

<b>POLICY</b>		
<p>Ref. to Legislative Frameworks:</p> <p>HESF2015: Standard 2.4 &amp; 7.3</p> <p>SRTO2015: Standard 3.6 / 6.5 / 7.5 / 8.1 (f) / 8.5 / 8.6</p> <p>National Code 2018: Standard 4.3.2 / 6.8 / 8.8.2 / 8.9.2 / 10.1 / 10.2.7</p>	<b>Information Privacy</b>	
Version: 2.3	Policy Owner: Chief Executive Officer (CEO)	Issued on: 20/01/2018 Review by: 20/01/2020

### Revision History

Current Version	Description of Change	Policy Developers	Effective Date
2.3	<p>Updated the layout to align with the current template</p> <p>Harmonised the content to the Academies Australasia Institute Information Privacy Policy</p> <p>Added references to National Code 2018</p> <p>Changed 'Head of Student Services' to 'Designated Head of Student Services'</p>	<p>CEO</p> <p>Designated Head – Student Services (DH-SS)</p> <p>Quality Assurance Support Officer</p>	20/01/2018
2.2	<p>Reformatted to the current standard template</p> <p>Added references to HESF2015, SRTO 2015 and other external as well as internal reference documentation</p>	<p>Head of Student Services</p> <p>CEO</p>	28/4/2017

## **PURPOSE**

This policy outlines the privacy obligations of Academies Australasia Polytechnic (AAPoly). It explains how AAPoly collect, stores, uses, discloses and provide access to personal information.

## **POLICY STATEMENT**

Bound by the Australian Privacy Principles, AAPoly takes reasonable measures to protect the privacy of its staff and students in accordance with the state and federal regulations including the Information Privacy Principles specified in the Privacy Act (1988) and Information Privacy Act 2000 (Vic).

## **SCOPE**

This policy applies to personal information collected by AAPoly concerning students, prospective students, individual clients and other individuals relevant to AAPoly operations. It does not apply to information about corporations. The Information Privacy policy also covers information where unauthorised access may compromise academic or research integrity.

This Information Privacy policy does not apply to personal information that is:

- (a) in a publication that is available to the public;
- (b) kept in a library, art gallery or museum for reference, study or exhibition purposes;
- (c) a public record under the control of the Keeper of Public Records that is available for public inspection; or
- (d) an archive within the meaning of the Commonwealth Copyright Act 1968.

This policy must be observed by all AAPoly staff, consultants, external contractors and students.

## **DEFINITIONS**

**AVETMISS data** The Australian Vocational Education and Training Management Information Statistical Standard (AVETMISS) is a national data standard that ensures consistent and accurate capture and reporting of Vocational Education and Training (VET) information about students. This reporting requirement is part of the Data Provision Requirements that are established by agreement of Training Ministers across Australia under the National Vocational Education and Training Regulator Act 2011.

**Data breaches** When personal information held by an agency or organisation is lost or subjected to unauthorised access, use, modification, disclosure, or other misuse.

- Direct Marketing** Direct marketing involves the use or disclosure of personal information to communicate directly with an individual to promote goods and services.
- Personal information** (As protected by the Privacy Act) is personally identifiable information, including sensitive information, about a student or prospective student. It is any information or opinion given orally or in any recorded format about an individual whose identity is apparent or is reasonably ascertainable from the information or opinion; and who is alive or has not been dead for more than 25 years.
- Personal information may include
- Student name
  - Current and previous address details
  - Contact information
  - Date of birth
  - Gender
  - Driver's license or other identification details such as (if applicable) passport and relevant visa
  - Assessment results
  - File notes
  - Records of previous training and qualifications
  - Fee payment information, such as credit card details
  - AVETMISS data
  - Disability and special needs
  - Unique Student Identifier (USI) if applicable
- Sensitive information** It is a particular type of Personal Information and includes information such as racial or ethnic origin, political opinions, religious or philosophical beliefs, sexual preference and criminal record, as well as information such as counselling and disability information.

