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### Our Values

LTSA values a safe, inclusive, respectful work environment with a focus on providing our team members with an environment that supports their health, wellbeing, productivity, and effectiveness.

La Trobe Student Association Ltd. (LTSA) exists to provide a range of opportunities and services to students at La Trobe University (LTU). In order to achieve this, LTSA must collect personal information from a range of people (largely, but not solely students at LTU), and for a wide variety of uses.

LTSA does not engage in the sale or disclosure of private details, it does not run a health service, and at present it has an annual turnover exceeding (\$2 million). This means that it is subject to legislation restricting its collection and use of private information under the *Privacy Act 1988 (Commonwealth)*. LTSA is not subject to the *Privacy and Data Protections Act 2014 (VIC)* as this applies to Victorian Government agencies.

LTU, however, is subject to this legislation and must ensure that the flow of information outside the institution (including to LTSA) complies with this.

### Policy Application

This policy does not form part of any contract of employment or any industrial instrument. It will be subject to regular review and may be amended by LTSA from time to time.

This policy applies to the following persons, collectively referred to in this policy as 'workplace participants':

- a) prospective and current full-time, part-time and casual employees;
- b) Governing Board of Directors;



- c) volunteers;
- d) agents and contractors engaged from time to time; and
- e) elected student representatives and members of LTSA bodies.

### **Definitions**

This policy is based upon definition of “information” as used in the *Privacy Act 1988 (Cth)*.

“**Personal information**” means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

“**Sensitive information:** means:

- a) Personal information or an opinion about an individual's that relates to:
  - racial or ethnic origin;
  - political opinions;
  - membership of a political association;
  - religious beliefs or affiliations;
  - philosophical beliefs;
  - membership of a professional or trade association;
  - membership of a trade union;
  - sexual preferences or practices; or
  - criminal record;
- b) health information about an individual; or
- c) genetic information about an individual that is not otherwise health information

It is noted that documents pertaining to matters such as police checks, grievance resolution and complaints handling are normally seen as sensitive information, photos, images and financial transaction records may also constitute personal / sensitive information.

### **Policy Statement**

LTSA views the *Commonwealth Privacy Act (1988)* as constituting current best practice for the management of personal and sensitive information, and will ensure internal compliance with it via this privacy policy, regardless of whether or not LTSA continues to meet the threshold tests for compulsory compliance.

LTSA recognises that the needs of its service areas may vary and will allow for more tailored policy and procedures to be developed at a company level where necessary, but that all such policies must be in accordance with the legislation and the LTSA **Privacy Policy**. Any policies/procedures must be endorsed by the LTSA's Chief Executive Officer (CEO) and be included as schedules to the LTSA **Privacy Policy**.

LTSA is committed to ensuring best practice in information management, and will conduct regular internal training sessions to ensure that all team members and elected student representatives of the company who may collect, access or use personal or sensitive information are aware of the LTSA **Privacy Policy** and the Australian Privacy Principles (APP), the cornerstone of the privacy protection framework in the *Privacy Act 1988 (Cth)*.

## **LTSA's Commitment to the Australian Privacy Principles**

### **Collection of personal and sensitive information (APP1, 3 and 5)**

LTSA will only collect personal information necessary for fulfilling one or more of its purposes, being:

- (a) to promote the educational and academic activities, and progress of the University and generally to further the aims, objects and interests of the University;
- (b) to advance and promote the interests of students both within and outside the University;
- (c) to represent the views of students to individuals, corporations, bodies or any other group within and outside the University;
- (d) to provide, conduct and/or manage educational, cultural, sporting, welfare, recreational, social, commercial or other such services, amenities and/or facilities which are in the interest or for the benefit of students;
- (e) to examine, recommend and negotiate improvements, wherever possible, on matters concerning the welfare of students;
- (f) to provide a forum for the discussion of matters of interest to students;
- (g) to encourage students to participate in educational, cultural, social, political, religious, sporting and recreational activities;
- (h) to nominate students, as required, to serve on any boards or committees of the University which have provision for student membership;
- (i) to join with the University in providing such cultural, sporting, recreational, social, commercial, welfare or other services, amenities and/or facilities which are in the interest or for the benefit of students;
- (j) to promote the social life of the University by organising and supervising activities;
- (k) to establish and maintain means of communication, consultation and co-operation between students and the University;
- (l) to promote the improvement or reform of any aspect of education within the Commonwealth of Australia or the State of Victoria;
- (m) to review the Statutes that apply to students and recommend to LTSA Governing Board of Directors as to appropriate amendments to the Statutes;
- (n) to provide such services, amenities and/or facilities to persons other than students of the University as may be incidental to and appropriate in achieving these objects otherwise described in this sub rule;
- (o) to promote the concept of universal membership to the students of LTU and to the general community;
- (p) to ensure LTSA is an equal opportunity employer and to promote equality of opportunity in carrying out these objects;
- (q) to ensure LTSA is a discrimination free workplace and to promote the principles of anti-discrimination in carrying out these objects; and
- (r) generally, to do all things which will benefit students and further the objects of LTSA.

