



**Australian Government**  
**Department of Education and Training**

# **HIGHER EDUCATION DATAMART PROTOCOLS**

**February 2016**

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## 1. Introduction

### 1.1. Overview

- 1.1.1 The higher education sector in Australia is made up of universities and other higher education institutions, collectively referred to as 'higher education institutions'.
- 1.1.2 Higher education institutions are approved by the Australian Government Minister for Education and Training before they can receive grants or their students can receive assistance from the Australian Government under the *Higher Education Support Act 2003* (HESA).
- 1.1.3 The government has primary responsibility for public funding of higher education. government funding support for higher education is provided largely through:
  - (a) the Commonwealth Grant Scheme which provides for a specified number of Commonwealth supported places each year
  - (b) the Higher Education Loan Programme (HELP) arrangements providing financial assistance to students
  - (c) Commonwealth scholarships
  - (d) a range of grants for specific purposes including quality, learning and teaching, the Higher Education Participation and Partnerships Programme, research and research training programmes.
- 1.1.4 The Department of Education and Training (the department) is the Australian Government department with responsibility for administering the above funding and for developing and administering higher education policy and programmes.
- 1.1.5 The Higher Education Datamart Protocols (the Datamart Protocols) set out arrangements to ensure that disclosure, use, management and storage of higher education data made available through the higher education datamart complies with all legal and policy requirements, with the principle aim of protecting the privacy of individuals and maintaining the confidentiality and integrity of the data.
- 1.1.6 Applicants who request access to the higher education datamart agree to the terms of the Datamart Protocols and must ensure that the integrity, security and privacy of higher education data are maintained.

### 1.2. Data collection

- 1.2.1 The department collects data from higher education institutions to determine eligibility for support under HESA and to assist the Tertiary Education Quality Standards Agency (TEQSA) in performing risk effective quality assurance on the higher education sector. The department collects the following higher education data:

- (a) Student data from all higher education institutions that have been approved under HESA. This collection includes details about enrolments, equivalent full-time student load (unit of study data) and completions.
- (b) Staff data from Table A and Table B institutions (as set out in HESA) and Avondale College. This collection includes data on the numbers and full-time equivalence of staff.
- (c) Applications and offers data from Table A and Table B institutions (as set out in HESA) that receive direct applications and by Tertiary Admissions Centres. This collection includes data on applications and offers for university places.

### 1.3. Purpose of the Higher Education Datamart Protocols

- 1.3.1. The Datamart Protocols set out the principles, rules and procedures governing the access, use and dissemination of data available through the higher education datamart.
- 1.3.2. The purpose of the Datamart Protocols is to clarify the rights and responsibilities of all higher education datamart users and to ensure proper and effective use of higher education data.
- 1.3.3. Failure to agree to the terms of the Datamart Protocols will result in rejection of a request for access to the higher education datamart by the department.
- 1.3.4. Failure to comply with the terms of the Datamart Protocols may result in a termination of access to the higher education datamart by the department.

## 2. Guiding principles

To ensure the proper and effective use by receiving entities, the following guiding principles govern the disclosure and dissemination of higher education data through the higher education datamart.

### 2.1. Purpose

- 2.1.1 The department will in circumstances where it is lawful and practical to do so, provide higher education datamart access to applicants.

### 2.2. Personal information and privacy

- 2.2.1 The privacy of individuals is paramount at all stages of the higher education data collection, access, use and dissemination process.
- 2.2.2 The department complies with the *Privacy Act 1988* (the Privacy Act) and HESA in its collection, use, management, storage and disclosure of higher education data.
- 2.2.3 Similarly, all approved users of the higher education datamart must comply with:
  - the Australian Privacy Principles (APPs) set out in Schedule 1 to in the Privacy Act as though they are an APP entity for the purposes of the Privacy Act
  - the requirements of HESA.

This applies to collecting, using, managing, storing and disclosing higher education data obtained from the higher education datamart that contains personal information.

