

<b>Distribution:</b>	All staff and students
<b>Related Documents:</b>	<p><b>Related Policy</b></p> <ul style="list-style-type: none"> <li>• Learner Records Procedure</li> </ul> <p><b>Related Forms</b></p> <ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Legislative Context:</b>	<p>Archives Act 1983</p> <p>Australian Privacy Principles 2001</p> <p>Freedom of Information Act 1982</p> <p>National VET Provider Collection Data Requirements Policy</p> <p>Unique Student Identifier for VET</p> <p>VET Data Protocol</p>
<b>Alignment</b>	
Standards for Registered Training Organisations (RTOs) 2015	
Clauses 8.5	



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# Policy Statement

## Introduction

It is a legislative requirement that client privacy be maintained at all times. In addition, The College respects the privacy of staff and students and strives at all times to ensure that the level of privacy protection achieved through its operations is the highest possible.

## Purpose

The *Privacy Policy and Procedure* has been implemented to ensure that The College complies with its privacy obligations at all times.

## Scope

The *Privacy Policy and Procedure* applies to the entire operations of The College at all times.

## Responsibilities

This policy and procedure is the responsibility of the Chief Executive Officer.

## Definitions

**Personal Information:** Personal information is defined under the Privacy Act as information or an opinion about an identified individual, or an individual who is reasonably identifiable:

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

Some examples of personal information include names, addresses, phone numbers and email addresses. The definition of personal information only relates to 'natural' persons. It does not extend to other 'legal' persons, such as companies.

**Privacy Act 1988** (Privacy Act) is an Australian law that regulates the handling of personal information about individuals. This includes the collection, use, storage, and disclosure of personal information. The Privacy Amendment (Enhancing Privacy Protection) Act 2012 introduced many significant changes to the Privacy Act, including 13 Australian Privacy Principles (APPs) that apply to the handling of personal information. As an Australian Government agency, ASQA is obliged to comply with the APPs.

**Sensitive Information:** Under the Privacy Act, sensitive information is defined as:

- a. information or an opinion about an individual's:
  - racial or ethnic origin
  - political opinions
  - membership of a political association
  - religious beliefs or affiliations
  - philosophical beliefs
  - membership of a professional or trade association
  - membership of a trade union
  - viii. sexual orientation or practices, or
  - criminal record

that is also personal information; or

- b. health information about an individual
- c. genetic information about an individual that is not otherwise health information
- d. biometric information that is to be used for the purpose of automated biometric verification or biometric identification, or
- e. biometric templates.

**Unique Student Identifier (USI)** is a unique reference number issued to an individual by the Australian Government. It is made up of numbers and letters and enables an individual to look up and track their training achievements in an online database.

**Victorian Student Number (VSN)** is a nine-digit student identification number that will be assigned by the Department of Education and Early Childhood Development to all students in government and non-government schools, and students up to the age of 25 in Vocational Education and Training (VET) institutions.

## Privacy Principles

\*Refer to <http://www.oaic.gov.au/privacy/about-privacy> for further information.

Personal information is collected from individuals in order that The College can carry out its business functions. The College only collects and stores information that is directly related to its business purposes and legal requirements of providing nationally recognised training and assessment.

In collecting personal information, The College complies with the requirements set out in the Privacy Act 1988 and the relevant privacy legislation and regulations of the states/territories in which the RTO operates.

This means The College ensures everyone:

- Knows why their information is being collected, how it will be used and who it will be disclosed to.
- Is able to access their personal information upon request.
- Does not receive unwanted direct marketing.
- Can ask for personal information that is incorrect to be corrected.
- Can make a complaint about The College if you consider that your personal information has been mishandled.

The Chief Executive Officer of The College must:

- Ensure that only authorised employees and learners have access to learner records
- Ensure a record of learner requests for access to personal records is maintained
- Ensure that only authorised employees have access to employee records
- Ensure that only authorised employees have access to stakeholder's confidential information; and
- Restrict third party access to learners' or employee's personal records except as required by legislation or with the express written permission of the learner and/or their parent or guardian where relevant.

