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# The Melbourne College of Divinity

## *Privacy Policy*

(Supplementary Materials 3.4)

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The following policy has been developed in response to the *Privacy Amendment (Private Sector) Act*, which since 21 December 2001 has been regulating the way in which private organizations collect, use, disclose, keep secure and allow people access to their personal information.

The MCD affirms the *National Privacy Principles* (NPPs) of the Act and will respect the dignity and privacy of all individuals with whom it is engaged.

This policy sets out principles and procedures to protect the personal and sensitive information that the MCD collects from individuals and uses in order to carry out its educational functions and activities.

### **1 Definitions: personal and sensitive information**

- a *Personal* information is defined as information or an opinion about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion (e.g. names, address, e-mail address, telephone number, image, story, file notes). It includes all personal information, regardless of its source. NB: Personal information relates to a living human being, not to a company, even though the latter may be recognised as a legal 'person' under the law.
- b *Sensitive* information is a subset of personal information. It includes information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association or trade union, sexual preferences or practices, criminal record, or health information.

### **2 Sensitive information**

The MCD will not collect sensitive information about a person unless:

- a the person has consented;
- b the collection is required by law;
- c the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any person; or
- d other relevant conditions in the *National Privacy Principles* are applicable.

Students of the MCD should be aware that, for the purpose of statistical records, they may be asked to identify their religious affiliation. This is not a requirement of study at the MCD, and students may choose not to provide such information if they do not wish to do so.

In addition, information relating to students' citizenship, language facility, family and educational background and ethnicity is required by Commonwealth and State Governments for statistical purposes. **Consequently, students should be informed that this collective, as distinct from personal, data collection will be passed on to the Government.**

### 3 Collection of personal information

The MCD collects personal information from staff and students in its function as:

- a a registered provider of educational courses for Australian and overseas students, courses which may include research that involves human subjects;
- b an employer of staff;
- c supporting theological libraries that are available to students and the general public; and
- d. a private Higher Education Provider which receives research funding from the Commonwealth Government, and is required to report on this.

Information will be collected by fair and lawful means and not in an unreasonably intrusive way. Students, employees, library users or subjects of research:

- a will be told at the time the purpose for which the personal information is collected, and the consequences of not providing the requested information; and
- b are entitled to access their own personal information that has been collected by the MCD.

### 4 Use and disclosure of personal information

The MCD will not use or disclose personal information about a person for a purpose other than the primary purpose of collection without the consent of that person, unless the secondary purpose is related to the primary purpose and a person would reasonably expect such disclosure to be made, or if the disclosure is required by law.

The following wording is contained on MCD Application forms:

**The information you have given us in this Application Form will remain confidential,  
and only be used for the purposes for which you have given it to us.  
It will be kept securely until you complete your course, and then destroyed.**

### 5 Data quality

The MCD will take reasonable steps to ensure that the personal information which it collects, uses or discloses is accurate, complete and up-to-date. Individuals must notify the MCD when information they have provided needs to be updated.

### 6 Data security

The MCD will take reasonable steps to:

- a protect the personal information they hold from misuse or loss and unauthorized access, modification or disclosure; and
- b destroy or permanently de-identify personal information if it is no longer needed for any purpose for which the information may be used or disclosed under National Privacy Principle 2 (Use and Disclosure of Information);
- c inform students of the MCD that student academic transcripts are kept in perpetuity for sake of access by individual students on request.

### 7 Openness

The MCD will, on request by an individual, take reasonable steps to let him or her know, in general terms, what type of personal information the MCD holds about her or him, for what purposes it is held, and how the MCD collected, holds, may use and disclose that information.

## 8 Access and correction

The MCD will:

- a provide access to the personal information it holds about a person when requested by that person; however, access may be denied in cases where the National Privacy Principles provide exceptions;
- b take reasonable steps to correct the information held if the person is able to establish that the information is not accurate, complete and up-to-date;
- c provide reasons for denial of access or refusal to correct personal information.

## 9 Identifiers

An identifier includes a number assigned by an organization to a person to identify uniquely the individual for the purposes of the organization's operations. NB: a person's name or ABN is *not* an identifier.

- a the MCD will not adopt as its own identifier of an individual an identifier that has been assigned by:
  - i an agency; or an agent of that agency; or
  - ii a contracted service provider for a Commonwealth contract acting in its capacity as contracted service provider for that contract.
- c The MCD will not use or disclose an identifier assigned to an individual by an agency, or by an agent or contracted service provider unless:
  - i the use of disclosure is necessary for the MCD to fulfil its obligations to the agency; or
  - ii the person has consented to the use or disclosure; or
  - iii a person would reasonably expect such disclosure.

## 10 Anonymity

Whenever it is lawful and practicable, individuals must have the option of not identifying themselves when entering into transactions with the MCD or its teaching institutions.

## 11 Transborder data flows

The MCD may transfer personal information about an individual to someone in a foreign country only if that individual consents to the transfer, or if other relevant conditions to protect the information contained in the National Privacy Principles are applicable.