



## POLICY

---

<b>Name:</b>	<b>PRIVACY POLICY</b>
<b>Policy No:</b>	PP3108
<b>Approved by:</b>	ACER Academic Board
<b>Last reviewed:</b>	May 2019
<b>Responsible Division/ Department</b>	Professional Resources Division/ACER Institute

### 1. Purpose

To maintain and protect the privacy and confidentiality of information ACER collects and the ways in which that information may be used.

### 2. Scope

This policy applies to all records established, and information collected and stored by ACER in relation to Students, Staff Members and others.

Personal information does not apply to:

- i. personal information which is maintained on a public register;
- ii. personal information which is already available in a publication or other publicly available document; or
- iii. information which is generally available.

### 3. Definitions

See: [Glossary of Terms](#)

### 4. Legislation and Related Documents

Commonwealth Privacy Act 1988 (the Privacy Act)  
Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cwlth)  
[Australian Qualifications Framework \(AQF\) 2<sup>nd</sup> edn. \(Jan 2013\)](#)  
[Disability Standards for Education 2005](#)  
[Higher Education Standards Framework \(Threshold Standards\) 2015](#)  
[ACER Student policies](#)

## **5. Principles**

### **5.1 Collection of personal information**

In connection with the collection of personal information, ACER will:

- i. collect personal information only when it is necessary for one or more of its functions or activities or when required to do so by law;
- ii. collect such information by lawful and fair means;
- iii. take reasonable steps to ensure the individual is aware of the purpose for which the information is collected;
- iv. advise of consequences (if any) from failure to provide any requested information;
- v. collect the required information from the actual individual where it is reasonable and practical to do so; and
- vi. take reasonable steps to inform an individual of the above statements where information has been collected on that individual by someone else.

### **5.2 Use and disclosure**

ACER collects, uses and discloses personal information for a range of purposes. These purposes depend largely upon the relationship between the individual and ACER. Generally, such information is collected for the following reasons:

- to provide ACER Products and Services;
- to conduct educational research, also see section 5.6;
- to provide educational assessment and testing courses;
- to establish records for Students enrolled in ACER Courses and Units, and professional learning programs.

In its business operations, ACER may contract out various services associated with its functions and activities. This may involve the disclosure of personal information to other persons and organisations, both within Australia and overseas. In general, these include disclosure (where necessary) within ACER and to service providers that assist ACER to provide products or services, such as insurance companies, credit providers and those who assist in tailoring ACER products and services to client needs.

When ACER discloses personal information to third parties it is on the understanding that those third parties ensure that personal information is handled in a manner consistent with its obligations under the Privacy Act and the Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cwlth). Where appropriate, ACER will take all necessary steps to ensure that personal information is de-identified before being used or destroyed.

The types of persons and organisations to which ACER may disclose personal information include:

- i. organisations with whom ACER has arrangements or agreements for the purpose of promoting its products or services and agents used in administering such arrangements or agreements;
- ii. agents, contractors and external advisers who carry out ACER functions and activities or who assist ACER to carry out its functions and activities from time to time;
- iii. payment systems operators;
- iv. other parties to whom ACER is authorised or required by law to disclose information, such as the relevant departments of the Australian Government;
- v. other higher education providers, in order to administer cross-institutional enrolments;
- vi. schools, educational systems, psychologists, human resource practitioners and others who have contracted with ACER for the provision of its products and services.

### **5.3 Consent and sensitive information**

ACER will only collect sensitive or health information from an individual or about an individual with her/his consent. When an individual supplies sensitive or health information in writing it will be taken that the individual has given consent to ACER's collection of that information.

In most instances, when ACER collects sensitive information directly from an individual, it will obtain the individual's consent to use that information for various purposes. When ACER obtains such information from a third party, it will usually enlist that third party to obtain consent on ACER's behalf. Where this occurs, ACER and the third party will comply with the Privacy Act at all times.

### **5.4 Security and quality of personal information**

ACER will take reasonable steps to ensure that personal information collected is securely stored and is complete and up-to-date.

