

TRBWA Privacy Policy

1. Purpose

This policy explains how the Teacher Registration Board of Western Australia (**TRBWA**) manages personal information and the commitment of the TRBWA to manage personal information in a manner that protects the privacy, security and confidentiality of the personal information that it holds and collects.

2. Scope

This policy applies to TRBWA staff, Board members and Committee members performing duties related to the administration and conduct of the functions of the TRBWA under the *Teacher Registration Act 2012 (WA)* (**TR Act**) and associated regulations.

3. Background

The TRBWA will ensure that the TRBWA's collection, use and disclosure of personal information, and acts and practices in relation to the management of personal information, are consistent with its obligations under the Act, the *Privacy Act 1988 (Cth)* and Australian Privacy Principles, and other applicable law.

On 7 December 2012, the TRBWA commenced operations under the Act, replacing the Western Australian College of Teaching (**WACOT**). The grant of registration entitles a teacher to teach in an educational venue in Western Australia.

4. Policy

In the performance of its functions, the TRBWA will:

- collect, use and disclose personal information in accordance with the *Privacy Act 1988 (Cth)* and Australian Privacy Principles, the provisions of the TR Act and other applicable State legislation related to the collection, use, disclosure and correction of personal information
- provide individuals whose personal information it holds with access to the complaints mechanism under which complaints may be made about the management of personal information
- ensure that any officer, employee or contractor of the TRBWA who is required to deal with personal information collected, held or used by the TRBWA in the performance of its functions under the Act is aware of requirements in respect of the management of personal information
- notify relevant external agencies should it become aware of a breach or possible breach of the obligations of the department in respect of the management of personal information.

4.1 Kinds of personal information the TRBWA collects and holds

The TRBWA collects personal information from individuals and other agencies or organisations in the performance of its functions. From time to time, the TRBWA may receive unsolicited personal information from individuals. Amongst its functions, the Board registers, and regularly re-registers, those who are fit and proper to be teachers in Western Australia and takes action

against those who teach without being registered, employers who employ unregistered teachers, and registered teachers who fall short of standards of fitness and propriety.

In the performance of these functions, personal information which can be collected by or sent to the TRBWA may include:

- Full name
- Home address
- Postal address
- Telephone numbers
- Date of birth
- Gender
- Qualifications
- English language competency
- Professional development
- Employer details
- National criminal record check outcome
- Information relevant to an individual's registration or application for registration:
 - Matter relating to the fit and proper assessment of a teacher
 - Complaint assessment or investigation records
 - Conditions imposed on a teacher's registration in practising the profession of teaching in any State, Territory, or other countries
 - Any refusal of registration to teach in any State, Territory or another country for a matter other than insufficient qualifications.
- Employment information
- Personal identification documents
- Payment information.

The TRBWA recognises that the personal information collected, used or held by the TRBWA is of a sensitive nature, and in this context, the reasonable steps that the TRBWA is obliged to take to ensure the privacy of that information are high.

The TRBWA acknowledges that whilst the practicability of steps to protect the privacy of personal information is a consideration in determining the reasonableness of those steps, it is not excused from implementing particular practices, procedures or systems, merely because it would be time consuming, inconvenient or impose some cost to do so.

4.2 How the TRBWA collects and holds personal information

Personal information is used:

- to assess a teacher's eligibility to be registered to teach in an educational venue
- to maintain a Register of Teachers (Public) and Register of Teachers (Professional)
- in the performance of its functions under the Act and associated regulations.

Personal information of teachers is held by the TRBWA and retained in accordance with its obligations under the *State Records Act 2000* (WA) and other applicable legislation:

- in electronic and hard-copy format, within the TRBWA record-keeping system, TRIM
- in electronic format, within:
 - the business system(s) of the TRBWA used for email communication, application assessment, teacher registration and client relationship management, and financial processing systems.
 - on data storage devices including desktop machines, and shared/network drives
- in hard-copy format, on-site, and in the case of off-site storage, by contract to a preferred supplier under a State Government Common Use Arrangement.

4.3 The purposes for which the TRBWA collects, holds and discloses personal information

As well as collecting, holding and disclosing personal information in the performance of its functions under Act, the TRBWA through the Department of Education Services, may hold and disclose personal information collected and held by the entity formerly responsible for teacher registration in Western Australia, WACOT.

The Board maintains a Register of Teachers (Public), and Register of Teachers (Professional), which are available:

- in the case of the Register of Teachers, to the public via the TRBWA website, containing some personal information about a teacher, namely
 - Full Name
 - Registration Number
 - Registration Category
 - Date First Registered, and
- in the case of the Register of Teachers Professional, to the principal or equivalent of educational venues in Western Australia (or their delegate) by password protected access, containing a broader range of information about a registered teacher, namely:
 - the teacher's date of birth and gender;
 - the date of expiry of the teacher's registration;
 - the date on which the Board last determined that the teacher was a fit and proper person to be registered, in accordance with section 24 of the Act;
 - any conditions imposed on the teacher's registration —
 - by the Board under section 26 of the Act; or
 - by order made under Part 5 of the Act;
 - the name of each educational venue at which the teacher is currently teaching, insofar as that information is known to the Board;
 - the date on which the annual fee is next payable by the teacher;
 - any order referred to in section 70(1)(f) of the Act made by a disciplinary committee or by the State Administrative Tribunal.

