

Privacy Policy

Purpose:	To safeguard the privacy of an individual's personal information which may be collected and used by the University		
Audience:	Staff, Students, and the general public		
Contact Officer:	Director Legal Services	Phone:	See Campus Directory

Printed copies are for reference only. Please refer to the electronic copy in Policy and Procedure Manager™ [the electronic policy management system (EPMS)] to ensure you are referring to the latest version.

To request a copy of this policy, please contact the University Secretary's Office by telephone +61 8 9360 7647 or by email UniversitySecretary@murdoch.edu.au.

Preamble:

Please note: This policy is written in the first person as it is intended to be read by staff, students, and the general public.

The privacy of your personal information is important to Murdoch University.

As a state university we are not subject to the Federal Government's *Privacy Act 1988 (Cth)* however, as a commitment to safeguarding your personal information and to make you aware of how we may use it, we have initiated this *Privacy Policy* which adopts the new Australian Privacy Principles, which are set out in Schedule 1 to that Act, essentially as if we were a Commonwealth government agency.

Objectives:

1. To bind the University, staff and students regarding information collected about staff, student and other people that the University deals with on and off campus.
2. To manage personal information in an open and transparent way.
3. To collect only personal information that is reasonably necessary for any one or more of the University's functions or activities.
4. To ensure that any other personal information, including any sensitive information, is collected only when consent has been obtained, or when we are legally required or authorised to do so.
5. To collect personal information about an individual only from that individual, unless it is unreasonable or impracticable to do so.
6. To ensure that any unsolicited personal information that we may receive is dealt with appropriately.
7. To notify individuals at or around the time their personal information is collected as to its proposed use or disclosure. This includes being upfront about any likely disclosure to overseas recipients.
8. To clarify your right to opt out of any direct marketing material which we may send you.
9. To safeguard the integrity and security of personal information.
10. To ensure that personal information is used or disclosed in an appropriate manner.
11. To explain our use of cookies;
12. To clarify how we handle student names and email addresses;
13. To provide you with reasonable access to your personal information.

14. To develop and implement practices, procedures and systems relating to the University's functions and activities for the management of personal information and to provide a framework for dealing with any inquiries or complaints.
15. To ensure compliance with the General Data Protection Regulation (GDPR) if and to the extent that it applies to the handling of personal information relating to residents of the European Union.

Policy:

1. Collection

- 1.1. We will only collect personal information by lawful and fair means.
- 1.2. So long as it is reasonable and practicable to do so, your personal information will only be collected directly from you.
- 1.3. If it is necessary for us to collect personal information from a third party, reasonable steps will be taken to inform you of the circumstances of this collection.

2. The purposes for which we collect and hold personal information

- 2.1. It is necessary for us to collect and use personal information about you so that we can undertake and support our statutory objectives and functions as well as our related activities. Broadly, our functions include teaching, research, administration and support, and community engagement.
- 2.2. Whenever we collect personal information which is also sensitive information (as described in clause 3.2 below), we will seek your prior consent unless the law requires or permits us to collect it without first obtaining your consent.

3. What kinds of information do we collect?

3.1. Personal information

Personal information is information or an opinion, whether true or not and whether recorded in a material form or not, about an individual whose identity is reasonably apparent.

Personal information which we collect may comprise, depending on the circumstances:

- Full name
- Address – postal or residential
- Contact details such as telephone numbers and email addresses
- Photograph
- Date of birth
- Gender
- Academic results
- Academic record
- Disciplinary record
- Student fee liability to the University
- Bank account details
- Tax file numbers for Commonwealth supported students
- Visa information for overseas students
- Emergency contact details
- Information about your opinions and what you like.

