

Objective

This policy describes the practices and procedures by which the Conservation Skills Centre (CSC) will ensure compliance with the relevant privacy legislation to protect the personal information and right to privacy of those that are detailed within the policy. The policy outlines how we collect and deal with information from individuals. This policy is made available free of charge and is hosted on our website.

Applicable Legislation

This policy implements the *Privacy Act 1988* (Cth) and the Australian Privacy Principles ('APP') which is outlined in Schedule 1 of the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Cth).

Scope

This policy applies to all personal and sensitive information collected by the CSC in regards to an individual.

Responsible Parties

The Training Manager is responsible for the control and issuance of this policy (this may be delegated).

The CEO has designated the duties and responsibilities contained within this policy to the Training Manager. Therefore, the Training Manager's duty is to action this policy.

Individual persons: means past and present staff, students and other members of the CSC.

Complaints and Appeals

If you have a complaint about our services regarding Privacy please contact the Training Manager. The Training Manager will provide an initial response to an individual's query or complaint with 48 hours and will resolve the query or complaint within 10 working days from receipt of formal notice of complaint. However, if the individual is not satisfied with the response, they may appeal the decision.

If they are still not satisfied, they may contact the Australian Privacy Commissioner on 1300 363 992 or <https://www.oaic.gov.au/about-us/contact-us/>

Security of Individuals Records

Individuals records are secured on our server with password and access level protection. Hard copies of records are locked in filing cabinets or cupboards.

The Training Manager and CEO maintain a list of staff approved for record access. Record access is only provided where the need has been approved in writing by the individual.

The Training Administration Coordinator has access to student records and files. Trainers/assessors have access to student records and files.

Procedure

The CSC will ensure that it respects the privacy of individuals by implementing the Australian Privacy Principles.

The APP in the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* sets out how private and public sector organisations should collect, use, keep secure and disclose personal information. The principles give individuals a right to know why and how personal information is collected and to whom it will be disclosed. Within the provisions of the Act, the CSC will provide individuals access to their information and update and correct or remove information if requested by the individual.

The CSC will ensure it operates consistently with the APP and only collect the personal information that is necessary for the conduct of its business, and that it will use that information in the manner for which it was intended.

Review

The Training Manager will review the policy annually or earlier. Should there be relevant amendments to the respective Act or changes to the operation of the CSC or educational environment, these changes will be analysed and reflected in the policy. The Training Manager will ensure that any updates of amendments to this policy will be provided to staff and current students.

Purpose of Collecting Information

The purposes for which the CSC collects personal information of students includes: satisfying legal obligations, administration, to keep employers informed of the student's progress in the course of study, allow the CSC to discharge its duty of care.

The purposes for which the CSC collects personal information of job applicants, staff members and contractors includes: satisfying legal obligations, insurance purposes, administering the individuals contract of employment. The CSC only collects information that it believes is reasonably necessary for, or directly related to its functions as a CSC.

Release of Information

The CSC must have the student's permission in writing with reference to release of information. The CSC enrolment form student declaration includes authority to release information statements. By clicking accept and submitting this form students give CSC authority to release information as described in the declaration.

The CSC is required to ask for the staff members permission in writing with reference to release of information; this is included in the staff employment agreement, which must be signed prior to employment.

Information Collected

The CSC collects personal information from individuals solely for the purpose of operating as a RTO under the VET Quality Framework administered by the National VET Regulator (NVR). The requirements of the NVR may mean the release of student or staff member's personal information for the purposes of an audit.

The type of information the CSC collects and holds includes (but not limited to) personal information, including sensitive information, about: Students and parents and/or guardians before, during and after the course of a student's enrolment, job applicants, staff members and contractors; and other people that come into contact with the CSC.

Sensitive information is only collected if the individual [it relates to] provides consent or if Court orders/law allows it.

The information media may take the form of: interviews, feedback surveys, email correspondence, telephone calls, third party information, and application forms. Data will be uploaded to the CSCs Client Management System (CMS) – aXcelerate.

The CSC will take steps as are reasonable to ensure that personal information that the CSC:

1. collects about individuals is accurate, up-to-date and complete;
2. uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant.

Provision of Information

Student or staff information will not be provided to anyone unless the CSC has the consent from the student or staff member or is specifically required to provide the information by the authorisation of an Australian Law/Court/Tribunal order. The individual's personal information will not be disclosed or used for another purpose/secondary purpose unless it would be reasonably expected that the CSC use or disclose the information for a secondary purpose.

For example, student information is only given to the following bodies where required:

- ASQA: Australian Skills Quality Authority;

- STA: State Training Authorities;
- The Australian Taxation Department;
- Employers where the student is a trainee; and
- Other information as authorised.

The bodies corporate may disclose the individual's information in a corporate group. For example, while students are undertaking the training program, there will be times when the CSC and/or its Training Manager, Training Consultant, Administration Officer may need to discuss the students program with internal CSC staff, the NVR – ASQA and/or the students employer. All disclosures will be notified to the individual.

