

# Privacy Policy

Standards Addressed

Clauses 3.4, 8.5

## Introduction

Our policies and procedures have been developed to ensure the quality and high standard of our care and services, and our organisation generally. All organisational policies and procedures ensure our compliance with appropriate legislation and align with the Standards for Registered Training Organisations (RTOs) 2015. Other applicable legislation is considered in our policies and procedures.

This policy refers to all staff within prospED in relation to complying with Federal Law regarding Privacy and confidentiality of employees, students and other relevant parties.

## Purpose

This policy describes how students' personal information is collected and used; it provides the privacy practice for all prospED staff.

## Scope

This policy ensures that all marketing, advertising and information provided to prospective students meets all standards of registration for RTOs 2015 and applies to all fees, refunds and fee protection for all courses, skill sets, units delivered by prospED.

## Policy

prospED complies with the Privacy Act 1988 including the 13 Australian Privacy Principles and is committed to protecting the privacy of all personal information.

# Procedure

## Commitment

prospED is committed to complying with obligations under the Privacy Act 1988 and the associated privacy principles, specifically in the way it collects, uses, secures and discloses personal information. prospED is committed to safeguarding any confidential information obtained.

We will ensure:

- Not disclose any training and assessment matters to a third party unless prior written consent is provided by the individual concerned, except that required by law
- Secure storage of all records
- The confidentiality of all information maintained on records
- To provide every student with a declaration to sign if they are willing to allow us to use their photo and/ or name for any marketing materials, that will be discussed with the individual
- Everyone knows why their information is being collected, how it will be used and who it will be disclosed to
- Students are able to access their training records, such as but not limited to, statements of attainment, qualifications, record of results and verification of competency certificates
- At enrolment, on its website and with the Privacy Policy make individuals aware of any legal requirement for prospED to collect required information
- Individuals can access their personal information upon request
- Everyone does not receive unwanted direct marketing
- Individuals can ask for personal information that is incorrect to be corrected

- Students, prospective students can make a complaint about our RTO and privacy if they consider that their personal information has been mishandled
- Students are made aware of any consequences for not providing the information requested
- That no information is to be disclosed to overseas recipients
- prospED retains evidence that the student has acknowledged the following Privacy Notice and Student Declaration as part of their enrolment process: <https://www.employment.gov.au/privacy-notice>

## Storage and Security of Student Information

We receive and store personal information students provide from our enrolment forms, website or other medium from time to time.

Personal information may include but is not limited to:

- Contact details
- Educational background
- Place of employment
- Language and cultural diversity indicator
- Disability information
- Training records and results
- USI
- Fees and payment information
- Any previous RTO documentation issued (statements or certificates)
- Demographic information
- Financial billing information

- Attendance records and assessment results
- COVID 19 vaccination information
- Police check information – sent directly to prospED
- Working with children checks – if required for placement

We keep our student's information always protected. Electronic information is stored on a protective server and/ or in databases such as VETtrak cloud that are password protected.

Any physical documentation provided is kept secured in locked storage with access only by authorised personnel and destroyed securely once the mandatory retention period has been reached.

The personal information held will only be used by prospED to enable efficient student administration, report data to provide training opportunities, issues certifications to eligible students and to maintain accurate and detailed records of student course participation, progress and outcomes.

## Disclosure of Information

prospED is required by law (under the National Vocational Education and Training Regulator Act 2011) (NCVER Act) to disclose the personal information we collect to the National VET Data Collection kept by the National Centre for Vocational Education Research (NCVER). The NCVER is responsible for collecting, managing, analysing and communicating research and statistics about the Australian VET sector.

We will not provide any other parties with information unless written communication from individual students to do so.

prospED does not use students' personal information to provide direct marketing materials, updates or newsletters unless the information pertains to current non-finalised course enrolments. From time to time, students may be emailed or receive an SMS from us to confirm or change course bookings.

At enrolment, individuals are advised that prospED may disclose information held on individuals for valid purposes to a range of entities including:

- Australian Government Agencies including but not limited to Centrelink
- Employers (and their representatives)
- Employment Service Providers.