3.2. Sensitive information

Sensitive information may comprise information or an opinion about you relating to such matters as:

- 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
 - Health information, including disability information
 - Genetic information
 - Biometric information or templates.
- 3.3. In the event that it is necessary for us to collect any sensitive information, we will seek your specific consent at the time of collection and we will inform you of the purpose for which the sensitive information is being collected. By way of examples only, this might include consequences such as: access to a health service being denied or participation in certain educational, research or training programs being refused.
- 3.4. Under this Privacy Policy, the general rule is that we will not use or disclose sensitive information other than for the primary purposes for which it was collected. We draw your attention to the permitted exceptions to this rule which are set out below.
- 3.5. We will assume that all personal and sensitive information that you have provided to us is complete, up to date, and correct, and in some cases we may require you to certify and sign to state that this is true.

4. How we collect and hold personal information

- 4.1. At or around the time your personal information is collected, we will take reasonable steps to:
- a) Bring this *Privacy Policy* to your attention which includes information for you on:
 - (a) the purposes for which we collect personal information;
 - (b) how to access your personal information held by us;
 - (c) making inquiries related to your privacy; and
 - (d) how you can complain about any breach of privacy;
 - b) Notify you:
 - (a) whether it is being collected under an Australian law or court/tribunal order;
 - (b) of any collection from you which you may not otherwise be aware of, or if it is being collected from someone other than you;
 - (c) of any secondary purposes for which it is being collected;
 - (d) the main consequences for you if all or some of the personal information is not collected;
 - c) Inform you:
 - (a) of any other entity to which we usually disclose this kind of information; and
 - (b) whether we are likely to disclose the information to overseas recipients, and if so, we will let you know, if possible, the countries in which those recipients are likely to be located.

- 4.2. We may require you to sign to confirm you have read and agree to the terms of this *Privacy Policy*. Generally, however, having made you aware of our *Privacy Policy*, we will assume that you have read and agree to the terms of the *Privacy Policy* unless you inform us of any specific objections or your non-consent in writing.
- 4.3. Where practicable, we will restrict access to personal information to those staff members who may need the information in the carrying out of their responsibilities.
- 4.4. Information we collect may be held in any form including:
 - a) Paper based
 - b) Audio or videotape
 - c) Microfilm or microfiche
 - d) Computer chip-based memory
 - e) Cloud storage system
 - f) Any electronic, magnetic or optical medium, such as computer disks or computer tape.
- 4.5. Our website uses cookies, being a small message given to your web browser by our web server. The browser stores the message in a text file and the message is then sent back to the server each time the browser requests a page from the server. In relation to our use of cookies, you should be aware that:
 - 4.5.a.1. some cookies are essential and unavoidable in order to maintain the integrity and core functionality of the website. These are generally sessional cookies which are temporary and which expire when you leave the site;
 - 4.5.a.2. some cookies, such as analytics cookies, are technically non-essential but enable us to monitor, maintain and improve website performance by gathering statistical data. The use of these cookies does not involve the collection of personal information and does not enable us to identify you;
 - 4.5.a.3. it is possible to disable the acceptance of non-essential cookies by your web browser. However, doing so may restrict your ability to access some web pages.

5. Access to and correction of personal information

- 5.1. We will do our best to ensure that the information we collect and hold about you is complete, accurate and up to date. We expect you to assist in this regard by informing us of any relevant changes in your circumstances.
- 5.2. If your personal information is not provided in full, or not kept up to date, then this may have serious consequences, including (by way of example only):
 - 5.2.a.1. the withdrawal of an offer to a student of a place at the University;
or
 - 5.2.a.2. if admitted to the University, the cancellation of a student's enrolment; or
 - 5.2.a.3. adversely affecting your student/staff record
- 5.3. We will, upon request and subject to certain exceptions, give you access to the information we have about you within 30 days and at no charge. You can look up your personal information and make changes/request changes (depending on the type of information) as follows:

- Students – on Callista (MyInfo); and
- Staff – on MyHR.