## **POLICY**

1. The collection and use of personal, health and sensitive information must be lawful and have direct relevance to the legitimate purposes and functions of AAPoly. Individuals must be aware of, or be informed of, the purposes for which personal information is obtained.
2. AAPoly will not collect sensitive information unless the collection is required or permitted by law and the individual has consented.
3. AAPoly will take all reasonable measures to ensure that the personal information it receives is complete, up-to-date and securely kept, preventing unauthorised access, misuse or loss. The disposal of personal information will be in line with the policy and procedure on Records Management.

4. AAPoly will disclose personal information only if permitted or required by law in accordance with the purpose for which it was collected and:
  - 4.1. only to staff members who require that information for the performance of their duties.
  - 4.2. to third parties with the consent of the individual unless to lessen or prevent serious risks to an individual's health, safety or welfare.
  - 4.3. ensure that where personal information is disclosed to a third party, there is an agreement binding the third party to the relevant state and federal legislation about privacy
5. Individuals may request access to the personal information held and may also make requests to correct personal information if it is not accurate, up-to-date or complete.
6. AAPoly may transfer personal information interstate or overseas where it is necessary for AAPoly operations, in compliance with the Commonwealth Privacy Act (1988) and other relevant state and federal legislations.
7. As soon as possible, when collecting personal information, AAPoly will provide the individual with a Privacy Statement. The Privacy Statement will inform the individual that:
  - 7.1. AAPoly is collecting personal information and the purpose thereof,
  - 7.2. The individual's right to access the personal information collected,
  - 7.3. Who will have access to the personal information (including whether AAPoly will disclose the personal information to third parties or not),
  - 7.4. The consequences if all or part of personal information is not provided,
  - 7.5. The law that requires AAPoly to collect personal information and
  - 7.6. Which AAPoly department to be contacted about the collection, use, storage and disclosure of personal information.
8. Any individual, whether or not a member of AAPoly, who on reasonable grounds believes that AAPoly has breached this policy may make a complaint about how their personal information is handled, without incurring a fee (refer to the contact details below for access to these services).

## **RESPONSIBILITIES**

- The DH-SS will be responsible for control and maintenance of the Information Privacy Policy as it relates to students.
- The CEO will be responsible for control and maintenance of the Information Privacy Policy as it relates to other stakeholders including staff and third parties. The CEO is the designated position within the organisation to deal with data breaches. This position has responsibility for establishing policy and procedures, training staff, coordinating reviews and audits and investigating and responding to breaches
- The DH-SS and the CEO will be responsible for the administration of this Policy. Specifically, they will:
  - keep records which are required to be kept under this Policy;
  - investigate complaints concerning a breach of the Policy;

- conduct an ongoing review of AAPoly's practices and procedures to ensure that they comply with this Policy, current legislation and best practice; and
- inform and assist staff with respect to privacy issues.

## **FEEDBACK**

Questions or feedback about this Policy are to be sent to the DH-SS by email [studentservices@aapoly.edu.au](mailto:studentservices@aapoly.edu.au). The DH-SS will respond to the written query or feedback within two (2) weeks after the receipt, unless the urgency of the query or feedback requires an immediate response and/or corrective action. The query or feedback that results in material changes to the Policy will be recorded in AAPoly's Continuous Improvement or Corrective Action register.

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## References

<b>Source</b>	<b>Document Title</b>
Internal	Academies Australasia Group Code of Conduct
	Academies Australasia Institute Privacy Policy and Procedure
External	ASQA Standards for Registered Training Organisations
	Higher Education Standards Framework 2015
	National Code of Practice for Providers of Education and Training to Overseas Students 2018
	Privacy Act 1988 and the Privacy Amendment (Enhancing Privacy Protection) Act 2012
	Victorian Freedom of Information Act 1982
	Victorian Health Records Act 2001
	Victorian Information Privacy Act 2000
	Victorian Public Records Act 1973