

<b>Subject:</b>	<b>Privacy and Confidentiality of Students Personal Information</b>
<b>Policy No:</b>	PP-COR-DB-21.1
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<b>Effective Date:</b>	Immediately
<b>Contact:</b>	Registrar

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## 1.0 Purpose

The University of Wollongong in Dubai collects and manages personal information about all of its students, and has a range of legislative and ethical responsibilities in regard to maintaining the confidentiality of students' personal information. These include, but are not limited to, responsibilities and/or requirements under United Arab Emirates (UAE) law, with the Ministry of Higher Education and Scientific Research Higher Education Standards.

The privacy of this information is a critical component of the University's relationship with its students, and the University recognises its responsibility to collect, manage, use, store and disclose personal data in adherence with legislative and other requirements, and in accordance with community expectations of best practice.

Personal information is thus confidential, and will not be used or disclosed except in accordance with this policy.

This policy does not extend to material that is by its nature public, such as the fact that an award is conferred.

## 2.0 Definitions

**Student** means any current or former student of the University of Wollongong in Dubai.

**Personal Information**, refers to information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. For the University's purposes, this includes all documentation provided by the University to the student before, during or after their studies and includes, but is not limited to; admission forms and associated documentation, letters, assignments, examinations, assessments and results, any student results identified by student number, practicum or internship details.

**Sensitive Information** means:

personal information about an individual's racial or ethnic origin, political opinion, membership of a political association, religious beliefs or affiliations, health status (either physical or emotional), disability, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, or criminal record;

**Record** means:

- (a) a document; or
- (b) a database (however kept); or
- (c) a photograph or other pictorial representation of a person;

but does not include:

- (d) a generally available publication; or
- (e) anything kept in a library, art gallery or museum for the purposes of reference, study or exhibition; or
- (h) letters or other articles in the course of transmission by post or electronically
- (i) any information that already exists in the public domain.

### **3.0 Guiding Principles and Legislative Requirements**

- 3.1** The interests of the individual concerned and the preservation of confidentiality and privacy are the paramount considerations in interpretation of this policy.
- 3.2** The University of Wollongong in Dubai respects a student's right to know how his or her personal information will be used, stored and disposed.
- 3.3** The University of Wollongong in Dubai supports responsible and transparent handling of personal information; however the confidentiality requirements under this policy will in certain instances be overridden by legal obligations of disclosure. Compliance with such obligations is mandatory.
- 3.4** Certain types of information may be subject to additional confidentiality standards, over and above those provided by this policy. These may be provided by other University policy documents (for example the University's Harassment or Anti-Bullying policies), or by legislative requirements.

### **4.0 Collection of Personal Information**

- 4.1** The University of Wollongong in Dubai collects and holds a range of personal information about all of its students. This includes, but is not limited to:
  - Personal details: name, student ID number, contact information, age, enrolment status, digital images, etc.
  - Academic records: course and enrolment details, assessment results, academic standing.
  - Personal welfare information: emergency contacts, medical reports, financial information.
  - Program information (agreed starting date, actual start date, expected completion date, and any termination of enrolment prior to the expected completion date; any change to the identity or duration of the program).
  - Program costs: the amount of money the University has received prior to enrolment, and an estimate of the total amount the student will be required to pay to undertake the full program.
  - Health Details: Whether in regard to insurance or personal files generated by the Medical Centre in the University.
  - English language proficiency: whether the student has undertaken a test to determine his or her level of English proficiency, the name of the test and the score the student received for the test.
  - Visa details: relevant documentation and details held, lodged with and received from the UAE Department of Immigration.
  - Passport details: If provided as identification purposes or for Visa purposes.
  - Breaches of student visa conditions relating to behaviour (academic or non-academic), attendance or satisfactory academic performance.
- 4.2** Information collected is used for a variety of purposes, including, but not limited to:
  - Student admission;
  - Enrolment and academic progression;
  - Program and course administration;
  - Communications with students;

- Statistical purposes, such as University planning;
- Scholarship administration;
- Provision of student services;
- Conduct of student elections;
- Financial management;
- Mandatory and/or discretionary reporting to external bodies/agencies, as detailed in procedural Section 9 below;
- Promotion of the University - in the case of photographic records and other images. This will occur only with the explicit written permission of the individuals involved.