## Collection of information

The College only collect personal information that is reasonably necessary to conduct our functions and activities.

Our functions and activities include education, training, and employment assistance.

We collect personal information from our clients and their families or guardians, suppliers and contractors, members, employees, volunteers, and other contributors to the organisation.

PnP - Privacy Policy & Procedure.docx

- a. The types of personal information collected include, however not limited to:
- Personal and contact details
  - Proof of identification
  - Resume
  - Awards
  - Bank details
  - Appraisals
  - Professional development plans
  - Employment contract
  - Another contract

In general, student personal information will be collected through course application, Pre- training review (PTR), enrolment forms, training, and assessment records. The types of personal information collected include however not limited to:

- Personal and contact details
- Proof of identification
- Background information collected for AVETMISS statistical purposes about birthplace, language, culture, disability, prior education, schooling, employment, study reasons, residency status
- Information required for the issuance of a USI
- Information related to VSN
- Information related to concession
- Consents and declarations
- Language literacy and numeracy assessment
- Training, participation, and assessment information
- Attendance records
- Intervention strategies
- Academic action plans
- Fees and payment information

The College may collect personal information directly from individuals either through personal interaction or print or electronic mediums including The College's website, surveys and correspondences.

## Storage and use of information

The College will store all records containing personal information securely and take all reasonable security measures to protect the information collected from unauthorised access, misuse, or disclosure. Personal information will be stored in paper-based files that are kept in a secure location (locked filing cabinets/locked compactor) and electronically in a secure environment to which only authorised staff have access.

The personal information held by individuals will only be used to enable efficient student administration, provide information about training opportunities, and to maintain accurate and detailed student records of course participation, progress and outcomes.

The College may use the personal information provided by an individual to market other internal products and services to them. An individual may opt out of being contacted for marketing purposes at any time. Information will not be passed onto any third-party marketing companies without the prior written consent of the individual.

## Personal Information

The Chief Executive Officer of The College must:

- Confirm that authorised employee enters learner personal information accurately
- Ensure that such information is secure from unauthorised access
- Ensure that employees update learner personal records when their personal information changes
- Confirm that authorised employees enter employee personal information accurately
- Ensure that such information is secure from unauthorised access
- Ensure that employees update employee personal records when their personal information changes
- Confirm that authorised employees enter stakeholder information accurately
- Ensure that such information is secure from unauthorised access; and
- Ensure that employees update stakeholder information when their information changes.

**USI:** As the USI is a requirement for local/domestic students to enrol in and obtain competency records/AQF documentation, The College shall provide the prospective and enrolling students about the process to register/apply for a USI on its website, handbooks, and during orientation. Where The College applies for a USI on behalf of an individual it will ensure that it has the authorisation of that individual and provide the required USI Privacy Notice as required under the Act

## Disclosure of Information

The College will not without the prior consent of an individual disclose personal or sensitive information about that individual for a purpose other than the primary purpose of collection except in any of the following situations: The College reasonably believes that the use or disclosure is necessary to lessen or prevent either of the following:

- A serious and imminent threat to an individual's life, health, safety, or welfare
- A serious threat to public health, public safety, or public welfare
- The College has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities
- The use or disclosure is required or authorised by or under law
- The prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of a law imposing a penalty or sanction
- The prevention, detection, investigation or remedying of seriously improper conduct
- The preparation for, or conduct of, proceedings before any court or tribunal
- The information is request or sought by Australian law and enforcement agencies

The personal information about students enrolled in a Course with The College may be shared with the Australian Government and designated authorities, such as the Australian Skills Quality Authority and its auditors, the USI Registrar, The Higher Education and Skills Group and the National Centre for Vocational Education Research (NCVER). This includes personal details, contact details, course enrolment information, unit outcomes, AQF certification and statement issuance and information about training participation and progress.

Where personal information is disclosed for the purposes of enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the purpose of the protection of the public revenue, the record-keeper shall include in the record containing that information a note of the disclosure.

PnP - Privacy Policy & Procedure.docx

A person, body or agency to whom personal information is disclosed will not use or disclose the information for a purpose other than the purpose for which the information was given to the person, body or agency.

