

# ACT Board of Senior Secondary Studies Privacy Policy

## About this policy

This privacy statement sets out how the ACT Board of Senior Secondary Studies (BSSS) manages personal information when performing its functions. This policy is written in simple language.

The specific legal obligations of the ACT BSSS when collecting and handling your personal information are outlined in the *Information Privacy Act 2014* and in particular in the Territory Privacy Principles found in that Act.

In keeping with Territory Privacy Principle (TPP) 1.3 of the *Information Privacy Act 2014*, the ACT BSSS must have a clearly expressed and up to date policy (the *TPP privacy policy*) about the management of personal information.

- You can access the *Information Privacy Act 2014* at the [ACT Legislation Register](http://www.legislation.act.gov.au) website ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)).

We will update this privacy policy when our information handling practices change. Updates will be publicised on our website ([www.bsss.act.edu.au](http://www.bsss.act.edu.au)).

- You can access the Education and Training Directorate Web privacy statement on the [Privacy](#) page of our website ([www.bsss.act.edu.au](http://www.bsss.act.edu.au)).

## Overview

The ACT BSSS collects, holds, uses and discloses personal information to carry out its functions or activities under the following legislation:

- *Public Sector Management Act 1994*
- *Education Act 2004*
- *Board of Senior Secondary Studies Act 2011*
- *Children and Young People Act 2008*
- *Training and Tertiary Education Act 2003*
- *Education and Care Services National Law (ACT) Act 2011*
- *Information Privacy Act 2014*
- *Freedom of Information Act 1989*
- *Territory Records Act 2002* and
- *Health Records (Privacy and Access) Act 1997*.

The ACT BSSS's functions and activities include:

- accreditation or registration of courses taught by recognised educational institutions
- approval, consistent with national agreements, of recognised educational institutions for teaching vocational education courses
- establishment of guidelines for the development of courses by the board or by a recognised educational institution

- establishment of principles and procedures for the assessment of students and the moderation of the assessments
- provision to people who have undertaken courses, or units of courses, certificates and transcripts of their attainments
- provision of information on
  - (i) the performance of students and former students
  - (ii) the policies and procedures of the board
- review of its own operations and the operation of this Act
- advise the Minister on any matter mentioned in this section
- collection and recording of information about the performances of students
- provision, to institutions that provide tertiary education or vocational education and training, information on applicants for admission to these institutions
- publicising the guidelines, requirements, procedures and standards for assessments, certification and accreditation used by the board
- appointment of the committees and advisory panels considered appropriate by the board
- responding to access to information requests
- handling complaints and reviews, including privacy complaints
- taking regulatory action under Territory legislation
- communicating with the public, stakeholders and the media including through websites and social media.

### **Remaining anonymous**

Generally when you deal with the ACT BSSS (for example when calling on the phone to make an enquiry) you have the option of remaining anonymous or using a pseudonym (a made up name).

However, in some situations the ACT BSSS will need you to provide your name in order to provide services or assistance to you, or if we are authorised or required by law to deal with an identified individual.

If it is impracticable or unlawful for us to deal with you without you providing identifying information, we will let you know why we need your personal information and what it will mean for you if the information is not collected.

### **Collection of your personal information**

At all times the ACT BSSS tries to only collect personal information where that information is reasonably necessary for, or directly related to, one or more of our functions or activities.

Normally, the ACT BSSS will not collect sensitive information (such as sexual identity or criminal history information) without your consent.

Sometimes we may collect sensitive personal information without your consent, such as when it is required or authorised by a law, or court or tribunal order, or is necessary to prevent a threat to the life, health or safety of one or more individuals, or to public health or safety.

The ACT BSSS will not collect personal information about you if we do not need it.

## How do we collect personal information?

The ACT BSSS will only collect information by lawful and fair means.

The main way the ACT BSSS collects personal information about you is when you give it to us or schools give it to us for the purposes of assessment and certification.

Student records are created from information:

- provided by students or parents to schools, for example enrolment forms and medical information
- generated by schools and Registered Training Organisations (RTOs) such as enrolment, attendance, academic and assessment data and individual learning and support needs
- provided by or to employers and other industry stakeholders in work-based education and training arrangements.

Your personal information may be collected in a variety of ways, including through transfer of data from schools to the ACTBSSS Certification System (ACS), paper or online forms and surveys, in correspondence to and from you as well as email, over the telephone and by fax.

The ACT BSSS collects personal information such as contact details and complaint, review, request or report details when:

- you contact us to ask for information (but only if we need it)
- you enrol your children, or children in your care, into an ACT school delivering senior secondary education
- you consent to us collecting information from others, such as health professionals, to assist us to provide appropriate support for your child
- you are nominated or nominate someone for an award administered by the ACT BSSS
- you are employed or seeking employment with the ACT BSSS
- you are contracted to provide a service to or for the ACT BSSS
- we are required or authorised by law or a Court or tribunal order to collect the information
- you participate in community consultations, forums or make submissions to us, and you consent to our collection of your personal information
- you make a complaint to the ACT BSSS or seek a review of a decision, such as a school assessment
- you seek a review of an Freedom Of Information (FOI) decision
- you ask for access to information the ACT BSSS holds about you or other information about the ACT BSSS's operation.