**4.3** The University will collect personal information only where it is necessary for one of more of our functions or activities. Where personal information is collected, all reasonable steps will be taken to inform the individual of:

- The purpose for which the information is collected;
- Any person to whom, or body or agency to which the University usually discloses information of that kind;
- Any law that requires or authorises particular information to be collected.

**4.4** The University will take all reasonable steps to ensure that personal information collected is accurate, relevant, up-to-date, complete, and not misleading. To this end, the University will take reasonable steps to allow individuals to correct accurate information as appropriate.

## **5.0 Storage of Personal information**

**5.1** All student records will be stored as per the schedule in the Records Matrix policy.

**5.2** The University will take all reasonable steps to protect records of personal information from misuse, loss, unauthorised access, modification or disclosure.

**5.3** Staff access to records of personal information will be on a "need to know" basis: only staff members who need the information in order to carry out their duties and responsibilities, in the personal and/or academic interests of students, will be permitted to have access to student files.

**5.4** Staff who are granted access to records of personal information will be made aware of the strict conditions set out under the relevant UAE legislation for access to records of personal information that have been collected for any purposes. Staff will be made aware that

- disclosing such personal information, outside of the requirements of official duties;
- copying a record of such personal information outside of the requirements of official duties; and
- causing unauthorised access to such personal information held in a computer system are prohibited and may lead to disciplinary action imposed by the University of Wollongong in Dubai and/or legal action under relevant UAE legislation.

**5.5** Where information is no longer needed for any legitimate purpose it will be destroyed in accordance with the University's Records Matrix Policy.

## **6.0 Use and Disclosure of Personal Information**

**6.1** Personal information will be used only for a purpose to which it is relevant. Where information has been obtained for a particular purpose, it will not be used for any other purpose, unless:

- The individual concerned has consented to its use;
- Use of the information is required by law;
- The University believes it is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

- 6.2** The University will not disclose personal information about students to people, bodies or agencies outside the University (including parents, spouses or other relatives of the student), or to staff who have no need of the information, unless:
- The student has given written permission for the University to disclose the information;
  - The University has taken reasonable steps to inform the student that information of that kind is usually passed on to those people, bodies or agencies; including but not limited to; the UAE Government, the UAE Ministry of Higher Education and Scientific Research.
  - The University believes the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

## **7.0 Sensitive Information**

- 7.1** The University will not collect sensitive information, unless such collection is required by the law, or occurs with the consent of the individual student (eg:- health records, counselling information).

## **8.0 Individual's Right of Access to Personal Records**

- 8.1** The University will take reasonable steps to allow individual students to view the personal information the University holds about them.
- 8.2** Any student may view and correct personal statistics, enrolment details, and details of deferred payment options via the University's Student On-Line System (SOLS).
- 8.3** Students who wish to view any other records of personal information kept on them by the University may apply to do so through the Registrar's Office.
- 8.4** In particular, where the University collects and holds personal information for the purposes of administering the Ministry of Higher Education and Scientific Research Standards and/or UAE laws, students will have the right to be allowed to view the individual personal information that the University collects for those purposes and holds about them, except where the University is required or authorised by UAE legislation to refuse to provide the individual with access.

## **9.0 Disclosure of Personal Information Records**

- (A) The University will regularly provide personal information on students to:

- 9.1** The Ministry of Higher Education and Scientific Research Higher Education and the University of Wollongong in Australia as required for administrative purposes.

This will include information on all students, regarding:

- enrolments and student load (including information on characteristics of enrolled students);
- academic programs being undertaken;
- student liabilities under Australian Commonwealth higher education loans and contribution schemes (if applicable), and associated payment options declarations;
- completion of courses and academic programs

- 9.2** The UAE Department of Immigration regarding various administrative matters relating to student visa requirements.