Access may be denied to information where this may impact the privacy of other individuals or involve the disclosure of trade secrets, confidential information, ongoing research data or information about the business, commercial or financial affairs of the University; or where the request is frivolous or vexatious; or the information is subject to legal professional privilege.

- 5.4. If it is established that any of your information in our records is inaccurate, out of date, incomplete, irrelevant or misleading, we will take reasonable steps to correct the information. If we disagree with you that any information requires correction, we will provide you with a written explanation and, if you so request, we will take reasonable steps to associate that information with a statement from you claiming that the information is inaccurate, out of date, incomplete, irrelevant or misleading.
- 5.5. Unless it is impracticable or unlawful for us to do so, we will notify a correction to any third party to whom your personal information was previously disclosed if you ask us to do so.

6. Use and disclosure of your personal information

6.1. The general rule

- a) The general rule is that we will not use or disclose personal information other than for the primary purposes for which it was collected.
- b) There are a number of exceptions to the general rule which are set out (under the heading) below.
- c) We may also disclose your information in the following specific situations:
 - (a) To our authorised contractors with whom we have agreements, such as IT system service providers, if required in the course of carrying out their contractual obligations;
 - (b) Where there is a request from another university to obtain information on the academic record and performance of a student, including whether the student was expelled or suspended for disciplinary reasons and we have taken reasonable steps to confirm the legitimacy of the request (noting that all Australian universities require prospective students to sign a declaration authorising them to obtain such information directly from other universities).
 - (c) The "Graduate Name", "Conferral Date" and "Award Title" for each student that has graduated from the University will be published on the "Graduate Register" that permits any third party to confirm whether a person is a graduate from Murdoch with a particular qualification (noting that this information is publicly available through Murdoch publications).
 - (d) The release of Higher Education survey data created for the Department of Education including through student and graduate surveys run for the Department including the University Experience Survey and the Australian Graduate Survey. The release of and access to such data will be subject to the relevant Code of Practice of Universities Australia

6.2. Exceptions to the general rule

We may disclose/use your information for reasons other than the primary purpose of collection in the following circumstances:

- a) Consent
 - (a) Where you have consented.
- b) Reasonable expectation
 - (a) If the disclosure is for a secondary purpose that you would reasonably expect and:
 - in relation to personal information, that secondary purpose is related to the primary purpose; or
 - in relation to sensitive information, it is directly related to the primary purpose.
- c) Reasons of law, order, enforcement and safety
 - (a) If we are required or authorised by law or court/tribunal order to disclose it;
 - (b) When it is unreasonable or impracticable to obtain your consent and the University reasonably believes it is necessary to prevent or lessen a serious threat to:
 - i. the life, health or safety of any person; or
 - ii. public health or public safety.
 - (c) If the University has reason to suspect that unlawful activity or misconduct of a serious nature that relates to the University's functions or activities has been, is being or may be engaged in, and the University reasonably believes that it is a necessary part of its investigation and action in relation to the matter to disclose it, including in the reporting of its concerns to relevant persons or authorities;
 - (d) If it is reasonably necessary either to establish, exercise or defend a legal (or equitable) claim, or for the purposes of a confidential alternative dispute resolution process;
 - (e) When the University believes that the use or disclosure is reasonably necessary for one or more enforcement related activities conducted by an enforcement body (e.g. the police), in which case a written note will be kept with details of the disclosure.
- d) Health related situations
 - (a) We may use or disclose your health information (which is sensitive information) for purposes other than the primary purpose of collection in the manner described in clause 6.2.3 above and also in any of the following situations:
 - Research
 - if it is necessary for research, or compilation and analysis of statistics relevant to public health or safety; and
 - it is impracticable for us to obtain your consent; and
 - it is conducted under all applicable guidelines relating to this use or disclosure; and

