



University of  
South Australia

## Confidentiality of students' personal information

**POLICY NO:** A-46.12

**DATE OF APPROVAL:** 12 November 1999

**CURRENT AMENDMENT:** April 2020

**REFERENCE AUTHORITY:** Director: Student and Academic Services

### **CROSS-REFERENCES:**

- [A-51: Graduation and records](#)
- [Assessment Policies and Procedures Manual](#)
- [C-17: Student complaints resolution](#)
- [Education Services for Overseas Students Act 2000](#)
- [Education Services for Overseas Students Regulations 2001](#)
- [General Data Protection Regulation \(\(EU\) 2016/679\)](#)
- [Higher Education Support Act 2003](#)
- [National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(ESOS\)](#)
- [Privacy Act 1988 \(Information Privacy Principles for Commonwealth Agencies\)](#)
- [Privacy \(Tax File Number\) Rule 2015](#)
- [Privacy Policy](#)

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## Purpose

UniSA collects, generates and holds personal information about all its students. Privacy of student information is a vital part of UniSA's relationship with students, and is supported by legislative responsibilities to maintain confidentiality. UniSA recognises its responsibility to collect, manage, use and disclose personal information in accordance with legislative requirements and prevailing community expectations of best practice.

## Definitions

**Footage:** material recorded on a film or video camera, either on film, tape or digitally.

**Student:** any current or former student of UniSA and its precedent institutions.

**Personal information:** information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion (as defined in the *Privacy Act 1988* and the *Higher Education Support Act 2003*).

For the purpose of this policy 'personal information' means student personal information and includes, but is not limited to, assignments, examinations, individual student results, student results collated in a list with identification by student number, and practicum, field and clinical placement details.

**Record** includes:

- a document (hard copy or electronic)
- email or other form of electronic communication
- any form of database
- a photograph, footage or other pictorial representation of a person

*but does not include:*

- a generally available publication, for example an award conferral
- anything kept in a library, art gallery or museum for the purposes of reference, study or exhibition
- letters or other articles in transit by post.

**Sensitive information:** information about an individual's racial or ethnic origin, political opinion(s), membership of a political association, religious beliefs or affiliations, physical or mental health status, disability, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, or criminal record.

## Policy

### 1. General provisions

- 1.1 The best interests of the student and the preservation of their privacy and confidentiality are paramount in interpreting this policy. Student personal information must not be accessed, used or disclosed except in accordance with this policy. In all areas of academic and administrative practice the principle of minimal disclosure must be applied.
- 1.2 UniSA upholds a student's right to know how their personal information will be managed, used, stored and disposed.
- 1.3 UniSA will take reasonable steps to ensure responsible handling of student personal information.
- 1.4 Certain types of information may be subject to confidentiality standards beyond this policy, for example other UniSA policies or additional legislative requirements.
- 1.5 The confidentiality provisions in this policy may be overridden by legal or legislative obligations of disclosure.

## 2. Collection of personal information

2.1 UniSA collects, generates and holds, a range of personal information about its students.

This includes:

- a. **personal details:** includes, but is not limited to name, student ID number, contact information, age, enrolment status, digital images, financial information etc.
- b. **academic records:** course and enrolment details, assessment results, academic standing, educational qualifications and/or work experience records, written record of complaints and appeals information
- c. **personal welfare information:** emergency contacts, medical reports, critical incident and remedial action

For international students only:

- d. **program information:** CRICOS program code, agreed starting date, recognition of prior learning or advanced standing, actual start date, expected completion date, any termination of enrolment prior to the expected completion date, any change to the identity or duration of the program
- e. **program costs:** the amount of money UniSA has received prior to issuing a Confirmation of Enrolment, and an estimate of the total amount the student will be required to pay to undertake the full program; release and refund information
- f. **health insurance:** whether the student has paid for Overseas Student Health Cover (OSHC) before the program starts
- g. **English language proficiency:** whether the student has undertaken a test to determine their level of English proficiency, the name of the test, and the score the student achieved for the test
- h. **visa details:** the location of the Australian Government department office where the application for a student visa was made or is expected to be made; if the student holds a student visa, the number of the visa; the location of the local office of the Australian Government department responsible for student visas, once the student is studying in Australia
- i. **passport details:** if the student was in Australia when they became a UniSA student, the student's passport number
- j. **breaches of student visa conditions** relating to attendance or unsatisfactory academic progress
- k. **genuine temporary entrant information:** including, but not limited to visa history and financial details
- l. **details of students under the age of 18:** as required under ESOS.

