PRIVACY POLICY 2013

The Vice-Chancellor and Principal, as delegate of the Senate of the University of Sydney, adopts the following policy.

Dated: 14 January, 2013

Last amended:

Signature:

Name: Professor Stephen Garton, Acting Vice-Chancellor

CONTENTS

1 Name of policy 1
2 Commencement 1
3 Policy is binding 1
4 Statement of intent 1
5 Application 2
6 Definitions 2
7 Privacy Management Plan 2
8 Rights and responsibilities 3
9 Breaches of this policy 3
10 Complaints and internal review 4
SCHEDULE 6

1 Name of policy

This is the Privacy Policy 2013.

2 Commencement

This policy commences on 1st February, 2013.

3 Policy is binding

Except to the extent that a contrary intention is expressed, this policy binds the University, staff, students and affiliates.

4 Statement of intent

This policy:

(a) states the University's commitment to the protection of privacy and the compliant management of personal information;

(b) sets out the rights and responsibilities of the University, its staff, students and affiliates;

(c) provides for the establishment and maintenance of a University wide Privacy Management Plan;

(d) requires staff and affiliates to understand how personal information is defined and to be aware of the applicable privacy protection principles in their own work; and

(e) requires staff and affiliates to ensure that students under their direction are aware of how personal information is defined and of the University's procedures for managing it.

5 Application

This policy applies to the University, staff, students and affiliates.

6 Definitions

health privacy principles	means the principles set out in Schedule 1 to the *Health Records and Information Privacy Act 2002 (NSW)* **Note:** The full text of the information privacy principles is available at: http://sydney.edu.au/arms/privacy/privacy_mgmt_plan.shtml
information protection principles	means the principles set out in Part 2 Division 1 of the *Privacy and Personal Information Protection Act 1998 (NSW).* **Note:** The full text of the information privacy principles is available at: http://sydney.edu.au/arms/privacy/privacy_mgmt_plan.shtml
personal information	has the meaning provided in section 4 of the *Privacy and Personal Information Protection Act 1998 (NSW).* At the date of this policy, this is as set out in the Schedule to this policy.
Privacy Acts	means either or both of the *Privacy and Personal Information Protection Act 1998 (NSW)* and the *Health Records and Information Privacy Act 2002 (NSW)*
Privacy Management Plan	means the plan required by section 33 of the *Privacy and Personal Information Protection Act 1998 (NSW),* which is referred to in clause 7 of this policy.
Privacy Officer	means any individual nominated as such in the Privacy Management Plan

7 Privacy Management Plan

(1) The Manager, Archives and Records Management Services will prepare a Privacy Management Plan for approval by the General Counsel.

(2) The Privacy Management Plan will set out the procedures all staff, affiliates and, where appropriate, students must follow.

(3) The approved Privacy Management Plan must be published on the University web site.

(4) The Manager, Archives and Records Management Services is responsible for ensuring the currency of the Privacy Management Plan, including preparing appropriate amendments for approval by the General Counsel.

Note: The current Privacy Management Plan is available at: http://sydney.edu.au/arms/privacy/privacy_mgmt_plan.shtml

(5) The Privacy Management Plan has the status of procedures under the *University of Sydney (Policies Development and Review) Rule 2011*.

8 Rights and responsibilities

(1) The University is responsible for:

(a) making staff, affiliates and, where appropriate, students aware of this policy and the Privacy Management Plan;

(b) establishing procedures which are compliant with the Privacy Acts*;*

(c) making contractors aware of the University's obligations under the Privacy Acts*;* and

(d) ensuring that contractors' procedures are compliant with this policy, the Privacy Management Plan and the Privacy Acts*.*

(2) The Group Secretary will respond promptly to applications for access to personal information under the Privacy Acts and will impose as few restrictions on the release of personal information to individuals as are consistent with protection of the University's own rights.

(3) Archives and Records Management Services will notify the NSW Office of the Privacy Commissioner of:

(a) all complaints received under the Privacy Acts; and

(b) all breaches of the Privacy Acts.

