

Privacy & Confidentiality Policy

1. Scope

This policy ensures that A Grade Education and Training meet its legal and ethical requirements in regard to the collection, storage and disclosure of the personal information of individuals.

2. Purpose

This policy sets out A Grade Education and Training compliance with Privacy Act 1988 (Commonwealth). This policy describes how A Grade Education and Training collects, manages, uses, discloses, protects, and disposes of personal information in accordance with the Australian Privacy Principles (APPs) outlined in Schedule 1 of the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

Definitions

Under the Privacy Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Act 2012 (s6(1)), personal and sensitive information is defined as follows:

Personal information: “information or an opinion about an identified individual, or an individual who is reasonably identifiable: (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not.”

Sensitive information: “(a) information or an opinion about an individual’s: (i) racial or ethnic origin, or (ii) political opinions, or (iii) membership of a political association, or (iv) religious beliefs or affiliations, or (v) philosophical beliefs, or (vi) membership of a professional or trade association, or (vii) membership of a trade union, or (viii) sexual preferences or practices, or (ix) criminal record, that is also personal information; or (b) health information about an individual; or (c) genetic information about an individual that is not otherwise health information; or (d) biometric information that is to be used for the purposes of automated biometric verification or biometric identification; or (e) biometric templates”.

3. Guidelines

- A Grade Education and Training Privacy & Confidentiality Policy can be accessed by all. A Grade Education and Training adheres to high level of confidentiality to keep the trust and ensure health & safety of all that are connected to A Grade Education and Training.
- Authority to collect and store information
- A Grade Education and Training under the *National Vocational Education and Training Regulator Act 2011* to collect personal and sensitive information from its learners. This

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requirement is specified in the *Data Provision Requirements 2012* A Grade Education and Training Institute complies with as a condition of its registration.

- The data provision requirements require A Grade Education and Training to collect data from students in accordance with the Australian Vocational Education and Training Management Information Statistical Standard (AVETMISS).
- Information collected include:
 - Name, address, phone number, proof of identify such as driver's license, Medicare card and Centrelink concession card or income statement if required;
 - Any special needs relevant to medical history, disability relevant to enrolment;
 - Reports or references provided by health care providers, government agencies, specialists agencies or medical specialists.
- Information required Standards for Registered Training Organisations 2015 require defines information about who the student is, where the training is delivered and what they are studying. The A Grade Education and Training to retain and store this information for up to 30 years and to report training activity to government agencies in accordance with mandatory reporting requirements.
- Where A Grade Education and Training collects information about an individual from another person, reasonable steps are taken to ensure all concerns are aware of why the information is being collected, how it will be used - the names of organisation or agencies to which A Grade Education and Training might disclose the information.
- A Grade Education and Training may collect information about a person directly from that person or from another person or agency or organisation on the individual's behalf with their consent.
- Together these requirements form a statutory obligation to collect, store and report information of any student participating in Nationally accredited training.
- A Grade Education and Training collects personal information, either directly or indirectly, that is reasonably necessary for, or directly related to its delivery of the services it offers. Some of the information collected may be regarded as 'sensitive' as defined by the *Privacy Act*.

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In broad terms the kinds of personal information and purposes for which it is collected are:

Solicited information:

- Contact information such as name, organisation, position, address, telephone, and email;
- to obtain support services from government agencies and organisation that benefits them;
- mandatory reporting as required by law;
- where there is threat to person's health & safety, or threat to public health & safety;
- secondary purposes as part of our day to day operation such as A Grade Education and Training insurers, staff training;
- In addition to information collected training activity, A Grade Education and Training will also collect, store and report information relating to satisfaction surveys, complaint handling and on our client employers;
- In relation staff names, addresses, phone numbers, emergency contact details, bank account details, proof of identity, pre-health questionnaire, working with children check and other employment related information is collected from employees for the purpose of managing human resources. The management of staff personal information complies with this policy.

Collection methods:

- Student personal and sensitive information as well as training activity information is prescribed by the AVETMISS Standard. This information is collected directly from our student as part of the enrolment process using the enrolment form which may be paper and electronic based and other administrative forms including but not limited to complaint forms, recognition application, request for refund, transfer application, etc. Much of this information is entered into our student management system called aXcelerate. Hard copy records are retained within our student files;
- Survey responses are collected using our Employer and Learner Satisfaction Surveys which are issued both in hard copy and electronic format. These survey results are returned to the main office and entered into our survey analysis software "Satisfaction Data". Survey forms once entered into Satisfaction Data are either destroyed if hard copy or permanently deleted if in electronic form;
- Enquiry information from prospective student including personal contact information is collected directly from individuals who make data requests either by telephone or email in person or via our website;
- A Grade Education and Training personal information is collected from staff on employment commencement.