LTSA operates various departments to meet company aims and the vision of making student life better. LTSA is responsible for the day-to-day implementation of programs and assistance to students at LTU. LTSA may collect personal information when it communicates with individuals, when individuals participate in LTSA activities and programs, extending to Clubs and Societies memberships, LTSA memberships and when students choose to provide information to LTSA. Such collection and subsequent storage may be electronic or hard copy.

LTSA will only collect personal information by lawful and fair means and in a manner that is not unreasonably intrusive, as outlined in this policy.

LTSA will endeavour to collect personal information about an individual directly from that individual. Where this is not possible or practicable, LTSA will notify an individual that their personal details are held by LTSA, in accordance with this policy, subject to the exceptions described in legislation.

### **Information provided on collection and use of information**

LTSA will develop a statement to be displayed at all locations where personal information is collected outlining the LTSA's compliance with the [Australian Privacy Principles \(APP\)](#), in particular the information contained in section 5 of the APP, and advising individuals of the availability of this more comprehensive policy document for anyone who requests it. This **Privacy Policy** will also be made available on the LTSA website.

### **Sensitive information**

Departments of LTSA may need to collect health or sensitive information about a student in order to fulfil their purposes, such as running a camp, personal details on file of all elected student representatives, conducting casework, assisting with an insurance claim, running events and activities or maintaining a contact list. Such information will only be collected, used and disclosed in accordance with the APPs and all team and student members of the LTSA will be trained on what constitutes sensitive information.

### **LTSA use and disclosure of private information (APP 6 and 8)**

LTSA will not trade in personal information. LTSA may only disclose an individual's personal information with their consent, or where its disclosure is provided for by law. This includes disclosure of personal information to the University or to an individual's family and friends.

LTSA departments are required to codify procedures dealing with situations relevant to their purposes where disclosure with and without explicit consent might be applicable under the APP.

LTSA will only use information held about an individual for the purpose stated at the time of collection or the secondary purposes allowed for in legislation. All direct marketing by LTSA will be conducted in line with the APP, specifically ensuring that individuals are advised that they may opt not to receive further direct marketing material.

LTSA does not anticipate a need to send personal or sensitive information overseas. In such cases where this might be necessary however, information will only be sent out of Australia if LTSA has taken reasonable steps to ensure that it will be dealt with in accordance with the APP at its destination.

### **Ensuring the safety of private information (APP 11)**

LTSA will ensure that personal and sensitive information will be stored systematically and safely to prevent misuse and loss. Information must be stored in secure areas that are only accessible to those authorised to access the information. Information may only be used in LTSA by workplace participants authorised to access a data set, and such access will only be for approved purposes. Departmental team members or elected student representatives are responsible for the safe-keeping of information held by their department, and may not grant access to others to view, modify or use that information unless that access is required to fulfil the purposes of their department and is allowable under the APP. Departments must codify the procedures used to ensure data security.

### **Ensuring Data Quality, Personal Access, and Anonymity (APP2, 9, 10, 11, 12 and 13)**

LTSA will ensure that personal information it holds uses or discloses is accurate, complete, and up to date for its purposes by developing review schedules for all data sets and codifying the length of time that personal information will be stored. LTSA will retain, archive and destroy records in accordance with organisational policy and legislative requirements.

Individuals may request to see information held about them at any time, subject to any relevant exemptions or limitations in legislation and may inform LTSA of corrections that need to be made. LTSA will then deal with such corrections in accordance with Australian Privacy Principle 11.