Access to Information

Under the APP, the student or staff member can access his/her personal information free of charge and may update, correct or delete inaccurate or outdated information about them. If we are satisfied that the information about an individual is inaccurate we will take all steps as reasonably possible to ensure the information is accurate, up to date, complete and relevant and not misleading. This also applies to third parties.

Individuals requesting access to information about themselves will be identified and verified in the same way that a Bank verifies individuals to set up a Bank account, this will include a 100-point ID verification by the Training Manager.

By law there is certain information that a CSC must maintain for up to 30 years and so we are not at liberty to delete all data; individuals may clarify requests in this regard with the Training Manager. Other files will be retained for a lesser period, for example files relating to taxation.

Personal Information is protected from misuse, interference, loss and from unauthorised access, modification or disclosure. Personal information is maintained on our student/staff management system, the program allows access by approved staff only and includes various levels of access. The CEO and Training Manager have full rights access, whereas the data entry person may only add data but have no change access rights unless provided access by above senior managers. Once the CSC is no longer required to hold personal information it will take steps as are reasonable to destroy information or to ensure that the information is de-identified.

We will respond to a request for access to personal information within a reasonable period after the request is made and submitted on the appropriate form: Student Records Access or Staff Records Access. Access will be provided if the documentation has been completed fully and submitted with the appropriate level of verification and the individual does not meet any of the following criteria:

Access **will not be provided** to individuals' information where the access would:

1. pose a serious threat to the life, health or safety of any individual;
2. be a public health/safety risk;
3. have unreasonable impact on the privacy of other individuals;
4. be deemed as vexatious or frivolous;
5. relate to anticipated or existing legal proceedings;
6. reveal intention of the CSC in relation to negotiations with the individual and would prejudice those negotiations;
7. be deemed unlawful or prohibited by an Australian law/Court order;
8. be required for suspected unlawful activity or misconduct of a serious nature relating to the CSCs functions or activities and giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
9. be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
10. reveal information in relation to commercially sensitive decision-making processes.

If access is refused, CSC will provide written detail of the reasons for refusal, and provide the individual access to the complaints and appeals mechanisms and any other matter prescribed by the regulations.

Students

Students will have access to all information held on them. The CSC will store and use the information appropriately and limit access to only those who have a legal reason to have access to that information, or whom the student has given permission.

Students who request access to their information will be given full access to the details they want. No cost will be charged for them accessing their information whilst they are enrolled students. The appropriate form is titled, Student Records Access and may be requested from Training Manager. For access to records, the student must meet with the Training Manager and provide identification (such as driver's license, passport, and credit card) and complete the records access form.

Staff

Staff will have access to all information we hold on them, and we will store and use the information appropriately and limit access to only those who have a legal reason to have access to that information, or whom the staff member has given permission.

Staff members who request access to their information will be given full access to the details they want. No cost will be charged for them accessing their information whilst they are employed at CSC. If the person is no longer an employee of the CSC, and they request access of information there may be a fee involved, the cost must be paid in advance of access. The appropriate form is titled, Staff Records Access and may be requested from Training Manager

For access to records, the staff member must meet with the Training Manager and provide the completed form.

Privacy Principles

The CSC abides by the APP and will not pass on students or other staff member's information to anyone in any way that may be considered as breaching the APP.

The Australian Privacy Principles:

*The APP was downloaded from ComLaw website:
<http://www.comlaw.gov.au/Details/C2012A00197/Download> [downloaded 13 March 2014]
Refer to Schedule 1*

Part 1 sets out principles that require APP entities to consider the privacy of personal information, including ensuring that APP entities manage personal information in an open and transparent way:

Australian Privacy Principle 1—open and transparent management of personal information;
Australian Privacy Principle 2—anonymity and pseudonymity.

Part 2 sets out principles that deal with the collection of personal information including unsolicited personal information:

Australian Privacy Principle 3—collection of solicited personal information;
Australian Privacy Principle 4—dealing with unsolicited personal information;
Australian Privacy Principle 5—notification of the collection of personal information.

Part 3 sets out principles about how APP entities deal with personal information and government related identifiers. The Part includes principles about the use and disclosure of personal information and those identifiers:

Australian Privacy Principle 6—use or disclosure of personal information;
Australian Privacy Principle 7—direct marketing;

Australian Privacy Principle 8—cross-border disclosure of personal information;
Australian Privacy Principle 9—adoption, use or disclosure of government related identifiers.

Part 4 sets out principles about the integrity of personal information. The Part includes principles about the quality and security of personal information:

Australian Privacy Principle 10—quality of personal information;
Australian Privacy Principle 11—security of personal information.

Part 5 sets out principles that deal with requests for access to, and the correction of, personal information:

Australian Privacy Principle 12—access to personal information;
Australian Privacy Principle 13—correction of personal information.

Associated documents:

Code of Practice
Legislation compliance policy and procedure
Student Records Access
Staff Records Access
CSC Enrolment form
Complaints Concerns and Appeals Policy
Notice of Complaint

Policy developed by: Training Manager
Refer to: [insert the standards e.g.]
Responsible Manager: Training Manager
Approved by: Training Manager

Policy endorsed by: [Training Manager and CEO]