

Privacy Guidelines for Collection, Use & Disclosure

A guide to assist compliance with the collection,
use and disclosure of personal information

Last updated 9 June 2005

When collecting personal information always remember these rules

- Personal information must not be collected unless it is necessary for one or more of the functions or activities of La Trobe University.
- Collect only what you need and do it lawfully and fairly.
- Advise individuals why you are collecting their personal information.
- If a law does not require the collection of either sensitive or health information, then obtain consent from the individual concerned unless the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual. If none of these situations apply then seek further advice from the University Privacy Officer.

When using and disclosing personal information always remember this rule

Use and disclose personal information only for the purpose for which it was collected.

If use and disclosure is not for the purpose of collection then make sure it is permissible under privacy laws. Refer to the **reference table** (next pages) outlining permissible uses and disclosures.

If in doubt, contact the [University Privacy Officer](#).

Consent

Obtaining consent from the individual concerned can authorise use or disclosure for another purpose but there are several points to make in relation to consent:

- Consent must be valid. Primarily this means that consent must be informed and voluntary
- The proposed use or disclosure must be within the scope of the consent
- Consent must be obtained from all persons whose personal information is being used or disclosed
- Problems may arise in relation to obtaining consent from individuals with a diminished capacity to provide their consent

Related and Reasonably Expected Secondary Purpose

Using and disclosing personal information for a purpose other than the primary purpose of collection can occur if firstly, the secondary purpose is related to the primary purpose for which the information was collected; and secondly, the individual concerned would reasonably expect the University to use and disclose the information for that secondary purpose.

Threats

Use or disclosure can occur in instances where it is reasonably believed to lessen or prevent:

- A serious and imminent threat to an individual's life, health, safety or welfare
- A serious threat to public health, public safety or public welfare

Research

Use and disclosure may occur for research purposes if a number of requirements are met such as (but not limited to):

- The research is in the public interest and publication will not identify any particular individual
- It is impracticable to seek consent
- In the case of disclosure, it is believed that the recipient of the information will not disclose the information

Table: Permissible Uses & Disclosures

Suspected Unlawful Activity	Use and disclosure may occur if it is a necessary part of the University's investigations or in reporting to relevant persons or authorities cases where there is reasonable suspicion (not mere gossip) of unlawful activity (whether retrospectively, currently, or in future instances).
Law Enforcement	Use and disclosure may occur if deemed reasonably necessary to assist a law enforcement agency.
Required or Authorised by Law	The use and disclosure is required or authorised by law.

The following **function and activity table** has been developed to outline legitimate and permissible uses and disclosures of personal information at La Trobe University by:

- Defining commonly performed functions and activities at La Trobe University and the corresponding purpose for which personal information is collected
- Defining typical uses and disclosures for each purpose of collection

Typical uses and disclosures do not represent a definitive list but rather an indication as to the types of uses and disclosures relating to the purpose of collection

Table: Functions and Activities at LTU

Function & Activity	Purpose of Collection	Possible Laws Requiring Collection	Typical Uses	Typical Disclosures
Staff Recruitment, Selection and Appointment	To ensure employment positions are appropriately filled and to establish the management of staff entitlements in accordance with agreed employment requirements	<p>Australian Taxation Laws</p> <p>Superannuation Industry & Taxation Laws</p> <p>Workplace Relations Act 1996</p>	<p>Short listing applications for positions</p> <p>Contacting applications to arrange interviews, select staff and create staff records for administration purposes</p> <p>Creating and maintaining HR records and system access privileges for appointed staff</p> <p>Contacting referees nominated by the applicant to verify employment history</p> <p>Establishing and administering selection committees</p>	<p>Australian Taxation Office for the purposes of compliance with taxation laws</p> <p>Superannuation Service Provider for the purposes of allowing superannuation contributions to be made and for compliance with superannuation laws</p> <p>Centrelink for the purpose of compliance with reporting requirements</p>

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Function & Activity	Purpose of Collection	Possible Laws Requiring Collection	Typical Uses	Typical Disclosures
Staff Entitlements	To ensure staff entitlements are delivered and obligations are performed in accordance with legislative obligations and agreed employment requirements	Australian Taxation Laws Superannuation Industry & Taxation Laws Workplace Relations Act 1996	Administering payment of salaries, superannuation, PAYG tax, leave, and employee contact details Issuing and managing staff cards	Australian Taxation Office for the purposes of compliance with taxation laws Superannuation Service Provider for the purposes of allowing superannuation contributions to be made and for compliance with superannuation laws Centrelink for the purpose of compliance with reporting requirements

Table: Functions and Activities at LTU

Function & Activity	Purpose of Collection	Possible Laws Requiring Collection	Typical Uses	Typical Disclosures
Staff Grievances	To ensure complaints and appeals received from staff are responded to, and reconciled, according to relevant obligations and entitlements	Workplace Relations Act 1996	Recording, managing and resolving staff grievances	External mediators to facilitate in the resolution of staff grievances
Staff Development	To enable effective staff training in accordance with agreed employment entitlements and obligations		<p>Planning and preparation for training participants</p> <p>Evaluating training participants</p> <p>Evaluating training providers</p>	Training Provider for the provision of training to staff

