

Privacy Policy

1. Purpose

This policy and other related policies and procedures describe how personal, sensitive and health related information is handled to ensure privacy is maintained consistent with legislative requirements.

2. Scope

This policy covers personal, health and sensitive information collected by The Gordon in relation to staff, prospective staff, students and prospective students, visitors, customers or clients of The Gordon Institute of TAFE, The Culinary Collective and the Gordon's Skills and Jobs Centre.

3. Policy

The Gordon is committed to meeting all of the legal obligations relating to Privacy.

The *Privacy Act 1988 (Cth)*, the *Privacy and Data Protection Act 2014 (Vic)* and the *Health Records Act 2001 (Vic)* require The Gordon to store, use and disclose personal, sensitive and health information collected about staff and customers in a way that complies with the Privacy Principles located within the schedules of each of the Acts.

The primary privacy protections outlined in Commonwealth and State legislation are for the most part similar and The Gordon is committed to meeting the requirements of both these levels of government. It is important in some circumstances, to go to the source for a complete, current description of the privacy principles which appear in Schedules to each of the Acts. For further information relating to privacy, go to the Office of the Victorian Information Commissioner (OVIC) website.

4. Information Privacy Principles (IPPs) – Guidance

In order to provide Gordon staff, students and clients with some appropriate guidance regarding Privacy, the following paraphrased statements (derived from the IPPs listed in the *Privacy and Data Protection Act 2014 (Vic)*) Schedule 1, are designed to provide a more comprehensive explanation of our commitment.

Principle 1 - Collection

- 1.1. The Gordon will not collect personal information unless the information is necessary for one or more of its functions or activities.

The Gordon collects personal information, including sensitive information, about prospective and current students, parents/guardians/care-providers, staff, contractors and customers. The overall purposes of collecting this information is to:

- Enable The Gordon to deliver education and other services;
- Meet the wider functional needs of The Gordon, including financial management, legal accountability and national reporting requirements;
- Meet the requirements of legislation or external government agencies;
- Provide career and employment advice through the Skills and Jobs Centre and
- Facilitate operations of The Culinary Collective.

Staff are to provide individuals with reasons at the time and point of collection, regarding what information is being collected and held, the purpose for holding the information and how the information is to be used or disclosed.

Personal information that The Gordon collects from staff, students, prospective students, past students and external contacts includes (depending on the services provided and accessed):

- Names and other related contact details
- Staff or client (including student) identification numbers
- Email address
- Emergency contacts
- Photographic identification;
- Video images through CCTV, webinars and class video capture
- Qualifications (history and progress)
- Information relating to entitlements to related educational government payments or support (e.g. VET Student Loans)
- Complaints or misconduct details or information;
- Working With Children checks or National Police Checks if related to course, work placement or employment;
- Information necessary to deliver a health or disability service if necessary to deliver that service
- Other related personal information required for the effective management of The Gordon.

1.2. The Gordon will collect personal information only by lawful and fair means and not in an unreasonably intrusive way.

1.3. At or before the time (or, if that is not practicable, as soon as practicable after) The Gordon collects personal information about an individual from the individual, The Gordon will take reasonable steps to ensure that the individual is aware of:

- (a) the identity of The Gordon and how to contact it; and
- (b) the fact that the individual is able to gain access to the information; and
- (c) the purposes for which the information is collected; and
- (d) to whom (or the types of individuals or organisations to which) The Gordon usually discloses information of that kind; and
- (e) any law that requires the particular information to be collected; and
- (f) the main consequences (if any) for the individual if all or part of the information is not provided.

1.4. If it is reasonable and practicable to do so, The Gordon will collect personal information about an individual only from that individual.

1.5. If The Gordon collects personal information about an individual from someone else, it will take reasonable steps to ensure that the individual is or has been made aware of the matters listed in IPP 1.3 except to the extent that making the individual aware of the matters would pose a serious threat to the life or health of any individual.

Principle 2 - Use and Disclosure

2.1. The Gordon will not use or disclose personal information about an individual for a purpose (the secondary purpose) other than the primary purpose of collection, unless it meets the one or more of the exceptions listed within the *Privacy and Data Protection Act 2014 (Vic)*, Schedule 1 - IPP 2.1(a) to (h) (inclusive).

Personal information, including sensitive information and health information, may be used for the following purposes:

- | | |
|-----------------------|---|
| Students and Clients: | <ul style="list-style-type: none"> • Applications • Enrolment • Course or program administration • Academic progress • Scholarship selection |
|-----------------------|---|

- Staff:
- Provision of services to students and clients
 - Careers or academic pathways services
 - Regulatory compliance – Audits
 - Direct Marketing
 - Statistical Analysis
 - Incident Reporting and Management
 - Selection
 - Appointment
 - Review
 - Promotion
 - General administration
 - Provision of services to staff
 - Regulatory compliance – Audits
 - Incident Reporting and Management
- Customers:
- Management of restaurant bookings, loyalty programs and associated activities.

