



Australian Government
Department of Education

Complete Privacy Policy

ISBN



With the exception of the Commonwealth Coat of Arms, the Department's logo, any material protected by a trade mark and where otherwise noted all material presented in this document is provided under a [Creative Commons Attribution 3.0 International](http://creativecommons.org/licenses/by/3.0/au/) (<http://creativecommons.org/licenses/by/3.0/au/>) licence.

The details of the relevant licence conditions are available on the Creative Commons website (accessible using the links provided) as is the full legal code for the [CC BY 4.0 International](http://creativecommons.org/licenses/by/4.0/legalcode) (<http://creativecommons.org/licenses/by/4.0/legalcode>).

The document must be attributed as the Australian Government Department of Education Complete Privacy Policy.

Contents

1	Introduction	5
1.1.	Who should read this privacy policy?	5
1.2.	Purpose of this privacy policy	5
1.3.	<i>Privacy Act 1988</i>	6
1.4.	Information covered under this privacy policy	6
2	Our Personal Information Handling Practices	7
2.1.	Collection of personal information	7
2.2.	Types of personal information collected by us.....	8
2.3.	Tax File Numbers.....	9
2.3.1.	Purpose of collection	9
2.3.2.	Prohibitions and penalties	9
2.3.3.	Further information	10
2.4.	Collection of sensitive information.....	10
2.5.	Collecting personal information from children and young people.....	11
2.6.	Collection of unsolicited information	11
2.7.	How we collect personal information.....	11
2.8.	Remaining anonymous or using a pseudonym	12
2.9.	Information collected by our contractors.....	12
2.10.	Storage and data security	12
2.10.1.	Storage	12
2.10.2.	Data security	12
2.11.	Data quality	13
2.12.	Purposes for which information is collected, held, used and disclosed	13
2.13.	Our website.....	14
2.13.1.	Log information (browsing).....	14
2.13.2.	Cookies	14
2.13.3.	Collection and Analytics	14
2.13.4.	Links to External Websites and Social Networking Services	15
2.13.5.	Electronic communication	15

2.14.	Disclosure of personal information to other Commonwealth agencies providing services to the department	15
2.15.	Disclosure of personal information to Services Australia	16
2.16.	Disclosure of personal information overseas	16
2.16.1.	Mailchimp	17
2.16.2.	SurveyMonkey	17
2.17.	Unauthorised access, use or disclosure of personal information.....	18
3	Accessing and Correcting Your Personal Information	18
3.1.	How to seek access to and correction of personal information	18
3.2.	Our access and correction process	19
3.3.	If you are unsatisfied with our response	19
4	Privacy Impact Assessments.....	19
4.1.	What is a Privacy Impact Assessment.....	19
4.2.	When we conduct Privacy Impact Assessments.....	19
5	Complaints	20
5.1.	How to make a complaint.....	20
5.2.	Our complaint handling process	20
5.3.	If you are unsatisfied with our response	20
6	Contact Us.....	20
6.1.	General enquiries, complaints, requests for access or correction	20
6.2.	Availability of this privacy policy.....	21
7	Privacy Policy Updates	21
Annex A: Prohibitions and penalties relating to the collection, recording, use and disclosure of Tax File Numbers		22

Complete Privacy Policy

1 Introduction

The Department of Education (the department) is responsible for national policies and programs that help Australians access quality and affordable child care; early childhood education; school education; post-school; higher education; international education and academic research.

More information is available on the [Department of Education website](#).

1.1. Who should read this privacy policy?

You should read this privacy policy if you are:

- a student;
- a parent or guardian;
- a child care service provider;
- a principal or teacher;
- an academic or researcher;
- a participant in a program or service delivered by us;
- a contractor, consultant, or supplier of goods or services to us;
- an applicant for a grant or a tenderer for a contract provided by us;
- a policy stakeholder who works with us;
- a person whose information may be given to us by a third party, including other Australian Government agencies;
- an entrant in a competition conducted by us;
- a current or past employee;
- a person seeking employment with us;
- any other individual whose personal information we may collect, hold, use and disclose from time to time.

1.2. Purpose of this privacy policy

The purpose of this privacy policy is to:

- describe the types of personal information that we collect, hold, use and disclose;
- outline our personal information handling practices;
- explain our authority to collect your personal information, why it may be held by us, how it is used and how it is protected;
- notify whether we are likely to disclose personal information to overseas recipients and, if possible, to whom;

- provide information on how you can access your personal information, correct it if necessary and complain if you believe it has been wrongly collected or inappropriately handled.

This privacy policy has been developed to follow the ‘layered policy’ format, which means that it offers layers of greater or lesser detail so people can read as much as they wish and find what they need fast.

For a snapshot of our personal information handling practices, please go to the [Condensed Privacy Policy](#). This offers an easy to understand summary of:

- how we collect, use, disclose and store your personal information; and
- how you can contact us if you want to access or correct personal information we hold about you.