No identifier assigned by a Commonwealth Agency (as defined in the legislation) will be used to identify individuals for the purposes of LTSA operations in any LTSA data sets (e.g. Medicare numbers). La Trobe University is a statutory body under State, not Commonwealth legislation, therefore the limitations on use of third-party identifiers would not apply to the LTU student ID number.

LTSA recognises that in some instances individuals may wish to remain anonymous when dealing with LTSA. LTSA respects this but may not be able to offer a complete range of services to individuals who do not provide personal information.

### **Procedure**

#### **Collection of Personal and Sensitive Information (APP 2, 3 and 4)**

The collection of personal and sensitive information is subject to several provisions.

#### **Non-intrusive collection of information**

Departments should only collect information that is directly relevant to their activity.

#### **Anonymity**

If individuals do not wish to provide personal/ sensitive information to LTSA then this will be respected, although LTSA will advise them that this could mean that LTSA may not be able to assist them effectively. A statement to this effect will be contained in the documentation accompanying all requests for information.

#### **Receiving third party information**

Third party information means information about an individual who is not the person LTSA receives the information from. The departments most likely to receive third party information would be:

- a) Student advocacy (casework where it contributes to a student's case)

If LTSA receives personal information and did not solicit the information, then within a reasonable period after receiving the information, LTSA must determine whether the entity could have collected the information under Australian Privacy Principle 3 if the entity had solicited the information.

LTSA may use or disclose the personal information for the purposes of making the determination.

If LTSA determines that it could not have collected the personal information; and the information obtained is not contained in a Commonwealth record; LTSA must, as soon as practicable but only if it is lawful and reasonable to do so, destroy the information or ensure that the information is de-identified.

If it is determined that the above does not apply in relation to the personal information, [Australian Privacy Principles](#) 5 to 13 applies in relation to the information as if the entity had collected the information under Australian Privacy Principle 3.

Departments that collect third party information must make reasonable attempts to inform the third parties of this fact and will codify the procedures used to do this as part of their privacy procedures.

#### **Information statement**

The following information statement must be prominently displayed at points of collection, and/or included on all paper or electronic forms where personal/sensitive information is solicited:

- a) The information collected here is for the primary purpose of “*insert primary purpose*”.

Other purposes of collection include attending to administrative matters; corresponding with you, verifying student/subscriber status, “*insert secondary purpose*”, and marketing of LTSA activities.

If you choose not to complete all the information on this form, LTSA may not be able to help you. You have a right to access personal information that the LTSA holds about you, subject to any exemptions in relevant legislation.

- b) If you wish to seek access to your personal information or enquire about the handling of your personal information, please contact the LTSA Chief Executive Officer (CEO) at [m.trevena@latrobe.edu.au](mailto:m.trevena@latrobe.edu.au).

The LTSA **Privacy Policy** will also be made available on the LTSA website, along with contact details for the CEO, and information on the right of an individual to view (and amend) their own information as appropriate and how to achieve this (see below).

### **Sensitive Information**

All team members and elected student representatives of LTSA will be trained on what constitutes sensitive information, and this will form part of team and elected student representative’s induction packages. Sensitive information kept by departments, divisions and authorised team members and elected student representatives must be done so in accordance with their departmental and/or company privacy procedures.

It is incumbent upon all team members and elected student representatives to check with the CEO should there be any uncertainty regarding the appropriateness of the collection, retention, disclosure and disposal of information seen as sensitive. Where information must be collected for an ad hoc purpose, e.g. the running of an event or activity, personal and sensitive information should be destroyed within twelve (12) months of the conclusion of the event or activity unless otherwise authorised by the CEO.

### **LTSA Use and Disclosure of Private Information (APP 6 and 7)**

LTSA departments are required to codify procedures dealing with situations relevant to their purposes where disclosure with and without explicit consent might be applicable under the APP.

#### **Disclosure with consent of individual**

Procedure for documenting consent:

- a) The CEO will develop a disclosure form as required for centralised operational requirements, and advise relevant departments should they require more specific forms
- b) Written consent is preferable for all requests, but verbal consent is acceptable in low level situations such as “do you want me to speak to the lecturer about this for you” (although a written record of whether consent is given needs to be undertaken).

