

ACT Teacher Quality Institute Privacy Policy



ACT
Government



1. What is this policy about?

This privacy statement sets out how the ACT Teacher Quality Institute (TQI) manages personal information when performing its functions.

The specific legal obligations of TQI when collecting and handling your personal information are outlined in the Information Privacy Act 2014 and in particular in the Territory Privacy Principles found in that Act.

In keeping with Territory Privacy Principle (TPP) 1.3 of the *Information Privacy Act 2014*, TQI must have a clear and up to date policy about the management of personal information.

TQI will update this privacy policy when our information handling practices change. Updates will be published on our website, (www.tqi.act.gov.au).

- View the [TQI Privacy Statement](#)
- View the [Information Privacy Act](#).

2. Overview

TQI collects, holds, uses and discloses personal information to carry out its functions under the following legislation:

- *TQI Act 2010*
- *Working with Vulnerable People (Background Checking) Act 2011*
- *Information Privacy Act 2014*
- *Freedom of Information Act 1989*
- *Territory Records Act 2002 Additional information 2023*

TQI's functions and activities include

- professional registration of teachers
- registration of pre-service teachers
- use and share information on the teacher or pre-service teacher register to facilitate planning or research in relation to teacher quality or the teaching workforce
- accrediting education courses for pre-service teachers and teachers
- certifying teachers against national professional standards
- developing and applying codes of professional practice for teachers.

3. Remaining anonymous

When you deal with TQI (e.g. when calling on the phone to make an enquiry) you have the option of remaining anonymous or using a made-up name.

However, in some situations TQI will need you to provide your name in order to provide services or assistance to you, or if we are authorised or required by law to do so.

If it is not feasible or is unlawful for us to deal with you without you providing identifying information, we will let you know why we need your personal information and what it will mean for you if the information is not collected.

4. Collection of your personal information

At all times TQI only requests personal information where it is reasonably necessary for, or directly related to, one or more of our functions or activities.

Normally, TQI will only collect sensitive personal information (e.g. sexual identity or ethnic origin) with your knowledge, consent or as required by law.

Sometimes we may collect sensitive personal information without your knowledge or consent, e.g. when it is required or authorised by a law, or court or tribunal order, or is necessary to prevent a threat to the life, health or safety of one or more individuals, or to public health or safety.

TQI will not collect personal information about you that we do not need.

To successfully apply to be registered as a teacher in the ACT, or to be included on the Pre-service Teacher Register, people must provide evidence of their identity. TQI is undertaking a program of work to ensure the destruction of documents provided as evidence of identity which are no longer required – either by shredding hard copies or permanently purging digital evidence. Once identity documents have been scrutinised and the applicant's identity confirmed, there is no requirement for TQI to retain proof of identity documentation.

5. How do we collect personal information?

TQI will only collect information by lawful and fair means.

The main way TQI collects personal information about you is when you give it to us. E.g.:

- when you apply for registration as a teacher in the ACT
- when you apply for registration as a pre-service teacher
- when you attend accredited professional learning programs
- if you apply for certification against the Highly Accomplished and Lead Professional Standards
- if you participate in collaborative cross sectoral communities of practice
- if you seek a review of an FOI decision
- if you ask for access to information TQI holds about you or other information about the operation of TQI.

Your personal information may be sent to us in a variety of ways, e.g. through online forms and surveys, in email correspondence with you or by telephone. We may also collect contact details and some other personal information if you are on a TQI committee or participating in a meeting or consultation with us.

Normally we collect information directly from you unless it is unreasonable or not feasible to do so. In certain circumstances, e.g. where it is required by law, we may also obtain personal information collected by other Australian state and territory government bodies or other organisations.

We may also receive information from a third party where this is necessary to fulfil our legislative responsibilities.

We also collect personal information from publicly available sources where that may enable us to perform our functions e.g. we may look at a staff list on a school website.

6. Types of information we collect and hold

TQI tries to only collect the minimum amount of information that TQI needs. The personal information we collect and hold will depend on what we require to carry out our functions and responsibilities. The information we collect from all applicants is:

- identity and personal circumstances (e.g. name, date of birth, gender, citizenship or immigration status and country of birth)
- contact details (e.g. phone number, email and address)
- tertiary education records and results
- your teaching employment
- disciplinary or conduct information
- your professional learning activities
- photographs, video and audio recordings
- evidence that you provide if you apply for certification against the Highly Accomplished and Lead Professional Standards
- evidence of identity for a 100 point check – TQI is undertaking a program of work to ensure the destruction of documents provided as evidence of identity which are no longer required.
- evidence of your Working With Vulnerable People status.

