



Australian Government
Department of Education

HIGHER EDUCATION

DATA PROTOCOL

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1. Introduction

1.1. Overview

- 1.1.1 The higher education sector in Australia is made up of universities and other higher education institutions, collectively referred to as 'higher education providers'.
- 1.1.2 Higher education providers must be approved by the Minister for Education before they can receive grants or their students can receive assistance from the Australian Government under the *Higher Education Support Act 2003* (HESA).
- 1.1.3 Commonwealth funding support for higher education is provided largely through:
 - (a) the Commonwealth Grant Scheme which provides for a specified number of Commonwealth Supported places each year;
 - (b) the Higher Education Loan Program (HELP) arrangements providing financial assistance to students;
 - (c) the Commonwealth Scholarships; and
 - (d) a range of grants for the purposes of promoting equality of opportunity in higher education, and grants for the purposes of supporting research by, and the research capability of, higher education providers.
- 1.1.4 The Department of Education (the Department) is the Australian Government Department with responsibility for administering the above funding and for developing and administering higher education policy and programs.
- 1.1.5 This Higher Education Data Protocol ('the Data Protocol') sets out arrangements to ensure that disclosure of Higher Education data complies with all legal and policy requirements, with the principle aim of protecting the privacy of individuals and maintaining the confidentiality and integrity of the data.
- 1.1.6 Applicants who request Higher Education data agree to the terms of this Data Protocol and must ensure that the integrity, security, and privacy of Higher Education data are maintained.

1.2. Data collection

- 1.2.1 The Department collects data from higher education providers to determine support for higher education providers that are eligible for HESA grants. The Department collects the following higher education data ("Higher Education data"):
 - (a) Student data from all higher education providers. This collection includes details about enrolments, equivalent full-time student load (unit of study data) and completions. This data is reported by all higher education providers that have been approved under HESA.

- (b) Staff data from Table A and Table B providers (as set out in HESA). This collection includes data on the number and full-time equivalence of staff of staff at the higher education providers. This data is reported by Table A and Table B providers.

1.3. Purpose of the Higher Education Data Protocol

- 1.3.1. This Data Protocol sets out the principles, rules and procedures governing the access, use and dissemination of the Higher Education data collected by the Department.
- 1.3.2. The purpose of this Data Protocol is to clarify the rights and responsibilities of all users of Higher Education data and to ensure the proper and effective use of Higher Education data.
- 1.3.3. Failure to comply with this protocol may result in the rejection of their request for Higher Education data by the Department.

2. Guiding principles

To ensure the proper and effective use by receiving entities, the following guiding principles govern the disclosure and dissemination of Higher Education data.

2.1. Purpose

- 2.1.1 The Department will in circumstances where it is lawful and practical to do so, make Higher Education data available to applicants where there is a legitimate and demonstrable need for the data for a valid research and/or analysis purpose.

2.2. Personal information and privacy

- 2.2.1 The privacy of individuals is paramount at all stages of the Higher Education data collection, access, use and dissemination process.
- 2.2.2 The Department complies with the *Privacy Act 1988* ('the Privacy Act') and HESA in its collection, use, management, storage, and disclosure of Higher Education data.
- 2.2.3 Similarly, all approved users of Higher Education data must comply with:
 - the Australian Privacy Principles (APPs) set out in Schedule 1 to the Privacy Act as though they are an APP entity; and
 - the requirements of HESA,when collecting, using, managing, storing, and disclosing Higher Education data that contains personal information.
- 2.2.4 The Department will only release Higher Education data in compliance with the APPs, the Privacy Act and HESA
- 2.2.5 'Personal information' is defined in section 6(1) of the Privacy Act as any:

'information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- whether the information or opinion is true or not; and
- whether the information or opinion is recorded in a material form or not'.

2.2.6 'Personal information' is defined in HESA to mean information or opinions about an identified individual, or an individual who is reasonably identifiable (whether that information or opinion is true, or recorded in a material form), and that is obtained and created by an officer for the purposes of Chapters 2, 3 and 4 or Part 5-1A of HESA, or sections 26A or Part 5A of the *Tertiary Education Quality and Standards Agency Act 2011*, and is not Australia's Economic Accelerator program information.

2.2.7 To ensure compliance with the requirements of the Privacy Act and HESA, the Department will:

- only release Higher Education data where individuals are not identifiable or cannot be reasonably identified (by providing de-identified or aggregated data); generally, where the cell value is less than 5 no data is provided. Alternatively, the Department could state '<5' in the relevant cell. In the pivot tables, a disclosure control technique called input perturbation has been applied to the data, whereby small random adjustments are made to cell counts.
- not release unit record files or data that identifies or could reasonably identify individuals (unless specifically authorised or required by law to do so).

2.2.8 In limited circumstances the Department may be required or authorised by or under law to disclose personal information to third parties for certain purposes.

2.2.9 Under HESA, the Department is authorised to disclose certain personal information, including unit record files/identified Higher Education data, to certain entities for specified purposes.

