

POLICY & PROCEDURAL STATEMENTS

Topic: Privacy of Information

Purpose: This policy and related procedure ensures that Avenue Neighbourhood House @ Eley (ANH@E) as a Registered Training Organisation (RTO) meets its legal and ethical requirements regarding the collection, storage, and disclosure of the personal information it holds about individuals.

This policy and procedure contributes to the Victorian Registration and Qualifications Authority (VRQA) compliance with Condition 3 Compliance with Legislation and Standards 2 and 3 from the AQTF Essential Conditions and Standards for Continuing Registration. This policy and procedure also contributes to compliance with Skills First Government funding contract arrangements.

The purpose of this policy is to also ensure ANH@E:

- Clearly communicates the personal information handling practices to students, participants, staff and volunteers to understand the type of personal information that ANH@E is required to collect and hold.
- Enhances the transparency of its operations.
- Meets all contractual and legislative requirements relating to the collection and retention of staff, student, participant, and volunteers' information.

ANH@E is bound by the following legislation:

- *Information Privacy Act 2000 (Vic)*
- *Privacy Act 1998 (Cth)* including *Privacy Amendment (Enhancing Privacy Protection) Act 2012* and *Australian Privacy Principles Guidelines 2014*
- *Privacy and Data Protection Act 2014 (Vic)*
- *Health Records Act 2001 (Vic)*
- *Student Identifiers Act 2014 (Cth)*
- *National Vocational Education and Training Regulator Act 2011 (Cth)* including *Data Provision Requirements 2012*
- *Electronic Transactions Act 2000 (Vic)*

Definitions:

DET means Department of Education and Training.

Participant means an individual enrolled in a social and recreational activity at ANH@E.

Personal information means 'information or an opinion about an identified individual, or an individual who is reasonably identifiable':

- Whether the information or opinion is true or not.
- Whether the information or opinion is recorded in a material form or not.

Privacy in the context of this policy means *information privacy*, which involves the establishment of rules governing the collection and handling of personal data such as personal information (including credit and medical information). It is also known as 'data protection'.

SRTOs means the Standards for Registered Training Organisations 2015.

Standards means the Standards for Registered Training Organisations (RTOs) 2015 from the [VET Quality Framework](#).

Student means an individual enrolled at ANH@E in an accredited training course.

USI means Unique Student Identifier and 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.

VET means Vocational Education and Training.

VRQA means Victorian Registration and Qualifications Authority, the Victorian VET regulator and the RTO's registering body.

Policy: ANH@E is committed to protecting the privacy of personal information which it collects, holds, and administers as required by regulatory and funding bodies to which ANH@E is contracted.

As a Neighbourhood House and a Registered Training Organisation, ANH@E collects information from individuals for the purposes of providing education programs, social/recreational programs, childcare, and volunteer activities.

ANH@E will only collect personal information that is required for employment or service provision, or in meeting governmental contractual and reporting requirements.

Staff, volunteers, students, and participants have the right not to provide personal information. However, if an individual declines to provide personal information, ANH@E may not be able to enrol, employ, or provide a service to that person.

Personal information is collected predominately through the enrolment or contract of employment processes. Information about an individual's health may be requested to facilitate emergency/first aid procedures whilst the person is on ANH@E premises.

ANH@E does not use electronic transactions for distribution or submission of RTO enrolment documentation, training and assessment documents or class rolls. No documents are signed by way of an electronic action equivalent to a signature. If ANH@E changes its practise, this policy will be updated accordingly.

Individuals who become members of Avenue Neighbourhood House @ Eley provide identity information which is recorded on the ANH@E members' register. Members of the Committee of Management are required to provide information for the purposes of operating as the governing body of a Registered Training Organisation (RTO).

1. RTO Privacy Principles

Refer to [Office of the Australian Information Commissioner \(OAIC\)](#) for further information.

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

In collecting personal information, the RTO complies with the requirements set out in the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Cth) which updates the *Privacy Act 1988* (Cth) and ensures compliance with the Australian Privacy Principles (APPs) set out in the *Privacy Act* and regulations of the state in which the RTO operates.