#### **Disclosure required by law**

Procedure to follow if it is believed disclosure might be required by law:

- a) If in doubt, firstly speak to CEO.
- b) Follow CEO’s recommendation on whether to disclose or not.
- c) Document who made the request, what information was provided and in what form, the date of request, where the information was sent, and retain a copy of the authorising instrument.

#### **Marketing purposes**

Departmental contact lists are not to be used for general LTSA marketing purposes unless this is mentioned at the time of collection.

All marketing information must include address, phone number, and electronic contact details of LTSA.

All marketing information must have an “opt out” clause as follows:

“You have received this information because LTSA believes it may be relevant or of interest to you. If you do not wish to receive further such marketing information from the LTSA, please contact the LTSA. This will not affect your personal information held by LTSA.

### **Trans-border information flows**

If LTSA needs to send information overseas:

- a) The authorised person must firstly contact the host institution and ensure that they have adequate procedures in place, or
- b) Obtain written consent (where practicable) to send information overseas from the individuals concerned
- c) Keep a full record outlining compliance (e.g. noted on individual's file, or with data set)

### **Ensuring the Safety of Private Information (APP 11)**

Information is only to be accessed/used/disclosed for primary (and secondary, where appropriate) purpose/s for which it was collected, as documented at the point of collection.

### **Storage of personal information**

The following procedures apply to the storage of personal information:

- a) All departments that keep personal/sensitive information must have a lockable filing cabinet if information is stored in hard copy;
- b) All filing cabinets are to be locked when not in direct line of sight;
- c) All offices are to be locked when not occupied or not in direct line of sight;
- d) All electronic storage data sets to be password protected; either at computer level, or, if computer is accessed by many, at document level; and
- e) Where appropriate and/or following direction from the CEO, such information is to be transferred to a secure central records repository to ensure that it is not lost or prematurely deleted.

### **Authorised people**

Individuals authorised to access personal and sensitive information is limited to those who have a need to use the information for its primary purpose, as follows:

- a) Team-run departments:
  - i. Departmental team members who have a need to access, collect, or store data
- b) Governing Board of Directors:
  - i. Relevant Governing Board Directors only
- c) Central initiatives (e.g. subscriber, LTSA member databases or Clubs & Societies databases)
  - i. Team member appointed from most relevant area, CEO and LTSA Governing Board of Directors Chair

LTSA CEO may search all data for the purposes of identifying whether data is held by a student in accordance with a student's desire to access their own data

LTSA Governing Board of Directors Chair has access to personal information stored by both elected student representatives and team-run departments where a demonstrated need has been provided to the CEO. The CEO has automatic access to personal information in all areas.

## **Ensuring Data Quality, Personal Access, and Anonymity (APP 2, 9, 10, 11, 12 and 13)**

### **Data review**

All data sets containing personal and sensitive information will be updated annually unless otherwise endorsed by this policy.

Data is to be stored in line with standard archival requirements as outlined in relevant Commonwealth and State legislation and LTSA policies. This includes the following provisions:

- a) Contact lists may be stored for one (1) year, but may be renewed after one (1) year;
- b) Information relating to a specific program or activity may be stored for 1 year;
- c) Student case files may be stored for seven (7) years; and
- d) Petitions (LTSA internal) may be stored for seven (7) years.

### **Personal information collected prior to Policy and Procedure effect**

Where personal data was collected prior to this policy and procedure being formally approved, LTSA is required to take reasonable steps to ensure that the individuals concerned are aware that the LTSA holds such information.

To this end the information shall be flagged at the first review period and:

- a) The individuals concerned shall be notified immediately following the first review period that their personal details are held; or
- b) The individuals concerned shall be notified when next communicated with in the ordinary course of activities; and
- c) depending upon the nature of the information held, and in consultation with the CEO

### **De-identification and destruction of records**

When the required retention period for records has expired, the following actions need to be undertaken:

- a) Paper records identifying individuals personally must be shredded or similarly destroyed, or comprehensively de-identified (sections cut or deleted);
- b) Electronic records must be deleted in accordance LTSA IT guidelines to ensure the irreversibility of the deletion; and
- c) E-mails may constitute records of personal or sensitive information and must be treated according to these principles.

### **Requests about personal information**

Individuals may request to see information held about them at any time, subject to the relevant exemptions or limitations in legislation. Individuals should enquire to the authorised person at the relevant department that holds their personal information (if this is known) or apply to the CEO to determine which data sets contain their personal information.

