

Information Privacy Policy

Effective date: 15/09/2023

1. Purpose and context

The Victorian Institute of Teaching (VIT) is an independent statutory authority that operates under the *Education and Training Reform Act 2006 (Vic)* (the **Act**). The VIT was established by the *Victorian Institute of Teaching Act 2001* on 18 December 2001.

The VIT is responsible for the registration and regulation of the teaching profession in Victoria. It is a legal requirement for all teachers and early childhood teachers to be registered with VIT in order to undertake the duties of a teacher in a school or early childhood centre. The VIT will only grant registration or allow registration to continue where a person is appropriately qualified and is fit to teach in schools or early childhood settings as outlined by the Act.

While undertaking its regulatory obligations, VIT is required to collect, hold and disclose relevant information related to applicants as well as currently and formerly registered teachers and early childhood teachers.

This policy intends to state how VIT meets its obligations under the Act itself as well as under the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*.

2. Scope

This policy applies to all VIT staff and VIT Council members.

For the purpose of this document, the term “teachers” includes early childhood teachers unless otherwise specified.

3. Relevant legislation and policy

- *Education and Training Reform Act 2006 (Vic)*
- *Privacy and Data Protection Act 2014 (Vic)*
- *Health Records Act 2001 (Vic)*

4. Definitions

Term	Definition
Complaint	refers to a written document outlining when this policy may have been breached.
Health information ¹	means information or an opinion about the physical, mental or psychological health (at any time) of a person including disability, expressed wishes about the future provision of health services to them and access of a provided health service, or service to be provided to an individual.

¹ Definitions, *Health Records Act 2001 (Vic)*

Personal information ²	means information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent or can be reasonably ascertained from the information.
Sensitive information	is information about an individual's racial or ethnic origin, political opinions and membership of political associations, religious or philosophical beliefs, sexual preferences or practices, criminal record or membership of a professional or trade association.
VIT Staff	all employees of VIT, contractors, casual and labour hire workers employed through agencies.

5. Statement of Policy

The VIT understands and acknowledges that the purpose of the Victorian privacy laws is to establish a regime for the responsible collection and handling of personal information in the Victorian public sector.

In the conduct of its regulatory functions, VIT is bound by the *Privacy and Data Protection Act 2014* (PDP Act) and the *Health Records Act 2001* (HR Act) and therefore must comply with the Information Privacy Principles (IPPs)³ and the Health Privacy Principles (HPPs)⁴. These govern the collection, use, handling and disclosure of personal and sensitive information and health information. Personal information is information that relates to an identifiable person and may take many forms including images.

5.1. VIT's approach to privacy

The VIT is committed to protecting the privacy, confidentiality and security of the personal and health information of teachers and adheres to the IPPs and HPPs. For ease of reference, 'personal information' throughout this policy may also include health information.

The VIT aims to reach a balance between the use of information for public benefit and the protection of privacy of personal information in an increasingly information dependent environment. The VIT understands the importance of maintaining this balance in the way it exercises its powers under the Act, including the manner in which it meets its regulatory and law enforcement responsibilities.

The Act permits VIT to collect, use and disclose the personal information it needs to carry out its functions and activities. The VIT may also be lawfully required to collect, use or disclose personal information in order to meet its obligations under other legislation. This may include sharing data with other departments or agencies, including law enforcement agencies.

In accordance with VIT's commitment to privacy, as well as the requirements of the PDP Act, personal information is handled, wherever practicable, in a way that is transparent to the individual concerned. Where this would adversely impact on or prevent VIT from undertaking its law enforcement functions and activities, the PDP Act provides exemptions that permit VIT to be exempt from the usual standards of openness and the normal limits placed on the purposes for which personal information may be used and disclosed.

The protection of personal information is balanced with meeting our enforcement activities and functions under the Act, including delivering transparent decision-making and providing reliable

² Definitions, *Privacy and Data Protection Act 2014* (Vic)

³ Schedule 1, *PDP Act*

⁴ Schedule 1, *HR Act*

and relevant information to meet its purpose of regulating for a highly qualified, proficient and reputable teaching profession.

This policy supports VIT's need to collect information and the right of the individual to privacy. The VIT recognises the right of individuals to have their information handled in ways they would reasonably expect and in ways that protect their personal information.

6. What personal information does VIT collect?

The VIT collects personal information to meet its functions under the Act including the registration and renewal of registration of teachers, maintenance of a public register and the investigation of the conduct, competence and fitness to teach of registered teachers.

The VIT ensures that teachers supplying personal information know why the information is collected and how it will be handled.