This means the RTO ensures each individual:

- Knows why their information is being collected, how it will be used, and who it will be disclosed to through the:
 - The mandatory Privacy Statement, Student Declaration and Consent as required under the *Data Provision Requirements 2012*.
 - Relevant State Government VET Student Enrolment Privacy Notice (VIC).
 - USI Privacy Notice.
 - NCVER specific requirements to the collection of statistical data gathered from student surveys and reporting of AVETMISS data.

Privacy Statements, Student Declaration, and Consent for the Disclosure of Information are included on the accredited training enrolment form in accordance with Department of Education & Training contractual requirements. These documents must be signed by the student enrolling and, in the case of the student being under the age of eighteen (18) years, their parent/guardian signature.

The RTO also ensures each individual:

- 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 RTO if they consider that their personal information has been mishandled.

2. Collection of information

In general, 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:

- Personal and contact details.
- Proof of identity.
- Employment information, where relevant.
- Academic history.
- Language, literacy, and numeracy proficiency for students.
- Background information collected for statistical purposes about prior education, schooling, place of birth, disabilities etc.
- Training, participation, and assessment information.
- Completed student assessment work for the purposes of internal and external validation.
- Breaches of student of conditions relating to attendance and/or course progress.
- Fees and payment information.
- Information required for the issuance of a USI.

3. Unique Student Identifiers (USI)

From 1 January 2015, all students participating in nationally recognised training are now required to have a Unique Student Identifier (USI) and provide it to the RTO upon enrolment. Alternatively, the RTO can apply for a USI on behalf of an individual student.

The *Student Identifiers Act 2014* (Cth) authorises the Australian Government's Student Identifiers Registrar to collect information about USI applicants. When the RTO applies for a USI on behalf of a student who has authorised us to do so, we need to collect personal information about the student which will be passed on to the Student Identifiers Registrar. This will include:

- Name, including first or given name(s), middle name(s), and surname or family name.
- Date of birth.
- City or town of birth.
- Country of birth.
- Gender.
- Contact details, so the Student Identifiers Registrar can provide individuals with their USI and explain how to activate their USI account.

In order to create a USI on behalf of a student, the RTO will be required to verify the identity of the individual by receiving a copy of an accepted identification document such as the individual's Medicare card, birth certificate, passport, or drivers' licence.

This document will only be used for the purposes of generating the USI and confirming the identity of the individual with the Registrar. Once the USI has been generated and validated, the identity documents used or collected for this purpose will be securely stored in the student's file as they are required to be retained for Skills First Government Funding Contract requirements to verify citizenship eligibility.

The information provided by an individual in connection with their application for a USI:

- Is collected by the Registrar as authorised by the *Student Identifiers Act 2014* (Cth).
- Is collected by the Registrar for the purposes of:
 - Applying for, verifying, and granting a USI.
 - Resolving problems with a USI.
 - Creating authenticated vocational education and training (VET) transcripts.

The information may be disclosed to:

- Commonwealth and State/Territory government departments and agencies and statutory bodies performing functions relating to VET for:
 - The purposes of administering and auditing VET, VET providers, and VET programs.
 - Education-related policy and research purposes.
 - To assist in determining eligibility for training subsidies.
- VET Regulators to enable them to perform their VET regulatory functions.

- VET Admission Bodies for the purposes of administering VET and VET programs.
- Current and former Registered Training Organisations to enable them to deliver VET courses to the individual, meet their reporting obligations under the VET standards and government contracts, and assist in determining eligibility for training subsidies.
- Schools for the purposes of delivering VET courses to the individual and reporting on these courses.
- The National Centre for Vocational Education Research (NCVER) for the purpose of creating authenticated VET transcripts, resolving problems with USIs, and for the collection, preparation and auditing of national VET statistics.
- Researchers for education and training related research purposes.
- Any other person or agency that may be authorised or required by law to access the information.
- Any entity contractually engaged by the USI Registrar to assist in the performance of his or her functions in the administration of the USI system.
- Will not otherwise be disclosed without the student's consent unless authorised or required by or under law.

