

## PROCEDURE



<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>	<h3>Information Privacy</h3>
<p>Version: 2.3</p>	<p>Procedure Owner: Chief Executive Officer (CEO)</p>
<p>Issued on: 20/01/2018 Review by: 20/01/2020</p>	

### Revision History

Current Version	Description of Change	Procedure Developer(s)	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 and Procedure</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 of Student Services (DH-SS)</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 procedure and the underpinning policy apply to personal information, private or sensitive information collected by AAPoly concerning students, prospective students, individual clients and other individuals. 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 procedure 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.

## PROCEDURE

### 1. HOW INFORMATION IS COLLECTED

- 1.1. The type of information collected and held by AAPoly includes: personally identifiable information, including sensitive information, about students before, during and after the completion of training. Consent for student information is gained at application via the application and enrolment form.
- 1.2. Students are required to declare that they have understood AAPoly's use of personal information in the student agreement prior to enrolment. Generally, information is provided to AAPoly by the individuals themselves. Individuals provide personal information over the phone, in person, online, via email and by completing various forms, including online enquiry at AAPoly website, enrolment form (may also include visa data if applicable), application for Credit Transfer or Recognition of Prior Learning, assessment task submission, Working With Children Check or National Police Check (if

applicable). In some situations, information could be provided to AAPoly by a third party. Examples may include other Registered Training Organisations.

## **2. HOW WE HOLD INFORMATION**

Depending on the circumstances, we may hold individuals' information in either hardcopy or electronic form, or both. Our student database is held in either hardcopy or electronic format.

## **3. HOW INFORMATION IS USED**

AAPoly only uses information for its intended purpose. We use personal information:

- 3.1. For data reporting, such as the annual AVETMISS data collection, Quality indicator reporting to the Australian Skills Quality Authority, and reporting to the Tertiary Education Quality Standards Authority
- 3.2. For internal purposes such as assessments policies, procedures and processes, risk management, program and assessment validation and moderation and staff training
- 3.3. To identify, and inform individuals of transitioning of training packages or qualifications in which they may be enrolled

## **4. STUDENT IDENTIFIER**

Students who enrol in AAPoly's course are issued with a Student Identification number. The Student Identification number is unique to the student is also used when issuing Statements of Attainment, Certificates or Testamur.

## **5. ASSESSMENT TASK SUBMISSION AND EXAMINATION**

Upon submission of assessment tasks or when taking an exam, students must indicate their name and student number as identification. Students are provided with a student number upon acceptance of their enrolment. In cases where students misplace their student number, they can request this information from Student Services. AAPoly will ask for evidence of identity before distribution of this information.

## **6. DISCLOSURE (SHARING)**

- 6.1. Information collected or held by AAPoly will only be disclosed to third parties after a written consent has been obtained by the individual or where required by law. The third parties may include the individual's authorised representative or legal advisors, Government and Statutory Authorities where required by law and/or the National VET Regulator auditing purposes.
- 6.2. AAPoly will make all reasonable effort to secure and protect confidential information from unlawful disclosure. No personally identifiable information will be disclosed by AAPoly without the consent of the individual(s) concerned.

## **7. ACCESS AND REQUESTS FOR INFORMATION CORRECTION**

- 7.1. To protect the privacy of our students and of others, AAPoly allows students to change their personal information stored in the Student Management System. In rare circumstances, and only where it is permitted under the Privacy Act 1988 (Cth), we may not be able to provide individuals with access to information; for example, where it will have an unreasonable impact upon the privacy of others, where it relates to legal proceedings between us through which the information would not otherwise be available, where it would be prejudicial to negotiations, where we are required by law to withhold the information or where it would reveal information relating to our commercially sensitive decision making processes.
- 7.2. If we are unable to provide individuals with such access, we will provide an explanation in writing within five (5) working days.

## **8. PROTECTING PERSONAL INFORMATION**

To protect the privacy of data and personal information that AAPoly collects and retains, AAPoly uses physical, technical and administrative safeguards. We update and test our security technology on an ongoing basis. All employees undergo privacy training that emphasises the importance of confidentiality and the maintenance of student/employer privacy and security of personal information. Access to personal information is restricted to employees who need it to provide services to students.

## **9. WEBSITE**

AAPoly website may contain links to other websites. AAPoly is not responsible for the privacy practices of such other sites. If individuals go to other websites, AAPoly advises caution and to read the related site's privacy policy.

## **10. DIRECT MARKETING**

AAPoly practices ethical direct marketing. Where AAPoly is permitted to use or disclose personal information for the purpose of direct marketing, it must always: allow an individual to request not to receive direct marketing communications (also known as 'opting out'), and comply with that request. AAPoly will, on request, provide its source for an individual's personal information, unless it is impracticable or unreasonable to do so.

## **11. DATA BREACHES**

- 11.1. Security is a basic element of information privacy. In Australia, this principle is reflected in the Privacy Act 1988 and the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

- 11.2. AAPoly takes reasonable steps to protect the personal information held from misuse and loss and from unauthorised access, modification or disclosure. Depending on the circumstances, those reasonable steps may include
- 11.2.1. the implementation of data breach procedures;
  - 11.2.2. notification of the individuals who are or may be affected by a data breach; and
  - 11.2.3. notification to the OAIC, may also be a reasonable step.
  - 11.2.4. appropriate security safeguards for personal information to be considered across a range of areas, which may include maintaining physical security, computer and network security, communications security and personnel security.
- 11.3. To meet information security obligations, AAPoly undertakes the following activities:
- 11.3.1. Risk assessment – Identifies security risks to personal information held by the organisation and the consequences of a breach of security.
  - 11.3.2. Privacy impact assessments – Evaluates, in a systemic way, the degree to which proposed or existing information systems align with good privacy practice and legal obligations.
  - 11.3.3. Policy development – Reviews and updates the policy that implements measures, practices and procedures to reduce the identified risks to information security.
  - 11.3.4. Staff training – Trains staff and managers in security and fraud awareness, practices and procedures and codes of conduct.

## 12. COMPLAINTS

- 12.1. There are three stages in the complaint-handling process:
1. The complaint is made directly to AAPoly in the first instance
  2. The complaint may be taken to a recognised external dispute resolutions scheme (if applicable), and lastly
  3. The complaint may be taken to the Office of the Australian Information Commissioner (OAIC).
- 12.2. Individuals can contact AAPoly by phone, email, and drop into our office or send a request or complaint to the address below. AAPoly undertakes to respond to the complainant within ten (10) working days. If the request or complaint takes longer to resolve, AAPoly provides individuals with a date by which they can expect a response.

Contact information	Phone	+61 3 8610 4100
	Email	<a href="mailto:suggestiontothecao@aapoly.edu.au">suggestiontothecao@aapoly.edu.au</a>
	Address	Level 7, 628 Bourke Street Melbourne VIC 3000
	Website	<a href="http://www.aapoly.edu.au">www.aapoly.edu.au</a>

- 12.3. The CEO shall investigate complaints as expeditiously as practicable and shall provide a written copy of the findings of fact and recommendations made to the complainant within ten (10) days of receipt of the complaint.
- 12.4. The CEO or nominee will determine what action will be taken on any recommendation contained in the findings and keep a confidential record of complaints.

## **RESPONSIBILITIES**

- The Designated Head of Student Services (DH-SS) will be responsible for control and maintenance of the Information Privacy Policy and Procedure in relation to students.
- The CEO will be responsible for control and maintenance of the Information Privacy Policy and Procedure as relevant 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 implementation of this Procedure and maintenance of the 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 Procedure 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

Source	Document Title
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