

Privacy Policy

Policy Number	PCP023 (Version 2.0); GOV001
Approving Authority	Executive Team (ET)
Date Implemented	November 2015
Current Version	July 2016
Date of Review	July 2017
Contact Officer	Executive Director People and Culture
Related Policies, Procedures and Documents	PCP006 Code of Conduct Privacy Act 1988 Australian Privacy Principles

1. DEFINITIONS

Term	Definition
Australian Privacy Principles	The Australian Privacy Principles (APPs), which are contained in schedule 1 of the Privacy Act 1988 (Privacy Act), outline how most Australian and Norfolk Island Government agencies, all private sector and not-for-profit organisations with an annual turnover of more than \$3 million, all private health service providers and some small businesses (collectively called 'APP entities') must handle, use and manage personal information.
NIDA Community	All staff , students and others who work together to achieve NIDA's strategic priorities.
Privacy	Freedom from damaging publicity, public scrutiny, secret surveillance, or unauthorized disclosure of one's personal data or information, as by a government, corporation, or individual: Ordinary citizens have a qualified right to privacy.
Privacy Act	Privacy Act 1988
Staff Members	All directors, officers, employees (whether full-time, part-time or casual), contractors and consultants of NIDA other than visiting artists.

Volunteers	Any person providing a service to NIDA without receiving any remuneration (other than payment of expenses incurred), except persons undertaking an internship or other work experience through a school, university, college or other third party.
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2. SCOPE OF POLICY

This policy applies to all NIDA staff members, students, contractors and volunteers within the NIDA community.

3. POLICY

NIDA's Privacy Policy discloses how NIDA collects, protects, uses and shares information gained about individuals.

This statement outlines how NIDA uses and manages personal information provided to or collected by it. NIDA is bound by the Australian Privacy Principles contained in the Commonwealth Privacy Act 1988 (Privacy Act).

3.1. Privacy Principles

3.1.1. What kind of personal information does the Institute collect and how does the Institute collect it?

NIDA collects and holds personal information, which may include sensitive information, about:

- Students (accredited courses), before, during and after the duration of a student's enrolment at NIDA
- Participants in NIDA Open
- Clients of Corporate Performance
- Job applicants, employees, volunteers and contractors; and
- Other people who come into contact with NIDA (e.g. members of the public who purchase tickets to NIDA productions; donors and Friends of NIDA)

The type of personal information NIDA collects will depend on the individual's interaction with NIDA. For example, if you are a student, the personal information NIDA collects about you will include your name, address, gender, date of birth, telephone number, email address, academic history together with information concerning previous schooling,

background and nationality, including to enable provision of data to the Commonwealth Government and collection of health information as necessary for students enrolled at NIDA.

NIDA will not collect sensitive information about you unless you have consented to the collection or if NIDA is otherwise required or authorised to do so by or under law (including the Privacy Act and State and Territory health privacy legislation). "Sensitive information" includes health information and information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual preference or criminal record.

If NIDA is not able to collect your personal information, NIDA may not be able to provide its products or services to you or do business with you or the organization with which you are connected or employ you.

Personal information you provide:

NIDA will generally collect personal information held about an individual by way of forms filled out by individuals or parents/guardians of younger participants and through face to face meetings, telephone calls, email and facsimile.

Personal information provided by other people:

In some circumstances NIDA may be provided with information about an individual from a third party, for example a report provided by a medical professional or a reference supporting a job applicant.

Closed circuit television system:

NIDA operates a closed circuit television system for security and safety purposes, and individuals may be filmed while on NIDA's premises.

NIDA supplies information technology and IT network resources to students and staff and may monitor use of such information technology in accordance with its ICT policy. Personal information may be collected in the course of that monitoring.

Exception in relation to employee records:

The Privacy Act provides an exemption in relation to employee records. As a result, this Privacy Policy does not apply to NIDA's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between NIDA and the employee.