The consequences to the student of not providing the USI Registrar with some or all of their personal information are that the USI Registrar will not be able to issue the student with a USI, and therefore the RTO will be unable to issue a Qualification or Statement of Attainment.

4. Use and disclosure of personal information

Avenue Neighbourhood House @ Eley will make every effort to ensure that personal information remains confidential and secure and is only used for the primary purposes outlined in this policy.

ANH@E will not disclose, reveal, sell, share, or pass personal information onto any third party, without an individual's express permission. ANH@E does not sell its mailing list to third parties for any purposes.

The personal information about students enrolled in a course with the RTO may be shared with the Australian Government and designated authorities, such as the:

- VRQA (the RTO's registering body) and its auditors.
- USI Registrar (as per above).
- Department of Education and Training.
- National Centre for Vocational Education Research (NCVER).
- Department of Health & Human Services.

This includes personal details, contact details, course enrolment information, unit outcomes, AQF certification and statement issuance, and information about training participation and progress.

The RTO will not disclose an individual's personal information to another person or organisation unless:

- The individual has given *written* consent.

- The RTO believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious threat to the life or health of the individual concerned or another person.
- The disclosure is required or authorised by, or under, law.
- The disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of public revenue.
- They are aware that information of that kind is usually passed to that person or organisation.

Any person or organisation to which information is disclosed is not permitted to use or disclose the information for a purpose other than for which the information was supplied to them.

At no time will ANH@E disclose any personal information to overseas recipients.

5. Privacy

ANH@E is bound by the information privacy principles set out in the Privacy & Data Protection Act, and any applicable code of practice under it, for any act done, practice it engages in, under or in connection with the VET Funding Contract in the same way and to the same extent as the Department of Education would have been bound had it been directly done or engaged in by the Department of Education.

In collecting any Personal Information for the purposes of the VET Funding Contract, the ANH@E must ensure that it has obtained all necessary consents, in accordance with all applicable Laws, including the Privacy & Data Protection Act 2014 (Vic), the Health Records Act 2001 (Vic) and (if applicable) the *Privacy Act 1988* (Cth), for:

- a) ANH@E to collect, use, hold and disclose that Personal Information, including by disclosing it to the Department as contemplated by the VET Funding Contract (including by way of the submission of reports and other information under Clause 7 and Clauses 10 and 11 of Schedule 1, for the purposes of complying with Record disclosure obligations under Clause 10 and in the course of any audit, review or investigation under Clause 11); and
- b) the Education Department to collect, use, hold and disclose that Personal Information for the purposes of the VET Funding Contract and its operation and management of the Skills First Program.

ANH@E must cooperate with, and provide any assistance requested by, the Education Department in relation to:

- a) resolving any complaint made to the Education Department alleging a breach of the Privacy & Data Protection Act or the Health Records Act about any Personal Information collected, used, held, or disclosed by the Education Department that was provided to it by ANH@E in connection with the VET Funding Contract; and
- b) providing access to or amendment of any record of Personal Information collected, used, held or disclosed in connection with the VET Funding

Contract following a request from an individual made to the Education Department.

If the ANH@E becomes aware of any:

- a) breach of the above Clauses;
- b) unauthorised disclosure, use, modification or access, attempted unauthorised disclosure, use, modification or access, or misuse or loss of any Personal Information collected or held for the purposes of the VET Funding Contract; or
- c) act or practice of the ANH@E which causes a failure by the Education Department to comply with its obligations under the Privacy and Data Protection Act 2014 or the Health Records Act (Vic),

it must notify the Education Department via the SVTS and cooperate with the Education Department in any investigation or other steps taken by the Education Department in response to that matter.