Full details of these practices are contained in this document.

1.3. Privacy Act 1988

The department, including its employees, contractors and agents, is subject to the [Privacy Act 1988 \(Cth\)](#) (the Privacy Act) and to the requirements of the Australian Privacy Principles (APPs) contained in the Privacy Act.

The APPs regulate how federal public sector agencies and certain private sector organisations can collect, hold, use and disclose *personal information* and how you can access and correct that information.

‘*Personal information*’ means any information (or an opinion) about an identified individual or an individual who is reasonably identifiable, whether true or not and whether recorded in a material form or not.¹

The APPs only apply to information about living individuals, not information about corporate entities such as businesses, firms or trusts. Detailed information and guidance about the APPs can be found on the website of the Office of the Australian Information Commissioner - <http://www.oaic.gov.au/>.

1.4. Information covered under this privacy policy

This privacy policy has been developed in accordance with Australian Privacy Principle 1 and embodies our commitment to protecting the personal information we hold.

It covers how we collect and handle personal information, including *sensitive information*.

‘*Sensitive information*’ is a subset of personal information and includes information about your health, genetics, biometrics or disability; racial or ethnic origin; religious, political or philosophical beliefs;

¹ See section 6 of the *Privacy Act 1988* (Cth) and the APP Guidelines issued by the Office of the Australian Information Commissioner.

professional association or trade union memberships, sexuality; or criminal record.² Special requirements apply to the collection and handling of sensitive information.

This privacy policy is not intended to cover our handling of commercially sensitive information or other information that is not defined in the Privacy Act as personal information.

2 Our Personal Information Handling Practices

2.1. Collection of personal information

Personal information may be collected directly by us, or by people or organisations acting on our behalf (e.g. contracted service providers). It may be collected directly from you, or on your behalf from a representative you have authorised.

We may also obtain personal information collected by other Australian Government agencies, state or territory governments, other third parties, or from publicly available sources. This will only occur where you consent, where it is unreasonable or impractical to collect the information only from you or where we are required or authorised to do so by law.

We are also authorised to collect personal information under a range of Acts that we administer, for example:

- [*A New Tax System \(Family Assistance\) Act 1999*](#)
- [*A New Tax System \(Family Assistance\) \(Administration\) Act 1999*](#)
- [*Australian Education Act 2013*](#)
- [*Child Care Act 1972*](#)
- [*Education Services for Overseas Students Act 2000*](#)
- [*Higher Education Support Act 2003*](#)

Through our Higher Education Information Management System (HEIMS), HELP IT System (HITS), and the Tertiary Collection of Student Information (TCSI) System, we also collect personal information for the:

- Tertiary Education Quality and Standards Agency (TEQSA). We provide this information back to TEQSA for it to use for the purposes of administering the [*Tertiary Education Quality and Standards Act 2011*](#); and
- Department of Employment, Skills, Small and Family Business (Employment). We collect, use, and disclose this information for Employment, including by providing it back to Employment, for the purposes of administering the [*VET Student Loans Act 2016*](#).

² As above.

Under the APPs, we will only collect information for a lawful purpose that is reasonably necessary or directly related to one or more of our functions and activities, or where otherwise required or authorised by law.

When we collect personal information, we are required under the APPs to notify you of a number of matters. These include the purposes for which we collect the information, whether the collection is required or authorised by law, and any person or body to whom we usually disclose the information, including if those persons or bodies are located overseas. We usually provide this notification by including privacy notices on our paper based forms and online portals.

2.2. Types of personal information collected by us

We collect and hold a broad range of personal information in records relating to:

- employment and personnel matters for our staff and contractors (including security assessments);
- the performance of our legislative and administrative functions;
- individuals participating in our funded programs and initiatives;
- the management of contracts and funding agreements;
- the management of fraud and compliance investigations;
- the management of audits (both internal and external);
- correspondence from members of the public to us and our Ministers and Parliamentary Secretaries;
- complaints (including privacy complaints) made and feedback provided to us;
- requests made to us under the [Freedom of Information Act 1982](#) (Cth); and
- the provision of legal advice by internal and external lawyers.

This personal information may include but is not limited to:

- your name, address and contact details (e.g. phone, email and fax);
- photographs, video recordings and audio recordings of you;
- information about your personal circumstances (e.g. marital status, age, sex, gender, occupation, accommodation and relevant information about your partner or children);
- information about your financial affairs (e.g. payment details, bank account details and information about business and financial interests);
- information about your identity (e.g. date of birth, country of birth, passport details, visa details, drivers licence);
- information about your employment (e.g. work history, referee comments, remuneration);
- information about your background (e.g. educational qualifications, the languages you speak and your English proficiency);
- government identifiers (e.g. Centrelink Reference Number, Tax File Number or Unique Student Identifier);
- information about assistance provided to you under our funding arrangements; and
- information about entitlements under Australian Government legislation.