When a request is made by an individual to view their personal information, the authorised person must make sure, that there are no restrictions on them accessing personal information

Access might be restricted if, for example:

- a) in the case of personal information (other than health information) where providing access would pose a serious and imminent threat to the life or health of any individual; or
- b) providing access would have an unreasonable impact upon the privacy of other individuals; or
- c) the request for access is frivolous or vexatious; or



- d) the information relates to existing or anticipated legal proceedings between the company and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
- e) denying access is required or authorised under law

Further exceptions are listed in APP 12.3 and need to be considered when dealing with such requests.

### **Requests to amend personal data**

If any individual wishes to amend any personal or sensitive information they may inform the relevant authorised person of the corrections that need to be made. LTSA will then deal with such corrections in accordance with Australian Privacy Principle 13, with the authorised person to make a prima facie determination as whether the request is reasonable. Situations where it may not be reasonable to amend data include:

- a) where personal information includes an opinion about a student, but the team member believes that the opinion is still valid for sound reasons, including as an historical record
- b) If the authorised person thinks there is a prima facie case for not amending the data, they should speak to the CEO, who will then make the determination in consultation with the departmental authorised person.
- c) Where a record is not amended, a record of the individual's request to do so and the reasons for refusal shall be included with the record (where practical).

### **Information to individuals**

Contact details for the LTSA CEO, and information on an individual's right to view (and amend) their own information and how to achieve this will be made available on the LTSA website, along with the LTSA **Privacy Policy**.

The following advice is to be included in relevant documentation provided to students and others as appropriate.

The LTSA is committed to being open about the information it holds. Individuals have a right to view information held about them by the LTSA, or request that it be corrected/ updated if necessary. This may be done either by:

- a) Speaking to staff in the relevant LTSA department directly, or
- b) Contacting the LTSA CEO if unsure of which department to contact.

There may be situations where LTSA reserves the right not to disclose or amend information under law, but you will be advised if this is the case. If you have a complaint regarding the handling of your personal information, please contact the LTSA CEO.

Complaints regarding LTSA's handling of its **Privacy Policy** should be sent to the CEO via email.

The CEO must handle all complaints consistently and equitably. This will involve looking into the complaint, determining the validity of the complaint and responding to the complainant when first received the complaint to acknowledge receipt of complaint and then once a determination is made the outcome of the complaint.

### **Identifiers used by the LTSA**

LTSA can use the LTU student ID number for the purposes of identifying students to the university, as La Trobe University is a statutory body under State, not Commonwealth legislation.

LTSA will not use any Commonwealth markers to identify individuals, such as Tax File or Medicare numbers.

**Specific Data Sets**

Specific data sets need to be dealt with in accordance with the relevant situation.

**Contact lists**

Departments may use their own contact lists for their own purposes, including promoting their own events or services, if these conform to the LTSA **Privacy Policy** and the **Acceptable Use of Information Systems Policy**.

**Petitions**

If leaving petitions in a public place for signing, a statement should be placed near the petition to inform petitioners of when the sheet was left, when it will be collected, and when the final recipient will receive the document.

**Personal Case Files / Applications**

Relevant departments must have their own procedures, which should be attached as schedules to this policy document. A high level of confidentiality must attach itself to such files given the likelihood of them containing private and sensitive information.

**Clubs & Societies Lists**

Clubs & Societies affiliated with LTSA must develop their own procedures for maintaining club lists, which should be attached as schedules to this policy document.

**Breach of Policy**

LTSA treats any breach of its policies or procedures seriously. LTSA encourages reporting of concerns about non-compliance and will manage compliance in accordance with the *Higher Education General Staff Award 2020*, National Employment Standards, Disciplinary Policy and contract terms.

**Governance**

<b>Related Policies &amp; Procedures</b>	<ul style="list-style-type: none"> <li>• LTSA Acceptable Use of IT Systems Policy</li> <li>• LTSA Disciplinary Policy</li> <li>• LTSA Complaints Handling Procedure</li> <li>• LTU Privacy Personal Information Policy</li> </ul>
<b>Legislation Mandating Compliance</b>	<ul style="list-style-type: none"> <li>• Privacy Act 1988 (Cth)</li> <li>• Australian Privacy Principles</li> <li>• Victorian Information Privacy Act 2009</li> </ul>
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