QMS 304 - Confidentiality - Student Information

1. INTRODUCTION

Protecting the privacy of students is an important aspect of the way Chisholm Institute creates, manages and implements its activities both on-line and off-line.

The Institute frequently receives student related enquiries from employers, parents, guardians, spouses, personal acquaintances, Training Operations Bureaux (Apprentices), VTAC, other tertiary organisations, VCAB, Centrelink, Department of Veteran Affairs, Police, other government departments, private organisations and students themselves. The nature of these enquiries may be for the disclosure of examination results, attendance details, personal details - address, telephone numbers and personal references and can be received by the Office of Students, teaching centres and departments and individual teachers.

To ensure that the Institute protects the confidentiality of both academic and personal student information at all times, no information will be released unless authorised by the Office of Students or in accordance with the following procedure.

2. DEFINITIONS

Personal Information	is used to refer to information or an opinion about an individual whose identity is apparent, or can be reasonably ascertained from the information or opinion
Health Information	is used to refer to information or an opinion about: (i) The physical, mental or psychological health (at any time) of an individual; (ii) A disability (at any time) of an individual; or (iii) An individual's expressed wishes about a future provision of health services to him or her; or A health service provided or to be provided to an individual
Sensitive Information	means information or an opinion about an individual's - (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) Membership of a trade union; or (viii) Sexual preferences or practices; or (ix) Criminal record. This is also personal information.

3. REFERENCES

3.1 QMS 505 - Privacy
3.2 Freedom of Information Act 1982
3.3 Information Privacy Act 2000
3.4 Health Records Act 2001
3.5 Evidence Act 1958
3.6 Chisholm's General Privacy Statement
3.7 Chisholm's Web-Site Privacy Statement
3.8 QMS 814 - Staff Code of Conduct
3.9 Education Services for Overseas Students Act 2000 (ESOS)
3.10 Education Services for Overseas Students Regulations 2001

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3.11 The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (The National Code 2007)
3.12 Australian Quality Training Framework (2010)
3.13 Commonwealth Privacy Act 1988
3.14 Higher Education Support Act 2003
3.15 ISO 9001:2008

4.0 PROCEDURE

4.1 Collection and Handling of Student Information

4.1.1 Department Managers are responsible for ensuring that:

- students are informed of, and have access to the Institute's privacy statement/s when staff are collecting personal and/or health information from them;
- the confidentiality, quality and security of the collected information is maintained whether held by the department or if applicable, contracted service providers.

4.2 Employer Requests for Information Relating to Apprentices and Trainees

4.2.1 Upon enrolment, apprentices and trainees authorise the Institute to release information regarding their attendance and progress to employers, on request.

4.2.2 Requests for such information should normally be made in writing. Upon verification of the enquirer's identity (as per Item 4.4 below) information may be released over the phone or in person by either the relevant teaching department manager, nominee or by authorised staff within the Office of Students.

4.3 Enquiries by Members of the Victorian or Federal Police Force

4.3.1 Requests for information should normally be made in writing. As, however, the very nature of most police enquiries necessitates an immediate response, this may include enquiries by fax or phone.

4.3.2 Upon verification of the enquirer's identity (as per Item 4.4 below) information may be released over the phone or in person by either the relevant teaching department manager, nominee or by authorised staff within the Office of Students.

4.4 Verification of Enquirer's Identity

4.4.1 Where a phone enquiry is received, requesting student information the following applies:

- if the enquiry is from a member of the Victorian or Federal Police Force, the staff member receiving the enquiry should note the name, rank and station of the officer and inform the officer that the information requested will be supplied by return call;
- if the enquiry is from an apprentice's/trainee's employer, the staff member receiving the enquiry should note the caller's name, position and company/business trading name and address and inform the caller that the information requested will be supplied by return call;
- in all instances, the staff member receiving the enquiry is responsible for checking with Telstra for the listed number of the particular company, returning the call and asking for the caller by name and position and releasing the requested information.