- the University reasonably believes that the recipient of the information will not disclose it, or personal information derived from that health information.
 - Incapacity to give consent
 - if we have provided a health service to you; and
 - the recipient of the information is a responsible person for you; and
 - you are physically or legally incapable of giving consent to the disclosure or physically cannot communicate consent; and
 - the carer providing the health service for the University is satisfied that the disclosure is either necessary to provide appropriate care or treatment or it is made for compassionate reasons; and
 - the disclosure is not contrary to any wish you may have expressed before being unable to give or communicate consent and of which the carer is or could reasonably be expected to be aware; and
 - the disclosure is limited to the extent reasonable and necessary in the circumstances.
- (b) We may use or disclose your genetic information (which is sensitive information) if:
- we have obtained the genetic information in the course of providing a health service to you; and
 - the University reasonably believes that the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of another person who is your genetic relative; and
 - it is conducted under all applicable guidelines relating to this use or disclosure; and
 - in the case of disclosure – the recipient of the information is your genetic relative.

6.2.d.1. Student names and email addresses

6.2.d.1.1.1.1.1. Student names and email addresses are accessible via the University's Microsoft 365 Global Address List. A staff member may access student contact details in this manner for any purpose related to the University's functions. Students may access the contact details of other students in connection with University activities.

6.2.d.1.1.1.1.2. Students may opt to remove their contact details from the database. In doing so, they should first enquire as to whether, and to what extent, the removal of their contact details may adversely impact their involvement with University activities.

7. Integrity of personal information

7.1. We will take reasonable steps to ensure that the personal information:

- a) that we collect is accurate, up to date and complete; and

b) that we use or disclose remains accurate, up to date and complete.

8. Security of personal information

- 8.1. We will take reasonable steps to protect the personal information we hold from misuse, interference and loss, and from any unauthorised access, modification or disclosure.
- 8.2. As part of our security measures, we have developed a number of relevant policies and standards (which are available on our website and intended to be read with this *Privacy Policy* in the context of personal information). They relate to:
 - information security
 - IT conditions of use
 - internet use
 - electronic collaboration and social media
 - email and messaging
 - IT security and
 - IT infrastructure.
- 8.3. Your personal information will be retained for only as long as it is needed and it will then be disposed of lawfully and securely.
- 8.4. The University is not subject to the Notifiable Data Breaches scheme set out in Part IIIC of the Privacy Act. Subject to the foregoing, we will take into account the Office of the Australian Information Commissioner's Data breach preparation and response – A guide to managing data breaches in accordance with the Privacy Act 1988 when handling any data breaches.

9. Unsolicited personal information

- 9.1. If we receive personal information about you that we did not solicit, we will try to determine whether or not that information is contained in a public record or whether we could have otherwise collected it from you. If not, we will take steps to destroy or de-identify the information if it is lawful and reasonable for us to do so.
- 9.2. If you or any other person uploads any of your personal information onto our Facebook page or other social media tools you are using, we are not responsible for taking any steps in relation to that information. If we receive a specific enquiry or complaint, we will take such steps as we consider are necessary in the circumstances to investigate and deal with the enquiry or complaint within a reasonable time.

10. Direct marketing

- 10.1. As a general rule, we will not use or disclose your personal information (including any sensitive information) for direct marketing purposes.
- 10.2. Subject to clause 10.5 below, we may use personal information (other than sensitive information) collected from you in order to send you direct marketing material of a nature which you would reasonably expect from us. We consider that a "reasonable expectation" includes circumstances where you have a past or existing relationship with the University, or you have expressed interest in the functions or activities of the University. Direct marketing material in such circumstances may include (but will not necessarily be limited to) invitations or information relating to certain University activities.
- 10.3. Subject to clause 10.5 below, we may also use personal information (other than sensitive information) collected from a third party to send direct marketing material which you may or may not reasonably expect from us,

but only where you have consented to receiving such material or else it is impracticable for us to obtain that consent.

