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Personal Information Protection Policy

Table of Contents

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1	Purpose	3
2	Policy Statement.....	3
2.1	Overview.....	3
2.2	What personal information is collected?.....	3
2.3	Sensitive information and why DECYP collects it	3
2.4	Can your information be identified?.....	4
2.5	How to access or correct your personal information.....	4
2.6	How DECYP may use or disclose your personal information	5
2.7	How DECYP keeps your personal information safe.....	5
3	Related policies	5
4	Related procedures.....	5
5	Supporting information/tools	5
6	Definitions.....	6
7	Legislation	6

1 Purpose

This Policy applies to all Department for Education, Children and Young People (DECYP) employees and outlines how DECYP manages personal information in accordance with the *Personal Information Protection Act 2004* (PIP Act).

2 Policy Statement

2.1 Overview

DECYP manages personal information in accordance with the requirements of the PIP Act.

The Personal Information Protection Principles that apply in Tasmania are outlined in Schedule 1 of the PIP Act and set out how DECYP collects and handles personal information.

Personal information is defined under section 3 of the PIP Act as:

- any information or opinion in any recorded format about an individual whose identity is apparent or is reasonably ascertainable from the information or opinion and
- who is alive or has not been dead for more than 25 years.

Personal information can be almost any information linked to an individual, including name, address, sex, age, or health information.

2.2 What personal information is collected?

DECYP collects personal information including names, addresses and other contact details, sex or age together with any specific sensitive information about a person that may be required for the purpose of providing services to children and young people and their families.

DECYP takes reasonable steps to ensure the personal information we hold is accurate, complete and up to date. Where practicable, DECYP will check the accuracy of your personal information before we use it.

DECYP delivers statewide programs and services to support and improve the safety and wellbeing of Tasmanian children, young people, and their families. DECYP also provides services to help all Tasmanians to learn, no matter their age, their background or where they live.

Personal information is collected and stored in order to deliver these services and is used in accordance with relevant legislation including but not limited to the PIP Act, the *Education Act 2016*, the *Children, Young People and their Families Act 1997* (CYPFA) and the *Archives Act 1983*.

2.3 Sensitive information and why DECYP collects it

Sensitive information can include but is not limited to information such as health information, criminal record, racial or ethnic origin. Sensitive information is collected to ensure DECYP is meeting its legislative obligations to students, children and young people in out of home care, youth detention and employees.

2.4 Can your information be identified?

DECYP does not assign 'unique identifiers' to people unless it is necessary for us to carry out our functions efficiently or it is required by law. Unique identifiers are data about you which are specific to you and differentiate you from others within the system. Even if another organisation has provided DECYP with your personal information, we do not use any 'unique identifiers' of another organisation. In certain circumstances, we may collect unique identifiers assigned to you by another organisation, but we will not disclose these without lawful authority.

2.5 How to access or correct your personal information

You can access your personal information that is held by DECYP.

Requests for personal information should be completed by filling in the *Personal Information Protection Act 2004 - Request for Release of Personal Information* form. A copy of the form is available at [Right to Information - Department for Education, Children and Young People](#).

Please forward the completed form to DECYP by:

- email: rti.pip@decyp.tas.gov.au or
- post: Legal Services, Department of Education, GPO Box 169, Hobart TAS 7001.

If DECYP refuses your request to access your personal information, you may make an Application for Assessed Disclosure under the *Right to Information Act 2009*. Additional information is available at [Right to Information - Department for Education, Children and Young People](#).

If you consider your personal information to be incorrect, incomplete or out of date, you can request that the information be corrected.

Requests to correct or update your personal information can be provided by completing the *Correct or update personal information application* form. A copy of the form is available at [Right to Information - Department for Education, Children and Young People](#).

Please forward the completed form to DECYP by:

- email: rti.pip@decyp.tas.gov.au or
- post: Legal Services, Department of Education, GPO Box 169, Hobart TAS 7001.