2.2 Information collected is used for a variety of purposes, including:

- a. admission to a program
- b. enrolment and academic progress
- c. program and course administration
- d. communication with students
- e. internal and external quality assurance
- f. scholarship administration
- g. provision of student services
- h. conduct of student elections
- i. financial management
- j. mandatory reporting to external agencies, as explained in clause 11.1 below
- k. discretionary reporting to external bodies, as explained in clause 11.2 below
- l. promotion of UniSA
- m. student wellbeing.

2.3 UniSA will collect personal information only where it is necessary for one or more legitimate functions or activities. Where personal information is collected, UniSA will take reasonable steps to inform students of:

- a. the purpose for which the information is collected
- b. any person, body or agency to which UniSA usually discloses information of that kind
- c. any law that requires or authorises particular information to be collected.

**2.4** UniSA will take reasonable steps to ensure that personal information collected is accurate and complete. To this end, UniSA will allow individual students to correct inaccurate information as appropriate.

### **3. Storage of personal information**

**3.1** UniSA will take reasonable steps to protect records of personal information from misuse, loss, unauthorised access, modification or disclosure.

**3.2** Where the personal information is no longer needed for any legitimate purpose, it will be destroyed using a confidential method of disposal.

### **4. Access to personal information**

**4.1** Staff access to records of personal information will be restricted to those who need the information in order to carry out their duties and responsibilities in the personal and/or academic interests of students.

**4.2** Staff who are granted access to records of personal information will be made aware of the strict conditions set out under the *Higher Education Support Act 2003* for access to records of personal information. The following actions are serious offences under the *Higher Education Support Act 2003*:

- a. disclosing such personal information outside of the requirements of official duties
- b. copying a record of such personal information outside of the requirements of official duties, and
- c. causing unauthorised access to such personal information held in a computer system.

### **5. Use and disclosure of personal information**

**5.1** Personal information will be used only for the purpose(s) for which it is required. Where information has been obtained for a particular purpose, it will not be used for any other purpose, unless:

- a. the student has given written permission to use the information
- b. use of the information is required or authorised by law
- c. UniSA believes it is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned, or another person.
- d. one of these exceptions applies:
  - i) Providing data related to *learnonline* access to UniSA staff engaged in analysing learning patterns for the purpose of assisting a student's academic progress.
  - ii) Providing email addresses to USASA to facilitate membership services, as agreed between USASA and UniSA.

**5.2** UniSA will not disclose personal information about students to people, bodies or agencies outside UniSA including parents, spouses or other relatives or friends of the student, or to staff who have no need of the information, unless:

- a. the student has given written permission for UniSA to disclose the information
- b. UniSA is required by law or by Commonwealth or State funding bodies to disclose the information (as explained in clause 11.1)
- c. UniSA has taken reasonable steps to inform the student that information of that kind is usually passed on to those people, bodies or agencies (as explained in clause 11.2)

- d. UniSA believes the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned, or another person.

**5.3** Staff must obtain written permission from students to use their images for promotional purposes.

## **6. Sensitive information**

**6.1** UniSA will not collect sensitive information unless required or authorised by law, or with the student's consent.

## **7. Student's right of access to personal records**

**7.1** UniSA will take reasonable steps to allow students to view the personal information that UniSA holds about them, subject to exceptions detailed in the University's Privacy Policy. Exceptions include:

- where UniSA is required or authorised by law to refuse to provide the student with access
- where personal information of a student is subject to a duty of confidentiality to a person other than the student.