- 10.4. We will only use your sensitive information for direct marketing purposes with your prior consent.
- 10.5. All direct marketing material will contain an opt-out mechanism. Without limiting the foregoing, if you decide at any stage that you would prefer not to receive certain promotional material from us, you can make such a request and you will be removed from the mailing list without charge.
- 10.6. If we wish to use your personal information for direct marketing purposes outside the scope of the University's activities, we will seek your consent unless it is impracticable for us to do so.

11. Disclosure to overseas recipients

- 11.1. If it is likely that we will disclose your personal information to an overseas recipient, we will take reasonable steps to notify you of this at the time any such information is collected from you and we will also specify the countries in which any overseas recipients are likely to be located (if practicable for us to do so at that time).
- 11.2. However, you should be aware that from time to time, as part of carrying out our functions and activities, we may need to disclose certain personal information to individuals or organisations located overseas, including, but not limited to the following countries:
 - Dubai and Singapore (where we have transnational educational centres)
 - US (where certain IT platforms we use are hosted).
- 11.3. We will make every reasonable effort in the circumstances to ensure that overseas recipients of your personal information are aware of and will uphold the privacy standards and principles set out in this Policy before we disclose any information to them, unless:
 - a) the overseas recipient is located in a jurisdiction with similar laws which you are able to enforce;
 - b) you have consented to the disclosure; or
 - c) the overseas transfer is required or authorised by law; or
 - d) the overseas transfer is otherwise permitted by the *Privacy Act*.

12. Privacy inquiries and complaints

- 12.1. If you have any concerns or questions about privacy, or if you believe you have grounds to make a complaint about the way we have handled your personal information, please make contact with us in writing, including a return address for correspondence, as soon as possible or in any event within 3 months of the date your concern arose:
 - a) Concerns or questions
Please contact the University Secretary's Office by email UniversitySecretary@murdoch.edu.au.
 - b) Complaints
Please refer to the *Complaints Management Policy* available at <https://goto.murdoch.edu.au/ComplaintsManagementPolicy> and to the University's grievance and complaints procedures at <http://goto.murdoch.edu.au/Complaints>.

- 12.2. We will take such steps as we consider are necessary in the circumstances to investigate and deal with your enquiry or complaint within a reasonable time.
- 12.3. You have the option not to identify yourself in relation to a particular inquiry or complaint – however this option will not be available to you if it is impracticable for us to deal with you anonymously or pseudonymously, or in situations where we are required by law or court order to deal with individuals who have identified themselves.

13. Policy breaches

- 13.1. Violation of this policy may result in disciplinary action being taken by the University under any or all relevant statutes and policies. Where a violation of the policy also represents a breach of a statutory obligation, serious penalties may apply including substantial civil penalty orders.
- 13.2. Disciplinary action may include removal of access to University information systems, withholding of results, expulsion, or in the case of employees suspension or termination of employment.
- 13.3. If you have an urgent concern that a University IT system has been breached and personal information is not properly secure, please immediately notify IT Service Desk by telephone on +61 8 9360 2000. System breaches are critical events and should be reported at any time.

14. HESA obligations

- 14.1. Although the University is not directly bound by the *Privacy Act 1988*, and its commitment to the Australian Privacy Principles is voluntary only, there are certain circumstances in which an obligation to comply with the Australian Privacy Principles arises by virtue of different legislation.
- 14.2. Specifically, the *Higher Education Support Act 2003* (Cth) (“HESA”) requires a higher education provider, such as this university, to comply with the Australian Privacy Principles when handling personal information obtained in connection with certain student financial assistance. The University acknowledges this obligation and ensures that such information is handled accordingly.