If you are not satisfied with the handling or outcome of your request, you can lodge a further request in writing to Legal Services by:

- email: rti.pip@decyp.tas.gov.au or
- post: Legal Services, Department of Education, GPO Box 169, Hobart TAS 7001.

If you remain dissatisfied with DECYP's handling of your matter or the outcome of your request you can contact the Ombudsman Tasmania. The Ombudsman Tasmania is contactable by:

- telephone: 1800 001 170 (free call from a landline nationally) or
- email: ombudsman@ombudsman.tas.gov.au or
- post: Ombudsman Tasmania, GPO Box 960, Hobart TAS 7001.

2.6 How DECYP may use or disclose your personal information

All staff of DECYP are bound by the confidentiality requirements specified in the *State Service Act 2000*. Staff are restricted in their access to information to that which is required to carry out their functions within DECYP.

Personal information will be used only for the purpose for which it was collected. Otherwise, your personal information will only be disclosed with your consent, or if it is required or permitted by law.

For example, there may be a need or requirement to disclose some or all information we collect to contractors and agents of DECYP, law enforcement agencies, courts, other public sector bodies, or other organisations in accordance with other State and Commonwealth Acts including but not limited to the *Social Security Act 1991*, the *Education Services for Overseas Students Act 2000* and the CYPFA.

The PIP Act permits the disclosure of 'basic personal information' (that is, name, address, date of birth and gender) which is collected in conjunction with the provision of a service to other public sector bodies for data quality purposes.

Some de-identified personal information DECYP has collected may be used in research, statistical analysis, state or national reporting, awareness programs, public statements or training, but not in a way to compromise the protection of personal information.

Personal information in written submissions on policy matters or matters of public consultation may be disclosed in reports that are made public, unless the submission was submitted and/or accepted on a confidential basis.

2.7 How DECYP keeps your personal information safe

DECYP uses a number of procedural, physical, and technical safeguards including access controls, secure methods of communication and back-up and recovery systems to protect information from misuse and loss, unauthorised access, modification and disclosure.

Generally, there is an intention that information is destroyed or permanently de-identified when it is no longer required, but this can only be done in accordance with processes approved by the State Archivist under the *Archives Act 1983*.

3 Related policies

- [Records Management Policy](#)

4 Related procedures

- [Document and Records Management Procedure](#)

5 Supporting information/tools

- [Personal Information - Department for Education, Children and Young People](#)
- [Right to Information - Department for Education, Children and Young People](#)

6 Definitions

Basic personal information

Basic personal Information includes information such as name, address, date of birth and gender that carry less sensitivity than other personal information.

Personal information

The term personal information is defined under section 3 of the PIP Act as:

- any information or opinion in any recorded format about an individual whose identity is apparent or is reasonably ascertainable from the information or opinion and
- who is alive or has not been dead for more than 25 years.

Personal information can be almost any information linked to an individual, including name, address, sex, age, or health information.

Sensitive information

Includes types of information that could harm, expose, embarrass or compromise a person or organisation if disclosed, or which have a higher level of privacy protection than other personal information. This includes information including (but not limited to) health information, criminal record, racial or ethnic origin.

De-identified personal information

Information that has been properly de-identified has been processed to both remove any trace of records that could link it to an individual/source, and also make sure it can't be altered to 're-identify' the individual (or that appropriate controls and safeguards are in place to prevent this).

7 Legislation

[Archives Act 1983](#) (Commonwealth)

[Children, Young People and their Families Act 1997](#) (Tasmania)

[Education Act 2016](#) (Tasmania)

[Education Services for Overseas Students Act 2000](#) (Commonwealth)

[Personal Information Protection Act 2004](#) (Tasmania)

[Right to Information Act 2009](#) (Tasmania)

[Social Security Act 1991](#) (Commonwealth)

[State Service Act 2000](#) (Tasmania)

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