



## University of Sydney – Privacy Summary

The University is subject to privacy legislation which regulates the collection, storage, management, use and disclosure of personal information about students, staff and other persons. A higher standard of protection applies to some personal information, such as health information. Forms, web sites and phone interviews which collect information about, or which identify, individuals must include privacy statements (see below). Information about individuals can only be released in accordance with the privacy laws.

### **Policy**

The University Privacy Policy: [sydney.edu.au/senate/policies/Privacy.pdf](http://sydney.edu.au/senate/policies/Privacy.pdf)

The University Privacy Management Plan: [Sydney.edu.au/arms/privacy](http://Sydney.edu.au/arms/privacy)

### **Compliance**

*When collecting information about people:*

- make it explicit that personal information is being collected;
- collect it directly from the individual or from published sources only
- make clear what business unit of the University is collecting the information and provide contact details;
- explain the reason(s) the information is being collected;
- state what parts of the University, or other parties, will also receive the information;
- make clear the basis on which the information is being sought: that is,
  - if required by law, explain what that law is;
  - if the supply of the information is voluntary, set out any consequences of not supplying it;
- make clear that the person supplying the information has rights of access to, and correction of, the information. This information about the who, what and why of collecting personal information should be provided in the form of a "Privacy Statement" attached to all websites, forms or other handouts to students, their families and to other inquirers.

When using published sources to collect information about people keep a note of the source and date of use with the information.

*Using information about people:*

- Personal information can only be used for the purpose for which it was collected
- ask the individual (whose information it is) for consent in writing if it is necessary to use the personal information for another purpose.

There are exceptions – emergencies threatening life or health and law enforcement – see below.

### *Releasing personal information*

Releasing information outside the University is called disclosure. Written consent from the individual is needed for disclosure unless:

- there is a serious and imminent threat to life or health of any person;
- it is needed for law enforcement purposes;
- it is required by government departments under their legislation;• an order from a court has been served on the University

Written consent is also needed for providing information about students to their parents or other relatives, whether the students are local or from other countries.

### *Requests for personal information from Commonwealth Government Departments*

Commonwealth Government Departments can request personal information. The University will comply with a formal (written) notice under the relevant Department's legislation. The University will not respond to telephone or over the counter requests without the consent of the person the information is about.

### *Who must comply with the privacy laws?*

All staff, permanent or casual, contractors, affiliates and volunteers working for the University are bound by the NSW privacy legislation. Contracts or agreements about working arrangements must include reference to the University's privacy requirements if access to personal or health information is involved. Contracts with external services providers such as mailing houses must include a "Confidentiality Agreement" which stipulates that personal information provided must not be disclosed and that records of the information must be returned or destroyed in a secure manner when the contract is completed. (Contact the Office of General Counsel for further advice)

### *Law enforcement, subpoenas and similar court orders for documents*

The University's Office of General Counsel deals with any subpoenas, discovery orders or similar instruments related to legal proceedings involving the University. No other officer is permitted to disclose University records in relation to legal proceedings. All subpoenas and similar court orders are to be directed to the University's Office of General Counsel. Solicitors seeking personal information from the University for other legal proceedings must be directed to the Office of General Counsel who will respond to their request. Members of staff receiving requests for personal information from law enforcement agencies i.e., the police, must direct the enquirer to the Office of General Counsel. Law enforcement authorities do not have a right of immediate access to information and no information is to be disclosed to the enquiring officer.

### *Tax file numbers*

The collection, use and disclosure of Tax file numbers is controlled by the Commonwealth *Privacy Act* 1988. The Commonwealth Privacy Commissioner has issued extensive, legally binding Tax file number guidelines (which are available at <http://www.privacy.gov.au>). Tax file numbers are to be protected against loss, unauthorised access, use, modification, disclosure or other misuse.

### ***Applications for access to personal information***

Individuals can apply for access to information about themselves under the NSW privacy laws. Such applications are processed by the University's Privacy Officers. All such requests must be directed to them.

### ***Legislation***

NSW *Privacy and Personal Information Protection Act* 1998  
NSW *Health Records and Information Privacy Act* 2002

**Web site:** [sydney.edu.au/arms/privacy](http://sydney.edu.au/arms/privacy)

### ***Contacts***

Tim Robinson ext 14263 Email: [tim.robinson@sydney.edu.au](mailto:tim.robinson@sydney.edu.au)  
Anne Picot: ext 17262 Email: [anne.picot@sydney.edu.au](mailto:anne.picot@sydney.edu.au)