Personal information obtained includes the following details about a teacher:

- full name
- previous name history
- mailing address
- telephone number(s)
- email address
- date of birth
- gender
- qualifications
- employer details
- Nationally Coordinated Criminal History Check (NCCHC) identity information and outcome
- professional history details including
 - a character reference to determine their suitability to teach (suitability to teach includes whether a person is physically and mentally able to teach and therefore health information may be collected)
 - evidence they have satisfied the criteria for competence in speaking or communicating in the English language (where applicable)
 - evidence they have satisfied the criteria for literacy and numeracy competence
 - whether any investigation into their conduct was carried out by an employer if previously employed as a teacher
 - whether any conditions were applied in practising the profession of teaching in any state, territory or country
 - whether they were refused registration, licensing or classification as a teacher in Australia or in any country for reasons other than insufficient qualifications
 - disciplinary hearing outcomes.

The VIT collects information from employers of teachers and early childhood teachers, to establish where they are being employed. The VIT may also collect information about a teacher's conduct, competence, fitness or suitability to teach for the purpose of an investigation or as part of assessing an application to renew registration.

7. Use and disclosure of personal information

A teacher's personal information is only used for, or disclosed to persons or organisations, for the purposes required or permitted under the Act.

Personal information is used to

- assess a teacher's eligibility and suitability for registration or to continue to hold registration
- maintain the register of teachers
- give effect to the statutory functions and administration of VIT, including the consideration of the safety and wellbeing of children.

Personal information may be disclosed to

- members of the public wishing to
 - view the register of teachers which discloses a teacher's name, registration number, registration type and status, date of registration, qualifications and the professional expertise recognised by VIT (section 2.6.24 of the Act)
 - o the register of teachers is available for inspection during business hours at the office of the Victorian Institute of Teaching, Level 12, 717 Bourke Street, Docklands and members of the public may search an extract of the register from the home page of VIT's website
 - view the Register of Disciplinary Action (RODA) which records action taken against a teacher for a disciplinary matter in accordance with Division 13A of the Act
 - view the published decisions and reasons for decisions of formal hearing panels (section 2.6.49A of the Act)
- school principals or their authorised delegates, via a password-protected online facility (provided for the sole purpose of ensuring their school employs currently registered teachers as required under the Act)
 - the site provides an extract of VIT's registration database and discloses a teacher's
 - o full name
 - o registration number
 - o registration status and type
 - o date of birth (for identification purposes)
 - o initial registration date
 - o registration expiry date by which the next annual registration fee must be paid
 - o current fee payment status (paid – no / yes)
 - o where applicable, the date of a satisfactorily completed NCCHC
 - o the employing school and the school's id number
- organisations contracted to provide administrative support to VIT (e.g. mail house contracted to send invoices and registration cards to teachers)
- Department of Education, via a secure online facility to confirm teachers are registered with VIT and therefore eligible for employment in government schools
- the Australian Criminal Intelligence Commission (ACIC), Australian police services and Victoria Police to obtain a 'National Criminal History Check' (now known as an NCCHC) or a 'State Police Record Check' (both terms are defined in section 1.1.3(1) of the Act)
- tertiary education institutions to obtain an academic transcript or otherwise verify qualification for registration
- Working with Children Check Victoria (WWCCV), the Commission for Children and Young People (CCYP), Victorian Disability Workers Commission (VDWC) and other Victorian Government agencies to comply with statutory notification requirements
- *Australian Institute of Health and Welfare (AIHW)* for the purposes of the Australian Teacher Workforce Data (ATWD) project (will only include linked, de-identified data to be used for reporting and research purposes)

- AIHW will never disclose the personal information it receives from VIT and the use of the personal information is subject to the *AIHW Act*
- teachers will not be identifiable in any reports on ATWD data
- Australian and New Zealand teacher regulatory authorities to comply with statutory notification requirements
- Service Victoria to provide teachers with access to a digital registration card through a secure mobile / tablet application.

The VIT may also collect, hold, manage, use and disclose personal and health information concerning a teacher where

- the VIT is investigating the suitability and/or competence of a teacher
- there has been a complaint or notification against a teacher in relation to conduct, competence or fitness to teach (including health related matters)
- an employer has notified VIT (pursuant to section 2.6.31 of the Act) of action taken against a teacher
- the CCYP has notified VIT (pursuant to section 2.6.31 of the Act) that a registered teacher is the subject of a reportable allegation or a finding of reportable conduct under Part 5A of the *Child Wellbeing and Safety Act 2005 (Vic)*
- the teacher has been convicted or found guilty of a category A or B offence or engaged in category C conduct
- the teacher has received an exclusion notice or interim exclusion notice from WWCCV.

The Victorian privacy laws operate in relation to:

- the lodging of a complaint
- deciding whether a matter was within jurisdiction
- deciding whether a matter was frivolous or vexatious
- conducting an investigation
- gathering further information
- deciding whether the matter should proceed and how.

Further information on the relevant procedure for each of these activities may be obtained from VIT's Director, Professional Conduct.