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Sensitive information:

Personal information collected by A Grade Education and Training that may be regarded as 'sensitive' under the Privacy Act includes:

- 'Disability' and 'long-term impairment status' (health); and 'indigenous status', 'language spoken at home', 'proficiency in spoken English', 'country of birth' (implies ethnic/racial origin). This information is specified in the AVETMISS data elements and is collected for the national VET data collections, national VET surveys, ASQA student surveys and may be collected for VET-related research;
- 'Dietary requirements' (health-related) are collected for event catering purposes only;
- Biographical information, which may contain information on 'affiliations' and 'membership of a professional or trade association' are obtained from key note speakers for event marketing purposes;
- 'Memberships of professional associations' and 'health and work injury information' is collected from A Grade Education and Training employees for HR management purposes.

Direct marketing

A Grade Education and Training does not use or disclose personal information about any individual for direct marketing in accordance with *Australian Privacy Principle 7* (Direct marketing), the *Spam Act 2003* (in respect of electronic communications), and the *Do Not Call Register Act 2006*. It is not, however A Grade Education and Training's practice to 'cold call' for the purpose of marketing its products and services. Refer below for full information.

Google Analytics and cookies

Google Analytics is a web service provided by Google Inc. Cookies are used to generate data on website activity and usage. The cookies, which include IP addresses, are transmitted to and stored in Google servers in the United States where they are used to compile web-use reports. Google may transfer this information to third parties, where required by law, or for information processing on its behalf. Google will not associate IP addresses with any other

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data held by Google. More information on Google's privacy policy can be found at: https://www.gstatic.com/policies/privacy/pdf/20180525/853e41a3/google_privacy_policy_en.pdf

It is possible to disable cookies by adjusting web-browser setting and to opt-out of Google Analytics (<https://tools.google.com/dlpage/gaoptout>). Doing so, however, may affect web-site functionality.

A Grade Education and Training web servers automatically log information such as server address, date and time of visit and web pages accessed. No personal information is recorded. These logs are used for website management and improvement.

Unsolicited personal information

If A Grade Education and Training should receive unsolicited personal information, it will be treated and managed according to the Australian Privacy Principles.

Notification of collection

- At enrolment informs the purpose of collection of personal information which is explained to prospective reporting to ASQA, NCVET, Department of Education, Department of Home affairs and Department of Industry. A Grade Education and Training aims to notify individuals of the collection of their personal information before, or at the time of collection, or as quickly as possible thereafter.
- A privacy declaration is stated on the enrolment form where student declaration is taken where student is fully aware of collection of information and its use. Notifications are usually in writing email or by phone.
- **Marketing** – notification is provided on our website course application page. Individuals are also notified at the time of collecting personal information for events.
- **Quality Indicator surveys** – notification is provided in the letter of invitation to participate in the surveys and also at the time of collecting the information (online or by telephone).
- A Grade Education and Training **staff** – Notification is provided on employment commencement.

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Disclosure of personal information

- A Grade Education and Training does not disclose personal information other than for the purpose for which it was collected, or an individual has consented to a secondary purpose, or an individual would reasonably expect this (such as receiving communications about upcoming events), or if required by law.
- A Grade Education and Training may share personal information with the Commonwealth government in accordance with Commonwealth contractual obligations. In these circumstances, A Grade Education and Training will take reasonable steps to inform and seek consent from the individuals concerned and take all reasonable steps to ensure the personal information of individual is handled according to the APPs.
- As a student of A Grade Education and Training, the persons are able to access information are those involved in the training program, the trainee, the employer and A Grade Education and Training. The information disclosed will be relevant to their course progress and attendance. Any other information requested. A Grade Education and Training must seek consent of the student.
- A Grade Education and Training does not sell its mailing lists to third parties for marketing purposes.
- A Grade Education and Training does not disclose personal information to overseas recipients. While people around the world can access material published on our website, no statistical or research publications contain identifiable personal information.