2.3. Tax File Numbers

2.3.1. Purpose of collection

A tax file number (TFN) is a unique identifier issued by the Commissioner of Taxation. The department may collect TFNs for the following purposes:

- to administer the Higher Education Loan Programs, Trade Support Loans and VET Student Loans;
- to make payments of salaries and wages to eligible employees and contractors;
- to administer child care financial assistance payments.

You are not legally obliged to quote your TFN but there may be financial consequences where you chose not to quote it.

2.3.2. Prohibitions and penalties

Certain Commonwealth legislation prohibits the collection, recording, use and disclosure of TFN information. Relevantly:

- A.** The *Privacy (Tax File Number) Rule 2015* (TFN Rule) and the *Taxation Administration Act 1953* (Cth) (TAA) contain prohibitions on:
- (i). requiring, requesting or collecting TFN information for unauthorised purposes (TFN subrule 8(1) and subsection 8WA(1) of the TAA).
 - (ii). recording, using or disclosing TFN information unless permitted under taxation, personal assistance or superannuation law (TFN Rules 9 and 10; and subsection 8WB(1) of the TAA).

A breach of the TFN Rule is an interference with privacy under the Privacy Act. Individuals who consider that their TFN information has been mishandled may make a complaint to the Australian Information Commissioner. Where the breach of privacy is considered serious, the Australian Information Commissioner may seek a civil penalty.

A breach of either sections 8WA and 8WB of the TAA is punishable by a fine of 100 penalty units or 2 years imprisonment or both. *NOTE: Effective from 1 July 2017, 1 penalty unit is equal to \$210. This unit value will automatically increase in line with the consumer price index from 1 July 2020 and every three years after.*

- B.** The *A New Tax System (Family Assistance)(Administration) Act 1999* (the Family Assistance Administration Act) and *Child Care Act 1972* (the Child Care Act) are both personal assistance laws within the definition contained in TFN subrule 6(2). These Acts contain prohibitions on the making of a record, disclosure, use, solicitation or supply of information that is protected information – which includes TFNs (sections 163 – 167 of

the Family Assistance Administration Act and sections 12K, 12L, 12M, 12Q, 12R and 12S of the Child Care Act). These offences are punishable by two years' imprisonment. There are exceptions permitting the collection, use or disclosure of protected information in limited circumstances, as outlined under Part 6 of the Family Assistance Administration Act, and Part IIIA of the Child Care Act.

- C. The *Higher Education Support Act 2003* (HESA) is a taxation law within the definition contained in TFN subrule 6(2). In collecting, recording, using and disclosing tax file numbers under HESA the department, the Australian Taxation Office, higher education providers must not contravene sections 8WA and 8WB of the TAA.

2.3.3. Further information

If you would like further information about protections surrounding tax file numbers you may wish to consult:

- The Office of the Australian Information Commissioner's website (<https://oaic.gov.au/privacy-law/privacy-act/tax-file-numbers>).
- The TFN Rule which regulates the collection, storage, use, disclosure, security and disposal of TFNs. The TFN Rule is available on the Federal Register of Legislation website (<https://www.legislation.gov.au/Details/F2015L00249>).
- Annex A of this Privacy Policy, which contains a table detailing prohibitions and penalties.

2.4. Collection of sensitive information

In carrying out our functions and activities we may collect personal information that is *sensitive information* (see section 1.4 of this privacy policy). The APPs impose additional obligations on us when collecting, using or disclosing sensitive information. We may only collect sensitive information from you:

- where you provide your consent; or
- where required or authorised by law; or
- where a permitted general situation exists such as to prevent a serious threat to safety.³

We also collect sensitive information where authorised to do so for the purposes of human resource management, fraud or other investigations, taking appropriate action against suspected unlawful activity or serious misconduct, and responding to inquiries by courts, tribunals and other external review bodies.

³ For further information on the range of 'permitted general situations' see APP Guidelines – Chapter C

2.5. Collecting personal information from children and young people

In carrying out our functions and activities we may collect personal information about children and young people, either directly from them, through their parents or guardians, or from their education or child care providers. Where children and young people are over the age of 16, our general policy is to collect information directly from them as they are likely to have the capacity to understand any privacy notices provided to them and to give informed consent to collection. For children under the age of 16, or where capacity to provide consent is at issue, our policy is that a parent or guardian will be notified and their consent sought.

2.6. Collection of unsolicited information

Sometimes personal information is not sought by us but is delivered or sent to us by either the individual or a third party without prior request.

Where unsolicited information is received by us, we will, within a reasonable period, determine whether that information is directly related to one or more of our functions or activities. If this cannot be determined, we may, as soon as practicable and in accordance with the [Archives Act 1983](#) (Archives Act) and the Privacy Act, destroy or de-identify the information. If this can be determined we will notify you of the purpose of collection and our intended uses and disclosures according to the requirements of the APPs, unless it is impracticable or unreasonable for us to do so.