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Function & Activity	Purpose of Collection	Possible Laws Requiring Collection	Typical Uses	Typical Disclosures
Staff Identification	To establish contact arrangements with staff		<p>Maintain up to date staff contact details</p> <p>Enabling staff to be contactable</p> <p>Publishing limited staff contact details on the University's web site</p>	Internal staff listings and directories
Student Recruitment	To assist prospective students with their familiarity with studies, supporting services, and the campus environment at La Trobe University		Responding to queries from prospective students	Queries forwarded to the respective International Recruitment Agent to facilitate queries from prospective international students

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Function & Activity	Purpose of Collection	Possible Laws Requiring Collection	Typical Uses	Typical Disclosures
Student Admission & Selection	To determine the suitability of intending students to undertake courses and subjects at La Trobe University	Education Services for Overseas Students (ESOS) Act 2000	<p>Evaluating applications for selection</p> <p>Contacting applicants for evaluation and selection purposes</p> <p>Contacting referees nominated by applicants</p>	<p>Department of Immigration, Multicultural and Indigenous Affairs (DIMIA) for reporting requirements regarding international students</p> <p>VTAC to facilitate applicant selection</p>

Table: Functions and Activities at LTU

Function & Activity	Purpose of Collection	Possible Laws Requiring Collection	Typical Uses	Typical Disclosures
Student Enrolment	To enrol students undertaking courses and subjects at La Trobe University to ensure student entitlements and obligations are appropriately managed	<p>Higher Education Funding Act 1988</p> <p>Education Services for Overseas Students (ESOS) Act 2000</p>	<p>Creating and updating student information to ensure accurate enrolment details</p> <p>To determine student entitlements</p>	<p>Department of Education, Science and Technology (DEST) in order to comply with reporting requirements</p> <p>Department of Immigration, Multicultural and Indigenous Affairs (DIMIA) in order to comply with reporting requirements regarding international students</p> <p>Australian Taxation Office for the purposes of compliance with taxation laws</p>

Table: Functions and Activities at LTU

Function & Activity	Purpose of Collection	Possible Laws Requiring Collection	Typical Uses	Typical Disclosures
Student Change of Circumstances	To manage the entitlements and obligations of enrolled students regarding academic progress and supportive services	<p>Higher Education Funding Act 1988</p> <p>Education Services for Overseas Students (ESOS) Act 2000</p>	<p>Updating enrolment details</p> <p>Updating student contact details</p>	<p>Department of Education, Science and Technology (DEST) in order to comply with reporting requirements</p> <p>Department of Immigration, Multicultural and Indigenous Affairs (DIMIA) in order to comply with reporting requirements regarding international students</p> <p>Australian Taxation Office for the purposes of compliance with taxation laws</p>

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Function & Activity	Purpose of Collection	Possible Laws Requiring Collection	Typical Uses	Typical Disclosures
<p>Student Academic Progress</p>	<p>To assess and manage the academic progress of students undertaking studies according to applicable entitlements and obligations</p>		<p>To assist students in their academic progress</p> <p>To assess students eligibility for undertaking subjects</p> <p>Determining eligibility for extension of assessment</p> <p>Informing students of results</p> <p>Supporting Academic Progress Committee discussions and decisions</p>	<p>Department of Immigration, Multicultural and Indigenous Affairs (DIMIA) in order to comply with reporting requirements regarding international students</p> <p>Australian Agency for International Development (AusAID) to facilitate assistance to international students</p>

Table: Functions and Activities at LTU

Function & Activity	Purpose of Collection	Possible Laws Requiring Collection	Typical Uses	Typical Disclosures
Student Advisory Services	To assist enrolled students and former students with their specific needs		<p>Providing transcripts of academic records to enrolled students and former students</p> <p>Assisting students financially</p> <p>Assisting international students with their transition to undertaking academic studies at La Trobe University</p>	
Student Placements	To organise and manage student placements according to agreed arrangements		<p>Facilitating student placements</p> <p>To ensure students are undertaking placements according to agreed arrangements</p>	Placement Agencies for the purposes of organising and managing student placements

Table: Functions and Activities at LTU

Function & Activity	Purpose of Collection	Possible Laws Requiring Collection	Typical Uses	Typical Disclosures
Student Grievances	To ensure complaints from students are responded to, and reconciled according to applicable obligations and entitlements		Recording, managing and resolving student grievances	External mediators to facilitate in the resolution of student grievances
Student Research Admission & Selection	To determine the suitability of intending students to undertake research courses and programs		Evaluating suitability of intending students to undertake research courses and programs	

