



TRBWA

Teacher Registration Board
of Western Australia

TRBWA Privacy Policy

POL16

1. Purpose

This policy (Privacy 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

The Privacy Policy is applied by 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* (Act) and associated regulations.

3. Background

In the performance of its functions under the Act, the TRBWA collects personal information from individuals and other agencies or organisations. From time to time, the TRBWA may receive unsolicited information from individuals that is likely to include details that may be confidential, sensitive and of a personal nature.

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

Pursuant to section 10 of the Act, among other things, for an application for teacher registration to be made with the TRBWA, it must be accompanied by the written consent of the applicant, or if the application is for Limited Registration, the nominee, for the Board to request a nationally coordinated criminal history check in respect of that individual.

To facilitate this requirement, the TRBWA has entered into a contract arrangement with the Australian Criminal Intelligence Commission (ACIC) which authorises the TRBWA to request a nationally coordinated criminal history check on behalf of applicants for teacher registration, if consent has been provided by that applicant.

Sections 117 and 118 of the Act provide for confidentiality of information and also publication of information held by the Board.

Under the Act, the Board is also required to maintain and keep an accurate register of teachers that records certain information in respect of each registered teacher.

4. Policy

In the performance of its functions, the TRBWA will:

- collect, use and disclose personal information in accordance with the Privacy Act, the APPs, the Act and other applicable legislation related to the collection, use, disclosure and correction of personal information
- collect personal information to provide to the ACIC and police agencies, for a nationally coordinated criminal history check to be conducted to assist in the assessment of whether a person is a fit and proper person to be registered to teach in an educational institution in Western Australia
- collect personal information to confirm the identity of the person making an application for teacher registration

- 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 or the Department of Education (Department) 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 if it becomes aware of a breach or possible breach of the obligations of the TRBWA or the Department in respect of the management of personal information.

4.1 Kinds of personal information the TRBWA collects and holds

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

In the performance of its functions, personal information 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 history
- Statements of material facts about convictions
- Submissions from teachers, including references
- Health information, including reports from medical practitioners
- Information relevant to an individual's registration or application for registration:
 - Matters 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 suspension or 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.

4.2 How the TRBWA collects and holds personal information

Personal information is used:

- to assess a teacher's eligibility and suitability to be registered to teach in an educational institution in Western Australia

- to maintain a register of teachers which contains Register Information (Public) and Register Information (Professional)
- in the performance of its functions under the Act and associated regulations.

Teachers' personal information 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
- 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 computers, 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.

To protect personal information, the TRBWA maintains security measures consistent with the guidance provided by the Office of the Australian Information Commissioner (OAIC). For further information about the guidance given by the OAIC, please refer to:

www.oaic.gov.au/agencies-and-organisations/guides/guide-to-securing-personal-information.

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 the Act, the Board may hold and disclose personal information collected and held by the entity formerly responsible for teacher registration in Western Australia.

The primary use for personal information obtained or held by the TRBWA is to identify each applicant or teacher and maintain discrete, confidential records related to the assessment and registration of teachers.

In addition to personal information, police information is used by the TRBWA to undertake fit and proper assessment of applicants and teachers, pursuant to section 24 of the Act. Personal information may also be used by the Board to identify teachers about whom a notification or complaint has been received, during investigations into teachers' conduct and after investigations are concluded.

Pursuant to section 45 of the Act, personal and police information may be used by the Board to decide whether it is appropriate to:

- (a) Cancel a person's registration under section 27
- (b) Make an interim order
- (c) Formulate a complaint about a teacher
- (d) If the person is currently appointed, employed or engaged, or has permission to teach, at an educational institution, advise the person's employer of the information contained in a notification about the person or information contained in the criminal history check
- (e) Cause to be published under section 118 any of the information.

Personal and/or police information is disclosed if required by law, or authorised by the teacher, in writing.

In accordance with sections 36 and 37 of the Act and regulation 21A, the Board keeps an accurate and up to date register of teachers which contains Register Information (Public), and Register Information (Professional), which:

- in the case of the Register Information (Public), is publicly available via the TRBWA website, containing some personal information about registered teachers, namely:
 - the person's name;
 - the category of registration that the person holds;
 - the person's registration number;
 - the date of commencement of the person's registration;
- in the case of the Register Information (Professional), is available to employers of registered teachers, to the principal or an equivalent role in an educational institution other than a school (or their delegate) through secure online access, containing the above information about registered teachers, as well as the following information for each teacher:
 - 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 institution 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;
 - whether the teacher has automatic deemed registration to teach in an educational institution in the State.

