



PRIVACY POLICY

Version:	Approved by:	Approval Date:	Effective Date:	Next Review:										
9	Executive Director Commercial and Legal	29 October 2021	29 October 2021	29 October 2024										
Policy Custodian:	Executive Director Commercial and Legal	Document No:	UOWE-LGL-POL-03											
Purpose:	<p>The purpose of this Policy is to establish a privacy framework across the UOW Global Enterprises which:</p> <ol style="list-style-type: none">Promotes the protection of the privacy of the individual;Promotes responsible and transparent handling of personal information;Facilitates the free flow of information across national borders; andProvides a means for individuals to complain about an alleged interference with their privacy. <p>This Policy evidences UOW Global Enterprises' commitment to privacy, and compliance with relevant privacy laws.</p>													
Scope:	<table border="1"><tr><td>UOWGE</td><td>✓</td><td>UOWCA</td><td>✓</td><td>UOWD</td><td>✓</td><td>UOWCHK</td><td>✓</td><td>UOWMKDU</td><td>✓</td></tr></table> <p>This Policy applies to the collection, storage, access, use and disclosure of Information, as it relates to operations, Staff and Students of UOW Global Enterprises. This Policy applies to technological infrastructure managed by Information Management and Technology Services (IMTS) on behalf of UOW Global Enterprises and should be read in conjunction with all obligations arising from the respective Privacy Management Procedure for each of UOW Global Enterprises' Related Institutions and Corporations.</p> <p>UOW College Hong Kong maintains a separate Personal Data (Privacy) Issues – Code of Practice, developed in line with relevant privacy ordinances in the Hong Kong SAR. Where the Privacy Policy conflicts with the Personal Data (Privacy) Issues – Code of Practice (as far as it relates to privacy matters in Hong Kong), the Personal Data (Privacy) Issues – Code of Practice shall prevail.</p>				UOWGE	✓	UOWCA	✓	UOWD	✓	UOWCHK	✓	UOWMKDU	✓
UOWGE	✓	UOWCA	✓	UOWD	✓	UOWCHK	✓	UOWMKDU	✓					



Related Documents:	Privacy Management Plan and Procedure (UOWGE)
	Records Management Policy (UOWGE)
	Document and Records Control Policy (UOWD)
	Server Security Policy (UOWD)
	Personal Data (Privacy) Issues Code of Practice (UOWCHK)
	Privacy Notice (UOWMKDU)
	Cyber Security Policy (UOW)
	IT Server Security Policy (UOW)

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1. Definitions

Word/Term/Acronym:	Definition:
Data Breach	Any instance where there is a loss of, unauthorised access to, or unauthorised disclosure of, Information.
Eligible Data Breach	<p>A Data Breach in which both of the following conditions are satisfied:</p> <ul style="list-style-type: none">i. There is unauthorised access to, or unauthorised disclosure of, the information; andii. A reasonable person would conclude that the access or disclosure would be likely to result in serious harm to any of the individuals to whom the information relates. <p>Loss of data also constitutes an Eligible Data Breach in the following circumstances:</p> <ul style="list-style-type: none">i. Unauthorised access to, or unauthorised disclosure of, the Information is likely to occur; andii. Assuming that unauthorised access to, or unauthorised disclosure of, the Information was to occur, a reasonable person would conclude that the access or disclosure would be likely to result in serious harm to any of the individuals to whom the Information relates.
Health Information	<p>Information that is in the possession or control of UOW Global Enterprises which is:</p> <ul style="list-style-type: none">i. Personal Information that is information or an opinion about:<ul style="list-style-type: none">a) The physical or mental health or a disability (at any time) of an individual; or