Under the *Information Privacy Act 2014*, added protections are required when handling sensitive information, e.g.:

- racial or ethnic origin
- political opinions
- political associations and membership
- religious beliefs or affiliations
- philosophical beliefs
- membership of a professional or trade association
- membership of a trade union
- sexual orientation or practices
- criminal record
- genetic information
- biometric information (e.g. photographs, voice or video recordings of you).

TQI does not normally collect sensitive information but if we do, collection is either optional (e.g. applicant can choose to identify as Aboriginal and Torres Strait Islander) or required under law or another exception applies.

7. Notice of collection

If TQI needs to collect your personal information, we will notify you on certain matters e.g.:

- who we are and how you can contact us
- the circumstances in which we may collect or have collected personal information
- the name of the law that requires us to collect this information (if any)
- the purposes for which we collect the information
- how you may be affected if we cannot collect the information we need
- the details of any agencies or types of agencies we normally share personal information with (e.g. name of the agency and where they are).

We usually provide this information by including links to privacy notices on our online forms, the TQI website and the TQI Portal.

8. Social networking services

TQI may use social networking sites such as Facebook and Instagram for passing on messages, promoting TQI functions and providing an online space for cross sectoral collaboration and information sharing. This information may be shared with users of our social media channels. Social networks may also collect information in line with their own privacy policies and that information may be stored overseas. If you choose to interact with TQI in a social network setting, you are responsible for accepting the terms and conditions of, and managing your privacy settings for, the particular social network platform.

9. Disclosure to service providers

TQI contracts service providers to support us in delivering specific functions and activities. In some circumstances it may be necessary for us to disclose your personal information to these providers to enable them to perform their work effectively. Providers may be contractors, or third-party services providers, including providers of cloud services and website hosts.

In every instance the Institute will take reasonable steps to ensure that any third parties to whom personal information is provided, agree to comply with the ACT Information Privacy Act (2014) and adhere to substantially similar privacy standards and obligations as required by the Institute. All third-party system providers who have access to personal information are vetted and approved by the ACT Government Cyber Security Centre.

10. Use and disclosure

TQI will not use your personal information for a secondary purpose or share your personal information with other government agencies, private sector organisations or anyone else without your consent, unless an exception applies.

Exceptions are available in a number of circumstances such as:

- personal information can be used for a secondary purpose if it is reasonable and relevant to the original purpose
- the use or sharing of information is legally required or authorised by an Australian law, or court or tribunal order
- the collection is reasonably necessary for a law enforcement-related activity (e.g. the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of the law)
- we have reason to believe that collection is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety
- we have reason to suspect unlawful activity, or misconduct of a serious nature, that relates to our functions and we have reason to believe that collection of the information is necessary in order for us to take appropriate action
- TQI uses service providers to carry out specific activities and functions.

If TQI holds your biometric information (e.g. your photograph or videos) we are allowed to provide this information or your biometric templates (e.g. digital representations of your distinct characteristics) to an enforcement body (e.g. the Australian Federal Police, Department of Immigration and Border Protection) if we comply with the guidelines made by the Information Privacy Commissioner.

TQI may also share your personal information with Commonwealth intelligence agencies if it is authorised by the head of the intelligence agency and the agency certifies that the collection of the personal information from TQI is necessary for its functions.

11. Sharing information with research providers

TQI engages service providers to support TQI to carry out specific activities and functions. In some circumstances it may be necessary for TQI to share personal information with these service providers to enable them to perform their functions.

We protect your personal information by only engaging service providers who agree to comply with the Territory requirements for the protection of personal information. These terms are defined in their work contract.

12. Sharing information for planning or research purposes

TQI may share information on the teachers or pre-service teachers register to facilitate planning or research in relation to teacher quality or the teaching workforce. TQI may give information from the teachers or pre-service teachers register to a data linkage agency. TQI must be satisfied the information will be used for a planning or research purpose.

An approved data linkage agency may give deidentified information to another entity only for a planning or research purpose.

An approved data linkage agency that receives information under this section must not give the information to another entity in a way that identifies a teacher; or use the information in a way that identifies a teacher; or for a purpose other than a planning or research purpose.

13. Disclosure of personal information overseas

In some circumstances TQI may need to share or store information with overseas recipients e.g. providing confirmation of teacher registration to an overseas teacher regulatory authority in a country you are moving to.