The Gordon may also disclose a student's personal information in the following instances:

- Academic progress information to another institution or related body as required in the course of a student's transfer to a new institution.
- Personal and enrolment information, including academic results, or students undertaking cross-institutional study to the relevant institution as required to confirm the student's enrolment or qualification.
- Personal information to relevant organisations engaged by The Gordon to provide debt recovery services.
- Personal and enrolment information, including academic results, of students undertaking an apprenticeship or traineeship to their employer.
- Personal and enrolment information, including academic results, of staff undertaking a Qualification with The Gordon to Strategic Human Resources and Development for the purposes of personnel administration.

In some instances, The Gordon may be required to disclose a student's or staff members personal information to other Government departments such as the Victoria Police, Courts, Australian Taxation Office, the Department of Industry Innovation and Science, the Department of Home Affairs and the Department of Education Training.

Principle 3 - Data Quality

- 3.1. The Gordon will take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up to date.

Principle 4 - Data Security

- 4.1. The Gordon will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.
- 4.2. The Gordon will take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose.

Principle 5 - Openness

- 5.1. The Gordon has set out in this document clearly expressed policies on its management of personal information. The Gordon will make this document available to anyone who asks for it.
- 5.2. On request by a person, The Gordon will take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

Principle 6 - Access and Correction

- 6.1. If The Gordon holds personal information about an individual, it will provide the individual with access to the information on request by the individual, except to the extent that access would contravene one or more of the criteria listed within the *Privacy and Data Protection Act 2014 (Vic)*, Schedule 1 - IPP 6.1(a) to (j) (inclusive).
- 6.2. However, where providing access would reveal evaluative information generated within The Gordon in connection with a commercially sensitive decision-making process, The Gordon may give the individual an explanation for the commercially sensitive decision rather than direct access to the information.
- 6.3. If The Gordon is not required to provide the individual with access to the information because of one or more of IPP 6.1(a) to (j) (inclusive), The Gordon will, if reasonable, consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.
- 6.4. If The Gordon charges for providing access to personal information, The Gordon:
 - (a) Will advise an individual who requests access to personal information that The Gordon will provide access on the payment of the prescribed fee; and
 - (b) May refuse access to the personal information until the fee is paid.

In some circumstances, The Gordon may require an individual or an agency acting on behalf of the individual to request personal information under the *Freedom of Information Act 1982*.

- 6.5. If The Gordon holds personal information about an individual and the individual is able to establish that the information is not accurate, complete and up to date, The Gordon will take reasonable steps to correct the information so that it is accurate, complete and up to date.
- 6.6. If the individual and The Gordon disagree about whether the information is accurate, complete and up to date, and the individual asks The Gordon to associate with the information a statement claiming that the information is not accurate, complete or up to date, The Gordon will take reasonable steps to do so.
- 6.7. The Gordon will provide reasons for denial of access or a refusal to correct personal information.
- 6.8. If an individual requests access to, or the correction of, personal information held by The Gordon, The Gordon will:
 - (a) Provide access, or reasons for the denial of access; or
 - (b) Correct the personal information, or provide reasons for the refusal to correct the personal information; or
 - (c) Provide reasons for the delay in responding to the request for access to or for the correction of personal information—as soon as practicable, but no later than 45 days after receiving the request.

Principle 7 - Unique Identifiers

- 7.1. The Gordon will not assign unique identifiers to individuals unless the assignment of unique identifiers is necessary to enable The Gordon to carry out any of its functions efficiently. The Gordon will not assign unique identifiers to individuals except for a Staff Number to identify a staff member and a Student Number to identify a student. Staff and Student Numbers are considered necessary for The Gordon to carry out its functions efficiently.
- 7.2. The Gordon will not adopt as its own unique identifier of an individual if a unique identifier of the individual has been assigned by another organisation unless:
 - (a) It is necessary to enable The Gordon to carry out any of its functions efficiently; or
 - (b) It has obtained the consent of the individual; or
 - (c) It is an outsourcing arrangement between The Gordon and the other organisation, and there are appropriate privacy safeguards for the handling of personal information.

- 7.3. The Gordon will not require an individual to provide a unique identifier in order to obtain a service unless:
- (a) The provision of the unique identifier is required or authorised by law; or
 - (b) The provision of the unique identifier is in connection with the purpose for which the unique identifier was assigned or for a directly related purpose.
- 7.4. The Gordon will not disclose a unique identifier assigned to an individual unless:
- (a) The disclosure is necessary to enable The Gordon to carry out any of its functions efficiently; or
 - (b) The individual has consented to the disclosure; or
 - (c) The disclosure is required or authorised by law; or
 - (d) It is in connection with the purpose for which the unique identifier was assigned or for a directly related purpose.

Principle 8 - Anonymity

- 8.1. Wherever it is lawful and practicable, individuals will have the option of not identifying themselves when entering into transactions with The Gordon.

Principle 9 - Transborder Data Flows

- 9.1. The Gordon may transfer personal information about an individual to someone (other than The Gordon or the individual) who is outside Victoria or in a foreign country only if the transfer meets one or more of the exceptions listed within the *Privacy and Data Protection Act 2014 (Vic)*, Schedule 1 - IPP 9.1(a) to (f) (inclusive).