	<p>b) An individual's express wishes about the future provision of health services to them;</p> <p>c) A health service provided, or to be provided, to an individual.</p> <p>ii. Other Personal Information collected to provide, or in providing, a health service; and</p> <p>iii. Other Personal Information about an individual collected in connection with the donation, or intended donation, of an individual's body parts, organs or body substances; or</p> <p>iv. Other Personal Information that is genetic information about an individual arising from a health service provided to the individual in a form that is or could be predictive of the health (at any time) of the individual or of any sibling, relative or descendant of the individual; or</p> <p>v. Healthcare identifiers.</p>
Information	Any Health Information, Sensitive Information and/or Personal Information that is collected by UOW Global Enterprises about a Student or Staff in the course of its operations.
Misconduct	Academic misconduct and/or general misconduct under the relevant student or staff conduct policies.
Personal Information	<p>Information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion, or an individual's fingerprints, retina prints, body samples, or genetic characteristic.</p> <p>Personal Information does not include:</p> <ul style="list-style-type: none">• Information about an individual who has been dead for more than 30 years;• Which is publically available;• Information about an individual contained in a public interest disclosure under the <i>Public Interest Disclosure Act 1994</i> (NSW);• Information or an opinion about an individual's suitability for appointment or employment as a public sector official; or



	<ul style="list-style-type: none"> Any information held in a library, museum, or gallery for the purpose of reference, study or exhibition.
Primary Purpose	Means the main purpose for which the Information was collected.
Privacy Management Procedure	The relevant Privacy Management Procedure, as it relates to each of the Related Institutions and Corporations.
Related Institutions	UOW College Australia, the University of Wollongong in Dubai, UOW College Hong Kong, and UOW Malaysia KDU institutions.
Sensitive Information	<p>A subset of Personal Information (as defined by the <i>Privacy Act 1988</i> (Cth)) which includes:</p> <ul style="list-style-type: none"> i. Information or an opinion about an individual's: <ul style="list-style-type: none"> a) Race, racial or ethnic origin; b) Political opinions; c) Membership of a political association; d) Religious beliefs or affiliations; e) Philosophical beliefs; f) Membership of a professional or trade association; g) Membership of a trade union; h) Sexual preference or practices; or i) Criminal record. ii. Health information about an individual; or iii. Genetic information about an individual that is not otherwise Health Information.
Serious Harm	<p>Whether an Eligible Data Breach is likely to result in Serious Harm will be considered against the following:</p> <ul style="list-style-type: none"> i. The kind or kinds of information; ii. The sensitivity of the information; iii. Whether the information is protected by one or more security measures or technology; iv. The persons, or the kinds of persons, who have obtained or who could obtain the information;



	<p>v. The likelihood of the person who has obtained the information causing harm to any of the individuals to whom the information relates;</p> <p>vi. The nature of the potential harm; and</p> <p>vii. Any other relevant matters.</p>
Staff	Full-time, fixed term, part-time, sessional and casual employees of UOW Global Enterprises.
Students	Any person who is enrolled in any course or program offered at, or in conjunction with a Related Institution.
UOW Global Enterprises	UOWGE Ltd and its Related Institutions and Corporations.

2. Policy Principles

- 2.1 UOW Global Enterprises is committed to ensuring that its collection, storage, use, and disclosure of information complies with all relevant privacy laws.
- 2.2 All Staff who fall within its scope must comply with this Policy and the related Procedure for the relevant jurisdiction. A breach of this Privacy Policy or its related Procedure may constitute Misconduct pursuant to the relevant Code of Conduct, and may be subject to disciplinary action.

3. Collection of Information

- 3.1 UOW Global Enterprises will collect information in an open and transparent manner. This includes providing individuals with details relating to the purpose for the collection of the Information, how it will be handled by UOW Global Enterprises, and any consequences that may apply if Information is not provided.
- 3.2 UOW Global Enterprises will only collect Information lawfully, and for a purpose that is directly relevant and reasonably necessary to carry out its operations.
- 3.3 UOW Global Enterprises will ensure that Information collected is accurate, and does not intrude to an unreasonable extent on the personal affairs of the individual.
- 3.4 UOW Global Enterprises will collect Information directly from the individual to which it relates, unless:



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- i. The person has consented to Information being collected on their behalf by someone else;
 - ii. The person is under 16 years of age; or
 - iii. It is unreasonable or impractical to do so.
- 3.5 At the time of collection (or as soon as practicable thereafter) UOW Global Enterprises will take reasonable steps to ensure that the individual is aware of:
 - i. The identity of UOW Global Enterprises and how to contact the organisation;
 - ii. The fact that individuals are able to obtain access to their information;
 - iii. The purpose for which that information is being held;
 - iv. The organisations (or type of organisation) to which UOW Global Enterprises may disclose information of that kind;
 - v. Any law(s) which require the information to be collected; and
 - vi. The main consequences for the individual if all or part of the information is not provided or is incorrect (if applicable).
- 3.6 UOW Global Enterprises will not collect Sensitive Information, including Health Information, unless:
 - i. The individual has consented;
 - ii. The collection is required by law;
 - iii. The collection is necessary to prevent or lessen a serious and imminent threat to life or health of an individual; or
 - iv. The collection is in relation to a legal claim.

