



Information Management Policy

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1 Objective

The objective of this policy is to ensure personal and confidential information collected by the Teachers Registration Board of South Australia is stored securely and handled in the strictest confidence to protect individuals and the Board.

2 Context

The Teachers Registration Board of South Australia (TRB) is a body corporate established pursuant to Section 5 of the *Teachers Registration and Standards Act 2004* (the Act). The object of the Act is “to establish and maintain a teacher registration system and professional standards for teachers to safeguard the public interest in there being a teaching profession whose members are competent educators and fit and proper persons to have the care of children”.

In performing these functions the TRB receives and lawfully collects personal information pertaining to individuals including, but not limited to:-

- Registration & renewal applications;
- Certified copies of original personal identification documents;
- Official academic transcripts;
- Mandatory Notification training course certification;
- National Police History Information from the Australian Criminal Intelligence Commission (ACIC);
- Child Protection Information from Families SA;
- Criminal Prosecution information from SAPOL and the DPP;
- National Overseas Criminal History Record check provided by applicants;
- Professional disciplinary and employment information from employers;
- Reports submitted by health professionals, employees and individuals;
- Investigation documents including witness statements and record of interview transcripts;
- Information or evidence supplied at formal hearings and inquiries;
- Legal advice

To ensure the fitness and propriety of teachers the TRB conducts Nationally Coordinated Criminal History Check on applicants for registration, including renewals, and Special Authorities to Teach. There are provisions in the Act for the provision of criminal convictions, police charges and other relevant information to the TRB by the Commissioner of Police and the DPP.

In the normal course of business the TRB also investigates allegations regarding the fitness and propriety of teachers or applicants that do not necessarily involve past criminal history records or allegations of criminal conduct. The Act provides for legislated reporting for teachers and employers in relation to certain conduct and capacity issues.

3 Policy Statement

The TRB is committed to sensitively dealing with and safeguarding personal information collected during the course of business. The TRB will only collect personal information reasonably necessary for, or directly related to, one or more of the TRB's functions or activities.

The provisions of this policy will be strictly complied with by TRB employees and Board members. Personal information will be dealt with in accordance with relevant State and Commonwealth legislation, guidelines, TRB policy and internal procedures.

A "Privacy Statement" for the information of clients is available on the TRB website at <http://www.trb.sa.edu.au/privacy-statement>.

The basic premise is that information about an individual is given, collected or recorded by the TRB for a specific reason and that, unless there is an overriding justification, the information should not be disclosed or used for other purposes.

Personal information is private in nature and has the potential of causing harm and violating the privacy of the individual if not appropriately handled.

The TRB is committed to taking all reasonable precautions to protect personal information from misuse, loss, unauthorised access, modification or disclosure.

Adherence to this policy and associated principles and procedures will ensure the TRB manages information in an open and transparent manner whilst complying with all relevant legislation.

Employees of the TRB are bound by the confidentiality provisions pursuant to Section 53 of the *Teachers Registration and Standards Act 2004* and the *Public Sector Act 2009* (PS Act). In particular, Section 5(6) of the PS Act Ethical behaviour and professional integrity states: - "Public Sector employees are to "deal with agency information in accordance with law and agency requirements"."

Further information regarding the Code of Ethics is available at <https://publicsector.sa.gov.au/wp-content/uploads/20180411-Code-of-Ethics-for-the-South-Australian-Public-Sector.pdf>

All employees of the TRB will avoid involvement with any matter which can potentially be regarded as a conflict of interest. Pursuant to Section 5 (6) of the PS Act public sector employees are to "avoid conflict of interest, nepotism and patronage".

Conflict of interest can arise when dealing with the personal information of family, friends or associates. Where it is apparent there is potential for a conflict to arise the employee will immediately cease any involvement in the matter and refer it to their line manager.

The Department of the Premier and Cabinet Circular 12 otherwise known as the "Information Privacy Principles Instruction" (IPPS) will be complied with. The IPPS provide instruction and guidance to public sector agencies regarding the collection, storage, access to, correction, use and disclosure of personal information.