We do not adopt, use or disclose a government related identifier related to an individual except:

- In situations required by Australian law or other legal requirements
- Where reasonably necessary to verify the identity of the individual
- Where reasonably necessary to fulfil obligations to an agency, or a state authority; or
- As prescribed by regulations

The NCVER is authorised to disclose information to the Australian Government Department of Education, Skills and Employment (DESE), Commonwealth authorities, State and Territory authorities (other than registered training organisations) that deal with matters relating to VET and VET regulators for the purposes of those bodies, including to enable:

- administration of VET, including program administration, regulation, monitoring and evaluation
- facilitation of statistics and research relating to education, including surveys and data linkage
- understanding how the VET market operates, for policy, workforce planning and consumer information

The NCVER may also disclose personal information to persons engaged by NCVER to conduct research on NCVER's behalf. The NCVER does not intend to disclose

your personal information to any overseas recipients.

For more information about how the NCVER will handle your personal information please refer to the NCVER's Privacy Policy at [www.ncver.edu.au/privacy](http://www.ncver.edu.au/privacy)

## Surveys

Students may receive a survey which may be run by a government department or an NCVER employee, agent, third party contractor or another authorised agency.

## Changing Personal Information

Students can contact the administration team at any time to have their personal details updated. This includes phone, email, address and if for change of name, a verified copy of the change of name documentation must be sighted before the name change can be actioned.

## Unique Student Identifier

All students participating in nationally recognised training are required to have a Unique Student Identifier (USI) and provide this to prospED upon enrolment, alternatively prospED can apply for a USI on the behalf of an individual.

If this is the case, we will need to collect personal information about the student that will be passed to the Student Identifiers Registrar, this will include:

- Name, first, middle, surname
- Date of Birth
- City or town of birth
- Country of birth
- Gender
- Contact details

- Copy of accepted identification documentation such as Medicare Card

## Complaints About Privacy

Any individual wishing to make a complaint or appeal about the way information is handled at prospED can do so by following the Complaints and Appeals Policy and Procedure.

This policy is reviewed:

- On an ongoing basis, as suggestions or issues are raised and addressed, or as government required changes are identified
- Through our internal audit processes on at least an annual basis
- As part of any external audit of our operations that may be conducted by various government agencies as a part of our registration as an RTO
- As a component of each complaint investigation process where the complaint is related to a privacy matter

When this policy is updated, changes are widely communicated to stakeholders through internal personnel communications, meetings, training and documentation, and externally through publishing of the policy on the prospED website for individuals and all information recorded on our continuous improvement register.

## National Privacy Principles

### Australian Privacy Principle 1 – Open and transparent management of personal information

#### **Purposes for information collection, retention, use and disclosure**

prospED retains a record of personal information about all individuals with whom we undertake any form of business activity. We must collect, hold, use and



disclose information from our clients and stakeholders for a range of purposes, including but not limited to:

- Providing services to clients;
- Managing employee, auspicing arrangements and contractor teams;
- Promoting products and services;
- Conducting internal business functions and activities; and
- Requirements of stakeholders

As a government registered training organisation, regulated by the Australian Skills Quality Authority, prospED is required to collect, hold, use and disclose a wide range of personal and sensitive information on students in nationally recognised training programs. This information requirement is outlined in the National Vocational Education and Training Regulator Act 2011 and associated legislative instruments. In particular, the legislative instruments:

- Standards for NVR Registered Training Organisations 2012
- Data Provision Requirements 2012.

prospED is also bound by various State Government Acts requiring similar information collection, use and disclosure (particularly Education Act(s), Vocational Education & Training Act(s)). We deliver services through a range of Commonwealth and State Government funding contract agreement arrangements, which also include various information collection and disclosure requirements.