4. Use and Disclosure of Information

- 4.1 UOW Global Enterprises will only use and disclose Information for the Primary Purpose of collection, unless use or disclosure for another purpose is lawfully permitted or required, or the person whose Information is being disclosed has consented to the disclosure.
- 4.2 UOW Global Enterprises will only disclose Information about an individual to third parties (including its Related Institutions and/or government agencies) without an individual's consent in limited circumstances, including:
 - i. Where the Information is directly related to the purpose for which it is collected and UOW Global Enterprises has no reason to believe that the person would object to its disclosure;



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- ii. The individual is reasonably likely to have been aware, or has been made aware, that information of that kind is usually disclosed to the third party and related entities;
 - iii. UOW Global Enterprises believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and/or imminent threat to the life or health of the individual concerned or another person;
 - iv. Where an exemption exists under the relevant privacy laws for law enforcement purposes or other related matters; or
 - v. Disclosure is required by law.
- 4.3 Individuals should refer to the Privacy Management Procedure for their jurisdiction for further detail concerning the use and disclosure of Information.

5. Access, Accuracy and Amendment of Information

- 5.1 UOW Global Enterprises will allow an individual to access their Information without unreasonable delay or expense, and request the amendment, correction or update of that Information. UOW Global Enterprises will not deny access to the Information unless it would be unreasonable or impractical to fulfil the request. Where access is denied, written reasons for the refusal must be provided to the individual. Individuals have the right to appeal a refusal under the relevant grievance policy.
- 5.2 Individuals should refer to the Privacy Management Procedure for their jurisdiction for further detail concerning access, accuracy and amendment of Information.

6. Retention and Security of Information

- 6.1 UOW Global Enterprises takes all reasonable steps to ensure that Information is:
- i. Held for no longer than is necessary for the purpose for which it may be lawfully used;
 - ii. Disposed of securely in accordance with approved methods; and
 - iii. To the extent reasonable in the circumstances, protected from loss, unauthorised access, use, modification, disclosure or other misuse.
- 6.2 Individuals should refer to the Privacy Management Procedure for their jurisdiction for further detail concerning retention and security of Information.



7. Transnational Data Flows

- 7.1 In the course of its operations, UOW Global Enterprises may be required to provide Information to organisations outside of Australia. For the purposes of this policy, this includes the transfer of information from UOW Global Enterprises in Australia to its international operations.
- 7.2 Where data is transferred overseas, UOW Global Enterprises will comply with relevant privacy laws and principles to the best of its ability.

8. Notifiable Data Breach

- 8.1 UOW Global Enterprises is required to notify individuals and the Australian Privacy Commissioner where a there has been an Eligible Data Breach of data collected or stored by UOW Global Enterprises' which has the potential to cause Serious Harm.
- 8.2 Where UOW Global Enterprises staff (including the relevant IT Department servicing UOW Global Enterprises and its Related Institutions and Corporations), become aware of a suspected or actual data breach involving information collected or stored by UOW Global Enterprises, the UOW Global Enterprises Privacy Officer must be informed so that they can determine whether the data breach is a Notifiable Data Breach.
- 8.3 Where the Privacy Officer has determined a breach is a Notifiable Data Breach, they must, within 20 days of initial notification of a suspected or actual breach:
- i. Prepare a statement complying with s 26WK of the *Privacy Act 1988* (Cth);
 - ii. Notify the individuals to whom the breach relates; and
 - iii. Notify the Australian Privacy Commissioner.
- 8.4 Notification must occur in this manner wherever there is a Notifiable Data Breach, including where a Notifiable Data Breach occurs at offshore operations. This reflects the extra-territorial operation of the *Privacy Act 1988* (Cth).