(4) Staff, students and affiliates have the right to access and to correct their personal information held by the University.

(5) Staff, affiliates and, where appropriate students, are responsible for ensuring their own work practices comply with this policy and with the Privacy Management Plan.

(6) Staff and affiliates who direct students' research are responsible for ensuring that students under their direction understand their obligations under the Privacy Acts.

(7) Staff, students and affiliates must report any breach of the information or health privacy principles to a Privacy Officer.

9 Breaches of this policy

Failure to comply with this policy or the Privacy Management Principles which results in a breach of the information privacy principles or the health privacy principles may constitute misconduct, and may result in disciplinary action being taken by the University.

10 Complaints and internal review

(1) Individuals (including members of the public) who believe they have grounds to complain about the University's management of their personal information may seek an internal review of the relevant conduct.

Note: The statutory requirements for the conduct of such reviews are set out in Part 5 of the *Privacy and Personal Information Protection Act 1998 (NSW).* Further information is contained in the Privacy Management Plan.

(2) Applications for internal review must:

(a) be made in writing to a Privacy Officer;

(b) include a return address within Australia; and

(c) be lodged within six months of the applicant becoming aware of the relevant conduct.

(3) The Group Secretary may decide to accept an application lodged out of time, but would only do so in extraordinary circumstances.

(4) The Group Secretary must report the findings and any proposed actions in response to the NSW Privacy Commissioner within 60 days of the date of receipt of the application.

NOTES

Privacy Policy 2013

Date adopted:	14th January, 2013
Date commenced:	1st February, 2013
Administrator:	Group Secretary
Review date:	1st February, 2018
Related documents:	

Government Information (Public Access) Act 2009 (NSW)

Health Records and Information Privacy Act 2002 (NSW)

Privacy and Personal Information Protection Act 1998 (NSW)

State Records Act 1998 (NSW)

University Recordkeeping Policy

University Recordkeeping Manual

AMENDMENT HISTORY

Provision	Amendment	Commencing

SCHEDULE

Section 4 of the *Privacy and Personal Information Protection Act 1998 (NSW)* provides the following definition of personal information.

(1) In this Act, personal information means information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.

(2) Personal information includes such things as an individual's fingerprints, retina prints, body samples or genetic characteristics.

(3) Personal information does not include any of the following:

(a) information about an individual who has been dead for more than 30 years;

(b) information about an individual that is contained in a publicly available publication;

(c) information about a witness who is included in a witness protection program under the *Witness Protection Act 1995* or who is subject to other witness protection arrangements made under an Act;

(d) information about an individual arising out of a warrant issued under the *Telecommunications (Interception) Act 1979* of the Commonwealth;

(e) information about an individual that is contained in a public interest disclosure within the meaning of the *Public Interest Disclosures Act 1994,* or that has been collected in the course of an investigation arising out of a public interest disclosure;

(f) information about an individual arising out of, or in connection with, an authorised operation within the meaning of the *Law Enforcement (Controlled Operations) Act 1997*;

(g) Information about an individual arising out of a Royal Commission or Special Commission of Inquiry;

(h) Information about an individual arising out of a complaint made under Part 8A of the *Police Act 1990;*

(i) information that is contained in the Cabinet information or Executive Council information under the *Government Information (Public Access) Act 2009*;

(j) Information or an opinion about an individual's suitability for appointment or employment as a public sector official

(ja) information about an individual that is obtained about an individual under Chapter 9 (Adoption Information) of the *Adoption Act 2000*;

(k) information about an individual that is of a class, or is contained in a document of a class, prescribed by the regulations for the purposes of this subsection;

(4) For the purposes of this Act, personal information is ***held*** by a public sector agency if:

(a) the agency is in possession or control of the information, or

(b) the information is in the possession or control of a person employed or engaged by the agency in the course of such employment or engagement,

(c) the information is contained in a state record in respect of which the agency is responsible under the *State Records Act 1998.*

(5) For the purposes of this Act, personal information is not ***collected*** by a public sector agency if the receipt of the information by the agency is unsolicited.