4.4 Arrangements between the TRBWA and the ACIC

The ACIC provides nationally coordinated criminal history checks through the NPCS about an individual to an accredited body, which is under contract to the ACIC and is authorised to submit applications for nationally coordinated criminal history checks on behalf of applicants. For the purposes of obtaining criminal history information from the NPCS, the TRBWA is an accredited body.

The TRBWA and ACIC are parties to a contract which specifies the conduct of the parties with respect to nationally coordinated criminal history checks and related matters.

Access to the NPCS is strictly in line with the APPs, which are contained in schedule 1 of the Privacy Act.

The TRBWA collects information from applicants, before it asks the NPCS to undertake a Police Check on the applicant. The following information is collected:

- An application form in physical or electronic form, which requires the following information:
 - the applicant's surname, given names and all names under which the applicant was, is or has been known
 - the applicant's date and place of birth
 - the applicant's gender
 - the applicant's residential address(es) for the past five years
 - the applicant's driver's licence details (Australian), if one is held
 - the applicant's firearms licence details (Australian), if one is held
 - the applicant's passport details, if one is held
 - the reason for the application (to obtain teacher registration)

- whether the applicant will have contact with vulnerable groups, such as children
- the applicant's signature, in handwritten or electronic format, and the date of the signature.
- The applicant's informed consent. If an applicant is unable to provide their own informed consent, a person who can legally sign on their behalf can do so, for example a power of attorney or legal guardian. In such a situation, the person signing on behalf of the applicant must provide proof that they have guardianship or power of attorney. Under the Privacy Act, the four key elements of informed (explicit) consent are that the:
 - applicant is adequately informed about the process and purpose of a nationally coordinated criminal history check before giving consent
 - applicant gives consent voluntarily
 - consent is current and specific
 - applicant has the capacity to understand and communicate their consent.
- An acknowledgement that the applicant consents to the nationally coordinated criminal history check being undertaken on all names under which the applicant is or has been known, as provided by the applicant to the accredited body.
- The applicant's consent to the purpose(s) for which the applicant's personal information is being collected and for which the nationally coordinated criminal history check is being undertaken.
- An acknowledgement that the applicant understands that their personal information may be used for general law enforcement purposes, including those purposes set out in the *Australian Crime Commission Act 2002* (Cth).
- Proof of the applicant's identity, including three identity documents and a photograph as follows:
 - one commencement of identity document;
 - one primary use in the community document;
 - one secondary use in the community document; and
 - a photograph of the applicant on the primary use in the community document or the commencement of identity document or if not possible, a passport style photograph certified by a person listed in Schedule 2 of the *Statutory Declarations Regulations 2023*(Cth).
- If the applicant provides identity documents using a former name, such as a maiden name, evidence of the name change in addition to the three identity documents, e.g. a change of name certificate issued by the Australian Registry of Births, Deaths and Marriages, or an Australian marriage certificate issued by a state or territory. NB church or celebrant issued certificates are not acceptable.
- If an applicant provides identity documents in a language other than English, an accredited translation from the National Accreditation Authority for Translators and Interpreters.

4.5 Security on personal information held by the TRBWA

The TRBWA has undertaken, and continues to undertake, physical, electronic and personnel security measures to ensure that personal information is safe. The TRBWA maintains security measures consistent with the guidance provided by the OAIC.

4.6 How individuals can access their personal information and correct any errors

Individuals may access their own personal information and correct any errors by:

- accessing and correcting their personal information through their Teacher Login account through the TRBWA website; or
- contacting the TRBWA directly.

The TRBWA encourages the efforts of teachers to correct and update the TRBWA about information known to be incorrect or misleading. Pursuant to Regulation 27A of the *Teacher Registration (General) Regulations 2012*, teachers are required to notify the TRBWA no later than 30 days after a change to their:

- name, as recorded in the register;
- postal address as last provided to the Board;
- email address as last provided to the Board; or
- telephone number as last provided to the Board.

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

Depending on the information required, a formal Freedom of Information request may not be required. In some circumstances, information may be requested through the direct release process. This process requires an email stating the information required and includes the requester's name and contact details.