- 2.2.4 The department will only release higher education data through the higher education datamart in compliance with the HESA and the APPs.
- 2.2.5 'Personal information' is defined in HESA as:
- (a) *information or an opinion about an identified individual, or an individual who is reasonably identifiable:*
    - (i) *whether the information or opinion is true or not; and*
    - (ii) *whether the information or opinion is recorded in a material form or not; and*
  - (b) *obtained or created by an officer for the purposes of Chapter 2 or Chapters 3 and 4 [of HESA].*
- 2.2.6 Personal information is defined along similar terms in the Privacy Act, the difference being that the information or opinion need not be obtained or created for the purposes of HESA.
- 2.2.7 In limited circumstances the department may be required or authorised by or under law to disclose personal information to third parties for certain purposes.
- 2.2.8 Under HESA, the department is authorised to disclose certain personal information, including unit record files/identified higher education data in the higher education datamart, to officers of certain entities for specified purposes.
- 2.2.9 To ensure compliance with the requirements of the Privacy Act and HESA, the department has developed role-based security within the Education Portal to ensure users have access to data for which they have approval to view.
- 2.2.10 The department will consider requests for access to unit record files / identified higher education data within the higher education datamart and may seek legal advice as to the authority to disclose the requested data.
- 2.2.11 The authorised entities, the nature of the personal information, the purposes for which personal information is disclosed at Attachment A.
- 2.2.12 All parties receiving personal information in accordance with Attachment A:
- (a) remain bound in relation to that information by the relevant governing provisions in the Privacy Act and HESA as per section 2.2.3 above
  - (b) remain bound in relation to that information by the conditions regarding security and confidentiality of data, and complaints procedures as per section 2.3 below
  - (c) agree to use that information only for the purposes for which the information was disclosed and not to disclose (including by way of publishing or making the information available in the public domain) the information without prior notification to the department, except where the disclosure is required or authorised by or under law

- (d) agree not to disclose, including to publish, or to cause to be published higher education data to any party for any purpose, unless authorised or permitted to do so by the department or in concert with the applicable privacy law provisions (i.e. disclosure is required by or under law, consent for the disclosure has been obtained etc.).

2.2.13 The department may impose additional conditions on parties receiving personal information.

### **2.3. Security, confidentiality and complaints**

2.3.1 The department is the custodian of higher education data and ensures it is stored securely and that only authorised officers have access to the higher education datamart.

2.3.2 To protect the security and confidentiality of higher education data, approved users of the higher education datamart must:

- (a) comply at all times with any security requirements notified by the department relating to higher education data
- (b) store the higher education data securely and protect the data from loss and unauthorised use and access
- (c) ensure that only those people with a genuine need to view the data will have access to the data
- (d) only retain the data while there is a genuine need to keep it
- (e) not to engage in any data-matching activities involving the data without the prior written consent of the department
- (f) not attempt to re-identify the data if it is provided in a de-identified or aggregated form
- (g) not provide higher education data or access credentials to any third parties without the prior written consent of the department
- (h) not publish the data (in any medium) without providing prior notification to the department
- (i) ensure access to the datamart is terminated within 30 days after work commitments no longer require access
- (j) not share user credentials for the higher education datamart with any other individual under any circumstance.

2.3.3 Individuals or groups wishing to register a complaint regarding the use of higher education data should in the first instance lodge that complaint with the data user concerned.

2.3.4 Entities authorised to access the higher education datamart agree to address in an adequate and timely manner any complaints received in accordance with section 2.3.3 above.

- 2.3.5 If individuals or groups are unsatisfied with the outcome of a complaint lodged with an entity authorised to access the higher education datamart as per section 2.3.3 above, they may raise the issue with the department.
- 2.3.6 Entities authorised to access the higher education datamart agree to co-operate with the department to address complaints received in accordance with section 2.3.5 above.
- 2.3.7 Under the Privacy Act, individuals who believe their personal information has been mishandled have the right to lodge a complaint with the Office of the Australian Information Commissioner (OAIC).