A copy of the IPPS is available at <https://www.dpc.sa.gov.au/documents/rendition/DPC-Circular-Information-Privacy-Principles-IPPS-Instruction.pdf>

The TRB has entered into a contract with ACIC, a Commonwealth Executive Agency, for the purposes of conducting a Nationally Coordinated Criminal History Check on applicants for registration. ACIC as a Commonwealth agency is bound by the provisions of the *Privacy Act 1988* (Cth)

Information obtained during the course of the contract and when performing activities in connection with the contract, for example handling of National Police History Information is to be dealt with in accordance with the requirements of the contract and the Australian Privacy Principles (APPs).

A Privacy Fact sheet regarding the APPs can be found at

<http://www.oaic.gov.au/privacy/privacy-resources/privacy-fact-sheets/other/privacy-fact-sheet-17-australian-privacy-principles>

The TRB will not collect or store personal information that is inaccurate, or having regard to the purpose of collection, is irrelevant, out of date, incomplete or excessively personal. The TRB will take all necessary steps to ensure personal information is up to date and corrected as required.

The TRB is committed to addressing complaints regarding the collection, handling and use of personal information in a timely and reasonable manner.

A copy of this policy will be made available free of charge to any person or body on request to the TRB.

4 Policy Standards

4.1 Registration and Renewals

All applications for registration and renewal of registration are lodged in person, or by mail, with the Administration section of the TRB. Completed application forms contain a large amount of sensitive personal information including informed consent for a Nationally Coordinated Criminal History Check and child protection information, and certified copies of personal identification documents.

Applicants are also required to lodge certified copies of original documents with their application. These documents include:-

- Personal identification documents - passports, drivers licences, international travel documents, citizenship certificates;
- Change of name documents – marriage certificates, decree nisi, deed poll;
- Statutory Declarations.

On occasions applicants may be asked to provide original documents for inspection by TRB staff.

All applications and documents, with the exception of the informed consent forms and National Overseas Criminal Record Checks, will be stored in individual registration files within the TRB's secure administration office area Level 6/70 Pirie Street.

Informed consent forms for Nationally Coordinated Criminal History Check will be handled only by Investigation Unit staff as detailed in paragraph 4.2.

4.2 ACIC Information

Pursuant to Section 22(2)(a) of the Act an applicant for teacher registration must consent to the conduct of a Nationally Coordinated Criminal History Check (NCCHC) to assist in determining their fitness and propriety to be registered. Similarly an applicant for a special authority for an unregistered person to teach must consent to the conduct by the Teachers Registration Board of a criminal record check, pursuant to section 30 (1) (a) of the Act. To facilitate this, the TRB has entered into a contract with the ACIC, a Commonwealth Executive Agency, for the purposes of conducting a Nationally Coordinated Criminal History Check.

All National Police History Information received from the ACIC is dealt with in accordance with the requirements of the contract and as detailed in the TRB's internal Investigation Unit procedures.

In particular the following contract requirements are strictly complied with:

- National Police History Information is accessed and handled only by nominated Agency Personnel;
- All Nationally Coordinated Criminal History Check information is received, assessed, stored and destroyed within the confines of the secure Investigation Unit;
- National Police History Information is retained for a minimum period of 12 months from receipt and confidentially destroyed when no longer lawfully required by the TRB;
- Completed Informed Consent forms are stored within the locked compactus within the secure Investigation Unit.

There is no requirement for employees, other than the nominated Agency Personnel, to have access to or knowledge of the contents of any national police history information.

Personal Information obtained pursuant to the contract is not likely to be disclosed to overseas recipients.

No National Police History Information is stored or retained on personal registration files. National Police History Information is received and temporarily stored only in the dedicated secure Investigation Unit area.

ACIC documents will not be held on or with any other investigation, administrative or hearing files and will be filed independent of other information and destroyed as outlined above.

Under no circumstances are applicants to be advised to contact the ACIC directly for information about their Nationally Coordinated Criminal History Check.

4.3 Australian Teacher Workforce Strategy (ATWD)

Under section 53 of the *Teacher Registration and Standards 2004* (the Act), the TRB SA is permitted to divulge or communicate personal information obtained in the course of administration of the Act to another statutory authority of South Australia, the Commonwealth or another state or a Territory of the Commonwealth for the purposes of the proper performance of its functions.

