



Information Privacy Policy

pol-032	Version: 2.01	Approved By: Council
	Last amendment: Oct 2014	Date: 04 May 2005
	Next Review: Aug 2017	Contact Officer: Director, Strategic Services and Governance

INTRODUCTION

The University is committed to protecting the privacy of all members of the University community. The University will act responsibly to collect, manage, use and disclose personal information in accordance with prevailing community standards of best practice, the Northern Territory [Information Act 2002](#) and any other privacy-related legislation.

Staff members, students, researchers, contractors and any other third party who collects, manages or uses personal information on behalf of the University have an obligation, in their day to day practices, to adhere to and implement the privacy principles and practices established by legislation and given detailed expression in this Policy.

STATEMENT OF AUTHORITY

The authority behind this policy is the [Charles Darwin University Act 2003 \(NT\)](#) part 3, section 15.

INTENT

This document provides the framework for the University's implementation of the Information Privacy Principles (IPPs) to ensure compliance in the management of personal information.

RELEVANT DEFINITIONS

In the context of this document:

Cookies means a packet of data that a website puts on a computer's web browser to identify the user as a visitor to that website effectively recording a visit to a University website. It is possible to disable the acceptance of cookies by your web browser; however, by doing so, it may restrict the ability to access some web pages. Some University sites are access restricted. These sites may use cookies to deliver content specific to the user's interest. Cookies may also be used for authentication purposes and to improve security during a session on-line;

Governing documents means a FORMALLY APPROVED document that outlines non-discretionary governing principles and intentions, in order to guide University practice. Governing documents are a formal statement of intent that mandate principles or standards that apply to the University's governance or operations or to the practice and conduct of its staff and students they include the CDU Act, by-laws, policies, procedures, guidelines, rules, codes, the Strategic Plan and the Enterprise Agreement;

Consent means, according to the National Statement on ethical conduct in Human Research and Privacy Law, is that consent must be informed, specific, current and voluntary;

Information Privacy Principles (IPPs) means ten (10) standards which set out rights and obligations for the handling, holding, accessing and correction of personal information (including sensitive information). The ten (10) IPPs are contained in Schedule 2 of the Northern Territory [Information Act 2002](#);

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Personal information means information or an opinion (including or forming part of a database), 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. Personal information does not include information about an individual that once existed but has been destroyed, is contained within publicly available publications, or information about a person who has been deceased for more than five (5) years;

Privacy means the right to have information about an individual handled in a fair and proper manner;

Researcher means any staff member, person awarded honorary or academic status by the University, student, or person otherwise associated with the University, who conducts research in the course of employment, study or a research affiliation with the University;

Senior Executive means a person holding the position of Vice-Chancellor, Deputy Vice-Chancellor, Chief Operating Officer, Chief Financial Officer, Pro Vice-Chancellor or Deputy Chief Operating Officer of the University or equivalent;

Senior Manager means a staff member holding the position of Director or Head of School of the University or equivalent;

Sensitive information means personal information relating to racial or ethnic origin, religious beliefs or affiliations, philosophical beliefs, sexual preferences or practices, political memberships or opinions, membership of a professional or trade association, membership of a trade union, a criminal record, or health information;

Staff member means anyone engaged by or associated with the University and includes all permanent, casual, adjunct, honorary or contracted staff (whether full-time or part-time), volunteers or those holding University offices or who are a member of a University committee; and

Third party means someone other than the individual and the University.

POLICY

Collection of Personal or Other Information

The University will only collect personal information that is necessary for, or directly related to the University's functions or activities in a lawful, fair and not unreasonably intrusive way. Personal information that the University collects from staff members, students, prospective and past students, benefactors, research participants and external contractors may include, but is not limited to:

- Names and other related contact details;
- Student Identification Numbers and official University email addresses;
- Emergency contacts;
- Photographic identification;
- Academic qualifications, history and progress;
- Information relating to entitlements to related educational government payments or support such as HECS or FEE HELP;
- Complaints or misconduct details or information;
- If engaging any health service, information necessary to deliver that service, for example, medical history; and
- Any other related personal information required for the effective management of the University.