Management of personal information

- A Grade Education and Training endeavours to ensure the personal information it collects and uses or discloses is accurate, up to date, complete and relevant. If any individual thinks their information is not up to date, inaccurate they have to contact A Grade Education and Training to correct this information where necessary.
- Access to and correction of personal information.
- Individuals may, subject to the exceptions prescribed by the Australian Privacy Principles, request access to and correction of their personal information where this is collected directly from individuals by A Grade Education and Training.

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- A Grade Education and Training does not charge for giving access to or for correcting personal information.
- Requests for access to or correction of personal information should be made in writing. Requests will be answered within 14 business days.

Information retention and disposal

Personal information is held in electronic and paper format:

- Information collected from student enrolment applications and survey responses are stored in databases;
- Names and contact details of stakeholders are held in axcelerate and email contact lists; emergency contact of the students, placement details;
- Names and contact details collected during the delivery of services may be held either in electronic form in A Grade Education and Training's document management system or in paper documents which are locked in cupboards and filing cabinets;
- Personal staff information of students is held in axcelerate and staff files under secured A Grade Education and Training server and Accounts use Zero for pay roll for processing staff salaries;
- Backup copies of all electronic files held in A Grade Education and Training's systems are kept in the event of RTO Manager System failure/loss. All backup copies of system files are secured;
- A Grade Education and Training retains personal information for 30 years. When personal information is no longer necessary for A Grade Education and Training business functions, and it is lawful to do so, A Grade Education and Training destroy the information.

Information security

- A Grade Education and Training has effective measures in place to protect personal information from misuse, interference and loss, and from unauthorised access, modification or disclosure;

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- A Grade Education and Training IT systems and internal network are protected from unauthorised access using appropriate technologies. Most system data transferred over the internet is protected by Secure Socket Level protocol (SSL);
- The inherent risks associated with data transmission over the internet are, however, commonly acknowledged;
- Individuals, who do not wish to provide their personal information via the online website forms have the option of mailing this information to A Grade Education and Training at info@agradetraining.nsw.edu.au;
- Access to aXcelerate is protected through user log-in and secured password, and assignment of user access rights set;
- A Grade Education and Training's premises and data storage systems are fully secured;
- A Grade Education and Training practices clean-desk policy and locking workstations when working with personal information;
- Paper documents containing names and addresses are required to be locked away and shredded when destroyed. All hardware is properly 'sanitised' before disposal.

Internet site privacy:

- A Grade Education and Training collects the emails of the student and other individuals through designated staff email address;
- A Grade Education and Training monitors who is accessing interne;
- A Grade Education and Training may, it is believed individuals have a legal requirement to preserve the content of any email sent to A Grade Education and Training and similarly A Grade Education and Training has permission to do so under Privacy Amendment (Enhancing Privacy Protection) Act 2012. This is to monitor A Grade Education and Training's email message content for trouble shooting or any email abuse or maintenance.

Australian Privacy principle – Directing Marketing - APP 7 Focus points

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APP 7 provides that an organisation must not use or disclose personal information it holds for the purpose of direct marketing unless an exception applies.

APP 7 may also apply to an agency in the circumstances set out in s 7A. – Direct marketing involves the use or disclosure of personal information to communicate directly with an individual to promote goods and services.

– Where an organisation 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.

– An organisation must, on request, provide its source for an individual’s personal information, unless it is impracticable or unreasonable to do so.

Australian Privacy Principle- Cross border disclosure-APP 8 Focus points

-Before an APP entity discloses personal information to an overseas recipient, the entity must take reasonable steps to ensure that the overseas recipient does not breach the APPs in relation to the information (APP 8.1) –

- An APP entity that discloses personal information to an overseas recipient is accountable for any acts or practices of the overseas recipient in relation to the information that would breach the APPs (s 16C).

– There are exceptions to the requirement in APP 8.1 to take reasonable steps and to the accountability provision in s 16C

Ref and for full information

<https://www.oaic.gov.au/resources/agencies-and-organisations/app-guidelines/chapter-8-app-guidelines-v1.1.pdf>

Any information or Complaints

Should an individual would like to make formal complaints or enquiries regarding A Grade Education and Training management of personal information should be directed in writing to A Grade Education and Training’s Management.

Legislations:

- Privacy Act 1988

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- Privacy Amendment (Enhancing Privacy Protection) Act 2012
- Privacy Regulation Act 2013
- *National Vocational Education and Training Regulator Act 2011.*
- *Data provision requirements 2012*