 2007 (WA) ○ updating of position titles • Updated July 2009 to add the Statement on Confidentiality of Personal Student Information as a Schedule • Revision of the Policy to generally reflect the Australian Privacy Principles which came into effect from 12 March 2014. • 20 February 2015: Approved by the Vice-Chancellor. Reviewed in consultation with MCSC, OLS, HRSC, ITSC and OGS. | |
| Related Policies/Documents | <ul style="list-style-type: none"> • ECU Code of Conduct • ECU FOI Information Statement • Grievance Resolution Policy • Access to Personal Files Policy • Student Complaints Policy • Public Complaints Policy • Research Data Management Policy • Australian Privacy Principles Guidelines | |

6. Contact Information

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|---|---|
| ECU Privacy Primary Contact Officer 1: | Director, Student Service Centre (Enquiries related to students) |
| Telephone: | 08 6304 3888 |
| Email address: | g.jackson@ecu.edu.au |
| ECU Privacy Primary Contact Officer 2: | Director, Human Resources Service Centre (Enquiries related to staff) |
| Telephone: | 08 6304 2937 |
| Email address: | j.robertson@ecu.edu.au |
| ECU Privacy Primary Contact Officer 3: | Director, Risk and Assurance Services Centre (Other Privacy related enquiries) |
| Telephone: | 08 6304 2495 |
| Email address: | p.draber@ecu.edu.au |
| ECU Privacy Primary Contact Officer 4: | Director, Office of Governance Services (FOI Coordinator and FOI related enquiries) |
| Telephone: | 08 6304 2453 |
| Email address: | j.tracey@ecu.edu.au |

APPENDIX A – ECU PRIVACY PRINCIPLES

1) Collection and Holding of Personal, Sensitive and Health Information

The University collects personal information with respect to its staff, current and prospective students, contractors, and external clients. The type of personal information the University collects may include: individual's name, address, telephone or email details, date of birth, gender, student or staff number, educational history, salary information, other information regarding students and their academic performance, student debt to the University, banking details, and visual images such as photographs. The University also collects sensitive information by consent, such as health information or criminal history checks, in connection with research, delivery of services to students and clients, and human resource management.

The University will:

- (a) Only collect personal and health information for lawful purposes and when reasonably necessary to perform its functions or activities, including providing staff, students and external clients the full benefit of the complete range of services offered by the University.
- (b) Only collect sensitive information by consent or where otherwise required or authorised by law;
- (c) When collecting personal and health information, take reasonable steps to advise individuals why the information is needed, how it will be used and to whom it may be disclosed.
- (d) Where the University receives unsolicited personal or health information, make a determination as to whether the information is reasonably necessary for the University's functions or activities. If yes, the provisions of this policy apply to the collection, use and disclosure of the information. Otherwise, where lawful and reasonable to do so, unsolicited information will be destroyed or de-identified.

2) Use and Disclosure of Personal, Sensitive and Health Information

- (a) The University will use and disclose personal information or health information held for the primary purposes for which the information was collected and:
 - for other secondary purposes directly related to that primary purpose; for purposes for which consent has been obtained; and
 - as authorised by this Policy; and
 - as otherwise required or authorised by law.

Staff receiving requests for personal or health information from:

- a student; or
- a member of staff whose need to access the requested information does not fall within the staff member's normal range of duties;
- any person or organisation outside ECU;

will refer such requests to the relevant ECU Privacy Primary Contact Officer:

- The Director, Student Services Centre if the information relates to a student.
- The Director, Human Resource Services Centre if the information relates to a member of staff.

- The Director, Risk and Assurance Services Centre, if the information relates to any other third party.
- (b) Staff will not request, or access, personal and health information about other individuals unless required to do so in order to perform their normal duties.
- (c) Decisions on use and disclosure of personal and health information are made with reference to legislative requirements, reasonableness, and University policies.

The *Guidelines – Privacy Essentials* (contained in Schedule 1) provides further guidance to staff on the steps that should be taken to protect personal and health information.

3) **Collection and Use of Non-Identifying Information**

The University collects non-identifying information (information that does not reveal an individual's identity) about traffic to online services. ECU may use this information to improve services, for marketing purposes and for statistical analysis.

(a) *IP Address Information*

The University may collect a visitor's IP (Internet Protocol) address for technical reasons, including fighting spam, malware, and identity theft, or to personalise a visitor's experience using any of ECU's online services. For example using approximate geo-location techniques to generate dynamic personalised content, and to generate aggregated, non-personal information about how people use any of ECU's online services.

(b) *Information Collected using Cookies*

ECU's online services may make use of cookies to save and retrieve information about an individual's visit. A cookie is a small data file that is stored on a visitor's computing device for the purpose of identifying their browser during interaction on websites, and may be used for such purposes as performance measuring, analytics tracking, data storage, or account authentication and trust. Cookies may be delivered by the web page, via a visible image or content frame on a page, or using small strings of invisible code placed into the web page for this purpose, and known as web beacons, clear GIFs, or pixel tags. A website may set a cookie to the browser if the browser's preferences allow it.