If this disclosure is necessary we will take reasonable steps before disclosing the information to ensure that the recipient treats the personal information with the similar standard of care required by the *Information Privacy Act 2014*.

In some cases, the information will already be sufficiently protected under the law governing the overseas recipient, and you can access mechanisms to enforce those protections.

If it is practical and reasonable to do so we will obtain your consent to overseas disclosure. However, there may be situations where we are unable to do so. e.g. where we share information as part of a law enforcement activity. In this situation, TQI will take reasonable steps to ensure the overseas recipient complies with the requirements of the Information Privacy Act.

14. Quality of personal information

TQI is required to take reasonable steps to ensure that the personal information we collect is accurate, up-to-date, and complete. Personal information we use or disclose must also be relevant for the purpose for which we use or disclose it.

15. Storage and security of personal information

TQI is required to take reasonable steps to ensure that personal information we hold is safe and secure.

We strive to protect your personal information from misuse, interference or loss and from unauthorised access, use, modification or disclosure in accordance with the *Information Privacy Act 2014*.

TQI complies with established frameworks for the management of your personal information held within the files or data systems of TQI. This is in line with the *Territory Records Act 2002*.

Our IT systems have comprehensive protections to guard against unauthorised access.

Our business practice is that personal information is only available to staff who need access to perform their roles. Paper based files are stored securely and access to TQI premises is controlled.

Information will be securely destroyed once it is no longer required in accordance with the *Territory Records Act 2002* and the approved Record Disposal Schedules listed in the TQI Records Management Program.

16. Accessing your personal information

In accordance with the *Information Privacy Act 2014* TPPs you have the right to ask for access to personal information that TQI holds about you. You are also entitled to request that we correct that personal information, if you believe it is no longer accurate or up-to-date.

If you contact us to request access to your personal information we must provide you with access to your information in an appropriate manner, if it is reasonable and practical to do so.

Usually the personal information TQI holds about you has been provided by you online and is accessible to you to review and correct on the TQI portal.

If it is not reasonable or practical we must respond to your request in writing within 30 days telling you why we are unable to provide you with access to that information.

We will not charge you any fees for making the request or providing you with access.

You also have the right under the *Freedom of Information Act 1989* to request access to documents that we hold and ask for information that we hold about you to be changed or annotated if it is incomplete, incorrect, irrelevant, out-of-date or misleading.

17. Correcting your personal information

If you ask TQI to correct your personal information, we must take reasonable steps to correct the information if we are satisfied that it is incorrect, incomplete, irrelevant, out-of-date or misleading.

If we agree to correct information and that information has previously been shared with another agency, you may request that we notify the other agency of the possible need for them to correct that information.

There may be reasons why we refuse to correct information. e.g. we are required or authorised by law not to correct the information.

If we refuse to correct the information we must give you written notice within 30 days of why we have refused to correct your information and how you may make a complaint about our decision.

If we refuse to correct your personal information, you can ask us to attach a notice to that particular piece of information stating that you believe the information to be incorrect and the reasons for it.

We will not charge you any fees for making the request for correction, correcting the information or attaching a statement to the personal information.

18. How to make a complaint

Complaints about how TQI has managed your personal information need to be made in writing to the contact details below. Please also contact us if you would like to request a hard copy of the privacy policy.

We will consider your complaint to work out how we can resolve your issue satisfactorily. We will tell you promptly that we have received your complaint and then respond to the complaint within 30 days.

If you are not satisfied with our response you may ask for a review by a more senior officer or you can make a formal privacy complaint to the Information Privacy Commissioner (IPC)* under section 34 of the *Information Privacy Act 2014*.

The IPC will independently assess your complaint and can make a determination that our actions are an interference with your privacy.

*Some of the functions of the IPC for the ACT are currently being performed by the Australian Information Commissioner, including the handling of complaints against ACT public sector agencies.

Contact at: The Information Privacy Commissioner
email: enquiries@oaic.gov.au
phone: 1300 363 992
website: <http://www.oaic.gov.au/>

19. Policy information

- Approved by Teacher Quality Institute Board
- Approval date xx May 2024
- Publication of policy: This policy will be published on the TQI website and made available in printed format on request. The version of the policy on the website can be regarded as the policy in force at any time.
- Review and changes to policy: This policy will be reviewed every three years from the date of approval, or earlier if required. All changes to the policy are approved by the TQI Board.

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