



Australian
National
University

Privacy Impact Assessment

ANU Sexual Misconduct Disclosure Form

Document Control

Version	Date	Author	Amendment	Distribution
1	19/3/19	Ben Gill	Initial draft	Sue Webeck Joel Baker (ANU Privacy Office) David Howse
1.1	5/4/19	Ben Gill	Clarify data flow and storage requirements, include training requirements for Respectful Relationships Unit staff	Sue Webeck Ariel Edge Belinda Farrelly Rachel Vance Andrew Staniforth Stephen Milnes Melissa Austin
1.2	17/5/19	Ben Gill	Clarify form is for 'disclosures' not official reports (change title). Clarify reporting requirements if staff member is believed to be responsible.	Roxanne Missingham
1.3	13/6/19	Melanie Greenhalgh	Addition of system protections, clarification of optional and required questions, internal procedures regarding training on information security and records management.	Sue Webeck Rachel Vance
1.4	17/6/19	Melanie Greenhalgh	Addition of Electronic Records Management System (ERMS) requirements and recording process for addition and removal of authorised staff from ERMS and Qualtrics.	Jonathan Dean Sue Webeck
1.5	23/07/19	Melanie Greenhalgh	Clarify the mandatory and optional questions required within the form.	Roxanne Missingham
1.6	09/09/19	Melanie Greenhalgh	Clarification and addition of information on security process, monitoring and notification sort from Qualtrics and Planning and Performance Measurement Division. Information	Suthager Seevaratnam Margaret Murphy Sue Webeck
1.7	16/09/19	Melanie Greenhalgh	Submission of final document in readiness for sign off.	Roxanne Missingham Sue Webeck
1.8	31/03/21	Susan Helyar	Updating of document to incorporate material relevant to a service partnership with off campus service provider	Roxanne Missingham Sue Webeck

Document Approval

Supported by:

S Helyar

Date: 15/4/2021 | 6:21 AM AEST

.....
(Susan Helyar, acting Director, University Experience, D3 delegate for Sue Webeck, Manager, Respectful Relationships Unit)

Approved by:



Date: 6 April 2021

.....
(Roxanne Missingham, Privacy Officer)

1. CONTACT DETAILS

NAME:	Sue Webeck
PHONE NUMBER:	6125 3300
ROLE:	Manager, Respectful Relationships Unit
E-MAIL:	Sue.Webeck@anu.edu.au

2. PROJECT NAME

ANU Sexual Misconduct Disclosure Form

3. PROJECT DESCRIPTION

The Respectful Relationship Unit is to centrally coordinate and monitor sexual assault and sexual harassment management, prevention, policy, training and reporting. The establishment of the Respectful Relationships Unit is part of the University's response to the Australian Human Rights Commissions 2017 report, *Change the Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities*.

The Respectful Relationships Unit is developing an online disclosure tool for incidents of sexual misconduct¹. The development of the tool is in line with emerging national and international good practice for how universities respond to sexual assault and sexual harassment on their campuses².

The online Sexual Misconduct Disclosure Form is designed to enable a student or staff member to disclose a current or past incident of sexual misconduct that either:

- happened to them directly;
- happened to someone else they are supporting; or
- they witnessed.

In addition, the Sexual Misconduct Disclosure Form is designed to enable ANU Service Providers to report de-identified disclosures for data recording purposes.

The primary purpose of the form is to allow the Respectful Relationships Unit to provide a person who has experienced sexual misconduct with appropriate information and referrals to support and reporting options available in the University and broader community. A secondary purpose of the form is to improve the University's understanding of the prevalence of sexual misconduct through improved data collection.

¹ **Sexual misconduct** is a broad term encompassing any unwelcome behaviour of a sexual nature including sexual assault, sexual harassment, and an act of indecency, making or distributing sexually explicit photos or videos without consent, and any other non-consensual sexual conduct if a reasonable person would consider that conduct to be an invasion of their privacy, indecent or otherwise unacceptable conduct.

² On Safe Ground: A Good Practice Guide for Australian Universities

In the context of increased numbers of online disclosures in 2021, ANU has developed a service partnership with a community service provider with expertise in responding to sexual assault and harassment and a 24 hour support line. This partnership will ensure ANU can meet our service performance standard of an initial response to all online disclosures within 72 hours of the disclosure being provided.

4. Threshold assessment

As personal information will be collected, stored, used and disclosed a PIA is required.