Table: Functions and Activities at LTU

Function & Activity	Purpose of Collection	Possible Laws Requiring Collection	Typical Uses	Typical Disclosures
<p>Student Research Management & Progress</p>	<p>To ensure research programs are performed in accordance with student obligations and entitlements</p>	<p>Higher Education Funding Act 1988</p> <p>Education Services for Overseas Students (ESOS) Act 2000</p>	<p>Planning and establishing a research program</p> <p>Determining application requirements (eg. Human Ethics)</p> <p>Managing research supervision arrangements</p>	<p>Department of Education, Science and Technology (DEST) to comply with reporting requirements</p> <p>Department of Immigration, Multicultural and Indigenous Affairs (DIMIA) in order to comply with reporting requirements regarding international students</p> <p>Australian Taxation Office for the purposes of compliance with taxation laws</p> <p>Research funding bodies for financial monitoring</p>

Table: Functions and Activities at LTU

Function & Activity	Purpose of Collection	Possible Law Requiring Collection	Typical Uses	Typical Disclosures
Examination Administration	To ensure examinations are performed according to student and examiner obligations and entitlements		<p>Facilitating administration of examinations</p> <p>Facilitating the provision of examination supervisors</p> <p>Assisting and managing student attendance</p>	
Graduation Administration	To ensure graduates receive their respective awards in accordance with applicable obligations and entitlements		<p>Planning ceremonies</p> <p>Preparations for issuing awards</p> <p>Recording of graduation attendance</p>	

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Incident Reporting	To report incidents or accidents involving members of the University Community or visitors to the University	Occupational Health & Safety Act 1985	<p>Maintaining evidence of incidents and accidents</p> <p>Devising strategies for minimising future occurrences</p>	<p>Workcover Authority to comply with reporting requirements</p> <p>Insurance Agents for insurance assessments and settlements (when applicable)</p>
Conference Facilitation	To facilitate participant attendance and management		<p>Managing participant attendance and needs</p> <p>Preparing conference material</p> <p>Facility maintenance and management</p> <p>Evaluating conference</p>	Conference facility services to manage the delivery of the conference to participants

Table: Functions and Activities at LTU

Function & Activity	Purpose of Collection	Possible Law Requiring Collection	Typical Uses	Typical Disclosures
Security Administration	To enable effective security measures and services		To enable preventative planning	Emergency Services to facilitate responses to security situations
Insurance Entitlements	To manage the insurance of staff, property, vehicles and equipment according to respective policies		Insurance assessment and evaluation Insurance monitoring Insurance claims	Insurance Providers for evaluation and assessment
Substance Registration	To safeguard public health and wellbeing	Liquor Control Reform Act 1998 Drugs, Poisons and Controlled Substances Act 1981	Approval for holding substances	Licence & Registration Authorities as a prerequisite for obtaining relevant licences or permits

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Function & Activity	Purpose of Collection	Possible Law Requiring Collection	Typical Uses	Typical Disclosures
Research Funding Application	To determine the eligibility of applicants for research funding		<p>Assessing research applications for funding</p> <p>Monitoring the allocation of research funding</p>	<p>Research Funding Bodies for reporting and monitoring according to agreed arrangements</p> <p>Department of Education, Science and Technology (DEST) in order to comply with reporting requirements</p>
Research Management & Progress	To ensure research programs are approved and performed in accordance with ethical and/or funding requirements	National Health & Medical Research Council Act 1992	<p>Monitoring of research funding</p> <p>Monitoring research progress</p> <p>Monitoring research compliance (eg. Ethics, intellectual property)</p>	<p>Department of Education, Science and Technology (DEST) in order to comply with reporting requirements</p>

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Acquisition and/or Use of Library Material and Equipment	To ensure appropriate use, monitoring, and management of library material and equipment	Copyright Act 1968	Monitoring the use of borrowed items Performing reference tasks for users Undertaking lending services	Inter-lending and Document Delivery Network Libraries for obtaining requested items and responding to reference queries
Library User Entitlements	To ensure user entitlements and responsibilities are performed in the prescribed manner	Copyright Act 1968	Registering library users	Inter-lending and Document Delivery Network Libraries for obtaining requested items and responding to reference queries

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Health Services Appointments	To record contact between clients/patients and service irrespective of whether contact leads to treatment and care		Facilitating client/patient attendance	
Health Services Registration & Identification	To register and identify clients/patients for treatment and care		Recording client/patient personal details Facilitate treatment and care (when applicable)	
Prospective Assessment of Health	Assessing the suitability of clients/patients to receive treatment and care from the respective service		Determine whether client/patient is eligible for treatment	

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Client Consenting	To receive consent or authority from clients/patients, or representatives of the clients/patients, to perform treatment, care or assistance in which the consent or authority relates		Maintain evidence of consent	
Client Treatment & Progress	To facilitate the provision of treatment and care by the respective service		Monitoring treatment	
Client Payments	To ensure client payments are appropriately managed		Processing payments for treatment Evidence that financial payments occurred	Financial Institutions for the purpose of making and managing payments

Please contact the University Privacy Officer for assistance regarding these guidelines or questions regarding collection, use and disclosure of personal information.

Contact Details:

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