- (B) The University will release information about individual students under certain circumstances to the following:

- Recognised education institutions and tertiary admission centres, providing information on students who have applied for admission;

- The police. The University may be under a duty to provide information on request for the enforcement of the criminal law;
- The court. The University may be requested under subpoena or other order to provide information related to a civil legal action;
- Professional bodies, only to the extent needed to meet their requirements for establishing the entitlement of students and graduates to practice in a profession;
- Other agencies as required and approved by the University of Wollongong in Dubai President, Vice President (Academic), the Vice President (Administration) and / or the Registrar.

## **10.0 Grievances regarding Personal Information Records**

Grievances regarding any aspect of the University's collection, storage, use and disclosure of students' personal information must be made, in writing, to the Chair, Deans' Committee.

### **10.1 General Principles of Grievance Resolution**

The following general principles underpin the UOWD approach to the resolution of grievances:

- UOWD is committed to the early and informal resolution of grievances. Students should therefore attempt to resolve any grievances in an informal way with the person involved before initiating formal grievance resolution processes.
- Parties involved in a grievance must participate in the grievance resolution process in good faith.
- Grievance resolution processes should be applied fairly, flexibly and expeditiously.
- All parties involved in a grievance should be treated with respect and impartiality.
- The principles of natural justice should be observed. To this end the parties involved in a grievance have a right to a fair hearing and to have a decision made by an unbiased decision-maker.
- The confidentiality of parties involved in a grievance should be respected at all times, subject to the need to fully investigate the matter and any legal requirements for disclosure.

### **10.2 Possible outcomes**

After examining the relevant documentation and speaking to the student and other relevant parties where appropriate, the Chair, Deans' Committee may:

- 10.2.1 refuse to take the matter further if there are insufficient grounds for the grievance;
- 10.2.2 conciliate the matter in accordance with section 10.3 below; or
- 10.2.3 take appropriate action in accordance with section 10.4 below.

### **10.3 Conciliation**

10.3.1 The Chair, Deans' Committee may clarify the issues with the student and suggest possible directions for resolution of the grievance.

### **10.4 Decision**

- 10.4.1 Where the Chair, Deans' Committee decides that due process has not been followed he/she may:
  - a) conciliate the matter in accordance with section 10.3 above; or
  - b) make a decision to resolve the matter.

**10.5 Student to be notified**

The Chair, Deans' Committee must notify the student, in writing, of his/her decision regarding the matter and of the student's right to appeal to the President.

**10.6 Appeal to the President**

**10.6.1 Lodging an appeal**

A student who has exhausted all of the grievance resolution processes at Sections 10.3 and 10.4 above, may appeal in writing to the President on the grounds that:

- a) due process has not been adhered to at either of these stages; or
- b) relevant new or additional information is now available.

**10.6.2 An appeal under section 10.6.1 must:**

- a) be lodged, in writing, with the President within ten (10) working days of receiving written notification of the decision of the Chair, Deans' Committee;
- b) state fully the reasons for the appeal; and
- c) include any relevant documentary evidence to support the appeal.

**10.6.3 Referral of matter**

**10.6.3.1** Where the President is satisfied that the appeal is based on the grounds of lack of due process, he/she will refer the matter to the Chair, Deans' Committee.

**10.6.3.2** Where the President is not satisfied that the appeal is based on the ground of lack of due process or that relevant new or additional information has been presented he/she will refuse to refer the matter to the Chair, Deans' Committee.

**10.6.3.3** The President must notify the student, in writing, of his/her decision regarding the matter as soon as practicable.

**11.0 Review**

This policy will be reviewed to ensure currency and appropriateness not less than once every two (2) years from the date of creation or most recent review.

**12.0 Related Documents**

- Harassment Policy (QP-DB-4.4)
- Records Matrix Policy (PP-DB-COR-1.1)
- Privacy Policy (QP-DB-4.9)
- Anti-bullying Guidelines (QP-DB-4.6)
- Release of Information Form (F-REG-DB-5.11)
- Photography / Video Release Form (F-MKT-DB-10.01)

**Modification History**

<b>Version - No. and Date:</b>	<b>Modification Details:</b>
V2 14 Dec 2011	Modified section 10 to reflect a two-step grievance process; changed personnel titles as appropriate.