5. Consultation with stakeholders

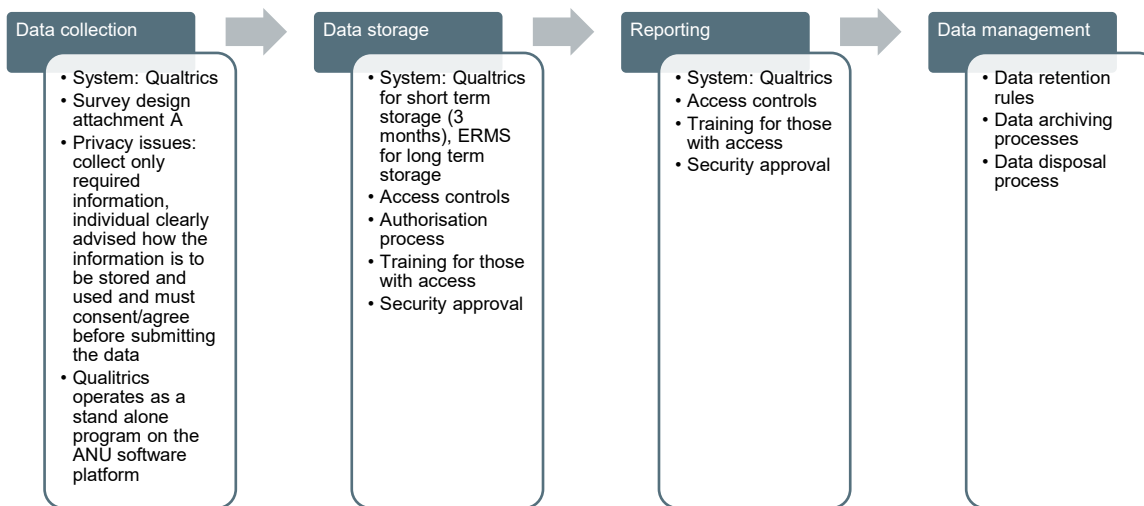
The Privacy Impact Assessment has been prepared consistent with the [ANU Guideline: Privacy Impact Assessment](#) through consultation with the following:

- Roxanne Missingham, Privacy Officer
- Melissa Austin, Deputy Director, Human Resources
- Belinda Farrelly, Acting Registrar, Division of Student Life
- Ariel Edge, Registrar, Division of Student Administration
- Rachel Vance, Deputy Legal Counsel
- David Howse, Manager, Cyber & Digital Security
- Associate Professor Miriam Gani, Dean of Students
- Associate Professor Peter Hendriks, Dean of Students
- Associate Professor Keturah Whitford, Dean of Staff
- Andrew Staniforth, Head of ANU Counselling
- Johnathan Dean, Electronic Record Management System, Administrator, University Records
- Veronica Taylor, Respectful Relationships Working Group Chair
- Margaret Murphy, Planning and Performance Measurement Division.
- Delegate, Service Partner organisation

The Privacy Impact Assessment will be reviewed in 12 months. Additional reviews and updates may be conducted if any significant issues are identified.

6. INFORMATION FLOWS

At a high level the information flows are:



6.1 DATA COLLECTION

Data will be collected and stored via a licensed ANU software platform, Qualtrics.

ANU has a contract with Qualtrics, managed by ANU Planning and Performance Measurement Division which specifies compliance with the ANU Privacy policy.

All data will be stored on secure servers in Australia. Data will periodically be downloaded by the Respectful Relationships Unit and stored on a password protected University computer on the ANU secure network drive in the ERMS.

The data fields include personal information. The complete list of data fields including whether they are required or optional is available in Attachment A.

The form is designed so that personal data will be collected only to the extent that it is required. The form includes optional data fields, which does not affect their access to support or further information.

The individual is advised through the form how the information is stored and will be used.

On completion of entering the data the individual is advised again of the storage and use that the information will be subject to and the affirmation of mechanisms to protect privacy.

6.2 DATA MANAGEMENT

As outlined above all data will be stored on Qualtrics. After 3 months data is then transferred to the Electronic Records Management System (ERMS). The ERMS has been security assessed (most recently June 2019) and meets all ANU requirements. The ERMS is an Oracle based system with data residing in an Australian based cloud service (Oracle Service). The contract includes strict conditions around meeting the ANU Privacy policy and relevant legislation. A record is made of all accesses to data and security is applied through folder and individual levels. The security controls for the folders will be Respectful Relationships Unit staff. New staff will be added and exiting staff deleted by the Manager of the Respectful Relationships Unit.