## Access to records

Individuals have the right to access or obtain a copy of the information that The College holds about them including personal details, contact details and information relating to course participation, progress and AQF certification and statements of attainment issued.

Requests to access or obtain a copy of the records held about an individual must be made by contacting our office using the *Request to Access Records Form*. The individual must prove their identity to be able to access their records.

There is no charge for an individual to access the records that The College holds about them; however, there may be a charge for any copies made. Arrangements will be made within 10 days for the individual to access their records.

## Correction to records

If an individual considers the records that The College holds about them to be incorrect, incomplete, out of date or misleading, they can make a request in writing that the information be amended.

## Security

The Chief Executive Officer of The College must:

- Keep all personal or stakeholder records in a secure location (both physical and electronic); and
- Keep backups in a secure location.

## Archiving

The Chief Executive Officer of The College must ensure that all personal and stakeholder records are archived in a secure location when no longer current.

## Complaints, Grievances and appeals

Any individual wishing to make a complaint or appeal about the way information has been handled within The College can do so by following SIA's *Complaints and Appeals Policy and Procedure*.

## Procedures

Privacy Notices	
Procedure	Responsibility
<b>A. Privacy notices</b> <ul style="list-style-type: none"> <li>▪ Ensure privacy notices are added to relevant forms and information such as Enrolment Forms, website etc.</li> </ul>	Quality and Development Manager
<b>B. Email marketing</b> <ul style="list-style-type: none"> <li>▪ Ensure there is an opt-out option on all marketing emails and correspondence sent to individuals in relation to marketing.</li> </ul>	Business and Development Manager
Access to Records	

Privacy Notices	
Procedure	Responsibility
<p><b>Procedure</b></p> <p><b>C. Request to access records</b></p> <ul style="list-style-type: none"> <li>▪ Individuals may request to access their records by using the <i>Request to Access Records Form</i>. Written requests should be sent to the head office.</li> <li>▪ Requests may be from past or current students or other individuals. It may be to access records held in a file about a student, or access to a previously issued AQF certification document – refer to the <i>AQF Certification Policy &amp; Procedure</i>.</li> <li>▪ Upon receiving a completed form, confirm the request is valid and has been made by the individual to which the records relate – check identification documents.</li> <li>▪ Arrangements for provision of records should be made as simple, secure, and effective as possible. OTC will assist individuals with mailing copies, providing a time for records to be distributed.</li> <li>▪ Arrangements should be made verbally and confirmed in writing within 10 days of receiving the request.</li> <li>▪ Where the students request records, they should only be mailed to the address that is held on file for that individual, unless alternate change of address information is provided along with proof of identity – such as a driver’s license or utility bill</li> <li>▪ Where records are to be shown to an individual, the student must produce photo ID prior, and this should be matched to the records held on file about the individual to confirm they are only viewing their own records</li> <li>▪ Keep a note on how the records were accessed on the individuals file.</li> </ul>	<p><b>Responsibility</b></p> <p>Administration Officer</p>
Amendment to records	
Procedure	Responsibility
<p><b>D. Request for records to be amended</b></p> <ul style="list-style-type: none"> <li>▪ Where an individual requests for incorrect records held about them to be corrected, they can do so by filling in an <i>Amendment to Records Request Form</i>.</li> <li>▪ If it is a change of address or contact details of a current student, they can use the <i>Change of Details Form</i> or the students can personally access their learner’s apps.</li> <li>▪ Upon receipt of a request form, consider whether the records held are correct or not. If the request is valid and records are incorrect, update records accordingly.</li> <li>▪ Do not update records if they are found to be correct already</li> <li>▪ Advise the individual accordingly of the actions taken to follow up their request.</li> </ul>	<p><b>Responsibility</b></p> <p>Administration Officer</p>





## Major Version History

Date	Reason for change	Modified / Approved By (Role & initials)
6/11/2018	Review policy & update format	CEO / AW
22/03/2022	Reviewed, audited, added information and procedures	Quality and Development Manager
12/04/2023	Updated the Design and Layout of the document	Quality and Development Manager