(c) *Third Party Cookies*

ECU's privacy policy does not cover the use of cookies by any University partners. For example, when the University includes content from other sites or online services these sites may also set their own cookies which the University does not have access to or control over.

(d) *Website Analytics*

The University may use various tools such as "Google Analytics" to collect information about the use of the University's online services. These tools may collect information such as how often users visit ECU's website, what pages they visit when they do so, what other sites they used prior to coming to ECU's website, and demographic information such as age, gender and interests. Typically the tool will store a permanent cookie on a visitor's web browser to identify them as a unique user the next time they visit any of ECU's online services. This cookie cannot be used by anyone except the provider of the tool (for example Google, Inc) and is transmitted to and stored by the service provider on their servers which may reside outside of Australia.

The University uses the information obtained from the tools to maintain and improve online services. The University does not combine the information collected through the use of analytics collection tools with personally identifiable information.

The University restricts a service provider's ability to use and share information collected by their tool about an individual's visits to University websites through the use of terms of service. Visitors to ECU's webpages may prevent the tools from recognizing them on their return visits by disabling or clearing the cookies on their browser or by installing opt out options.

The University may also access aggregated, non-personally identifiable information provided by various social media channels, such as Facebook Insights. An individual's interactions with these social media channels are governed by the privacy policy of the company providing them.

(e) *Display Advertising*

ECU and third-party vendors use first-party cookies (such as the Google Analytics cookie) and third-party cookies together to inform, optimise, and serve advertisements based on past visits to the University's online services. Advertising cookies may be placed on a visitors computing device so that the University can understand a visitor's interests. The University uses this information to optimise the delivery of advertisement content on third-party websites and social media platforms.

(f) *Third Party Websites*

A visitor to ECU's online content may find links to third party websites on the University's online services. These sites are owned and operated independently of the University and may collect information about visitors. The University does not accept any responsibility or liability for the third parties as the University does not have any control over them.

(g) *Social Media Widgets*

The University's online services may include social media features via widgets, such as Facebook's 'Like' and 'Share' buttons, or Twitter's 'Follow' button that run on the University's webpages. These features may collect information such as a visitors IP address, which pages they are visiting on ECU's website, and may set a cookie to enable the feature to function properly. Social media features and widgets are either hosted by a third party or hosted directly on ECU's website. A visitor's interactions with these features are governed by the privacy policy of the company providing them.

4) **Research – Personal and Health Information**

Staff and students involved in research activities should note that there are special conditions that apply when collecting, using and disclosing personal and health information in relation to research. Details are set out in Research Policies/Protocols.

5) **Disclosure – Overseas Recipient**

Subject to section 2, the University will generally only disclose personal or health information to an overseas recipient with the consent of the individual, and where practicable to do so will advise the individual of the name of the country or countries where the overseas recipient(s) is located.

The University may need to disclose personal and health information to overseas recipients in connection with: students with international sponsorships; students of overseas institutions on student exchange or study abroad or study tour programs, pursuant to contractual obligations to overseas institutions in connection with these programs.

SCHEDULE 1

Statement on Confidentiality of Personal Student Information

1. Intent

This is a statement of the University's policy in relation to the personal information held about students.

2. Organisational Scope

All staff and students.

3. Definitions

Nil

4. Content

4.1 Students are entitled to protection of their privacy, as are staff and others who might have dealings with the University. The University is not bound by the provisions of the *Privacy Act 1988 (Cth)*, but its policies largely reflect the Australian Privacy Principles. Privacy considerations apply to a great deal of information the University may hold about students, including photos, factual personal data (address, age, enrolment status, etc), academic progress (examination results, evaluation and assessment and academic standing) and personal welfare (family matters, medical matters, financial matters, etc).

4.2 University staff may require access at times to personal information about students. To the extent that the information is private, the University will restrict access to those staff that may need the information in order to carry out their responsibilities in the personal and/or academic interests of the students or business interests of the University.

4.3 In general the University will not disclose personal information about you to another student, to people outside the University or to staff who have no need of access to the information, unless you tell us, in writing, that you have given permission. However, there are some exceptions to the general application of this policy, some of which are obligations imposed on us by law. These exceptions include the following:

- we inform Centrelink (for Abstudy and Austudy) of your enrolment details (but not your results);
- we release statistical information to the Commonwealth Department responsible for the administration of the *Higher Education Support Act 2003 (Cth)* (HES Act) which may in turn provide this information to other universities, the Tertiary Education Quality and Standards Agency, State or Territory Government agencies, and other bodies authorised under the HES Act but only for the purposes permitted in the HES Act and in accordance with the procedures set out in the HES Act and the Australian Privacy Principles contained in the Privacy Act;
- we tell the Australian Taxation Office (ATO) about your HECS liabilities each semester (you consent to this by signing your Payment Options form);
- if you are an International student, we provide a number of government organisations with information which we are required to release;