Principle 10 - Sensitive Information

- 10.1. The Gordon will not collect sensitive information about an individual unless:
- (a) The individual has consented; or
 - (b) The collection is required under law; or
 - (c) The collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
 - (i) Is physically or legally incapable of giving consent to the collection; or
 - (ii) Physically cannot communicate consent to the collection; or
 - (d) The collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

5. Prohibition on Using Personal, Sensitive, and Health Information in Publicly Available Artificial Intelligence (AI) Systems

The Gordon TAFE is committed to safeguarding the privacy and wellbeing of our students, staff, and stakeholders. As part of this commitment:

- **Personal Information in AI Systems:** Personal information, including but not limited to names, addresses, or contact details, will not be processed or analysed by AI systems.
- **Sensitive Information in AI Systems:** Sensitive information, such as racial or ethnic origin, political opinions, religious or philosophical beliefs, or sexual orientation, will not be used in any AI systems.
- **Health Information in AI Systems:** Health information, including medical histories, mental health conditions, or disabilities, will not be incorporated into AI systems, tools, or processes.

The Gordon will ensure that all use of AI tools and platforms comply with these restrictions, adhering to relevant Commonwealth and State Government privacy legislation, including the *Privacy Act 1988 (Cth)* and the *Privacy and Data Protection Act 2014 (Vic)* to uphold the integrity and confidentiality of sensitive data.

6. Complaints Provision

Any person, who on reasonable grounds believes that The Gordon has breached this policy may lodge a complaint in writing to The Gordon's Risk, Safety and Wellness Manager – rsw@gordontafe.edu.au specifying details of the alleged breach.

All complaints regarding breaches of this policy will be managed in accordance with the Institute's *Complaints and Appeals Policy QA PO 10*. In accordance with this policy, the Institute shall ensure the complaint is investigated and that written feedback is provided to the complainant on the outcome of the complaint process.

7. Responsibilities

Position	Responsibility / Governance
Records Manager	Delegated responsibility as both the Gordon's Privacy Officer and Freedom of Information Officer. Has responsibility for implementation of staff training in records and information management.
All staff	Staff are responsible for ensuring personal, health and sensitive information collected by The Gordon is maintained and managed in accordance with the Australian Privacy Principles and the Health Privacy Principles, as described in legislation

8. Definitions

The following terms and abbreviations are specific to this policy:

Name	Description
IPPs	Information Privacy Principals.
AI Systems	Publicly available Artificial Intelligence (AI) Systems
Consent	Consent means expressed or implied consent.
Health Information	Information or an opinion about: - The physical, mental or psychological health of an individual, or - A disability of an individual, or - An individual's expressed wishes about the future provision of health services to be provided, or - A health service provided or to be provided. Health Information can be current information or that established at any time.
Individual	An individual could be an employee or prospective employee, a customer or prospective customer (student or otherwise) of The Gordon Institute of TAFE, The Culinary Collective or the Gordon's Skills and Jobs Centre.
Personal information	Information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which Schedule 1 [of] the <i>Health Records Act 2001</i> (Vic) applies.
Sensitive information	Information or an opinion about an individuals: - Racial or ethnic origin, or - Political opinions, or membership of a political association, or - Religious beliefs or affiliations, or philosophical beliefs, or - Membership of a professional or trade association; or trade union, or - Sexual preferences or practices, or - Criminal record. Note that sensitive information also represents personal information.
Unique identifiers	Unique identifiers are an identifier (usually a number) assigned by an organisation to an individual to identify that individual in a unique manner for traceability within the organisation.

9. Key Aligned Internal Documents

Refer to the [Operational Management System \(OMS\)](#) for copies of all policies, procedures and supporting documents.

Request for Access to documents or information RM FO 04.01

Records Management Policy RM PO 01

Privacy and Staff Records RM PR 05

Release of Customer Information Procedure RM PR 06

Authorisation to Disclose Information RM FO 06.01

Information Release Consent for Information of a Sensitive Nature RM FO 06.02

Complaints and Appeals Policy RISK PO 09

10. Key Aligned Legislation / Documents

[Freedom of Information Act 1982 \(Vic\)](#)

[Health Records Act 2001 \(Vic\)](#)

[The Health Privacy Principles \(Vic\)](#)

[Public Records Act 1973 \(Vic\)](#)

[Privacy and Data Protection Act 2014 \(Vic\)](#)

[Information Privacy Principles 2014 \(Vic\)](#)

[Privacy Act 1988 \(Cth\)](#)

[Australian Privacy Principles \(Cth\)](#)

[Student Identifiers Act 2014 \(Cth\)](#)

[Office of the Australian Information Commissioner \(OIA\) – \[www.oia.gov.au\]\(http://www.oia.gov.au\)](#)

11. Review and Approval

Business Process Owner	Head of Business Services		
Endorsed by (if applicable)	Not applicable	Endorsed Date	
Approved by (if applicable)	Risk and Compliance Committee	Approved Date	2 December 2024
Review schedule	This policy will be reviewed every 3 years (or earlier as required)		
Date of next review	2 December 2027		

Minor Structure changes outside of Review schedule		
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