2.7. How we collect personal information

We collect your personal information through a variety of channels, which may include forms or notices, online portals, social media websites and accounts, electronic or paper correspondence and from data sharing, matching or linkage arrangements with other Australian Government and state and territory agencies.

We may also collect your personal information if you:

- communicate with us by telephone, mail, email, fax or SMS;
- attend a face to face meeting or event conducted by us or our contractors;
- use our website;
- interact with us on our social media platforms.

By signing paper documents or agreeing to the terms and conditions and disclaimers for electronic documents you are consenting to the collection of any personal information you provide to us.

For further information on what information we collect online see section 2.13 of this privacy policy.

2.8. Remaining anonymous or using a pseudonym

We understand that anonymity is an important element of privacy and you may wish to remain anonymous, or use a pseudonym when interacting with us.

In many cases you will be able to advise us that you wish to remain anonymous or use a pseudonym during your contact with us. However, in circumstances where it is likely we would need to collect your personal information, such as to resolve a dispute or provide you with a service, we will notify you accordingly at the time of collection.

2.9. Information collected by our contractors

Under the Privacy Act, we are required to take contractual measures to ensure that contracted service providers (including subcontractors) comply with the same privacy requirements applicable to us.

2.10. Storage and data security

2.10.1. Storage

We hold personal information in a range of paper-based and electronic records, including cloud computing.

Storage of personal information (and the disposal of information when no longer required) is managed in accordance with the Australian Government's records management regime, including the Archives Act, records authorities, general disposal authorities and other whole of government policies or standards issued by the National Archives of Australia.

2.10.2. Data security

We take all reasonable steps to protect the personal information held in our possession against loss, unauthorised access, use, modification, disclosure or misuse.

Access to your personal information held by us is restricted to authorised persons who are departmental employees or contractors, on a need to know basis.

Electronic and paper records containing personal information are protected in accordance with Australian Government security policies, including the Attorney-General's Department's [Protective Security Policy Framework](#) and the Australian Signals Directorate's [Information Security Manual](#).

We conduct regular audits to ensure we adhere to these policies.

2.11. Data quality

We take all reasonable steps to ensure that the personal information we collect is accurate, up-to-date, complete, relevant and not misleading.

These steps include responding to requests to correct personal information when it is reasonable and appropriate to do so. For further information on correcting personal information see section 3 of this privacy policy.

Audits and quality inspections are also conducted from time to time to ensure the accuracy and integrity of information, and any systemic data quality issues are identified and resolved promptly.

2.12. Purposes for which information is collected, held, used and disclosed

We collect, hold, use and disclose personal information for a variety of different purposes including:

- performing our management, employment and personnel functions in relation to our staff and contractors;
- performing our legislative and administrative functions;
- policy development, research and evaluation;
- data sharing or data integration with other Australian Government agencies, including but not limited to, data sharing or data integration with the Australian Bureau of Statistics for the Multi-Agency Data Integration Project and the Data Integration Partnership for Australia;
- complaints handling;
- administering requests received by us under the [Freedom of Information Act 1982](#) (Cth);
- preventing, detecting, investigating or dealing with fraud or corruption against the Commonwealth;
- program management;
- maintaining effective working relationships with state and territory governments, non-government education authorities and providers, universities and other relevant stakeholders;
- policy advice and support to our Ministers;
- contract management; and
- management of correspondence with the public.

We use and disclose personal information for the primary purposes for which it is collected. You will be given information about the primary purpose of collection at the time the information is collected.

We will only use your personal information for secondary purposes where we are able to do so in accordance with the Privacy Act. This may include where you have consented to this secondary purpose, or where the secondary purpose is related (or if sensitive information, directly related) to the primary purpose and you would reasonably expect us to use or disclose the information for the secondary purpose, where it is required or authorised by law or where a permitted general situation exists such as to prevent a serious threat to safety.

Likely secondary purposes for which we may use or disclose your personal information include but are not limited to: quality assurance, auditing, reporting, research, evaluation and analysis, data sharing, data integration, data matching and promotional purposes.

2.13. Our website

2.13.1. Log information (browsing)

When you use our online services, our servers automatically record information that your browser sends whenever you visit a website. These server logs may include information such as your server address, your top level domain name (for example, .com, .gov, .au, .uk, etc.), the date and time of visit to the site, the pages accessed and documents viewed, the previous sites visited, the browser type, the browser language, and one or more cookies that may uniquely identify your browser.

No attempt is made to identify you through your browsing other than in exceptional circumstances, such as an investigation into the improper use of the website.

2.13.2. Cookies

Cookies are used to maintain contact with a user through a website session. A cookie is a small file stored by your web browser software on your computer when you access our website. Cookies allow us to recognise an individual web user as they browse our website.

We use cookies to ‘remember’ your browser between page visits. In this situation, the cookie identifies your browser, not you personally. No personal information is stored within our cookies. You may disable cookies by adjusting the settings on your web browser, but if you do this you may not be able to use the full functionality of our website.