The system has an audit trail so a record will be kept of all staff accessing the data. The Respectful Relationships Unit Manager will be responsible for oversight and regular review of the log. It will be set up so there will be an automated email should anyone seek to access the system who is not authorised for access.

Access to data and authority to edit disclosure forms is limited to authorised staff in the Respectful Relationships Unit. This includes:

- Senior Manager, Respectful Relationships Unit and their supervisor
- Senior Project Officer, Respectful Relationships Unit
- Case Coordination, Response and Referral Officer, Respectful Relationships Unit

All staff with access to the data will be:

- Required to comply with ANU Privacy Policy
- Subject to the ANU Code of Conduct
- Required to undertake the ANU Privacy training module on Pulse
- Required to undertake face to face training from the Respectful Relationships Unit Manager.

The Respectful Relationships Unit Manager will be responsible for ensuring quality training, access to data, editing of the online form, granting and removal of access permissions for Qualtrics and ANU Electronic Records Management System (ERMS) during on-boarding and exiting of authorised staff.

In responding to a submission, the Case Coordination, Response and Referral Officer will create an individual case file on the ANU secure network drive in the ERMS, referenced by the date and unique ID of the disclosure. The case file will include a copy of the complete disclosure, as well as copies of all communications (emails, phone log) with the person who experienced the incident and any written consent to disclose data to another party.

Any revisions or updates to the disclosure requested by the person who experienced the incident will be included as a revised-disclosure and stored in the case file. The original disclosure stored in the case file will be retained, ERMS will record a new copy whilst tracking who made the changes, when and how. The data stored on Qualtrics will not be altered.

Disposal of data will occur in accordance with ANU Records and Archives Management Policy and the ANU Records Disposal Authority which determines the classification and retention requirements. It has been determined that the data will be destroyed after 75 years after the date of birth of the discloser or 7 years after last action whichever is later.

See *Sexual Misconduct Disclosure Form - Data Storage Overview* in Appendix B for a graphical representation.

6.3 Data reporting

Access to data for reporting is limited to:

- Manager, Respectful Relationships Unit
- Senior Project Officer, Respectful Relationships Unit
- Case Coordination, Response and Referral Officer, Respectful Relationships Unit

For data disclosure see 6.5.

Anonymised data will be included in reports to:

- ANU Council
- IDEA Oversight Committee
- PVC University Experience
- Universities Australia (as required)
- Government (as required).

The Respectful Relationships Unit Manager will be responsible for ensuring quality reporting and compliance with the ANU Privacy Policy in all reporting.

6.4 Privacy impact analysis and compliance check

Each authorised staff member and any service partner staff will maintain separate, password-protected, Qualtrics and ERMS account using their ANU email address. Authorised staff will be required to periodically update their account passwords, in line with ANU practice.

Prior to accessing data, authorised ANU staff will be required to complete training in the use of Qualtrics as well as the ANU Privacy Module, Records Management and Data Management training and face to face training in the systems and data management. Guidelines and written training material will also be provided. Training will be monitored and in some cases delivered by the Manager of the Respectful Relationships Unit. The Respectful Relationships Unit will also develop and maintain data flow and storage charts as quick reference guides to assist authorised staff in their day-to-day roles.

Prior to accessing data, staff in service partner organisations will be required to demonstrate to the ANU they have undertaken privacy training. ANU Respectful Relationships Unit will maintain a record of any non-ANU staff training documentation.

Audit logs are retained in Qualtrics and the ERMS to provide a validation that access conditions are met.

When a new disclosure is entered, an automatic email will be sent to the Respectful Relationships Unit functional account (respect@anu.edu.au – accessible only to the same staff outlined above). No identifiable or sensitive information is included in this email. An email alert will also be automatically sent to the person who experienced the incident via the provided contact email address. The email will include a list of support services available in ANU, ACT and Australia and a list of options for them to receive a copy of their disclosure if they require one. The person who experienced the incident may also contact the Respectful Relationships Unit via email (referencing the disclosure's unique ID) to request an update to the information provided in the disclosure. Any updates will be actioned by the authorised staff.

In the instance of a service provider completing with consent from the discloser a submission confirmation email will also be automatically sent to the person who completed the form. This email will not include a copy of the disclosure, it will include a list of support services available in ANU, ACT and Australia.

6.5 DATA DISCLOSURE

Data will be available to Respectful Relationships Unit staff and designated staff in service partner organisations. It will only be disclosed to others with the explicit permission of the individual, examples include ANU Counselling Centre, Dean of Students/Staff, Local or

Central HR or Canberra Rape Crisis Centre. The permission will be recorded in the ERMS for all disclosures, including the disclosure itself.

