

# Information Privacy Policy

## 1. PURPOSE AND CONTEXT

To state the policy by which the Victorian Institute of Teaching (VIT) will meet its obligations under the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*.

## 2. SCOPE

This policy applies to all VIT staff working in the office or working remotely.

## 3. DEFINITIONS

TERM	DEFINITION
Personal information	All information relating to a person as listed under 4.3
Staff	All employees of VIT, contractors and casual staff employed through agencies
Complaint	A written document outlining when this policy may have been breached

## 4. STATEMENT OF POLICY

### 4.1 BACKGROUND

VIT is an independent statutory authority for the teaching profession, whose primary function is to regulate members of the teaching profession. It is a legal requirement for all teachers and early childhood teachers to be registered with VIT in order to be employed to undertake the duties of a teacher in a school or early childhood centre. VIT will only grant registration and allow registration to continue where a person is appropriately qualified and is fit to teach in schools or early childhood settings.

VIT was established by the *Victorian Institute of Teaching Act 2001* on 18 December 2001.

The *Education and Training Reform Act 2006* (ETRA) amalgamated all of the relevant education and training Acts (including the *Victorian Institute of Teaching Act 2001*) and was proclaimed on 1 July 2007.

The Victorian Institute of Teaching continues in operation under and subject to the ETRA (as amended).

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) and the Health Privacy Principles (HPPs). 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 living person. Personal information may take many forms including images.

## 4.2 VIT'S APPROACH TO PRIVACY

VIT is committed to protecting the privacy, confidentiality and security of teachers' and early childhood teachers' personal and health information and adheres to the IPPs and HPPs.

References to personal information throughout this information privacy policy may also include health information.

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.

VIT aims to reach a balance between the use of information for the public benefit and the protection of privacy of personal information in an increasingly information dependent environment.

VIT understands the importance of maintaining this balance in the way it exercises its powers under ETRA, including the manner in which it meets its regulatory and law enforcement responsibilities.

ETRA permits VIT to collect, use and disclose the personal information it needs to carry out its functions and activities. 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 ETRA, including delivering transparent decision-making and providing reliable 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. 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.

## 4.3 WHAT INFORMATION DOES VIT COLLECT?

VIT collects personal information to meet its functions under the ETRA (section 2.6.3) including the registration and renewal of registration of teachers and early childhood teachers, maintenance of a public register and the investigation of the conduct, competence and fitness to teach of registered teachers and early childhood teachers.

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

Personal information obtained includes a teacher's or early childhood teacher's

- full name
- previous name history
- mailing address
- telephone number(s)
- email address
- date of birth
- gender
- qualifications

- employer details
- Nationally Coordinated Criminal History Check 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 (if teacher qualification were not obtained in the English medium)
  - 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.

VIT collects information from employers of teachers and early childhood teachers, to establish where teachers and early childhood teachers are being employed. VIT may also collect information about a teacher's or early childhood 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.

#### **4.4 HOW DOES VIT USE OR DISCLOSE PERSONAL INFORMATION?**

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

Personal information is used to

- assess a teacher's or early childhood teacher's eligibility and suitability for registration or to continue to hold registration;
- maintain the register of teachers; and
- 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 or early childhood 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 ETRA). The register of teachers is available for inspection during business hours at the office of the Victorian Institute of Teaching, Level 9, 628 Bourke Street, Melbourne 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 or early childhood teacher for a disciplinary matter in accordance with Division 13A of the ETRA
  - view the published decisions and reasons for decisions of formal hearing panels (section 2.6.49A of the ETRA)
- School Principals or their authorised delegates, via a password-protected online facility. The information available to principals is provided for the sole purpose of ensuring that their school employs currently registered teachers as required under the ETRA. The site provides an extract of VIT's registration database and discloses a teacher's
  - full name

- registration number
- registration status and type
- date of birth (for identification purposes)
- initial registration date
- registration expiry date by which the next annual registration fee must be paid
- current fee payment status (paid – no / yes)
- where applicable, the date of a satisfactorily completed criminal record check
- the employing school and the school’s id number
- organisations contracted to provide administrative support to VIT (e.g. mail houses contracted to send invoices and quarterly newsletters to teachers)
- DET through access to 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) and Australian police services to obtain a “National Criminal History Check” or a “State Police Record Check” (both terms are defined in section 1.1.3(1) of the ETRA)
- tertiary education institutions to obtain an academic transcript or otherwise verify qualification for registration
- Department of Justice (Working With Children Check Unit) 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. The ATWD 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 the 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.