We may also collect contact details and some other personal information if you are on our committees or participating in a meeting or consultation with us.

Normally we collect information directly from you unless it is unreasonable or impracticable to do so. In certain circumstances, for example where it is required by law, we may also obtain personal information collected by other Australian, state and territory government bodies or other organisations.

We also collect personal information from publicly available sources where that may enable us to perform our functions effectively.

## Types of information we collect and hold

At all times the ACT BSSS tries to only collect the minimum information that the ACT BSSS needs. The personal information we collect and hold will vary depending on what we require to perform our functions and responsibilities. It may include:

- information about identity and personal circumstances (e.g. name, date of birth, gender, marital status, details of family members, relationship details, occupation, citizenship or immigration status, country of birth, language background, racial or ethnic origin)
- contact details (e.g. phone, email and fax)
- educational records and results, reports of student progress, educational attainment, academic record and wellbeing information
- information about your financial affairs (e.g. payment details, bank account details)
- information about your employment (e.g. applications for employment, employment history, referee comments, remuneration, superannuation, professional memberships, professional development and disciplinary action)
- Australian Business Numbers of contractors
- photographs, video recordings and audio recordings.

Sensitive information is handled with additional protections under the *Information Privacy Act 2014*.

Sensitive information is information that is 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
- membership of a trade union
- sexual orientation or practices
- criminal record
- genetic information
- biometric information (including photographs, voice or video recordings of you).

The ACT BSSS collects sensitive information such as information about disability, medical conditions, and family and other court orders. We collect this information to:

- provide for the needs of children with disability
- provide appropriate support and/or management for students or staff with conditions affecting their education or at work, and
- ensure orders of the Court are complied with.

## Notice of collection

When the ACT BSSS needs to collect personal information from you, we will notify you about:

- who we are and how you can contact us
- the circumstances in which we may or have collected personal information

- the name of the law that requires us to collect this information (if any)
- the purposes for which we collect the information
- how you may be affected if we cannot collect the information we need
- the details of any agencies or types of agencies which we normally share personal information with, including whether those recipients are overseas, and which countries those recipients are located in
- that we have a Privacy Policy explaining how we handle your information and deal with complaints about our information handling
- how you can access the Privacy Policy.

We usually provide this information by including privacy notices on our paper based forms and on the ACT BSSS website.

### Collecting through our websites

You can access the ACT BSSS privacy statement on our website, ([www.bsss.act.edu.au](http://www.bsss.act.edu.au) ).

### Use and disclosure

The ACT BSSS will not use your personal information for a secondary purpose or share your personal information with other government agencies, private sector organisations or anyone else without your consent, unless an exception applies.

Exceptions are available in a number of circumstances including when:

- you would reasonably expect us to use the information for the secondary purpose that is related (or directly related – in the case of sensitive information) to the original purpose for which the information was collected
- the use or sharing of information is legally required or authorised by an Australian law, or court or tribunal order
- the collection is reasonably necessary for a law enforcement-related activity such as the prevention, detection, investigation prosecution or punishment of criminal offences or breaches of the law; intelligence gathering, surveillance, conduct of protective or custodial services
- we reasonably believe that collection is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety
- we have reason to suspect unlawful activity, or misconduct of a serious nature, that relates to our functions and we reasonably believe that collection of the information is necessary in order for us to take appropriate action
- we reasonably believe that the collection is reasonably necessary to help locate a person who has been reported as missing.

In certain circumstances regard may be given to the wishes expressed by older students, under the age of 18, not to provide their parents with access to their personal information.

If the ACT BSSS holds biometric information (such as your fingerprints or photograph) it is allowed to provide your biometric information or your biometric templates (digital representations of your distinct characteristics) to an enforcement body (like the Australian Federal Police, Department of

Immigration and Border Protection) if we comply with guidelines made by the Information Privacy Commissioner.

The ACT BSSS may also disclose personal information to Commonwealth intelligence agencies where that disclosure is authorised by the head of the intelligence agency and the agency certifies that the collection of the personal information from the ACT BSSS is necessary for its functions.

### **Sharing information with service providers**

The ACT BSSS contracts with service providers to support the ACT BSSS to carry out specific activities and functions of the ACT BSSS.

In some circumstances it may be necessary for the ACT BSSS to share personal information with these service providers to enable them to perform their functions efficiently and effectively.

