# PRIVACY POLICY

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<tr>
<th>Approved by:</th>
<th>Director, Legal and Governance</th>
<th>Date:</th>
<th>10 March 2014</th>
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<tbody>
<tr>
<td>Date Effective:</td>
<td>7 March 2014</td>
<td>Date of Next Review:</td>
<td>March 2015</td>
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<tr>
<td>Document No:</td>
<td>POL-LGL-01</td>
<td>Revision:</td>
<td>4</td>
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<tr>
<td>Custodian:</td>
<td>Policy Officer and Law Clerk</td>
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**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 (Cth)
- Australian Privacy Principles (APP)
- NSW Information and Privacy Commission
- Government Information (Public Access) Act 2009 (NSW)
- Independent Commission Against Corruption Act 1988 (NSW)
- Protected Disclosure Act 1994 (NSW)
- State Records Act 1998 (NSW)
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1 Purpose of Policy

1. UOW Enterprises (UOWE) is a controlled entity of the University of Wollongong. UOWE includes UOWD Ltd, UOWC Ltd and their subsidiaries.

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

2 Definitions

<table>
<thead>
<tr>
<th>Word/Term</th>
<th>Definition (with examples if required)</th>
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<tbody>
<tr>
<td>Health Information</td>
<td>Is defined under HRIPA and includes information that is in the possession or control of UOW Enterprises or its employees in the course of their employment which is:-</td>
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<tr>
<td></td>
<td>a) Personal Information that is information or an opinion about:</td>
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<td></td>
<td>i. The physical or mental health or a disability (at any time) of an individual, or</td>
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<td></td>
<td>ii. An individual's express wishes about the future provision of health services to him or her, or</td>
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<td></td>
<td>iii. A health service provided, or to be provided, to an individual, or</td>
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<tr>
<td></td>
<td>b) Other Personal Information collected to provide, or in providing, a health service, or</td>
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<tr>
<td></td>
<td>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</td>
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<tr>
<td></td>
<td>d) Other Personal Information that is genetic information about an individual arising from a health service raided 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.</td>
</tr>
<tr>
<td>HRIPA</td>
<td>Means the Health Records and Information Privacy Act 2002 (NSW)</td>
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<tr>
<td>Information</td>
<td>Means Health Information, Sensitive Information and/or Personal Information held by UOW Enterprises.</td>
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<tr>
<td>Personal Information</td>
<td>a) Is defined under PPIPA and the Privacy Act, and includes:</td>
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<td></td>
<td>b) Information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion;</td>
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<td></td>
<td>c) An individual’s fingerprints, retina prints, body samples or genetic characteristics</td>
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<td></td>
<td>Personal Information does not include a range of Information, including Information:</td>
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<td>a) Regarding an individual who has been deceased for more than 30 years;</td>
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<td></td>
<td>b) About an individual that is a publicly available publication;</td>
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<td></td>
<td>c) About an individual contained in a protected disclosure under the Protected Disclosure Act 1994 (NSW);</td>
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<td></td>
<td>d) An opinion about an individual’s suitability for appointment or employment as a public sector official; or</td>
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<td></td>
<td>e) Held in a library, museum, or gallery for the purpose of reference, study or exhibition.</td>
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<tr>
<td>PPIPA</td>
<td>Means the Privacy and Personal Information Protection Act 1998 (NSW)</td>
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<tr>
<td>Primary Purpose</td>
<td>Means the main purpose for which the information was collected.</td>
</tr>
<tr>
<td>Sensitive Information</td>
<td>Is defined in the Privacy Act 1988 (Cth) and is a subset of Personal Information. It includes:</td>
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<tr>
<td></td>
<td>a) Information or an opinion about an individual’s:</td>
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<td>i. Racial or ethnic origin; or</td>
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<td>ii. Political opinions; or</td>
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<td>iii. Membership of a political association; or</td>
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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 preference or practices; or
ix. Criminal record;
That is also Personal Information; or
b) Health Information about an individual; or
c) Genetic information about an individual that is not otherwise Health Information.

3 Scope and Commitment
1. UOWE will collect, manage, use, and disclose Personal Information, Health Information, and Sensitive Information in accordance with the Privacy and Personal Information Protection Act 1998, the Health Records and Information Privacy Act 2002 (NSW), the Privacy Act 1988 (Cth), the Australian Privacy Principles, and other relevant laws.
2. UOWE is bound by the NSW and Commonwealth privacy laws.
3. In compliance with Section 33 of the PPIPA, the Privacy Management Plan and Procedure addresses strategies and procedures for compliance with Privacy laws.