The TRB has an agreement with the Australian Institute for Teaching and School Leadership to provide data, through a Commonwealth Linkage Authority (CLA), about teachers and initial teacher education students to develop their national teacher database. The appointed CLA is an accredited statutory authority of the Commonwealth and is able to receive data from the TRB (including personal data) to develop the ATWD in accordance with the Act.

All data is de-identified by the CLA, so every teacher remains anonymous and the data's privacy and security are ensured. Individuals will not be identified in the database and any reports based on their data will ensure all teachers remain anonymous.

4.4 Physical Security

The TRB administration office accommodation is located at Level 6/70 Pirie Street, Adelaide.

The office area is secure and only accessible to TRB employees by way of electronic swipe card. Members of the public are only permitted access to the public reception area and adjoining interview rooms.

There is a locked compactus room located in a secure fireproof room within the secure office area. The compactus and secure room are locked when the administration office is unattended. When not in use all registration files are stored in the compactus.

All staff will observe a clean desk policy and ensure all documents containing sensitive personal information are secured when work stations are unattended. No documents containing personal information are to be placed in locations where they can be viewed by members of the public.

The TRB Investigation Unit is physically located within a secure area on Level 2, 70 Pirie Street, Adelaide. Access to the area is restricted by means of electronic access controlled external and internal secure doors. The secure office space is controlled by the Investigation Unit staff, nominated and authorised as Authorised Officer and Agency Personnel by the ACIC.

Other employees of the TRB have no necessity to access or work in the secure area unless accompanied by Agency Personnel.

All documents containing personal information, including Police History Information will be stored in a secure locked compactus dedicated to the storage of confidential documents. This compactus is located within the confines of the secure office space occupied only by the Investigation Unit.

4.5 ICT Security

The TRB has a comprehensive ICT Security Policy which governs the security, integrity and confidentiality of data and information under the custodianship of TRB by allowing only authorised access rights to TRB information assets and information systems.

The ICT Security Policy applies to all TRB staff, computer equipment, network services (including email), servers, operating systems, communication rooms, removable computer media (including USB drives, printed documents), applications and databases, and also to authorised third-parties (contractors, temporary staff, suppliers, stakeholders etc.) who access these assets.

The TRB is committed to ensuring all information is appropriately managed according to the South Australian Government's mandated Information Security Management Framework, incorporating ISO 27001 standards.

The TRB is also committed to protecting and managing all assets that contribute to the security of TRB information. These assets include physical and environmental facilities, ICT equipment, communications facilities and applications software and packages.

4.6 Records Management

The TRB is an agency under the *State Records Act 1997* and as such is required to practice adequate records management as defined by the Across Government Records Management Standard. In accordance with Outcome 10 of these standards the TRB has developed a Record Management Policy and Procedures for the management of all official records.

An official record is any document or information (regardless of format) that is created or received by any employee of the TRB in the conduct of official TRB business.

To complement the Records Management Policy and Procedures the TRB has also developed a Records Management Strategy and a Register of Records Management Schedules.

Retention and disposal of personal information will be managed in accordance with the requirements of the General Disposal Schedule No.30 (version 1.1) Edition issued as a determination under Section 23 of the *State Records Act 1997* or the Operational Records Disposal Schedule for the Teachers Registration Board of South Australia RDS2009/0007 (V0001- 9 February 2010-30 June 2020).

4.7 Information Sharing

Requests may be received from clients or others for personal information held by the TRB. This information may relate to national police history information obtained through the ACIC or other individual, specific or general information. Information may be requested through a *Freedom of Information Act 1991* application, subpoena or other legal processes.

The Board will only release personal information to other parties with the consent of the individual or in accordance with relevant legislation and guidelines. As required, legal advice may be obtained from the Crown Solicitor's Office as to information able to be released pursuant to a request.

Where the information relates to National Police History Information it can be released only in accordance with the provisions of the ACIC contract. Under normal circumstances National Police History Information is not released.

The South Australian Government has implemented Information Sharing Guidelines (ISG) for promoting safety and wellbeing. The ISG provide a consistent state-wide approach to appropriate information sharing practice wherever there are threats to safety and wellbeing.

Pursuant to the ISG information may be shared about all vulnerable population groups. Generally speaking a person is considered vulnerable when they are at risk of physical or emotional harm. This includes individuals or groups who are considered to face or pose serious threats to their or other people's health safety and/or wellbeing.