8. Data quality and security

Under the PDP Act, VIT has a responsibility to protect personal information it has collected. The VIT takes reasonable steps to make sure that personal information is protected from misuse, loss, and unauthorised access, modification or disclosure. Access to systems, applications and the information collected is limited to authorised persons only.

The VIT's approach to protecting the confidentiality, integrity and availability of information across its business functions is guided by the Victorian Protective Data Security Framework set up under the PDP Act. Appropriate security measures are in place to protect personal and health information regardless of whether the information is stored electronically or physically.

The VIT makes every effort to ensure the personal information which it collects, uses or discloses is accurate, complete and as up-to-date as possible. The accuracy of that information will depend to a large extent on the information teachers provide.

Teachers can also ensure that their personal information is accurate by

- updating personal information via their secure online portal (MyVIT)
- advising VIT of any error in the personal information held by VIT
- keeping VIT informed of changes to their personal information.

The VIT provides access to its website without a requirement for disclosure of identity or personal information. In respect of VIT's website, VIT will not collect or record personal information, other than information voluntarily supplied.

Cookies are not used on VIT's site. A cookie is a block of data shared between a web server and a user's browser and is used to record facets of the user's experience regarding the website or web service activity.

Clickstream data is non-personal information automatically generated by the web server for system administration purposes. To the extent that any clickstream data could make a person identifiable, VIT will not try to identify the person from such data unless necessary for the investigation of unlawful activity or is otherwise permitted under the *Privacy and Data Protection Act 2014* or the *Health Records Act 2001*.

9. Retention of personal information

The VIT will take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose. The VIT will only dispose of such information in accordance with the standards and disposal schedule of the *Public Records Act 1973*.

10. Additional information

10.1. Openness

The VIT's Information Privacy Policy can be found on its website at www.vit.vic.edu.au/privacy.

Copies of the Information Privacy Policy can be obtained

- in person at Level 12, 717 Bourke Street, Docklands
- in writing at PO Box 531, Collins Street West, Victoria 8007
- by phone on 1300 888 067
- via email to vit@vit.vic.edu.au.

10.2. Right to access and correction

Teachers have the right to request access to their personal information held by VIT. Teachers also have the right to request that VIT corrects their information where necessary. Requests for access to documents containing personal information and in the control of VIT are handled in accordance with the *Freedom of Information Act 1982* or Information Privacy Principle 6.

Requests can be made to VIT by contacting privacy@vit.vic.edu.au.

10.3. Making a privacy handling complaint

If a person is dissatisfied with VIT's procedures, staff, agents or quality of service related to the collection or handling of their personal information they should first address their complaint to VIT. The VIT will make every attempt to respond to and settle complaints regarding privacy through direct communication with the individual concerned.

First contact should be made through privacy@vit.vic.edu.au.

If, through informal discussion, a complaint cannot be resolved to the satisfaction of the complainant, a written complaint should be lodged with VIT.

10.3.1. Lodging a written complaint

Written complaints can be lodged via email at privacy@vit.vic.edu.au or via post at:

Freedom of Information and Information Privacy Officer

Victorian Institute of Teaching
PO Box 531
Collins Street West
Victoria 8007

Details to be provided in the complaint should include

- name and address of person lodging the complaint
- privacy concern(s)
- if applicable, how concern(s) could be remedied.

10.3.2. Confirmation from VIT

Within 21 days of receipt of a complaint, the Freedom of Information and Information Privacy Officer will write to

- confirm receipt of the written complaint
- inform the complainant that an investigation will be conducted, and a response provided as soon as practicable, but in no more than 45 days from the day VIT receives the written complaint
- commence an investigation into the complaint.

10.3.3. Investigation and response

As a result of the investigation of a complaint, the Freedom of Information and Information Privacy Officer may

- respond to the complainant that no further action will be taken on the matter
- make a formal apology to the complainant
- take such remedial action as thought appropriate by VIT
- provide undertakings that the conduct will not occur again
- implement administrative procedures within VIT to ensure the conduct does not occur again.

10.4. Making a complaint

If a person is not satisfied with the investigation of a privacy complaint or response from VIT, they may make a complaint to the Victorian Information Commissioner by contacting

Office of the Victorian Information Commissioner

p. 1300 666 444 (local call within Australia)

e. enquiries@ovic.vic.gov.au

If a person's complaint is about health information, they may make a complaint directly to the Health Complaints Commissioner or the Health Services Commission by contacting

Office of the Health Complaints Commissioner

p. 1300 582 113 (toll free)

e. hcc@hcc.vic.gov.au

10.5. Feedback on VIT's Information Privacy Policy

The VIT welcomes comments on its Privacy Statement. A person wishing to do so may contact VIT

- PO Box 531, Collins Street West, Victoria 8007
- ph: 1300 888 067 email: vit@vit.vic.edu.au.