## **2.4. Quality**

- 2.4.1 The department will make every effort to ensure that:
- (a) all procedures undertaken in the collection and subsequent composition of the higher education data within the higher education datamart adhere to the highest possible standards
  - (b) requests for access to the higher education datamart are assessed in a consistent manner.

## **2.5. Accountability**

- 2.5.1 The higher education data accessed by approved users of the higher education datamart should only be used in accordance with the Datamart Protocols and for the purposes for which the information was disclosed.

## **2.6. Ongoing review**

- 2.6.1 To ensure these Datamart Protocols document remains up-to-date and relevant to the emerging data needs of stakeholders, it will be reviewed periodically by the department and amendments may be made.

## **2.7. Transparency**

- 2.7.1 The most recent version of the Datamart Protocols and other documentation setting out the procedures associated with access, use and disclosure of the higher education datamart will be made available to stakeholders via the department's website or in a suitable format to accompany data.
- 2.7.2 Documentation will also be available in alternate formats for stakeholders who do not have ready access to the internet.

## 3. Access to the higher education datamart

### 3.1. Overview

- 3.1.1 Any requests for access to the higher education datamart will be considered by the department and the relevant governance bodies where required.

### 3.2. Department consideration and processing of higher education datamart access requests

- 3.2.1 The department will assess all higher education datamart access requests consistently to ensure that:
- (a) confidence in the integrity and quality of higher education data for its agreed purposes is achieved and maintained
  - (b) the potential value of higher education data is realised over time
  - (c) the legitimate interests of higher education data stakeholders are acknowledged and addressed
  - (d) risks and issues are identified and quickly and effectively addressed.
- 3.2.2 The process for requesting access to the higher education datamart held by the department is as follows:
- (a) Access form will be made available via the Education Portal.

### 3.3. Breach of this protocol

- 3.3.1. The department reserves the right to reject any request for access to the higher education datamart or terminate a user's access where the applicant fails to, or opts not to, comply with the requirements of this protocol.

## 4. Contacts

### 4.1. Higher Education Data Committee

- 4.1.1 Please contact the Higher Education Data Committee with any questions regarding the Higher Education Datamart Protocols:

Higher Education Data Committee  
Student Information and Learning Branch  
Higher Education Group  
Department of Education and Training  
GPO Box 9880, Canberra ACT 2601  
[HigherEducationDataCommittee@education.gov.au](mailto:HigherEducationDataCommittee@education.gov.au)

- 4.1.2 Please refer to the Education Portal's homepage for departmental contact details regarding access and disclosure of data in the higher education datamart.



## 5. Attachment A

The following bodies are authorised to access unit level record data under Division 180 of the *Higher Education Support Act 2003* for the following authorised purposes:

Authorised bodies	Scope of access	Authorised purposes
Higher education providers for the purposes of HESA	For their own higher education provider.	Improving the provision of, or research into the provision of higher education or vocational education and training.
Tertiary Education Quality and Standards Authority (TEQSA)	For all higher education providers.	The performance of duties or functions, or the exercise of powers, under, or for the purposes of, the <i>Tertiary Education Quality and Standards Agency Act 2011</i> .
State and Territory governments	For all higher education providers.	Improving the provision of, or research into the provision of higher education or vocational education and training.
Australian Skills Quality Authority (ASQA)	For all higher education providers.	The performance of duties or functions, or the exercise of powers, under, or for the purposes of, the <i>National Vocational Education and Training Regulator Act 2011</i> .

Upon receiving **written consent** from the higher education providers that provided the information, the following bodies are authorised to access unit level record data under s180-25 of the *Higher Education Support Act 2003* for the purposes of improving the provision of, or research into the provision of higher education or vocational education and training:

Authorised bodies	Specific dataset
Universities Australia	For their member universities.
Group of Eight	To each member of the cohort.
Tertiary Admissions Centres (TACs)	For all higher education institutions.
Australian Council for Private Education and Teaching (ACPET)	For all higher education institutions.
Council of Private Higher Education (COPHE)	For all higher education institutions.