15. European data subjects

- 15.1. In some circumstances, the University may have privacy obligations under the laws of jurisdictions other than Australia. This includes obligations under the European Union’s *General Data Protection Regulation* (“GDPR”) which applies when personal information about a data subject in Europe is processed by the University as part of a service offering to EU residents.
- 15.2. It is your responsibility to determine whether you have rights under the GDPR in addition to those which are addressed in this *Privacy Policy*.
- 15.3. Where you have rights under the GDPR which are binding on the University, the University will manage your personal information in accordance with both the GDPR and the *Australian Privacy Principles*.
- 15.4. For the most part, compliance by the University with this *Privacy Policy* will also constitute compliance with the GDPR.
- 15.5. Rights which may arise under the GDPR and which do not arise under the *Australian Privacy Principles*, however, include:
- a) a right to erasure – the right to have personal information about oneself erased by the University under certain circumstances;
 - b) a right to data portability – the right to obtain personal information about oneself from the University in a suitable format and to transmit that information to another entity under certain circumstances;

- c) a right to object – the right to object to certain types of processing which might otherwise be permissible in the public interest;
- d) a data breach notification right – subject to certain conditions, the right to be notified by the University without undue delay if your personal information has been the subject of a high risk data breach.

15.6. The University is not required to comply with the GDPR except in respect of individuals who have rights under the GDPR. In respect of all other individuals, the University's obligations are restricted to its voluntary compliance with the *Australian Privacy Principles* as set out in this *Privacy Policy*.

15.7. To the extent of any inconsistency between the GDPR and the *Australian Privacy Principles*, the University will comply with the GDPR where applicable to an individual.

Supporting Procedures:

There are no supporting procedures.

Supporting Guidelines:

There are no supporting guidelines.

Supporting Standards:

There are no supporting standards.

Performance Indicators:

There are no performance indicators.

Definitions:

The definition of these terms appears in the "Dictionary of Terms". Please refer to the "Dictionary of Terms" in Policy and Procedure Manager™ to ensure you are referring to the latest version.

"Individual"

"Personal Information"

"Privacy"

"Third Party"

Related Documents:

[Complaints Management Policy](#)

[Electronic Collaboration and Social Media Policy](#)

[Email and Electronic Messaging Policy](#)

[ICT Security Policy](#)

[IT Conditions of Use Policy](#)

[IT Infrastructure Policy](#)

Student Complaints Management Procedure

References:

- Data breach notification – A guide to handling personal information security breaches.* Australian Government. Office of the Australian Information Commissioner (August 2014). <https://www.oaic.gov.au/agencies-and-organisations/guides/data-breach-notification-a-guide-to-handling-personal-information-security-breaches>
- Australian Privacy Principles Guidelines: Privacy Act 1988.* Office of the Australian Information Commissioner (March 2015). https://www.oaic.gov.au/resources/agencies-and-organisations/app-guidelines/APP_guidelines_complete_version_2_March_2018.pdf
- Australian business and the EU General Data Protection Regulation.* Office of the Australian Information Commissioner (Privacy business resource, 21 June 2018). <https://www.oaic.gov.au/resources/agencies-and-organisations/business-resources/privacy-business-resource-21-australian-businesses-and-the-eu-general-data-protection-regulation.pdf>
- Higher Education Support Act 2003 (Cth)*
<https://www.legislation.gov.au/Series/C2004A01234>
- Murdoch University Act 1973 (WA)*
https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_619_homepage.html
- OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data
<http://www.oecd.org/internet/ieconomy/oecdguidelinesontheProtectionofPrivacyandTransborderFlowsOfPersonalData.htm>
- Privacy Act 1988 (Cth)*
<https://www.legislation.gov.au/Series/C2004A03712>
- Privacy Amendments (Enhancing privacy protection) Act 2012 (Cth)*
<https://www.legislation.gov.au/Details/C2012A00197>

Approval and Implementation:

Approval Authority:	University Secretary
Responsible Officer(s):	Director Legal Services Director Information Technology Services

Revision History:

Version	Date Approved	Effective Date (if later than 'Date Approved')	Next Review Date	Resolution No. (if applicable)
Approved	26/02/2020		26/02/2023	
Clause 8 amended	06/02/2018		14/09/2019	
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