2.13.3. Collection and Analytics

We collect your information, including personal information, by a variety of software applications and services. These applications and services, including Google Analytics, use first-party cookies and JavaScript code to help analyse how users use the site.

The information collected includes when you accessed our website, how you accessed the site (for example, from a search engine, a link, an advertisement) and what you did on the site. The information generated by the cookie about your use of the website (including your IP address) will be transmitted to and stored by Google on servers in the United States. Google will use this information for the purposes of compiling reports on website activity and providing other services relating to website activity and internet usage.

Demographic and interest reports may be generated including identifiers such as your age, gender, affinity categories (for example, education and training interests), in-market segments and other

categories based on acquisition, behaviour, and conversions metrics. These reports may be used by the department to assist it make policy and program decisions.

You can prevent your information from being collected on our website by:

- disabling/ refusing the use of cookies;
- disabling JavaScript Opt-out Browser Add-on; and
- disabling location services on your browser/device.

Additional advice regarding how to protect yourself online can be found at [Stay Smart Online](#).

2.13.4. Links to External Websites and Social Networking Services

Our website includes links to other websites. We are not responsible for the content and privacy practices of other websites. We recommend that you examine each website's privacy policy separately.

We also use social networking services such as Facebook, Twitter, Google+, YouTube, Instagram and Yammer to talk with the public and our staff. When you talk with us using these services we may collect your personal information to communicate with you and the public.

The social networking service will also handle your personal information for its own purposes. These services have their own privacy policies. You can access the privacy policies for these services on their websites.

2.13.5. Electronic communication

There are inherent risks associated with the transmission of information over the internet, including via email. You should be aware of this when sending personal information to us via email or via our website or social media platforms. If this is of concern to you then you may use other methods of communication with us, such as post, fax or telephone (although these also have risks associated with them).

We only record your email address when you send a message to us or subscribe to one of our mailing lists. Unless otherwise notified, any personal information, including email addresses, will only be used or disclosed for the purpose for which it was provided.

2.14. Disclosure of personal information to other Commonwealth agencies providing services to the department

We may disclose your personal information to Employment and/or the Service Delivery Office within the Department of Finance (Finance). These agencies provide a range of corporate services to the department. For more information about the Service Delivery Office please refer to: www.sdo.gov.au.

2.15. Disclosure of personal information to Services Australia

Services Australia performs a range of ICT and administrative services for us, including the management of the Child Care Subsidy System and some parts of the TCSI system. We may disclose your personal information to Services Australia in connection with Services Australia's delivery of these ICT related services.

If you are an employee, contractor or consultant of the department; we, or Employment or Finance, may disclose your personal information to Services Australia for the purposes of managing authorised access to the Child Care Subsidy System.

2.16. Disclosure of personal information overseas

We will, on occasion, disclose personal information to overseas recipients. The situations in which we may disclose personal information overseas include:

- the publication on the internet of material which may contain personal information, such as departmental reports and other documents; photographs, video recordings and audio recordings; and posts and comments on our social media platforms;
- the provision of personal information to overseas researchers or consultants (where consent has been given for this or we are otherwise legally able to provide this information);
- the provision of personal information to recipients using a web-based service where data is stored on an overseas server, for example, the department may use Mailchimp for email subscriptions and SurveyMonkey for online surveys (see below for further detail on these services); and
- the provision of personal information to foreign governments and law enforcement agencies (in limited circumstances and where authorised by law).

We will not disclose your personal information to an overseas recipient unless one of the following applies:

- the recipient is subject to a law or binding scheme substantially similar to the Australian Privacy Principles, including mechanisms for enforcement;
- you consent to the disclosure after being expressly informed that we will not be taking reasonable steps to ensure that the overseas recipient does not breach the Australian Privacy Principles;
- disclosure is required or authorised by law; or
- the disclosure is reasonably necessary for an enforcement related activity conducted by, or on behalf of, an enforcement body and the recipient performs similar functions.

It is not practicable to list every country to which we may provide personal information as this will vary depending on the circumstances.

However, you may contact us (see 6 of this privacy policy) to find out which countries, if any, your information has been given to.

2.16.1. Mailchimp

To provide our news or information the department may use Mailchimp. Mailchimp provides online platforms that can be used to create, send, and manage emails. In providing this service, Mailchimp may collect personal information, such as distribution lists which contain email addresses, and other information relating to those email addresses. For further information about the type of personal information Mailchimp collects, please refer to [Mailchimp's Privacy Policy](#).

We may use this information to manage emails relating to the work of the department, measure email news performance and to improve the features of our website and email news service. Mailchimp may transfer this information to third parties where required to do so by law, or where such third parties process the information on Mailchimp's behalf. Mailchimp uses cookies, Web Beacons and Flash player code to collect information about when you visit the website, when you use the services, your browser type and version, your operating system, and other similar information.