2.2.10 The authorised entities, the nature of the personal information, the purposes for which personal information may be disclosed and whether consent to the disclosure of personal information is required, are as follows:

Authorised bodies	Authorised purposes	Consent by providers required for disclosure
Tertiary Education Quality and Standards Authority (TEQSA)	TEQSA Act	No
Australian Skills Quality Authority (ASQA)	National VET Regulator Act	No
State and Territory Governments	Improving the provision of, or research into the provision of higher education or vocational education and training Research into the provision of Higher Education	No
Universities Australia	Improving the provision of, or research into the provision of higher education or vocational education and training	Yes

The Independent Higher Education Australia Ltd	Improving the provision of, or research into the provision of higher education or vocational education and training	Yes
The Independent Tertiary Education Council Australia	Improving the provision of, or research into the provision of higher education or vocational education and training	Yes
The Group of Eight Limited (G08)	Improving the provision of, or research into the provision of higher education or vocational education and training	Yes
Tertiary Admissions Centres (TACs)	Improving the provision of, or research into the provision of higher education or vocational education and training	Yes
Higher education and vocational education and training providers for the purposes of HESA	Improving the provision of, or research into the provision of higher education or vocational education and training	Yes
Australian Council for Private Education and (ACPET)	Improving the provision of, or research into the provision of higher education or vocational education and training	Yes
Council of Private Higher Education (COPHE)	Improving the provision of, or research into the provision of higher education or vocational education and training	Yes
The Australian Institute of Health and Welfare (AIHW)	Improving the provision of, or research into the provision of higher education or vocational education and training	Yes
The Australian Institute for Teaching and School Leadership Limited (AITSL)	Improving the provision of, or research into the provision of higher education or vocational education and training	Yes

2.2.11 All parties receiving personal information in accordance with section 2.2.10 above:

- (a) must comply with the relevant governing provisions in the Privacy Act and the HESA as per section 2.2.3 above in relation to that information;
- (b) must comply with the conditions regarding security and confidentiality of data, and complaints procedures as per section 2.3 below in relation to that information;
- (c) agree to use that information only for the purposes for which the information was disclosed and not to disclose (including by way of publishing or making the information available in the public domain) the information without providing prior notification to the Department, except where the disclosure is required or authorised by or under law; and
- (d) agree not to disclose, including to publish, or to cause to be published Higher Education data to any party for any purpose, unless authorised or permitted to do so by the Department or in accordance with the applicable HESA and Privacy Act provisions (i.e. disclosure is required by or under law, consent for the disclosure has been obtained etc).

2.2.12 The Department may impose additional conditions on parties receiving personal information, consistent with section 3.3. below.

2.2.13 The Department will consider requests for access to unit record files / identified Higher Education data and will seek legal advice as to the authority to disclose the requested data as required.

2.3. Security, confidentiality, and complaints

2.3.1 The Department is the custodian of Higher Education data and ensures it is stored securely and that only authorised officers have access to the data.

2.3.2 To protect the security and confidentiality of Higher Education data, approved users of Higher Education data must:

- (a) comply at all times with any security requirements notified by the Department relating to Higher Education data;
- (b) store the Higher Education data securely and protect the data from loss and unauthorised use and access;
- (c) ensure that only those people with a genuine need to view the data will have access to the data;
- (d) only retain the data while there is a genuine need to keep it, and then destroy the data;
- (e) not engage in any data-matching activities involving the data without the prior written consent of the Department;
- (f) not attempt to re-identify the data if it is provided in a de-identified or aggregated form;
- (g) not provide the data to any third parties without providing prior notification to the Department; and
- (h) not publish the data (in any medium) without providing prior notification to the Department.

2.3.3 Individuals or groups wishing to register a complaint regarding the use of Higher Education data should in the first instance lodge that complaint with the data user concerned.

2.3.4 Entities authorised to receive Higher Education data agree to address in an adequate and timely manner any complaints received in accordance with section 2.3.3 above.

2.3.5 If individuals or groups are unsatisfied with the outcome of a complaint lodged with an entity authorised to receive Higher Education data as per section 2.3.3 above, they may raise the issue with the Department. The Department's Privacy Policy contains more information about how to make a complaint about the department's handling of personal information.

2.3.6 Entities authorised to receive Higher Education data agree to co-operate with the Department to address complaints received in accordance with section 2.3.5 above.

2.3.7 Under the Privacy Act, individuals who believe their personal information has been mishandled also have the right to lodge a complaint with the Office of the Australian Information Commissioner (OAIC).

2.4. Quality

2.4.1 The Department will make every effort to ensure that:

- (a) all procedures undertaken in the collection and subsequent composition of the Higher Education data adhere to the highest possible standards;
- (b) the Higher Education data is as complete and as accurate as possible prior to any approved disclosure; and
- (c) requests for access to Higher Education data are assessed in a consistent manner.

2.5. Accountability

2.5.1 Higher Education data provided to approved users should only be used in accordance with this Data Protocol and for the purposes for which the information was disclosed.

2.6. Ongoing review

2.6.1 To ensure that this Data Protocol remains a contemporary document and relevant to the emerging data needs of stakeholders, it will be reviewed periodically by the Department and may be amended from time to time.

2.6.2 The most recent version of the Data Protocol will be made available on the Department's website and users of Higher Education data are responsible for ensuring they are complying with the most recent version of the Data Protocol.

2.7. Transparency

2.7.1 Clear documentation describing all of the procedures associated with access, use and disclosure of Higher Education data will be publicised and made available to stakeholders via the Department's website or in a suitable format to accompany data.

2.7.2 Documentation will also be available in alternate formats for stakeholders who do not have ready access to the internet.