Note that the ANU Privacy Policy (clauses 19-24) permits the disclosure without consent in the specific cases. Where this occurs the disclosure and the reason will be recorded and stored in the ERMS.

If a disclosure indicates that a staff member of the University was believed to have been responsible for sexual misconduct, the Respectful Relationships Unit is required to provide the report to the Director, Human Resources as part of the University's obligation to provide a safe work and learning environment. If a disclosure indicates that a person is under the age of 18 the Respectful Relationships Unit is required to make a mandatory report to the appropriate authorities.

6.6 DATA FLOW

See Appendix C for data flow diagram.

7. PRIVACY MANAGEMENT: addressing the risks

This section provides an analysis of how the Sexual Misconduct Disclosure Form may impact upon privacy.

#	Privacy Impact	Necessity/ Impact Rating/ Impact Response	Impact Treatment Plan
1	Risk of disclosing personal details due to mishandling information.	Avoidable/ High/ Mitigate	<p>Access to data collected via the Sexual Misconduct Disclosure Form will be limited to authorised trained staff in the Respectful Relationships Unit (except where mandatory reporting requirements exist) and to designated staff in service partner organisations.</p> <p>Controls include staff training, oversight and ANU code of conduct.</p> <p>All downloaded data (including backups) will be stored via the secured ANU network drive or in the ERMS and only accessible to authorised staff.</p> <p>Data containing personal information will only be shared via email in the event the person who experienced the incident consents for the Respectful Relationships Unit to provide their data to a support/reporting pathway within the ANU (except where mandatory reporting requirements exist).</p> <p>All systems will meet cybersecurity requirements</p> <p>Reports via Qualtrics and audit log checking for ERMS will be implemented to automatically report any breaches.</p> <p>All identifiable information consistent with the University's RDA.</p>
2	IT system failure results in access to personal information	Necessary/ Moderate/ Mitigate	<p>The University provides and is responsible for:</p> <ol style="list-style-type: none"> identifying, managing and mitigating risk across the University's IT and information infrastructure; coordinating all information security activities required to ensure the security of IT and information infrastructure;

			<ul style="list-style-type: none"> c. providing network security to protect the University's information sources, electronic resources, intellectual property, and network access; d. applying security updates to software and operating systems to minimise security vulnerabilities; and e. ensuring periodic audits of areas to ensure compliance with relevant policies and procedures. <p>These processes are carried out on a scheduled program of monitoring and maintenance. The Manager, Respectful Relationships Unit will be notified of any compliance issues or system failures resulting in potential access to personal information.</p> <p>Qualtrics also runs automated vulnerability scans regularly and penetration tests are performed annually by an independent security firm. The ANU Planning and Performance Measurement Division manages the Qualtrics licence on behalf of the ANU and receives alerts about any potential data breaches to notify ANU users potentially impacted on as soon as practicable.</p>
3	Individuals are upset by a disclosure to a third party	Necessary/ Moderate/ Mitigate	<ul style="list-style-type: none"> • Privacy notice in form to include details of disclosures • Update to ANU website to include details of disclosures • Contract and NDA with service partner organisations to ensure the proper handling of personal and sensitive information

Attachment A - LIST OF ALL QUESTIONS IN THE SURVEY



ANU Sexual Misconduct Disclosure Form

Users	Person who experienced incident	Support Person	Witness	ANU Service Provider
Questions				
Safety	✓	✓	✓	✓
Reason for completing form	✓	✓	✓	✓
Relationship to ANU	✓	✓	✓	
Consent of Person who Experienced Misconduct		✓		
Service Provider				✓
Key Information	✓	✓	✓	
Details of person completing form				
Name		✓	✓	✓
Contact Email/Phone		✓	✓	✓
Details of person who experienced incident				
Under/Over 18	✓	✓		✓
Name	✓	✓		✓
Contact Email/Phone	✓	✓		✓
Relationship to ANU	✓	✓	✓	✓
Gender	✓	✓	✓	✓
Details of Incident				
When	✓	✓	✓	✓
Where	✓	✓	✓	✓
What	✓	✓	✓	✓
	Option to End Form or Provide Additional Information		End of Form	
Additional Information	✓	✓		
Communities with which person who experienced incident identifies	✓	✓		
Further Details of Incident				
Ongoing issue	✓	✓		
Support/Advice already accessed	✓	✓		
Desired support from University	✓	✓		
Person(s) believed to be responsible for Sexual Misconduct	✓	✓		
Anything else	✓	✓		