4.4 How individuals can access their personal information and seek its correction

Individuals can access the personal information and seek its correction by contacting the TRBWA directly. The TRBWA encourages the efforts of teachers to correct or up-date the TRBWA with information known to be out of date or misleading. Regulations made under the TR Act make it a requirement for teachers to notify the TRBWA of a change to their full name, address, or email address within 30 days of that change.

The *Freedom of Information Act 1992* (WA) (**FOI Act**) provides members of the public with a right to apply for documents held by the department, to apply for personal information contained in department documents, and to apply for the amendment of information that is considered to be inaccurate, incomplete, out of date or misleading.

We are regarded as part of the Department of Education Services for the purposes of applications under the FOI Act.

Freedom of Information applications must:

- be submitted in writing
- provide enough information so that the documents requested can be identified
- give an Australian address to which notices can be sent
- be lodged at the department with any application fee payable.

You can find out more from the Department of Education Services [Information Statement](#). Applications and enquires should be addressed to the Department of Education Services at foi@des.wa.gov.au.

4.5 How individuals can make a complaint about our management of personal information

Complaints and feedback about our management of personal information can be emailed to feedback@trb.wa.gov.au, or sent to:

Assistant Director (Policy and Quality Assurance)
Teacher Registration Board of Western Australia
PO Box 1416
OSBORNE PARK DC WA 6916

Telephone: +61 8 9230 0600
Country callers (WA) 1300 652 911
Facsimile: +61 8 9230 0650

You can expect a written acknowledgment of your complaint which:

- states that your complaint is being dealt with as a complaint about the management of your personal information under our Privacy Policy
- provides information about the process that will be followed to reach a finding in relation to your complaint, and the expected timeline for the completion of that process
- contact details for enquiries about the status of your complaint.

As a result of your complaint, the TRBWA may respond to your complaint, with accompanying reasons:

- to advise that no or no further action is to be taken by the TRBWA
- to provide a formal apology
- to advise the remedial action to be taken
- to provide an undertaking that an act or inaction will not reoccur
- to advise administrative actions within the TRBWA taken or which will be taken to lessen the likelihood or prevent entirely an act or inaction from occurring.

If you are not satisfied with our handling of your complaint, you may be able to make a complaint to the Ombudsman Western Australia. Details about the role of the WA Ombudsman can be found at <http://www.ombudsman.wa.gov.au>. Information about how to make a complaint to the WA Ombudsman can be found on the WA Ombudsman website, as well as information about the management of personal information in the public sector. Details about the National Privacy Principles and management of personal information can be found on the Office of the Australian Information Commissioner's website at www.privacy.gov.au.

Complaints about the conduct of staff and contractors

The Department of Education Services is the employing authority for staff and contractors performing TRBWA services. Complaints about the conduct of staff members or contractors are taken seriously by the department.

Enquiries and written complaints about the department's staff and contractors should be emailed to complaints@des.wa.gov.au, or sent to:

Executive Director, Corporate Governance and Strategic Resources
Department of Education Services
PO Box 1766
OSBORNE PARK WA 6916

Telephone: +61 8 9441 1900
Facsimile: +61 8 9441 1901

Public Interest Disclosures

The Department of Education Services is committed to the aims and objectives of the *Public Interest Disclosure Act 2003* (WA), and recognises the value and importance of contributions of members of public and staff to the improvement of administrative and management practices,

and strongly support disclosures being made by members of the public or staff as to corrupt or other improper conduct.

For further information about complaints or making a Public Interest Disclosure please visit our complaints website: <http://www.trb.wa.gov.au/Pages/feedback.aspx>.

4.6 Circumstances in which personal information would be disclosed

The personal information held or used by the TRBWA may be disclosed to overseas recipients where there is an express consent to do so, for example: an individual has requested that the TRBWA send information to an overseas party in order that a registration body in another jurisdiction can process their application for registration in that jurisdiction.

The personal information of individuals may need to be disclosed to overseas recipients in the performance of the TRBWA's statutory functions, for example, in order to fully and properly investigate a complaint made to the TRBWA about a teacher registered or formerly registered to teach in an educational venue in Western Australia.

4.7 Invitation for your comment on our privacy policy

Your feedback on our Privacy Policy is welcome, including concerns, suggestions or compliments. Feedback can be sent to feedback@trb.wa.gov.au, or be sent to:

Assistant Director (Policy and Quality Assurance)
Teacher Registration Board of Western Australia
PO Box 1416
OSBORNE PARK DC WA 6916

Telephone: (08) 9230 0600
Country callers 1300 652 911
Facsimile: (08) 9230 0650

5. Supporting information

Teacher Registration Act 2012 (WA)
Privacy Act 1998 (Cth)
Australian Privacy Principles Guidelines
State Records Act 2000 (WA)
Freedom of Information Act 1992 (WA)
Ombudsman Western Australia - <http://www.ombudsman.wa.gov.au/>
DES Information Statement – <http://www.des.wa.gov.au>
TRBWA Complaints - <http://www.trb.wa.gov.au/Pages/feedback.aspx>

6. Change History

Approved	Version	Details	Approved By
07/04/2014	1	TRBWA Privacy Policy Draft (John Blahusiak)	CEO
Next Review Date		07/04/2015	
06/09/2016	1.1	Removed reference to the CrimTrac agency and updated PO Box address	Director
Next Review Date		06/09/2017	