Mailchimp is based in the United States of America (USA) and the information generated by cookies about your use of the website (including your IP address) will be transmitted to and stored by Mailchimp on servers located outside Australia.

You can opt out of our mailing list if you choose the 'unsubscribe' service provided by Mailchimp in every email, or contact the department. You can also disable or refuse cookies or disable Flash player; however, you may not be able to use the services provided by Mailchimp if cookies are disabled. Should you wish to contact Mailchimp, you can find contact details on the [Contact Mailchimp](#) page.

If you do not unsubscribe or contact the department to opt out of the mailing list you:

- consent to your personal information being collected, used, disclosed and stored as set out in [Mailchimp's Privacy Policy](#) and agree to abide by [Mailchimp's Terms of Use](#);
- understand and acknowledge that this service utilises a Mailchimp platform which is located in the USA and relevant legislation of the USA will apply. This means you will need to seek redress under the laws of the USA for any privacy breaches by Mailchimp; and
- understand and acknowledge that Mailchimp is not subject to the Commonwealth Privacy Act 1988 and the department will not have an obligation to take reasonable steps to ensure that Mailchimp does not breach the Australian Privacy Principles in relation to personal information that is given to Mailchimp.

2.16.2. SurveyMonkey

We use SurveyMonkey to survey respondents voluntarily about a range of matters relevant to our work. Wherever possible, we will not seek your personal information as part of our surveys, but sometimes this is necessary. Further, in providing this service, SurveyMonkey may collect personal information. For further information about the type of personal information SurveyMonkey collects, please refer to [SurveyMonkey's Privacy Policy](#).

The department will only use this information if you choose to respond to our invitation to participate in a survey, and for the purpose of receiving and analysing your answers.

SurveyMonkey is based in the USA and the EU and the information generated by cookies about your use of the website (including your IP address) will be transmitted to and stored by SurveyMonkey on servers located outside Australia.

If you choose to respond to one of our surveys you:

- consent to your personal information being collected, used, disclosed and stored as set out in [SurveyMonkey's Privacy Policy](#) and agree to abide by [SurveyMonkey's Terms of Use](#);
- understand and acknowledge that this service utilises a SurveyMonkey platform, which is located in the USA and the EU, and relevant legislation of those countries will apply. This means you will need to seek redress under the laws of the USA or the EU for any privacy breaches by SurveyMonkey; and
- you understand and acknowledge that SurveyMonkey is not subject to the Commonwealth Privacy Act 1988, and the department will not have an obligation to take reasonable steps to ensure that SurveyMonkey does not breach the Australian Privacy Principles in relation to personal information that is given to SurveyMonkey.

2.17. Unauthorised access, use or disclosure of personal information

We will take seriously and deal promptly with any unauthorised access, use or disclosure of personal information.

The Notifiable Data Breaches (NDB) scheme, which commenced on 22 February 2018, generally requires agencies and organisations to notify individuals whose personal information is involved in a data breach that is likely to result in serious harm to those individuals. These entities are also required to notify the Office of the Australian Information Commissioner. We comply with the NDB scheme when dealing with these types of data breaches.

The department also has regard to relevant guidance material issued by the Office of the Australian Information Commissioner, including the [‘Data breach preparation and response — A guide to managing data breaches in accordance with the Privacy Act 1988 \(Cth\)’](#), when responding to any incidents involving the unauthorised access of, use or disclosure of personal information.

3 Accessing and Correcting Your Personal Information

3.1. How to seek access to and correction of personal information

You have a right under the Privacy Act to access personal information we hold about you.

You also have a right under the Privacy Act to request corrections of any personal information that we hold about you if you think the information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

To access or seek correction of personal information we hold about you, please contact us using the contact details set out at section 6.1 of this privacy policy.

3.2. Our access and correction process

If you request access to or correction of your personal information, we must respond to you within 30 calendar days.

While the Privacy Act requires that we give you access to or correct your personal information on request, it does set out circumstances in which we may refuse you access or decline to correct your personal information.

If we refuse to give you access or decline to correct your personal information we will provide you with a written notice which, among other things, gives our reasons for refusing your request.

It is also possible to access and correct documents held by us under the [Freedom of Information Act 1982](#). For information on this, please contact our FOI Coordinator (contact details are available on the [Freedom of Information](#) page of our website).

For further information on requesting access to or correction of your personal information please read our [Guide to Accessing and Correcting Personal Information](#) document on our website.

3.3. If you are unsatisfied with our response

If you are unsatisfied with our response, you may make a complaint, either directly to us (see section 5 below), or you may wish to contact:

- the Office of the Australian Information Commissioner at enquiries@oaic.gov.au or telephone 1300 363 992; or
- the Commonwealth Ombudsman by lodging a '[Complaint Form](#)' online or telephone 1300 362 072.

4 Privacy Impact Assessments

4.1. What is a Privacy Impact Assessment

A privacy impact assessment (PIA) is a systematic assessment of a project that identifies the impact that the project might have on the privacy of individuals, and sets out recommendations for managing, minimising or eliminating that impact.