4 Collection of Information
1. UOWE 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.
2. UOWE 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.
3. The collection of Sensitive Information including, Health Information, or 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. At the time of collection (or if that is not practicable, as soon as practicable thereafter), UOWE will take reasonable steps, through to provision of a privacy statement, to ensure that the individual is aware of:
   a) the identity of UOWE and how to contact the company;
   b) the fact that he or she is able to obtain access to the Information;
   c) the purpose for which the Information is collected;
   d) the organisations (or type of organisations) to which UOWE discloses Information of that kind;
   e) any law that requires the Information to be collected;
   f) the main consequence (if any) for the individual if all or part of the Information is not provided.
5. UOWE will collect the Information directly from the person unless:
   a) the person has consented to the collection of Information from someone else; or
   b) the person is under 16 years of age; or
   c) it is unreasonable or impracticable to do so.
6. UOWE will not collect Sensitive Information including Health Information, unless:
   a) the individual has consented; or
b) the collection is required by law; or

c) the collection is necessary to prevent or lessen a serious and imminent threat to life or health of an individual; or

d) the collection is in relation to a legal claim.

5 Use and Disclosure of Information

1. UOWE 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.

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.

3. UOWE will only disclose Information about an individual to third parties including its related entities and/or government agencies without an individual's consent if:

   a) that Information is directly related to the purpose for which is was collected and UOWE has no reason to believe that the person would object to disclosure; or

   b) 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

   c) UOWE 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

   d) 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

   e) The Information is required under law to be disclosed.

6 Information Quality

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

7 Retention and Security

1. UOWE takes all reasonable steps to ensure that Information is:

   a) held for no longer than is necessary, subject to the State Records Act 1998 (NSW)

   b) disposed of securely; and

   c) protected to the extent that is reasonable in the circumstances to protect from loss, unauthorised access, use, modification, disclosure, or other misuse.

2. The Privacy Management Plan and Procedure provides further details concerning the retention and security of records.

8 Openness – Access, Correction, and Amendment

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.

2. UOWE will respond to a request for access within a reasonable period.
3. UOWE will, where reasonable, give access to personal information in the manner requested by the individual.

4. Should UOWE deny access to personal information, written reason for the refusal will be provided to the individual.

5. The Privacy Management Plan and Procedure provides further details concerning the access, correction and amendment of records.

9 Identification and Anonymity

1. Because of the nature of UOWE core business, it will usually be impractical for individuals interacting with UOWE to have the option of not identifying themselves. However, UOWE will, where lawful and practicable, give the person the opportunity to not identify themselves.

2. UOWE will only:
   a) assign identification numbers; or
   b) upon request provide an individual with the opportunity not to identify themselves; Where the assigning of number or anonymity are reasonable practicable and lawful in the circumstances, and do not negatively affect the functions of the UOWE.

10 Trans-border Data flows

1. In the course of its operations, UOWE may provide personal data to organisations outside of Australia. The majority of Information that could be provided overseas will flow to Dubai and the UOW Dubai campus as part of the UOWE group of companies.

2. In such a case, UOWE 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. UOWE will take reasonable steps to ensure that UOWD does not breach the Australian Privacy Principles.

11 Complaints and Further Information

1. If an individual believes that UOWE 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,

2. Individuals have the right to apply to UOWE for a formal internal review. The Privacy Management Plan and Procedure also sets out the internal review procedure.

3. The Privacy Officer’s contact details are:
   The Privacy Officer
   UOW Enterprises
   Locked Bag 8812
   Wollongong NSW 2500
   Email: itc.privacy@uow.edu.au

4. For more information about UOWE privacy practices, please see the Privacy Management Plan and Procedure

12 Version Control and Change History

<table>
<thead>
<tr>
<th>Version Control</th>
<th>Approved By</th>
<th>Date Approved</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>1</td>
<td>Vince Lendrum</td>
<td>02/05/11</td>
<td>New Policy</td>
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Hardcopies of this document are considered uncontrolled please refer to the UOW College website or UOW Enterprises intranet for the latest version
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<tr>
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<th>Name</th>
<th>Date</th>
<th>Notes</th>
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<tr>
<td>2</td>
<td>ITC Quality Manager</td>
<td>08/06/11</td>
<td>Address in section 11 updated</td>
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<td>3</td>
<td>ITC Quality Manager</td>
<td>19/12/11</td>
<td>Purpose updated to include IFSS</td>
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<td>4</td>
<td>Director Legal and Governance</td>
<td>10/3/14</td>
<td>Changes to company branding and legislative obligations confirmed.</td>
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