## **8. Access to personal information records**

**8.1** Students may view their personal information via UniSA's online enrolment system or the student portal.

**8.2** Students who want to view any additional personal information kept about them by UniSA may apply to do so through Student and Academic Services.

**8.3** Students who want to correct a record of personal information kept by UniSA, which they believe to be incorrect, may do so either via the UniSA's online enrolment system, or Student and Academic Services. Written requests for correction will be retained on the student's file maintained by Campus Central.

**8.4** If UniSA is unwilling to amend a record of personal information following a request from a student (for example, if UniSA believes that the record is correct, or that the correction sought by the student is unwarranted), the student may request UniSA to keep a record of the request being denied.

## **9. Maintenance of a public record**

**9.1** UniSA is obliged, under the *Higher Education Support Act 2003* and the *Privacy Act 1988*, to maintain a public record, detailing:

- a. the nature of the records of students' personal information that are kept by UniSA for the purposes of administering Commonwealth contributions and loans programs
- b. the period for which each type of record is kept
- c. the persons who are entitled to have access to personal information contained in those records and the conditions under which they are entitled to that access, and
- d. the steps that should be taken by persons wishing to obtain access to that information.

## **10. Complaints regarding personal information records**

Complaints regarding UniSA's collection, storage, use and disclosure of students' personal information should be made in accordance with policy *C17: Student complaints resolution*.

## **11. Disclosure of personal information records**

**11.1** UniSA will regularly provide personal information about students to the following:

- a. **The Australian Government department responsible for higher education student support funding and programs**, as required for administrative purposes. This will include information about all students regarding:

- i) enrolments and student load, including demographic information
  - ii) academic programs being undertaken
  - iii) student liabilities under Commonwealth higher education loans and contribution schemes, and payment options declarations
  - iv) completion of academic programs and courses
- b. **Centrelink:** as required to enable verification of entitlement to Centrelink payments. This will include information about enrolment and work load
  - c. **The Australian Taxation Office (ATO):** the individual liabilities of all enrolled students who have elected to defer and repay through the taxation system liabilities accrued under the range of Commonwealth loans and contribution programs
  - d. **The Australian Government departments responsible for Education Services for Overseas Students Act (ESOS) and student visa requirements:** providing relevant administrative information about students and student visas.

**11.2** UniSA will release information about individual students under certain circumstances to the following:

- a. **Australia Awards:** providing relevant administrative information about international students supported by the Australia Awards
- b. **recognised education providers and tertiary admission centres:** providing information about students who have applied for admission
- c. **the police:** UniSA is not obliged to provide information about a student to the police unless there is a court order in place, or a student is, or may be at risk. Staff must obtain approval from the Director: Student and Academic Services or authorised nominee before any information is released
- d. **the courts:** UniSA may be required to provide information related to a civil action
- e. **professional bodies:** providing information only to the extent needed to meet requirements for establishing the entitlement of students and graduates to practice in a profession
- f. **field, clinical or research placement providers:** student contact information may be provided to allow a field or clinical placement provider to liaise with a student before or during a placement
- g. **offshore program partners:** final academic results for students enrolled in offshore programs may be provided to the partner delivering the program
- h. **External student appeal agencies:** student information will be provided where a student has appealed an outcome of the University to an external appeals agency
- i. other agencies as required and approved by the Director: Student and Academic Services.

#### **AMENDMENTS:**

- Director: Student and Academic Services - September 2004
- Director: Student and Academic Services - July 2006
- Director: Student and Academic Services - October 2006
- Director: Student and Academic Services - August 2007
- Director: Student and Academic Services - January 2008
- Director: Student and Academic Services - December 2009
- Director: Student and Academic Services - 18 October 2013
- Director: Student and Academic Services - 10 November 2015
- Director: Student and Academic Services - July 2017
- Director: Student and Academic Services – November 2018
- Director: Student and Academic Services – April 2020