Students are advised that due to these legal requirements, prospED discloses information held on individuals for valid purposes to a range of entities including:

- Governments (Commonwealth, State or Local)

### **Kinds of personal information collected and held**

The following types of personal information are generally collected, depending on the need for service delivery:

- Contact details
- Employment details
- Educational background
- Demographic Information
- Course progress and achievement information
- Financial billing information.

### **The following types of sensitive information may also be collected and held:**

- Identity details
- Employee details & HR information
- Complaint or issue information
- Disability status & other individual needs
- Indigenous status
- Background checks (such as National Criminal Checks or Working with Children checks).

### **How personal information is collected**

prospED's usual approach to collecting personal information is to collect any required information directly from the individuals concerned. This may include the use of forms (such as registration forms or enrolment forms) and the use of web-based systems (such as online enquiry forms).

## Australian Privacy Principle 2 – Anonymity and pseudonymity

prospED provides individuals with the option of not identifying themselves, or of using a pseudonym, when dealing with us in relation to a particular matter, whenever practical. This includes providing options for anonymous dealings in cases of general course enquiries or other situations in which an individual's information is not required to complete a request.

Individuals may deal with us by using a name, term or descriptor that is different to the individual's actual name wherever possible. This includes using generic email addresses that do not contain an individual's actual name, or generic usernames when individuals may access a public component of our website or enquiry forms.

### **Requiring identification**

prospED must require and confirm identification in service delivery to individuals for nationally recognised course programs. We are authorised by Australian law to deal only with individuals who have appropriately identified themselves. That is, it is a Condition of Registration for all RTOs under the National Vocational Education and Training Regulator Act 2011 that we identify individuals and their specific individual needs on commencement of service delivery and, collect and disclose Australian Vocational Education and Training Management of Information Statistical Standard (AVETMISS) data on all individuals enrolled in nationally recognised training programs. Other legal requirements, as noted earlier in this policy, also require considerable identification arrangements.

There are also other occasions within our service delivery where an individual may not have the option of dealing anonymously or by pseudonym, as identification is practically required for us to effectively support an individual's request or need.

## Australian Privacy Principle 3 – Collection of solicited personal information

prospED only collects personal information that is reasonably necessary for our business activities. We only collect sensitive information in cases where the individual consents to the sensitive information being collected, except in cases where we are required to collect this information by law, such as outlined earlier in this policy.

## Australian Privacy Principle 4 – Dealing with unsolicited personal information

prospED may from time to time receive unsolicited personal information. Where this occurs, we promptly review the information to decide whether or not we could have collected the information for the purpose of our business activities. Where this is the case, we may hold, use and disclose the information appropriately as per the practices outlined in this policy. Where we could not have collected this information (by law or for a valid business purpose) we immediately destroy or de-identify the information (unless it would be unlawful to do so).

## Australian Privacy Principle 5 – Notification of the collection of personal information

Whenever prospED collects personal information about an individual, we take reasonable steps to notify the individual of the details of the information collection or otherwise ensure the individual is aware of those matters. This notification occurs at or before the time of collection, or as soon as practicable afterwards.

**Our notifications to individuals on data collection include:**

- prospED's identity and contact details, including the position title, telephone number and email address of a contact who handles enquiries and requests relating to privacy matters;
- The facts and circumstances of collection such as the date, time, place and method of collection, and whether the information was collected from a third party, including the name of that party;
- If the collection is required or authorised by law, including the name of the Australian law or other legal agreement requiring the collection;
- The purpose of collection, including any primary and secondary purposes;
- The consequences for the individual if all or some personal information is not collected; and
- Other organisations or persons to which the information is usually disclosed, including naming those parties

Where possible, we ensure that the individual confirms their understanding of these details, such as through signed declarations or in person through questioning.