6. Exemptions

ANH@E may disclose personal information to law enforcement authorities when required or authorised under an Australian law or a court/tribunal order, or where it is reasonable to do so if there has been a threat to life or ANH@E believes a criminal act or unlawful activity has been committed. ANH@E may also disclose information if a permitted health condition exists, or a health condition eventuates that may require emergency medical care.

7. Storage and use of information

The RTO 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 storeroom) and electronically in a secure environment to which only authorised staff have access.

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

The RTO 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 by contacting our RTO Compliance Coordinator.

8. Access to and correction of records

Individuals have the right to access or obtain a copy of the information that the RTO 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 the RTO Administration and Compliance Coordinator using the Student Application Access to Personal 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 RTO holds about them; however, there may be a charge for any copies made. Arrangements will be made within ten (10) days for the individual to access their records. In cases where a student nominates a third party to access their records the Third-Party Application Access to Student Personal Records form must be completed by the student and third-party person. The third party must prove their identity to be able to access the nominated students' records. Refer to ANH@E RTO - Student Records Policy.

Social and Recreational class participants, staff, and volunteers can request access to their personal information at any time. ANH@E does not charge a fee for accessing or correcting personal data. Requests must be made in writing and individuals will be required to supply proof of identification documents.

9. Direct Marketing

From time-to-time ANH@E may contact participants regarding events and/or activities, permission for this will be sought at enrolment.

ANH@E may use client testimonials, but they will not identify students, participants, or staff by name unless permission has been given.

Anybody receiving information from ANH@E in error or who does not wish to receive such information, can contact ANH@E in writing and request to have their name removed from mailing lists.

10. Management of personal information

ANH@E endeavours to ensure all personal information is accurate, up-to-date, complete, and relevant. ANH@E will, as a matter of course, routinely update personal information in student files, enrolment forms, membership database, staff files, and the student management system.

11. Retention and disposal of information

Participant, student, staff and volunteer personal information is held at ANH@E in both electronic and paper format. ANH@E takes all reasonable steps to protect personal information from misuse, loss and from unauthorised access or disclosure.

Information will be secured in locked filing cabinets and locked offices. Electronic records are protected by applying password protection on the central electronic filing system. Back-up data is encrypted so it is inaccessible by third parties.

Information that is deemed to be no longer required will be destroyed (by shredding) or permanently deleted. Some information is required to be stored securely for thirty (30) years under AQTF Essential Conditions and Standards for Continuing Registration. In these circumstances, hard copy personal information will be archived and secured on site in a locked archive room.

12. Information security

Paper records will be managed for information security by being:

- Kept out of public view.
- Removed from desks when not in use.

- Kept in a locked filing system.
- Sensitive information kept separate from general files.
- Personal files will not be removed from the premises.
- Disposed of by shredding or destroyed securely.

Electronic records will be managed for information security by:

- Computer screens kept out of public view.
- Setting access privileges assigned according to job function.
- USBs/CDs kept secure.
- Files deleted when no longer required.
- Anti-virus software up to date.
- Backup stored securely.

Emails will be managed for information security by:

- Staff being made aware that emails that are sent and received may be accessed by others.
- An individual's names not placed in the subject bar (exception: invoices emailed to NDIS Plan Management Providers for payment require the individual's name and NDIS number in subject bar).
- Highly confidential information must not to be sent by email.

Phone calls will be managed for information security by:

- Care taken to avoid conversations being overheard.
- Verification of a caller's authority to request information received before information disclosed over the phone.

Conversations regarding staff, volunteers, participants, and students that are confidential must be held in a non-public area.

Printers and copiers will be managed for information security by:

- Being located in a secure area.
- Records will only be copied when authorised and essential.
- Printing of a sensitive nature will be collected immediately.

13. **Complaints about privacy**

Any individual wishing to make a complaint or appeal about the way information has been handled at ANH@E or within the RTO can do so by following the Complaints and Appeals Policy and Procedure.

Status	Current
Effective Date	08 June 2022
Review Date	By June 2024
Approval Authority	Committee of Management
Enquiries	9808 2000