In these situations we protect personal information by only entering into contracts with service providers who agree to comply with Territory requirements for the protection of personal information.

### **Disclosure of personal information overseas**

In some circumstances the ACT BSSS may need to share or store information with overseas recipients.

If this disclosure is necessary we will take reasonable steps before disclosing the information to ensure that the recipient treats the personal information with the similar standard of care as is required by the *Information Privacy Act 2014*.

In some cases, the information will already be sufficiently protected under the law governing the overseas recipient, and you can access mechanisms to enforce those protections.

If it is practical and reasonable to do so we will obtain your consent to overseas disclosure. However, there may be situations where we are unable, for example, where we share information as part of a law enforcement activity.

### **Quality of personal information**

The ACT BSSS is required to take reasonable steps to ensure that the personal information we collect is accurate, up-to-date, and complete.

Personal information we use or disclose must also be relevant for the purpose for which we use or disclose it.

In some circumstances and if it is appropriate, we can assist you to correct your personal information held by us if it is no longer accurate, up-to-date and complete.

### **Storage and security of personal information**

The ACT BSSS is required to take reasonable steps to ensure that personal information it holds is safe and secure.

We strive to protect your personal information from misuse, interference or loss and from unauthorised access, use, modification or disclosure in accordance with the *Information Privacy Act 2014*.

The *Territory Records Act 2002* establishes frameworks for the management of your personal information if it is held within the files or data systems of the ACT BSSS.

Our IT systems employ comprehensive protections to guard against unauthorised access. The ACTBSSS Certification System (ACS) operates under the ACS IT Security Plan 2013. Paper-based files are stored securely.

As a part of our general practice personal information is only available to staff who need to have access in order to perform their roles.

### **Accessing your personal information**

In accordance with the *Information Privacy Act 2014* (Territory Privacy Principles 12 and 13) you have the right to ask for access to personal information that the ACT BSSS holds about you. You are also entitled to request that we correct that personal information, if you believe it is no longer accurate or up-to-date.

If you contact us to request access to your personal information we must provide you with access to your information in an appropriate manner, if it is reasonable and practicable to do so.

If it is not reasonable or practicable we must respond to your request in writing within 30 days telling you why we are unable to provide you with access to that information.

With the exception of authorised academic transcripts, we will not charge you any fees for making the request or providing you with access.

You also have the right under the *Freedom of Information Act 1989* to request access to documents that we hold and ask for information that we hold about you to be changed or annotated if it is incomplete, incorrect, out-of-date or misleading.

### **Correcting your personal information**

If you ask the ACT BSSS to correct your personal information, we must take reasonable steps to correct the information if we are satisfied that it is incorrect, inaccurate, incomplete, irrelevant, out-of-date or misleading.

If we agree to correct information and that information has previously been shared with another agency, you may request that we notify the other agency of the possible need for them to correct that information.

There may be reasons why we refuse to correct that information, for example if we are required or authorised by law not to correct the information.

If we refuse to correct the information we must give you written notice of why we have refused to correct your information and how you may complain about our decision, within 30 days.

If we refuse to correct your personal information, you can ask us to attach or link a statement that you believe the information is incorrect and why, to the information.

We will not charge you any fees for making the request for correction, correcting the information or attaching a statement to the personal information.

## How to make a complaint

Complaints about how the ACT BSSS has managed your personal information need to be made in writing as outlined in the Directorate's *Complaints Policy* which is located on the **Contact Us** page of the ACT BSSS website ([www.bsss.act.edu.au](http://www.bsss.act.edu.au)) We are also able to assist you to lodge your complaint if required.

We will consider your complaint to work out how we can resolve your issue satisfactorily.

We will tell you promptly that we have received your complaint and then respond to the complaint within 30 days.

If you are not satisfied with our response you may ask for a review by a senior officer or you can make a formal privacy complaint to the Australian Privacy Commission under section 34 of the *Information Privacy Act 2014*.

The Australian Privacy Commission is an independent body that will assess your complaint and can make a determination that our actions are an interference with your privacy. The Commissioner can assist you with your complaint. If your complaint is upheld by the Commissioner you may be able seek a remedy in the Magistrates Court.

Contact at:                   The Information Privacy Commissioner  
email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
phone: 1300 363 992  
website: <http://www.oaic.gov.au/>

## How to contact us

You can contact us by:

**Email:** [bsss.enquiries@act.gov.au](mailto:bsss.enquiries@act.gov.au)

**Telephone:** Privacy Contact Officer  
(02) 6205 7181

**Facsimile:** (02) 6205 7167

**Post:** ACT BSSS  
Privacy Contact Officer  
Level 1, Building B  
Callam Offices  
Easty Street  
Woden ACT 2606

### Assisted Contact:

- National Relay Service: 13 36 77
- TTY users phone: (02) 6207 0494
- Translating and Interpreting Service: 13 14 50