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The University may collect, use, and exchange personal information for the following reasons:

- To establish an individual's identity for the purposes of admission to a course of study;
- To establish an individual's identity for the purposes of employment;
- To establish an individual's identity for the purposes of access to Information and Communication Technology (ICT) systems;
- To manage the relationship with an individual;
- To manage the University's risks such as assisting to identify and investigate illegal activities;
- To identify and inform an individual about courses, products and services that the University thinks may be of interest to a particular individual;
- To contact an individual in the case of an incident or emergency; and
- From time to time, for other necessary purposes as they arise.

The University will ensure that when collecting personal and/or sensitive information, the individual will be informed as to:

- The purpose for which the information is collected;
- Whether all fields of a form are compulsory or some are optional;
- How the information is usually used and to whom it is usually disclosed;
- That the University's Information Privacy Policy is accessible on the University website;
- The fact that an individual has the right to gain access to his or her personal information held by the University;
- The email address for information privacy enquiries – privacy@cdu.edu.au;
- Any law that requires the particular information to be collected, for example, Tax File Numbers; and
- Any consequences for the individual if all or part of the personal information requested is not provided;

If an individual chooses not to provide information as requested, the University may not be able to provide services to that individual.

Collection from another Source

The University may collect personal information about an individual from another source when:

- The individual consents to the collection from someone else;
- The University is required or authorised by, or under, an Australian law, or a court / tribunal order, to collect the information from someone else; or
- It is unreasonable and impracticable to get the information directly from the individual.

The University may also collect personal information when an individual accesses the University's website or mobile applications. Information collected may include location or activity including IP address, telephone or mobile phone number and whether third party sites have been accessed. Some of the website information is collected using Cookies.

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Use and Disclosure of Collected Information

The University will not use or disclose personal information about an individual other than for the purpose stated at the time of the collection or where it would reasonably be expected that the University would do so:

- Without the individual's written consent;
- A court or similar body orders the information be released; or
- A law enforcement agency is requiring information and certain tests are met.

Emergency Situations

The University may disclose personal information for a secondary purpose if it reasonably believes that the use or disclosure is necessary to lessen or prevent:

- A serious and imminent threat to an individual's or another individual's life, health, safety or welfare; or
- A serious or imminent threat of harm to, or exploitation of, a child; or
- A serious threat to public health, public safety; and
- The information is used or disclosed in accordance with the NT [Information Act 2002](#).

Direct Marketing

The University may use or disclose personal information (other than sensitive information) about an individual for the purpose of direct marketing if:

- The University collected the information from the individual; and
- The individual would reasonably expect the University to use or disclose the information for that purpose; and
- The University provides an opportunity by which the individual may easily request not to receive direct marketing communications from the University and the individual has not made such a request to the University.

The University may not use or disclose sensitive information about an individual for the purpose of direct marketing unless the individual has consented to the use or disclosure of the information for that purpose.

Overseas Disclosures

Generally the University will use systems and customer service teams located within Australia, however, some University Information and Communication Technology (ICT) systems use cloud computing services that are hosted in countries other than Australia

Before the University discloses personal information about an individual to a third party overseas the University will take such steps as are reasonable in the circumstances to ensure that the overseas recipient will protect privacy under standards similar to the Northern Territory Information Privacy Principles.

For research students whose supervisor or examiner is located in a country other than Australia, personal information may be sent electronically or through the mail to that individual in that country.

Third Party Disclosure

Where legally authorised or required to do so the University may share personal information collected with third parties, such as:

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- Those to whom the University outsources certain functions;
- Commonwealth, State and Territory Governments agencies and regulators;
- Foreign governments, as may be applicable to international students;
- Law enforcement agencies and regulators;
- Entities established to help identify illegal activities and prevent fraud;
- Employers or former employers;
- Auditors;
- Protection providers, insurers and re-insurers;
- Superannuation companies;
- Debt collection agencies; and
- Recruitment agents.

