



SYDNEY FILM SCHOOL

Name	Privacy and Personal Information		
What is the purpose of this policy?	The purpose of this policy is to record the way in which Sydney Film School (SFS) collects and manages <i>personal information</i> collected by it.		
Version	#4	Next review	July 2017
What law applies?	<p>The National Code (ESOS) 2007: Standard 3.</p> <p>The RTO Standards 2015: Standard 8 - Clause 8.5 and 8.6.</p> <p>Privacy Act 1988 (including Australian Privacy Principles (APP)).</p> <p>Higher Education Support Act 2003: Section 19.6.</p> <p>National Vocational Education and Training Regulator Act 2011.</p>		
Who is affected by this policy?	Who has rights?	Who has responsibilities?	
	<p>Staff</p> <p>Trainers</p> <p>Students</p>	<p>Executive Chairman</p> <p>Compliance Officer</p>	

Policy

The Privacy Act defines personal information as:

...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.

Common examples are an individual's name, signature, address, telephone number, date of birth, medical records, bank account details and commentary or opinion about a person.

In the context of personal information held by SFS, the Privacy Act defines **sensitive information** as: information or an opinion about an individual's (i) racial or ethnic origin (ii) political opinions (iii) religious beliefs or affiliations that is also personal information.

SFS holds personal information (including sensitive information) about staff, trainers, students and other persons as a consequence of its training, administrative and operational functions. We may document personal information conveyed to us orally in circumstances where a student counselling session requires minuting for operational reasons.

Personal information is collected from the persons concerned and is generated by SFS in the course of conducting its business (e.g.: when assessing an application for enrolment or recording its assessment of a student's competency).

SFS respects the privacy of persons in respect of whom it holds personal and sensitive information whether that information is collected in writing or orally.

SFS will have a clearly expressed privacy policy (as set out in the procedure below) and will require all of its staff and trainers to be aware of and comply with that policy.

SFS will make a copy of that policy available on request.

SFS will take reasonable steps to (i) comply with the APP and (ii) deal with enquiries or complaints from individuals about its compliance with the APP.

SFS will appoint a Privacy Officer. Until further notice the Privacy Officer will be the Compliance Officer.

Procedure

Collection of personal information

SFS will only collect personal information about a person:

- from that person
- by fair and lawful means
- to the extent it is (i) reasonably necessary for or (ii) related to one or more of, its functions or activities.

Where the personal information is not required for any specific purpose, it will not be collected (e.g.: information about a student's marital status is not necessary for any of SFS' functions associated with enrolment or study and should not be requested, collected or held).

SFS will not accept unsolicited personal information.

Where personal information is collected for a particular purpose, it should not be used for any other purpose (e.g. SFS will not supply the names and addresses of students to commercial providers of goods or services, even where particular benefits may be offered to those students).

However, SFS may provide personal information to a commercial provider on behalf of a person if SFS has obtained that person's direct permission to do so (e.g. if an applicant requests that SFS organise the applicant's OSHC, SFS will provide personal information about the applicant to the OSHC provider on behalf of the applicant).

SFS may also provide personal information to a third party on behalf of a person if SFS has obtained that person's direct permission to do so (e.g. where a student is placed in work experience or as a trainee with an affiliate of SFS).

At or before the time and at least by the time personal information is collected from an individual, SFS will notify that individual about the following:

- its legal name and contact details
- the requirement for the information to be collected under National Vocational Education and Training Regulator Act 2011
- the purpose for which SFS collects the information
- the information SFS will disclose if authorised by the individual to do so
- the consequences of the individual not providing the information to SFS
- the government agencies and other persons to which SFS usually discloses the information
- the ability for the individual to access information held about them and to seek the correction of that information
- the ability of the individual to complain about a breach of the APP and the manner in which SFS will deal with that complaint
- if SFS is likely to disclose information to overseas recipients and the countries in which such recipients are located.

SFS will notify the individual about these matters by giving the individual a copy of its privacy policy or a link to the location of its privacy policy on its website.

Use and disclosure of personal information – primary purpose

The purpose:

- for which personal and sensitive information of an individual is collected; and
- which is disclosed to that individual at the time of collection,

is the **primary purpose**.

The purposes, for which SFS may use and/or disclose personal (but not sensitive) information of an individual collected by SFS are:

- assessing the individual's capacity to meet the requirements of the courses offered by SFS
- assessing the individual's entitlement to Commonwealth assistance under the *Higher Education Support Act 2003*
- allocating a Commonwealth Higher Education Student Support Number
- allocating and validating a Unique Student Identifier
- meeting its legal and reporting obligations under Australian legislation and regulations regulating the conduct of SFS' business
- meeting its visa supervision responsibilities to the Department of Immigration and Border Control
- meeting its duties of care at law to the individual and all other students, staff, trainers and suppliers
- providing education and other related services to its students
- the conduct of social and other functions in which the individual may be invited to participate
- sending direct marketing communications to the individual so long as the individual has not opted out of receiving those direct marketing communications
- distributing its newsletters to the individual so long as the individual has not opted out of receiving those newsletters
- maintaining its presence on social media, including Facebook, Twitter, Instagram and LinkedIn
- distributing offers of work to the individual so long as the individual has not opted out of receiving those offers
- maintaining contact with the individual after graduation.