There are some categories of records that may not appropriate to be released through the direct release process, for example:

- private or personal information of third parties
- legal professional privilege documents
- matters of Cabinet

Freedom of Information applications request 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 TRBWA with any application fee payable.

Enquiries and applications may be made directly to:

Director
Teacher Registration Board of Western Australia
PO Box 3009
East Perth WA 6892
Telephone: +61 8 9223 9100

4.7 Retention and disposal of Personal and/or Police Information about teachers

The TRBWA retains then disposes of personal information and information collected as part of a nationally coordinated criminal history check in accordance with legislation and contractual arrangements with the ACIC.

The ACIC contract states a specific document retention period “unless a longer document retention period is (i) required by Law, in which case the Accredited Body must dispose of

the material within one (1) month following the end of the document retention period required by Law”.

The retention of documents obtained from ACIC is normally controlled by regulation 24 of the Teacher Registration (General) Regulations 2012 which states:

A criminal history check obtained by the Board from the Australian Crime Commission in respect of a person under the Act, and any document or record embodying the criminal history check, must be retained by the Board for a period of 7 years from the day on which the Board last communicated with, or received communication from, the person.

It should be noted that there is currently a notice of disposal freeze of Western Australian Government records relating to children. The freeze applies to records held by all Western Australian state and local government organisations, and outsourced agents creating or maintaining relevant records for these organisations. The disposal freeze is that any records relating to children must not be destroyed until further notice.¹

4.8 Circumstances in which personal information would be disclosed

Sections 117 and 118 of the Act provides for the circumstances in which the Board may use and disclose information (including personal information) obtained in performing functions under the Act.

If the Board determines that it is in the public interest, the Board may disclose personal information to employers (current, former and potential), teacher registration bodies in other states or territories of Australia or New Zealand or other bodies.

Personal information may be disclosed in accordance with legal requirements, for example if the police provide the Board with an Order to Produce.

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 Board’s statutory functions, for example, in order to fully and properly investigate a complaint made to the Board about a teacher registered or formerly registered to teach in an educational institution in Western Australia.

4.9 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.education.wa.edu.au, or sent to:

Assistant Director, Policy and Quality Assurance
Teacher Registration Board of Western Australia
PO Box 3009
East Perth WA 6892
Telephone: +61 8 9223 9100

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 the Privacy Policy

¹ <https://www.wa.gov.au/government/document-collections/retention-and-disposal-of-state-records#disposal-freeze>

- 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 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 the TRBWA's 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 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 APPs and management of personal information can be found on the OAIC's website at www.oaic.gov.au.

5. Other relevant policy

The Western Australian Department of Education is the department of the public service legislatively tasked with servicing and supporting the Board in the administration of its functions. Employees of the Department of Education responsible for servicing and supporting the Board are also subject to the Department of Education *Privacy and Responsible Information Sharing Policy*.

6. Supporting information

Teacher Registration Act 2012 (WA)

Teacher Registration (General) Regulations 2012 (WA)

Privacy Act 1998 (Cth)

Australian Privacy Principles Guidelines

State Records Act 2000 (WA)

Freedom of Information Act 1992 (WA)

Ombudsman Western Australia - www.ombudsman.wa.gov.au

TRBWA Complaints and feedback - www.trb.wa.gov.au/Further-Information/Complaints-and-Feedback/Complaints-and-feedback-details

Department of Education *Privacy and Responsible Information Sharing Policy*

7. Change History

| Approved | Version | Details | Approved By |
|------------------|---------|--|--------------------|
| 07/04/2014 | 1 | TRBWA Privacy Policy Draft | CEO |
| Next Review Date | | 07/04/2015 | |
| 06/09/2016 | 1.1 | Removed reference to the CrimTrac agency and updated PO Box address | Director |
| 14/01/2020 | 1.2 | Full review including changes introduced through ACIC contract arrangements | Director |
| 19/10/2020 | 1.3 | Contact details updated | Director |
| 30/11/2020 | 1.4 | Updated feedback email address and all references to criminal record check/criminal record. Now criminal history check/criminal history. Except where the policy quotes the Act. | Director |
| 17/02/2021 | 1.5 | Added footnote on page 1 | Assistant Director |
| 21/03/2025 | 1.6 | Updated to new template and to align with new ACIC agreement. | Director |
| Next Review Date | | 3 years | |