4.2. When we conduct Privacy Impact Assessments

The [Privacy \(Australian Government Agencies – Governance\) APP Code 2017](#) (Privacy Code) requires us to undertake a PIA in certain instances and to maintain a register of those PIAs from 1 July 2018. In accordance with the Privacy Code, we publish a version of our [PIA register](#) on our website.

5 Complaints

5.1. How to make a complaint

If you think we may have breached your privacy you may contact us to make a complaint using the contact details set out at section 6.1 of this privacy policy. In order to ensure that we fully understand the nature of your complaint and the outcome you are seeking, we prefer that you make your complaint in writing.

Please be aware that it may be difficult to investigate or respond to your complaint if you provide insufficient detail. You may submit an anonymous complaint, however if you do it may not be possible for us to provide a response to you.

5.2. Our complaint handling process

We are committed to quick and fair resolution of complaints and will ensure your complaint is taken seriously and investigated appropriately. You will not be victimised or suffer negative treatment if you make a complaint.

For further information about our complaint handling process please read our Privacy Complaint Handling Procedures document on our website.

5.3. If you are unsatisfied with our response

If you are not satisfied with the way we have handled your complaint in the first instance, you may contact the Office of the Australian Information Commissioner to refer your complaint for further investigation. Please note that the Information Commissioner may not investigate if you have not first brought your complaint to our attention.

Office of the Australian Information Commissioner

Telephone: 1300 363 992

Email: enquiries@oaic.gov.au

Post: GPO Box 5218
Sydney NSW 2001

6 Contact Us

6.1. General enquiries, complaints, requests for access or correction

If you wish to:

- query how your personal information is collected, held, used or disclosed by us;
- ask us questions about this privacy policy;
- request access to or seek correction of your personal information; or

- make a privacy complaint;

please contact us:

By mail:

Privacy Officer
Child Care, Corporate & Practice Management Legal Branch
Department of Education
LOC: C50MA10
GPO Box 9880
Canberra ACT 2601

By email:

privacy@education.gov.au

By telephone:

1300 566 046 (please note this is our main number)

6.2. Availability of this privacy policy

If you wish to access this privacy policy in an alternative format (e.g. hard copy) please contact us using the contact details set out at section 6.1 above. This privacy policy will be made available free of charge.

7 Privacy Policy Updates

This privacy policy will be reviewed at least annually and updated as required.

Date policy last updated: December 2019

Annex A: Prohibitions and penalties relating to the collection, recording, use and disclosure of Tax File Numbers

Legislation	Prohibitions	Exception	Penalty
subrule 8(1) of the Privacy (Tax File Number) Rule 2015	Unless an exception applies, a TFN recipient must not request or collect TFN information from individuals and TFN recipients.	The request or collection is authorised by: <ol style="list-style-type: none"> taxation law; or personal assistance law; or superannuation law. <p>Note: These terms are defined in the Privacy (Tax File Number) Rule 2015.</p>	A breach of this TFN Rule is an interference with privacy under the <i>Privacy Act 1988</i> . A person who considers that their TFN information has been mishandled may make a complaint to the Australian Information Commissioner. Where the breach of privacy is very serious, the Australian Information Commissioner may seek a civil penalty. The same act may also constitute an offence under subsections 8WA(1) or 8WB(1) of the <i>Taxation Administration Act 1953</i> .
Rule 9 of the Privacy (Tax File Number) Rule 2015	A TFN recipient must not use or disclose a TFN or record of a TFN in that way that is inconsistent with the <i>Taxation Administration Act 1953</i> or <i>Privacy (Tax File Number) Rule 2015</i> .	The use or disclosure is permitted by the <i>Taxation Administration Act 1953</i> or <i>Privacy (Tax File Number) Rule 2015</i> .	As above

Legislation	Prohibitions	Exception	Penalty
Rule 10 of the Privacy (Tax File Number) Rule 2015	Unless an exception applies, a TFN recipient must not use or disclose TFN information (including for matching personal information about individuals).	The TFN information is used or disclosed by TFN recipients: <ul style="list-style-type: none"> a. for a purpose authorised by taxation law, personal assistance law or superannuation law, or b. for the purpose of giving an individual any TFN information that the TFN recipient holds about that individual. 	As above
Subsection 8WA(1) of the <i>Taxation Administration Act 1953</i>	Unless an exception applies, a person must not require or request another person to quote the other person’s tax file number.	To the extent required or permitted by, or reasonably necessary in order to comply with, or in connection with exercising powers under, a taxation law, a law of the Commonwealth of a kind referred to in subsection 8WA(1AA) of the <i>Taxation Administration Act 1953</i> or paragraph 8WA(1AA)(c) of the <i>Taxation Administration Act 1953</i> .	100 penalty units or 2 years imprisonment or both.
Subsection 8WB(1) of the <i>Taxation Administration Act 1953</i>	Unless an exception applies, a person must not: <ul style="list-style-type: none"> a. record or maintain a record of a another person’s tax file number; or b. use another person’s tax file number in a manner connecting it with the other person’s identity; or divulge or communicate another person’s tax file number to a third person.	To the extent required or permitted by, or reasonably necessary in order to comply with, or in connection with exercising powers under, a taxation law, a law of the Commonwealth of a kind referred to in subsection 8WB(1A) of the <i>Taxation Administration Act 1953</i> or paragraph 8WB(1A)(c) of the <i>Taxation Administration Act 1953</i> .	100 penalty units or 2 years imprisonment or both.