3.1.2. **How will the Institute use and disclose the personal information you provide?**

NIDA may use personal information it collects from you for the primary purpose of that collection and any other purposes explained at the time of collection or outlined in this Policy. NIDA may use your personal

information for such other secondary purposes that are related to the primary purpose of collection (and directly related, in the case of sensitive information) and reasonably expected, or to which you have consented (expressly or impliedly). NIDA may also use your personal information for other purposes required or authorised by or under law (including the Privacy Act).

NIDA may disclose your personal information to third parties for these purposes, for example to the NIDA Foundation Trust and to NIDA's contracted service providers such as information technology service providers, professional advisers, marketing and communications agencies, direct mail houses and printers. Otherwise, NIDA will not disclose your personal information to third parties unless you have consented to that disclosure (for example, at the time you provided us with your personal information) or the disclosure is otherwise required or authorised by or under law (including the Privacy Act).

Under no circumstances will NIDA sell or receive payment for licensing or disclosing your personal information.

How might NIDA contact you?

NIDA may contact you in a variety of ways, including by post, email, SMS, telephone call or facsimile. NIDA will not send you commercial electronic messages such as SMSs or emails unless this is permitted by the Commonwealth Spam Act 2003 (for example, if NIDA has your express or inferred consent to do so). Similarly, NIDA will not call you on a number listed on the Do Not Call Register unless this is permitted under the Commonwealth Do Not Call Register Act 2006 and related instruments (for example, if NIDA has your express or inferred consent to do so).

Higher Education Loan Program

When a student enrolled in a higher education course at NIDA applies for a FEE-HELP or VET FEE-HELP loan, you will be asked by NIDA to consent to personal identifying information being provided to the Australian Government (Department of Education and Australian Taxation Office) for the allocation of a Commonwealth Higher Education Student Support Number (CHESSN) and for the management of your Commonwealth assistance. This personal information is collected under the Higher Education Support Act 2003.

Higher education providers are required to comply with Commonwealth privacy legislation when handling personal information relating to your Commonwealth assistance. There are strict penalties for officers of providers and the Australian Government who misuse this personal information.

Education Services for Overseas Students (ESOS) Act 2000

Information provided by students to NIDA may be made available to Commonwealth and State agencies and the Tuition Protection Service pursuant to NIDA's obligations under the ESOS Act and the National Code

made pursuant thereto. NIDA is required under section 19 of the ESOS Act to tell the Department of Education and the Department of Immigration and Border Protection and successor agencies about certain changes to a student's enrolment and any breach by a student of a student visa condition relating to attendance or satisfactory academic performance.

For Students, Participants and Clients:

The purposes for which NIDA uses personal information of students, participants and clients include:

- Looking after students' educational needs and wellbeing
- To keep students, participants and clients informed of developments, activities, etc at NIDA through newsletters and other publications
- Day to day administration
- Seeking donations and marketing for NIDA
- To satisfy legal obligations and allow NIDA to discharge its duty of care
- For research, analysis and planning purposes

In some cases where NIDA requests personal information about a student, participant or client, if the information requested is not obtained, NIDA may not be able to enrol or continue the enrolment of a student.

For Job applicants, employees and contractors:

In relation to personal information of job applicants, employees and contractors, NIDA's primary purpose of collection is to assess and (if successful) to engage the applicant, employee or contractor, as the case may be.

The purposes for which NIDA uses personal information of job applicants, employees and contractors include:

In administering the individual's employment or contract, as the case may be

- For insurance purposes
- Seeking funds and marketing for NIDA
- To satisfy NIDA's legal obligations, for example in relation to child protection legislation

For Volunteers:

NIDA also obtains personal information about volunteers, such as members of the Board of Directors, Academic Board, NIDA Foundation Trust and others, who assist NIDA in its functions or conduct associated activities, to enable NIDA and the volunteers to work together.

Marketing and fundraising:

NIDA treats marketing and seeking donations for the future growth and development of NIDA as an important part of ensuring that NIDA continues to meet its objectives and to grow and develop.

Personal information held by NIDA may be disclosed to the Board of Directors or NIDA Foundation Trust to assist in their fundraising activities.