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4.4.2 Where an enquiry is received in person, requesting student information the following applies:

- If the enquiry is made in person by a member of the Victorian or Federal Police Force, the staff member is responsible for asking for appropriate identification before releasing the requested information;
- If the enquiry is made in person by an apprentice's/trainee's employer and is known to the staff member the information may be released. Where the enquirer is not known, identification should be sought which must be matched to the employer's details held within the Office of Students before information is released.

4.5 All Other Requests for Release of Student Information

4.5.1 Requests for release of student information to outside organisations or individuals other than those described previously must be made in writing. Written requests for disclosure of student information must be forwarded to the Manager, Office of Students.

4.5.2 Release of student information within the institute

- Staff may have access to hard copy and electronic student records only if the information sought is necessary for an approved and legitimate administrative action or other institute business.
- The information retrieved must be restricted to information necessary for the conduct of such functions.
- Requests for student information for purpose other than for which the information was collected in the first place, or a secondary purpose which would be reasonably expected by a student, must be made in writing to the Manager, Office of Students.

4.5.3 Release of student information to external parties

The Manager, Office of students is responsible for ensuring that, where:

- The student is 18 years of age or over, information shall not be released without first having obtained the student’s consent in writing. If the student cannot be contacted, the decision to release information will be determined by the Director, Corporate Services.
- The student is under 18 years of age, information is not released without first having obtained the student's consent in writing, unless the request has been received from a custodian in which case the information should be supplied.
- Enquiries are often received from the Federal Police, Victorian Police, Centrelink, or from government departments or instrumentalities which are empowered to serve a notice requiring the disclosure of information (e.g. under the Social Security Act or Veteran Affairs Act or ESOS Act). The Institute will provide/disclose such information on students and ensure that the information released is checked before disclosure as the Institute can be subpoenaed to verify such evidence in a court case

- Written enquiries are received from Centrelink or Government departments relating to attendance records of students who may be in receipt of benefits. The attendance of those students is checked via the respective course attendance rolls.

4.6 International Students

4.6.1 There are separate requirements specific to international students. Adherence to these requirements is the responsibility of the Manager,

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International Student Programs. These requirements are outlined in a separate policy and relate to the ESOS Act, visa requirements and other regulations affecting international students. Requests for information concerning international students are to be forwarded to the Manager, International Student Programs.

4.7 Personal Messages for Students

4.7.1 Messages for students are only to be taken in cases of emergency. Where an emergency call is received, the staff member taking the call is responsible for requesting the name and number of the caller and informing them that a message requesting the return of the call will be passed onto the student, if they are in attendance. The Institute, however, accepts no responsibility for the receiving or conveying of personal messages for students.

4.8 Availability of Students

4.8.1 Where a request is made at a reception area by a person (i.e. a member of the Police Force, a representative from a government department or a member of the community) to locate a student, the staff member taking the enquiry is responsible for contacting Student Advisory Services and advising of such enquiry.

4.8.2 In the case of a request from a member of the community then Student Advisory Services will contact the student to enquire whether they wish to see the person. A member of the Police Force cannot interview students under 17 years of age, unless a parent or guardian is present. If these are not available, an independent person must be present.

4.9 Statements of Attainment and/or Results

4.9.1 The Manager, Office of Students is responsible for ensuring, where applicable:

- results are automatically posted to students at the end of the year;
- where additional copies of current year results or a copy of all results to date have been requested, to charge the applicable fee as described in the Institute's Fees and Charges regulation;
- students collecting Statements of Attainment/Results are asked to present a student identity card or some form of photo ID;
- all statements of academic results be withheld from release where:
  - prescribed fees remain outstanding in part or full;
  - there is an outstanding student loan balance;
  - any fine or monetary imposition imposed under the Student Misconduct remains outstanding, unless same has been stayed or suspended in the manner therein provided;
  - library returns and/or fines remain outstanding.

4.10 Exchange of Information

4.10.1 The Institute will not act as an intermediary for the exchange of information between a student and any other party without the written consent of both parties and a declaration of confidentiality from the person or organisation requesting the information.