- we may be asked to provide information to the Department of Families, Housing, Community Services and Indigenous Affairs;
- if you are alleged to have committed an offence, we may be requested to assist the police or other authorised persons by providing personal information about you for the enforcement of the law;
- if you transfer to another tertiary institution we may release to that institution information about your academic progress at this University, although we will only release this information if you consented to the release of the information to the new institution;
- unless you have elected not to join the Student Guild, your contact details and a minimum amount of information may be released to the Student Guild to assist the Guild maintain your membership details and to assist the Guild determine the facilities and services it needs to provide to the student body;
- disclosure as necessary to prevent or lessen a serious and imminent threat to the life or health of the student or of another person;
- the University may use and disclose the information collected about you for the purpose of providing you with tailored marketing communications about products and services, or to conduct market research and analysis.
- The University may match an applicant's marketing history with any other information gathered on the applicant (by attaching their University assigned applicant ID to the data captured by third-party ad serving platforms, or otherwise) for the purposes of assessing the effectiveness of particular marketing or to assist with future marketing.

Privacy Essentials

Don't Leave Privacy to Chance...

Take Steps to Protect Personal and Health Information

PROTECT PERSONAL AND HEALTH INFORMATION

1. **Do not disclose personal or health information without first seeking advice**

Call an ECU Privacy Primary Contact Officer when requested to provide personal or health information to someone other than to the individual concerned.

Disclosure may be permitted in some cases (such as requests for information from police officers), but the ECU Privacy Primary Contact Officer will give you advice on the University's obligations.

COLLECTING PERSONAL AND HEALTH INFORMATION

2. **Only collect personal and health information if it is necessary.**

Only collect information that is needed at the time of collection, not information that may become necessary or useful at a later date. If a need arises later, collect the information then. Consider whether each piece of information is reasonably necessary for the functions or activities of ECU.

3. **The reason for collection should be conveyed**

Advise individuals why you need to collect the information, how you plan to use it and to whom you may disclose it. Specific care should be taken to advise individuals of any likely disclosure of their information to overseas recipients.

4. **Only use the information for the purpose for which it was collected.**

Unless you have consent of the individual concerned or have advice from an ECU Privacy Primary Contact Officer, you should only use personal and health information for the purpose for which it was collected. Remember, if in doubt contact an ECU Privacy Primary Contact Officer.

5. **People are entitled to access their own personal information**

The University has a general responsibility to provide individuals with access to their own personal and health information, subject to legislative requirements, reasonableness and to University policies.

Take care not to disclose personal information about other people in the course of providing individuals with access to their own personal or health information.

Individuals also have right to request access to documents held by ECU through the Freedom of Information Act ("FOI Act"). Applications under the FOI Act should be referred to the University's Freedom of Information Coordinator who is the Manager, Office of Governance Services.

6. Keep personal and health information secure.

It is important that you keep personal and health information safe and secure from unauthorised access, modification or disclosure and also against misuse, interference and loss. The steps you should take should be proportionate to the sensitivity of the information you hold.

7. Keep personal and health information up-to-date.

Personal and health information can change. Take all reasonable steps to update this information. If you are notified by an individual that their personal or health information has changed, the records should be amended to reflect those changes. Make sure both hard and electronic copies are updated. If you are aware that personal or health information is likely to change regularly, review the information periodically to ensure the records are accurate, complete, relevant and current.

Under the FOI Act individuals also have the right to request an amendment to their personal or health information.

8. Contact Information

When dealing with personal or health information, provide details about how the individuals concerned can contact you and, if they want to, how they can gain access to their own personal or health information.

FURTHER INFORMATION

The Privacy Policy provides further detail of the specific requirements related to the handling of personal and health information.

REMEMBER: IF IN DOUBT ALWAYS SEEK ADVICE FROM THE RELEVANT ECU PRIVACY PRIMARY CONTACT OFFICER

9. ECU Privacy Primary Contact Officers:

- a. Director, Student Services Centre – Enquiries related to students
- b. Director, Human Resource Services Centre – Enquiries related to staff
- c. Director, Risk and Assurance Services Centre - Other Privacy related enquiries
- d. Director, Office of Governance Services – Enquiries related to FOI

General enquiries about how to deal with personal and health information can be forwarded to the Manager, Compliance, Complaints & Integrity at d.vanderwesthuizen@ecu.edu.au.

10. References

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|----------------------------|---|-------------------|
| Guidelines Code: | ad067 | File No: SUB/5389 |
| Guidelines Owner: | Director, Office of Governance Services | |
| Approved by: | Vice-Chancellor | |
| Date First Approved: | 20 October 2008 | |
| Revision Date: | February 2015 | |
| Amendments: | Guidelines reviewed and updated July 2011. Minor amendments only – deletion of reference to Information Privacy Bill (2007) and updating of position titles. Guidelines amended and updated November 2013 – Minor amendments reflecting introduction of the Australian Privacy Principles. | |
| Related Policies/Documents | Privacy Policy | |