The University will ensure that any contracts with third parties where personal information may be transferred will contain privacy clauses requiring compliance with this Policy

Management

The University will protect and safeguard all personal information collected to protect against misuse, loss, unauthorised access, modification or disclosure by:

- Implementing industry standards for the security and protection of personal information; and
- Storing information in either electronic and/or hard copy forms with access restricted to authorised personnel only.

Security, integrity and accuracy of information is governed by the University's [Information and Communication Technologies Security Policy](#) and [Records Management Policy](#) and related procedures.

The University will in certain situations remove or alter information that identifies an individual or is reasonably likely to do so, for example, research or surveys that may contain address information that could be used to contact the participants.

Generally, information will be destroyed or permanently de-identified when it is no longer required; however, some information is required to be kept permanently under the University's [Records Management - Retention and Disposal of University Records Procedure](#).

Access to Personal Information

The University will ensure that personal information is accurate, complete and up-to-date. The University will ensure individuals are able to apply for access to his or her personal information held by the University (unless there is good reason for refusing access) and take reasonable steps to correct any information that is not accurate or complete.

Access and amendment requests, questions in relation to concerns about privacy, the University's management of personal information or to make a complaint should be directed to the University's Privacy Officer or the Northern Territory [Information Commissioner](#).

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ESSENTIAL SUPPORTING INFORMATION

Internal

[Charles Darwin University Act 2003](#)

[Email Acceptable Use Policy](#)

[Identifying Unacceptable Use of Information and Communication Technologies Procedures](#)

[Information and Communication Technologies Acceptable Usage Policy](#)

[Information and Communication Technologies Security Policy](#)

[Quality Policy](#)

[Records Management Policy](#)

[Northern Territory Government and Archives Management Standards](#)

External

[Information Act 2002](#) (NT)

[Information Regulations 2010](#) (NT)

Policy Sponsor: Vice-Chancellor

Policy Contact Officer: Director, Strategic Services and Governance

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Document History and Version Control

Version	Date Approved	Approved by	Brief Description
1.00	04 May 2005	Council	Creation of original document and posting to CDU website.
1.01	08 Feb 2010	Governance	<ul style="list-style-type: none"> • Change old policy into new format style. • Add statement of authority, relevant definitions, document history and version control and essential documents in keeping with new policy format. • Amend minor grammatical and spelling errors. • Amend Audit and Risk Committee to Finance, Risk and Review Committee to reflect change in committee title • Change Staff Services to PMD to reflect title change
1.02	29 Dec 2010	Governance	<ul style="list-style-type: none"> • Convert document to new template • Amend PMD to Office of Human Resource Services to reflect title change. • Corporate Services changed to Director, Strategic Services and Governance to reflect position responsibility change. • Senior staff changed to Senior Executive. Definition added. • Definition of Senior Manager added
1.03	28 Jan 2011	Governance	<ul style="list-style-type: none"> • Minor changes to spelling, grammar and formatting.
1.04	10 Jan 2012	Governance	<ul style="list-style-type: none"> • Amended position titles in accordance with new organisational chart. • Update hyperlinks • Minor changes to grammar and formatting • Removal of reference to Finance, Risk and Review Committee as no longer active
1.05	13 Feb 2013	Governance	<ul style="list-style-type: none"> • Converted document to new template • Updated and added hyperlinks • Minor changes to wording, formatting and grammar • Assigned document number • Added relevant definitions • Removed general responsibilities section
2.00	27 Aug 2014	Vice-Chancellor	<ul style="list-style-type: none"> • Major review of Policy in line with NT Information Act • Privacy Policy changed to Information Privacy Policy in line with NT Information Act • Definition of Senior Executive amended to reflect changes to position titles • Definition of Sensitive Information updated to reflect definition in the Act • Additional definitions
2.01	27 Oct 2014	Governance	<ul style="list-style-type: none"> • Correction of minor grammatical errors and sentence structure • Addition of - To establish an individual's identity for the purposes of access to ICT systems under Collection of Personal or Other Information

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