4.11 Student References

4.11.1 Where a student requests a reference the following applies:

- references containing general information about the individual as a student must be made on form QMS 304/01 - Student Reference;

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- form QMS 304/01 - Student Reference must be countersigned by the appropriate Department Manager;
- Attachment 1 - Student References - Guidelines must be read before issuing a student reference;
- references containing information relating to academic progress and attendance are to be made in general terms only. The Office of Students is the source for definitive information in this regard;
- staff issuing character references do so in a personal capacity. Such references should not entail the use of Institute stationery as this may convey the false impression that the reference has official standing.

4.12 Requests Made Under "Freedom of Information Act"

4.12.1 Any enrolled student or applicant for enrolment may inspect his or her own personal information by applying at the Office of Students. Students must make an appointment with the Office of Students at the campus where they are studying so their file can be obtained and delivered to that campus. This request need not be made under the provisions of the Freedom of Information Act. If, however, the applicant requests the release of their personal information under the "Freedom of Information Act", the request must be in writing, and accompanied by the prescribed fee.

Where a student is seeking a copy of their HESA personal information, HECS, FEE or OS-HELP information, access is to be granted under the Commonwealth Privacy Act – That is they do not need to apply using the provisions of the Freedom of Information Act. Any access granted must take into account the provisions of the Privacy Act 1988 in relation to Access and Correction.

4.12.2 All such requests, where made under the provisions of the Freedom of Information Act, must follow Institute Procedure QMS 504 – Freedom of Information.

4.13 Release to Meet Legal Obligations

4.13.1 Information may be released, on authority by the Director, Corporate Services, or delegated officers to the extent permitted and required by law under proper legal authority. The principle legal authorities and the information that may be released are:

- **Subpoena:** Information to the extent required by the subpoena, as directed by the Director, Corporate Services.
- **Search Warrant:** Information required by the search warrant, to the extent required by the warrant. A receipt must be requested for all documents, files, computer discs etc, that are removed from the Institute.
- **Ombudsman's Requests**: Information that the Ombudsman is by law empowered to request or inspect.
- **Auditor-General's Requests**: Information that the Auditor-General or his/her agent is by law empowered to request or inspect.

4.14 Emergency Release

4.14.1 In the event of accident or emergency, or a student becoming incompetent to manage their affairs, personal details may be released by authority of the Director, Corporate Services to next of kin, the police, hospital, emergency services, or the student's legal representative.

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4.15 Enrolment Declaration

4.15.1 On enrolment students are requested to sign the following enrolment declaration:

- I declare that the information entered on this enrolment form is, to the best of my knowledge, true, correct and complete;
- I agree to be bound by the Institute's Student Code of Conduct, (Simplified version of QMS 322 - Student Code of Conduct as Attachment 1 - Student References - Guidelines) whilst I remain an enrolled student;
- I authorise the Institute to release personal and/or health information for educational purposes or to meet legal obligations or in the case of an emergency, as authorised by the Director, Corporate Services in accordance with the Institute's privacy policy and procedures and the Victorian Information Privacy and Health Records Acts;
- I agree to pay all fees and charges relating to my enrolment, unless invoiced to a third party;
- I have read and understood the conditions relating to fees, concessions and refunds.

5. FORMS/ATTACHMENTS

5.1 Attachment 1 - Student References - Guidelines
5.2 Attachment 2 - Student Information Privacy, How To
5.2 QMS 304/01 - Student Reference Template

6. RELATED PROCEDURES

6.1 QMS 310 - Examinations
6.2 QMS 316 - Excursions
6.3 QMS 317 - Practical Placement
6.4 QMS 322 - Student Code of Conduct
6.5 QMS 323 - Enrolment
6.6 QMS 409 - Application & Selection - Student
6.7 QMS 501 - Research
6.8 QMS 504 - Freedom of Information
6.9 QMS 505 - Privacy

7. REVIEW

This procedure is due for review: 28 February 2012

The process owner shall review this document twelve (12), months after initial publication and thereafter at twelve (12) monthly intervals.

8. KEYWORDS

QMS 304, Confidentiality, Student Information.

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