ACER will also take reasonable steps to protect personal information from misuse and loss and from unauthorised access, modification or disclosure in accordance with the requirements of this policy and the Privacy Act.

### **5.5 Access to, and collection of, personal information**

All individuals whose personal information is collected by ACER must have a right of access to that information, and authorised Staff Members must maintain the confidentiality of any personal information accessed using ACER's ICT Services.

The Information Privacy Act provides individuals with the right to request access to their own personal information held by ACER. However, ACER may deny access to personal information to the extent that:

- i. providing access would pose a serious threat (or in the case of personal information other than health information, a serious and imminent threat) to the life or health of any individual;
- ii. providing access would have an unreasonable impact upon the privacy of other individuals;
- iii. an individual's request for access is frivolous or vexatious;
- iv. it is otherwise appropriate for ACER to deny access, in accordance with the Privacy Act.

ACER will not deny access to any personal information following an access request without providing a reason for the denial.

Where providing access would reveal evaluative information generated within ACER in connection with a commercially sensitive decision-making process, ACER may give an explanation for the commercially-sensitive decision rather than provide direct access to the information.

If an individual is aware that any personal information is inaccurate, incomplete or out-of-date following an access request, or because circumstances have changed, she/he is asked to inform ACER so that accurate and up-to-date records are maintained. However, if ACER refuses to make a correction, ACER will take reasonable steps to place, with the disputed information, an individual's statement claiming that the disputed information in the individual's opinion is not accurate, complete or up-to-date.

## **5.6 Privacy and confidentiality in research projects**

ACER Students and Staff Members who intend to undertake a research project involving any form of human participation (including observation of human activity), access to personal documents or other materials, and access to databases, must complete an ethics assessment and submit a human ethics application.

- i. ACER will implement industry standards for the security and protection of research ethics proposals, approvals, and information. This information will be securely stored, and access restricted to authorised researchers only.
- ii. ACER will ensure that every research proposal details how the privacy and confidentiality of participants will be protected.
- iii. ACER will ensure that identifiable data can only be used in a research project that has approval from the ACER Ethics Advisory Group (EAG) and/or ACER Human Research Ethics Committee (HREC).
- iv. In some circumstances, consent to collect and use personal information may be implied by participation, for example, by returning a survey. These circumstances

will be clearly communicated in any survey distribution; electronically or in hard-copy format.

## 6. Dispute Resolution

Should a dispute arise in relation to the interpretation or application of this policy or its procedures a Grievance may be notified and managed in accordance with the ACER PP3111 Student Grievance Resolution Policy.

## 7. Awareness of Policy

The Director will take reasonable steps to disseminate and explain this policy to Staff Members and Students who may be affected by it. The policy will be available online at: [www.acer.org/professional-learning/postgraduate/students/policies](http://www.acer.org/professional-learning/postgraduate/students/policies)

ACER is committed to discussing any concerns individuals may have in relation to this policy and will address these concerns promptly and appropriately. All correspondence should be directed to:

The Manager Legal and Corporate Services  
The Australian Council for Educational Research  
19 Prospect Hill Road  
Camberwell, Victoria 3124  
Australia.

## 8. Version Control

Authorised by	ACER Academic Board
Maintained by:	Director, ACER Institute
Written:	November 2015
Next Review:	December 2020
Version:	6

Version	Date effective	Approved by	Amendment
1.	23/1/2013	E. Hartnell-Young	Logo, Page Numbers
2.	13/03/2013	C. Kemp	Last review date updated, Version Control details included, formatting
3.	12/11/2015	G. Appleby	Definitions, Purpose, Scope, Awareness of Policy, Version Control details, formatting
4.	17/8/2016	P. Taylor-Guy	Remove table of Definitions and add link. Update Legislation and Related Documents. Update Version Control

5.	1/8/2018	P. Taylor-Guy	Updated links and version control
6.	13/5/2019	P. Taylor-Guy	Added section 5.6 and made some clarifications in other sections. Added Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cwlth) Tidied up formatting, Minor edits, Updated Version Control