Legislation	Prohibitions	Exception	Penalty
<p>Section 163 (Offence: unauthorised access to protected information) of <i>A New Tax System (Family Assistance) (Administration) Act 1999 (the Family Assistance Administration Act)</i></p>	<p>Unless an exception applies, a person must not intentionally obtain information that the person knows or ought reasonably to know is protected information.</p> <p>Note: Protected information is defined in section 3 of the Family Assistance Administration Act, which includes TFN information obtained under the family assistance law.</p>	<p>To the extent authorised by sections 162, 168, 169 and 169A of the Family Assistance Administration Act, where a person may obtain, make a record of or disclose protected information for particular purposes or circumstances referred in those provisions.</p> <p>Note: Section 162 relates to the authorised collection, use or disclosure of protected information. Section 168 relates to the Secretary’s disclosure of information when necessary in the public interest to particular persons in certain cases, which must be in accordance with the <i>Family Assistance (Public Interest Certificate Guidelines) Determination 2015</i>, as made under section 169. Section 168 also allows the Secretary to disclose protected information to the head of another Commonwealth Department or authority of the Commonwealth, or where the relevant individual has authorised (consented to) the disclosure. Section 169A relates to the Secretary’s disclosure for purposes of the administration of the child care tax offset provided by Subdivision 61-IA of the <i>Income Tax Assessment Act 1997</i>.</p>	<p>Imprisonment for a term not exceeding 2 years.</p>

Legislation	Prohibitions	Exception	Penalty
Section 164 (Offence: unauthorised use of protected information) of <i>A New Tax System (Family Assistance) (Administration) Act 1999</i>	Unless an exception applies, a person must not intentionally make a record of, disclose or otherwise make use of information that the person knows or ought reasonably to know is protected information.	To the extent authorised or required under the family assistance law, the <i>Social Security Act 1991</i> , or the <i>Social Security (Administration) Act 1999</i> ; or to the extent authorised by sections 162, 168, 169 and 169A of the Family Assistance Administration Act, where a person may obtain, make a record of or disclose protected information for particular purposes or circumstances referred in those provisions.	Imprisonment for a term not exceeding 2 years.
Section 165 (Offence: soliciting disclosure of protected information) of <i>A New Tax System (Family Assistance) (Administration) Act 1999</i>	Unless an exception applies, a person must not solicit the disclosure of protected information from an officer (or another person), where the person knows or ought reasonably to know that the information is protected information.	To the extent authorised by sections 162, 168, 169 and 169A of the Family Assistance Administration Act, where a person may obtain, make a record of or disclose protected information for particular purposes or circumstances referred in those provisions.	Imprisonment for a term not exceeding 2 years (whether or not any protected information is actually disclosed).
Section 166 (Offence: offering to supply protected information) of <i>A New Tax System (Family Assistance) (Administration) Act 1999</i>	Unless an exception applies, a person must not offer to supply (whether to a particular person or otherwise) or hold themselves as being able to supply information about another, knowing that the information is protected information.	To the extent authorised by sections 162, 168, 169 and 169A of the Family Assistance Administration Act, where a person may obtain, make a record of or disclose protected information for particular purposes or circumstances referred in those provisions. For example, an officer acting in the performance or exercise of his or her powers, duties or functions under the family assistance law.	Imprisonment for 2 years.

Legislation	Prohibitions	Exception	Penalty
<p>Section 167 (Protection of certain documents etc. from production to court etc.) of <i>A New Tax System (Family Assistance) (Administration) Act 1999</i></p>	<p>Unless an exception applies, an officer must not be required to produce any document in their possession or to disclose matter of which they had notice of to a court, tribunal, authority or person having power to require the production of documents or the answering of questions.</p>	<p>The production or disclosure of information is for the purposes of the family assistance law; or to the extent authorised by sections 162, 168, 169 and 169A of the Family Assistance Administration Act, where a person may obtain, make a record of or disclose protected information for particular purposes or circumstances referred in those provisions.</p>	<p>No specific penalty is attached to this provision, but a person who discloses information in breach of this provision where no exception allowing disclosure is applicable, may breach section 164 of the Family Assistance Administration Act and may be subject to imprisonment for a term not exceeding 2 years.</p>