Information so collected can be used and disclosed in accordance with the disclosed purposes.

Any person to whom personal information is disclosed as described in this procedure will be required to not use or disclose the information for a purpose other than the purpose for which the information was supplied to them.

SFS will not disclose personal information about an individual to a person who is not in Australia (other than the individual) unless SFS has taken reasonable steps to ensure that the overseas recipient does not breach the APP in relation to the information so disclosed.

Use and disclosure of personal information – secondary purposes

Any other purpose for which personal and sensitive information of an individual is collected, other than the primary purpose, is a **secondary purpose**.

Assuming consent has not been given by an individual, then information collected from that individual must not be used or disclosed for a secondary purpose unless one or more of the following circumstances exist:

- the individual would reasonably expect SFS to use or disclose the information for the secondary purpose and, to the extent the information is sensitive, the secondary purpose is directly related to the primary purpose but otherwise the secondary purpose need only be related to the primary

purpose

- the use or disclosure of the information is required or authorised (i) under Australian law or (ii) by order of a court or other competent tribunal
- a permitted general situation exists in relation to the use or disclosure of the information
- a permitted health situation exists in relation to the use or disclosure of the information
- SFS reasonably believes that the use or disclosure is reasonably necessary for enforcement related activities conducted by an enforcement body.

A **permitted general situation** for SFS is one which involves:

- lessening or preventing a serious threat to the life, health or safety of any individual, or to public health or safety
- taking appropriate action in relation to suspected unlawful activity or serious misconduct
- locating a person reported as missing
- asserting a legal or equitable claim
- conducting an alternative dispute resolution process.

A **permitted health situation** for SFS is one which involves the disclosure of health information for a secondary purpose to a responsible person for an individual.

A **responsible person for an individual** is any one or more of the following:

- a parent of the individual
- a child or sibling of the individual if the child or sibling is at least 18 years old
- a spouse or de facto partner of the individual
- a relative of the individual – but only if the relative is at least 18 years old and a member of the individual's household
- a guardian of the individual
- a person exercising an enduring power of attorney granted by the individual that is exercisable in relation to decisions about the individual's health
- a person who has an intimate personal relationship with the individual
- a person nominated by the individual to be contacted in case of emergency.

Integrity and security of personal information

SFS will take all reasonable steps to ensure that personal information it holds is accurate up, up to date and complete.

SFS will take all reasonable steps to protect personal information, which it holds, from:

- misuse, interference and loss
- unauthorised access, modification or loss.

SFS will comply with its obligations in relation to security of personal information, which it holds, by:

- allowing personal information to be accessed by staff and trainers only on a need to know basis
- storing paper based records containing personal information, which contain personal information, out of sight and - where possible - in a locked storage unit
- storing computer based records, which contain personal information, on a server that requires password access.

Right to access and correct personal information

If SFS holds personal information about an individual, it will – on the request of that individual – give the individual access to the personal information that SFS holds about the individual unless SFS considers an exception applies in which case it does not have to give the individual access.

Exceptions include giving access where:

- to do so would pose a serious threat to the life, health or safety of any individual

- to do so would have an unreasonable impact of the privacy of other individuals
- the request is frivolous or vexatious
- giving access would be unlawful
- denying access is required or authorised under Australian law or pursuant to an order of a court or competent tribunal
- giving access would prejudice enforcement activities conducted by an enforcement body.

SFS will respond to a written request for access within a reasonable time after the request is made and give the information in the manner requested – to the extent it is reasonable and practicable to do so.

SFS will not charge for giving access to personal information.

SFS will notify an individual requesting access to their personal information if it determines to deny access. This notice will be in writing and set out the reasons for refusal and the mechanisms available for the individual to complain about the refusal.

SFS (i) if it is satisfied that personal information is inaccurate, out of date, incomplete, irrelevant or misleading or (ii) it is requested to do so by the individual, will correct the information to ensure that, having regard to the purposes to which it is held the information is accurate, up to date, complete, relevant and not misleading.

Version Control

Approved by	Version #	Date
Management Committee	1	24 February 2009
Education Operations Interface	2	29 May 2015
Education Operations Interface	3	1 July 2015
Policy and Procedure Committee	3	11 July 2016