9. Re-identification of Government Data

- 9.1 In the course of its Australian operations, UOW Global Enterprises may be supplied with de-identified data by government agencies.
- 9.2 Staff members must not perform an act with the intention of achieving the result that the Information is no longer de-identified, or an act which results in the Information no longer being de-identified.



- 9.3 Under no circumstances can UOW Global Enterprises disclose de-identified data supplied by a government agency to any person or entity other than the agency responsible for the data.
- 9.4 Should any staff member become aware that:
- i. De-identified data has been re-identified; or
 - ii. De-identified or re-identified data supplied by a government agency has been disclosed to any individual or entity;
- they must notify the Privacy Officer immediately.
- 9.5 Following this notification, the Privacy Officer is to take all reasonable steps to notify the agency responsible that de-identified information has been re-identified.
- 9.6 Serious penalties apply where the provisions of this clause are contravened.

10. Privacy Complaints

- 10.1 The Privacy Management Procedure for each entity sets out the process for Staff and individuals making and handling complaints relating to alleged breaches of privacy.

11. Roles & Responsibilities

Officer:	Responsibility:
Executive Responsibility	<ul style="list-style-type: none">• The Executive Director Commercial and Legal is the Privacy Officer and is responsible for UOW Global Enterprises' overall compliance with its privacy obligations.• Operational responsibility for compliance for UOW College vests with the UOW College Australia General Manager.• Operational responsibility for compliance for UOWD vests with the UOWD Executive Director – Finance and Administration.• Operational responsibility for compliance for UOW Malaysia KDU vests with the Deputy Vice-Chancellor (Administration).• Operational responsibility for compliance for UOW College Hong Kong vests with the Secretary for Finance and Operations.
Commercial and Legal Department	<ul style="list-style-type: none">• UOW Global Enterprises Legal and Commercial Department are responsible for:



	<ul style="list-style-type: none"> ○ Providing privacy advice and education to UOW Global Enterprises and UOW College Australia Staff; ○ Where delegated by the Privacy Officer, respond to enquiries or complaints from individuals on privacy matters; ○ Managing any required external privacy obligations.
People and Culture Department	<ul style="list-style-type: none"> • UOW Global Enterprises People and Culture Department will provide information about a Staff member's privacy obligations during their induction.
Relevant IT Department servicing UOW Global Enterprises and its Related Institutions and Corporations	<ul style="list-style-type: none"> • Ensuring that UOW Global Enterprises' data is protected and maintained in accordance with industry best practice; • Reporting any suspected or actual data breach to the UOW Global Enterprises' Privacy Officer in a timely manner; and • Providing all relevant and necessary support as required to manage the data breach.
All UOW Global Enterprises Staff	<ul style="list-style-type: none"> • All UOW Global Enterprises Group Staff are responsible for complying with privacy obligations outlined in this Policy, the relevant supporting Procedures, and the applicable Code of Conduct, when managing Information provided to, or collected by UOW Global Enterprises.

12. Change History

Version	Approved By	Date Effective	Amendment
1	Vince Lendrum	02/05/2011	New Policy
2	ITC Quality Manager	08/06/2011	Address in section 11 updated
3	ITC Quality Manager	19/12/2011	Purpose updated to include IFSS
4	Director Legal and Governance	10/03/2014	Changes to company branding and legislative obligations confirmed.
5	Policy Officer	17/08/2015	Correction of Privacy Officer email details. (from itc.privacy@uow.edu.au to itc-privacy@uow.edu.au)



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6	Compliance Officer	21/07/2016	Minor change only – College branding, position title and document formatting updated.
7	Vanessa Bourne, Executive Director Legal and Governance	11/04/2017	Policy refresh in line with legislative changes to privacy laws.
8	Vanessa Bourne, Executive Director Legal and Governance	08/02/2018	Amendments to ensure the Policy catered for UOWD operational environment.
9	Peter Janu, Executive Director Commercial and Legal	29/10/2021	Migration to new template and update to branding and nomenclature. Substantive review to include UOWMKDU and UOWCHK in scope, review of definitions of key terms, simplification of key concepts and processes to enable global application.