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

- VIT is investigating the suitability and/or competence of a teacher or early childhood teacher
- there has been a complaint or notification against a teacher or early childhood 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 ETRA) of action taken against a teacher or early childhood teacher
- The Commission for Children and Young People has notified VIT (pursuant to section 2.6.31 of the ETRA) 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 or early childhood teacher has been convicted or found guilty of a Category A or B offence or engaged in category C conduct
- the teacher or early childhood teacher has received an exclusion notice or interim exclusion notice from Working with Children Check Victoria.

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, Conduct and Compliance.

## 4.5 DATA QUALITY AND SECURITY

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 or early childhood teachers provide.

In its correspondence with teachers or early childhood teachers, VIT regularly provides teachers or early childhood teachers with the opportunity to advise VIT of any correction which needs to be made to their personal information.

Teachers can ensure their personal information is accurate by

- advising VIT of any error in the personal information held by VIT
- keeping VIT informed of changes to their personal information.

VIT seeks to protect personal information from misuse, loss, unauthorised access, modification or disclosure.

VIT has appropriate security measures aimed at protecting personal and health information regardless of whether the information is stored electronically or physically.

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

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.

Click-stream 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 you 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*.

## 4.6 OPENNESS

VIT's Information Privacy Policy can be found on its website at [www.vit.vic.edu.au](http://www.vit.vic.edu.au).

Copies of the Information Privacy Policy can be obtained

- in person at Level 9, 628 Bourke Street, Melbourne or by
- in writing at PO Box 531, Collins Street West, Victoria 8007;
- by phone on 1300 888 067; or
- via email to [vit@vit.vic.edu.au](mailto:vit@vit.vic.edu.au).

## 4.7 ACCESS AND CORRECTION

Teachers and early childhood teachers have the right to request access to their personal information held by VIT. Teachers and early childhood 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

**Geoff Coates** - Freedom of Information and Information Privacy Officer  
p. 8601 6124  
e. [geoff.coates@vit.vic.edu.au](mailto:geoff.coates@vit.vic.edu.au)

## 4.8 HOW TO MAKE 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. 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

**Geoff Coates**

Freedom of Information and Information Privacy Officer  
p. 8601 6124  
e. [geoff.coates@vit.vic.edu.au](mailto:geoff.coates@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.

## 4.9 LODGING A WRITTEN COMPLAINT

Written complaints should be lodged with

**Geoff Coates**

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); and
- if applicable, how concern(s) could be remedied.

## 4.10 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; and
- commence an investigation into the complaint.

## 4.11 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; or
- implement administrative procedures within VIT to ensure the conduct does not occur again.

## 4.12 MAKING A COMPLAINT

### 4.12.1 TO THE VICTORIAN INFORMATION COMMISSIONER

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](mailto:enquiries@ovic.vic.gov.au)

**4.12.2 TO THE HEALTH SERVICES COMMISSIONER**

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

**Office of the Health Services Commissioner**

p. 1300 582 113 (toll free)

e. [hcc@hcc.vic.gov.au](mailto:hcc@hcc.vic.gov.au)

**4.13 FEEDBACK ON VIT'S INFORMATION PRIVACY POLICY**

VIT welcomes comments on its Privacy Statement. A person wishing to do this may contact VIT by

- writing to VIT at PO Box 531, Collins Street West, Victoria 8007;
- telephone on 1300 888 067;
- facsimile on (03) 8601 5801; or
- email to [vit@vit.vic.edu.au](mailto:vit@vit.vic.edu.au).

**4.14 RELATED LEGISLATION AND POLICY**

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