## Australian Privacy Principle 6 – Use or disclosure of personal information

prospED only uses or discloses personal information it holds about an individual for the particular primary purposes for which the information was collected, or secondary purposes in cases where:

- An individual consented to a secondary use or disclosure (such as the Third Party Release of Information form);
- An individual would reasonably expect the secondary use or disclosure, and that is directly related to the primary purpose of collection; or
- Using or disclosing the information is required or authorised by law

### **Requirement to make a written note of use or disclosure for this secondary purpose**

If prospED uses or discloses personal information in accordance with an 'enforcement related activity' we will make a written note of the use or disclosure, including the following details:

- The date of the use or disclosure;
- Details of the personal information that was used or disclosed;
- The enforcement body conducting the enforcement related activity;
- If the organisation used the information, how the information was used by the organisation;
- The basis for our reasonable belief that we were required to disclose the information

## **Australian Privacy Principle 7 – Direct marketing**

prospED may use the personal information that it holds about an individual to undertake direct marketing activities to market other internal products and services to them. prospED does not disclose the personal information that it holds about an individual onto any third-party marketing companies for the purpose of direct marketing without the prior written consent of the individual.

An individual may request us at any stage not to use or disclose their personal information for the purpose of direct marketing, or to facilitate direct marketing by other organisations. We comply with any request by an individual promptly and undertake any required actions for free. We also, on request, notify an individual of our source of their personal information used or disclosed for the purpose of direct marketing unless it is unreasonable or impracticable to do so.

## Australian Privacy Principle 8 – Cross-border disclosure of personal information

Before prospED discloses personal information about an individual to any overseas recipient, we undertake reasonable steps to ensure that the recipient does not breach any privacy matters in relation to that information.

## Australian Privacy Principle 9 – Adoption, use or disclosure of government related identifiers

prospED does not adopt, use or disclose a government related identifier related to an individual except:

- In situations required by Australian law or other legal requirements;
- Where reasonably necessary to verify the identity of the individual;
- Where reasonably necessary to fulfil obligations to an agency or a State or Territory authority;
- Where required under the Standards for NVR Registered Training Organisations 2012
- Data Provision Requirements 2012
- As prescribed by regulations

## Australian Privacy Principle 10 – Quality of personal information

prospED takes reasonable steps to ensure that the personal information it collects is accurate, up-to-date and complete. We also take reasonable steps to ensure that the personal information we use or disclose is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant.

This is particularly important where:

- When we initially collect the personal information; and
- When we use or disclose personal information

## Australian Privacy Principle 11 – Security of personal information

prospED takes active measures to consider whether we are able to retain personal information we hold, and also to ensure the security of personal information we hold. This includes reasonable steps to protect the information from misuse, interference and loss, as well as unauthorised access, modification or disclosure.

We destroy or de-identify personal information held once the information is no longer needed for any purpose for which the information may be legally used or disclosed.

Access to prospED offices and work areas is limited to our personnel only – visitors to our premises must be authorised by relevant personnel and are accompanied at all times. With regard to any information in a paper based form, we maintain storage of records in an appropriately secure place to which only authorised individuals have access.

Regular staff training is conducted with prospED personnel on privacy issues, and how the APPs apply to our practices, procedures and systems. We conduct ongoing internal audits (at least annually and as needed) of the adequacy and currency of security and access practices, procedures and systems implemented.

## Australian Privacy Principle 12 – Access to personal information

Where prospED holds personal information about an individual, we provide that individual access to the information on their request.

In processing requests:



- You may access your records where necessary at any time. If you wish to access your records, you must first contact the office administrator to obtain permission.
- You will be required to provide sufficient evidence of identification (preferably a driver's licence or passport) before the office administrator will grant you access to your records.
- You will be able to view all records privately and take copies where necessary for a nominal charge.
- No other parties will have access to your records without your prior written permission.
- Should you wish to permit a third party access to your records, this will need to be clearly indicated.
- You will need to provide the details of the third party seeking to access your records and the third party will have to provide suitable identification prior to any records being released.

## Australian Privacy Principle 13 – Correction of personal information

prospED takes reasonable steps to correct personal information we hold, to ensure it is accurate, up-to-date, complete, relevant and not misleading, having regard to the purpose for which it is held.

### **Individual Requests**

On an individual's request, we:

- Correct personal information held; and
- Notify any third parties of corrections made to personal information if this information was previously provided to these parties.