Students, employees, contractors and other members of the community may from time to time receive fundraising information. NIDA publications, such as promotional booklets, newsletters and flyers, which include personal information, may be used for marketing purposes.

You can let us know at any time if you no longer wish to receive any of these communications by contacting the NIDA Privacy Officer (using the contact details at the end of this policy).

Surveys:

From time to time NIDA surveys its students, staff, participants and clients on a range of issues, including their experiences and interest in NIDA's course offerings and/or organisational climate surveys. These surveys help NIDA to improve its products, services and working environment. You can let us know at any time if you do not wish to participate in these surveys by contacting the NIDA Privacy Officer (using the contact details at the end of this policy).

Sending information overseas:

There may be circumstances where NIDA discloses personal information to an overseas recipient including:

- NIDA may need to provide an incoming theatre director with the contact details of students with whom they will be working or provide an overseas recipient with information relating to a student's overseas placement; and
- NIDA uses IT service providers who are located overseas, including in New Zealand and as a result your personal information may be disclosed overseas.

NIDA will not send information about an individual outside Australia without complying with the requirements of the Australian Privacy Principles.

Cookies

NIDA does not attempt to match de-identified or anonymous data collected through surveys or such online devices as "cookies", with information identifying an individual, without the consent of the relevant individual.

3.1.3. **Data security and quality of information**

Management and security of personal information

Employees and contractors are required to respect the confidentiality of students', participants' and clients' personal information and the privacy of individuals.

NIDA has in place reasonable steps to protect the personal information NIDA holds from misuse, interference and loss, and from unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and pass worded access rights to computerised records.

Updating personal information

NIDA endeavours to ensure that the personal information it holds is accurate, complete and up-to-date. A person may seek to correct their personal information held by NIDA by contacting the NIDA Privacy Officer at any time (using the contact details at the end of this policy).

The Australian Privacy Principles require that personal information not be stored longer than necessary and NIDA will take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed.

Under the Privacy Act, an individual has the right to obtain access to any personal information which NIDA holds about them. There are some exceptions to this right set out in the Privacy Act.

To request access to any information NIDA holds about you please contact the NIDA Privacy Officer in writing (using the contact details at the end of this policy). You may be required to verify your identity and specify what information you require. NIDA may charge a fee to cover the cost of verifying your application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, NIDA will advise the cost in advance.

3.1.4. **Consent and rights of access to the personal information of students**

NIDA respects every student's right to make decisions concerning their education at NIDA.

Students may seek access to personal information held by NIDA about them by contacting the Director, Education. However, there will be occasions when access is denied. Such occasions would include where release of the information would have an unreasonable impact on the privacy of others.

3.1.5. **Anonymity**

Where it is lawful and practicable to do so, students, participants and clients may undertake business with NIDA without providing personal information. For example, tickets to NIDA productions may be purchased in cash at the

box office.

4. COMPLAINTS

Please contact the NIDA Privacy Officer using the details below if you have any concerns or complaints about the manner in which NIDA has collected or handled your personal information. NIDA will inquire into your complaint and respond to you in writing within 30 days. If you are not satisfied with NIDA's response, you can contact us to discuss your concerns or lodge a complaint with the Australian Information Commissioner (contact details below).

NIDA Privacy Officer

Telephone: 02 9697 7600

Facsimile: 02 9662 7415

Email: info@nida.edu.au (Attention: Privacy Officer) Address: 215 Anzac Parade, Kensington, NSW (Attention: Privacy Officer)

Website: www.nida.edu.au

Office of the Australian Information Commissioner (OAIC)

Telephone: 1300 363 992

Facsimile: 02 9284 9666

Email: enquiries@oaic.gov.au

GPO Box 5218

SYDNEY NSW 2001

Website: www.privacy.gov.au

5. CHANGE HISTORY

Date	Change Description	Reason for Change	Author/s	Version
October 2015	Creation		Director , Staff and Student Services	1.0
July 2016	Re-formatting		Executive Director People and Culture	2.0

6. External Review

External Review Conducted by:

Clayton Utz. Clayton Utz are NIDA's occasional legal advisers on matters related to industrial and employee relations.