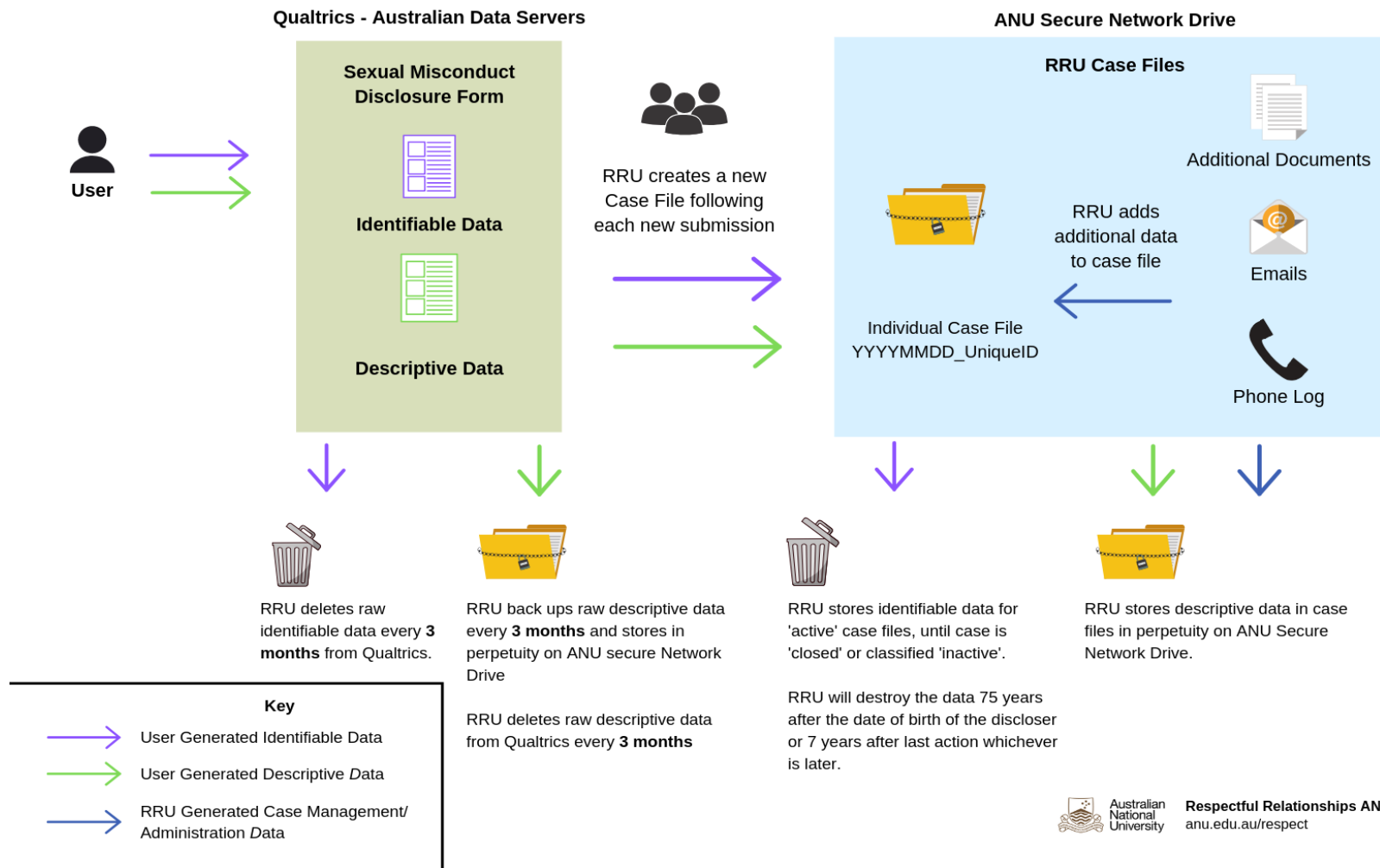
Information for Disclosure

Additional Information for Report

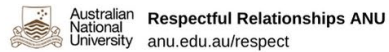
Key
 ✓ Optional
 ✓ Required

Attachment B– DATA STORAGE OVERVIEW

ANU Sexual Misconduct Disclosure Form - Data Storage



APPENDIX C – DATA FLOW



ANU Sexual Misconduct Reporting Tool Data Flow