The TRB will seek informed consent to share information in all situations where it is considered safe to do so.

The Privacy Committee of the Government of South Australia has granted agencies and organisations exemption from compliance with Information Privacy Principle 10 under the (ISG).

Disclosure of information without consent is permitted if it is not safe or possible to seek consent; or consent has been refused, and the disclosure is reasonably necessary to prevent or lessen a serious threat to the life, health or safety of a person or group of people.

Information regarding the Information Sharing Guidelines is available at <http://www.trb.sa.edu.au/sites/default/files/TRB-Information-Sharing-Guidelines.pdf>

Further information about the release of information under the ISG can be obtained by contacting the Manager, Investigations on telephone +61 8 8253 9700.

Personal Information may also be disclosed to third parties in accordance with the provisions of Clause 10 of the Information Privacy Principles (IPPS), South Australia, and the Australian Privacy Principles when applicable.

4.8 Information Correction

The TRB has an obligation pursuant to Principle 6 of the IPPS and with regard to the ACIC information, Principle 13 of the APPs, to maintain accurate records of personal information collected from clients. It is acknowledged personal details such as addresses, contact information, qualifications and registration status will change during the course of client contact with the TRB.

Pursuant to Section 28 (1) of the Act the TRB has an obligation to maintain a register of registered teachers containing up to date information.

Employees should ensure that records are updated with correct personal information in a timely manner as it comes to the attention of the TRB.

Registrants are to be encouraged to access the Teacher's Portal at <https://online.trb.sa.edu.au/default.aspx> to manage their personal and contact details. Alternatively registrants are to be advised to email the Board at info@trb.sa.edu.au.

Where an applicant disputes the accuracy of the National Police History Information disclosed by the ACIC, either in part or in full, the applicant will be provided with the Nationally Coordinated Criminal History Check Dispute Form for forwarding to the ACIC by TRB Agency Personnel. Resolution of disputed national police history information can take significant time and often requires provision of additional personal information to ACIC for identification purposes.

All contact with the applicant will be made through the TRB as the accredited ACIC agency. Under no circumstances are applicants to be advised to contact the ACIC direct for any purpose.

4.9 Complaints

Where a person is concerned their personal information has been shared inappropriately, they are to contact the Registrar, Teachers Registration Board of South Australia on telephone +61 8 8253 9700. In most instances the complainant should be advised to provide written details of their complaint to the Registrar under "Private & Confidential" cover.

Where an individual wishes to lodge a complaint regarding a perceived breach of the Australian Privacy Principles, in relation to information collected or supplied for ACIC purposes they should be advised to contact the Manager Investigations on +61 8 8253 9700.

5 References and Links

References

Teachers Registration and Standards Act 2004

South Australian Government Code of Ethics

Public Sector Act 2009

The Department of the Premier and Cabinet Circular 12 otherwise known as the
"Information Privacy Principles Instruction" (IPPS)

Privacy Act 1988 (Cth)

Australian Privacy Principles

Teachers Registration Board of South Australia ICT Security Policy

State Records Act 1997

Freedom of Information Act 1991

South Australian Government "Information Sharing Guidelines (ISG) for promoting safety and wellbeing".

Links

Teachers Registration Board of South Australia "Privacy Statement"

<http://www.trb.sa.edu.au/publications>

Teachers Registration and Standards Act 2004

http://www.austlii.edu.au/au/legis/sa/consol_act/trasa2004342/

South Australian Government Code of Ethics

http://files.oper.sa.gov.au/files/codeofethics_2012.pdf

The Department of the Premier and Cabinet Circular 12 otherwise known as the

"Information Privacy Principles Instruction" (IPPS)
http://dpc.sa.gov.au/sites/default/files/pubimages/Circulars/PC012_Privacy.pdf

Australian Privacy Principles Fact Sheet

<http://www.oaic.gov.au/privacy/privacy-resources/privacy-fact-sheets/other/privacy-fact-sheet-17-australian-privacy-principles>

South Australian Government "Information Sharing Guidelines (ISG) for promoting safety and wellbeing".

<http://www.trb.sa.edu.au/sites/default/files/TRB-Information-Sharing-Guidelines.pdf>

Teachers Registration Board of South Australia Teachers Portal

<https://online.trb.sa.edu.au/default.aspx>