

Title	Privacy Policy and Procedure	Type	<input checked="" type="checkbox"/> POL	<input checked="" type="checkbox"/> PRO	<input type="checkbox"/> INS
Section	Quality Assurance	Reference Number	8		
Endorsement Date	October 2020	Review Date	March 2021		
Version	2.0	Review Personnel	Sarah Smith		

PURPOSE
SCOPE
This policy is applicable to all VET operations of South Coast Careers College.
PRINCIPLES
<p>South Coast Careers College (RTO ID 6558) is a compliant organisation and takes its obligations under various legislation, standards, and contracts seriously. The organisation has quality assurance mechanisms in place to ensure ongoing compliance and continuous improvement across its operations.</p> <p>South Coast Careers College complies with Commonwealth and State legislation and regulatory requirements on :</p> <p>WH & S Duty of care legislation Workplace harassment, victimisation and bullying Anti-discrimination, including equal opportunity, racial vilification or disability discrimination Prohibited Employment Child Care and Protection Disability Service Standards Fair Work Australia Worker Compensation Taxation legislation Vocational Education and Training Provision of international education and training services Apprenticeships and traineeships</p>

Privacy
Consumer Protection

POLICY AND PROCEDURE

SCCC is committed to maintaining the privacy and confidentiality of its RTO staff and applicant/student records. This Policy and Procedure is intended to inform all staff, students and stakeholders of SCCC's commitment to adhering to the relevant Acts and the **Australian Privacy Principles (APPs)**. Providing an overall framework for our privacy practices, SCCC has developed and implements this Privacy Policy and Procedure and monitors its' application throughout the RTOs' business and day to day practices.

SCCC complies with the Privacy Act 1988 including the 13 Australian Privacy Principles (APPs) as outlined in the Privacy Amendment (Enhancing Privacy Protection) Act 2012. Personal information will never be collected by unlawful or unfair means. SCCC manages personal information in an open and transparent way. This is evident in the implementation of practices, procedures and system as outlined in this Policy and Procedure, that ensure its compliance with the APPs and any binding registered APP code and provide suitable procedures for SCCC staff to be able to deal with related inquiries and complaints that may be received from time to time.

SCCC includes the standard privacy notice in its application procedure in line with legislative requirements which advises applicants/students how their data may be supplied to and used by various departments, agencies and their representatives.

Australian Privacy Principle 1 – Open and transparent management of personal information

Purposes for information collection, retention, use and disclosure

SCCC retains a record of personal information about all individuals with whom we undertake any form of business activity. SCCC collects, holds, uses and discloses information from our applicants/students and stakeholders for a range of purposes, including but not limited to:

- providing services to clients
- managing employee and contractor teams
- promoting products and services
- conducting internal business functions and activities, and
- requirements of government stakeholders.

As a Registered Training Organisation (RTO), regulated by ASQA, SCCC is required to collect, hold, use and disclose a wide range of personal and sensitive information on participants in nationally recognised training programs. This information requirement is outlined in the National Vocational Education and Training Regulator Act 2011 and associated legislative instruments. In particular, the legislative instruments:

- *Standards for Registered Training Organisations 2015, and*
- *Data Provision Requirements 2012.*

It is noted that SCCC is also bound by various State Government Acts requiring similar information collection, use and disclosure (particularly Education Act(s) and Vocational Education & Training Act(s) relevant to state jurisdictions of SCCC RTO operations, specifically the NSW government. In

accordance with the Smart and Skilled Funded Activity Agreement, SCCC will always comply with the NSW government's Information Privacy Principles as if it were an agency to which the Information Privacy Principles apply.

Individuals are advised that due to these legal requirements, SCCC discloses information held on individuals for valid purposes to a range of third party entities including governments (Commonwealth, State and employers (where relevant)). This is undertaken:

- at pre-enrolment, through issuing the NCVER **Privacy Information Sheet** and **Student Handbook**
- at application and enrolment, through information made available in the **Enrolment Form**, and
- at induction, through the **Student Handbook**.

SCCC will not disclose information to a person, body or agency (other than the individual concerned) unless:

- the individual concerned is made aware that information of that kind will be passed to that person, body or agency
- the individual concerned has consented to the disclosure in writing
- SCCC believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the student or of another person including a child
- the disclosure is required or authorised by or under law, or
- 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 the public revenue.

Kinds of personal information collected and held

The following types of personal information are generally collected, depending on the need for service delivery:

- contact details
- employment details
- educational background
- demographic information
- course progress and achievement information, and
- financial billing information.

The following types of sensitive information will be collected and held:

- identity details
- employee details & HR information
- complaint or issue information
- disability status & other individual needs, and
- indigenous status.

How Personal Information is Collected

SCCC's usual approach to collecting personal information is to collect any required information directly from the individuals concerned. This may include the use of forms (such as its **Enrolment Form**) and the use of web-based systems (such as internal operating systems).

How Personal Information is Held

Individual information held across systems is linked through a SCCC allocated identification number for each individual.

SCCC's usual approach to holding personal information includes robust storage and security measures at all times. Information on collection is:

- as soon as practical converted to electronic means
- stored in secure, password protected systems, such as in our financial system and JobReady, SCCC's student management systems, and
- monitored for appropriate authorised use at all times.

Only authorised personnel are provided with login information to each system, with system access limited to only those relevant to their specific role. SCCC's ICT systems are hosted internally with robust internal security to physical server locations and server systems access. Virus protection, backup procedures and ongoing access monitoring procedures are in place.

Destruction of paper-based records occurs as soon as practicable in every matter and in accordance with regulatory and legislative timelines, through the use of secure external shredding and destruction services, with these timelines outlined in the **Student Records Management Policy and Procedure**.

Retention and Destruction of Information

SCCC retains and destroys documents according to its regulatory and legal obligations. Specifically, for RTO records, in the event of SCCC ceasing to operate, the required personal information on record for individuals undertaking nationally recognised training would be transferred to ASQA, as required by law.

In addition, student documentation that is out of the timeframes (refer to the **Student Records Management Policy and Procedure**) are disposed of securely through placement in the on-site secure bin, supplied by an external and reputable disposal company, which removes the bin from the premises and disposes of the content on a monthly basis and/or on request from the VET Manager.

Accessing and seeking correction of personal information

SCCC confirms all individuals have a right to request access to their personal information held and to request its correction at any time. In order to request access to personal records, individuals are required to complete an **Accessing Records Request Form** – specifying what information they are seeking to access. In accordance with the RTO's **Student Records Management Policy and Procedure**, no student file or information will be permitted to be taken off-site unless required by law.

In all cases where access is requested by a third party, SCCC will ensure that:

- parties requesting access to personal information are robustly identified and vetted
- where legally possible, the individual to whom the information relates will be contacted to confirm consent (if consent not previously provided for the matter), and
- only appropriately authorised parties, for valid purposes, will be provided access to the information.

Complaints about a breach of the APPs or a binding registered APP code

If any individual feels that SCCC may have breached one of the APPs, they are encouraged to lodge a formal complaint, using its **Complaints and Appeals Policy and Procedure** and through submission of a **Complaints and Appeals Form**.

Likely Overseas Disclosures

SCCC confirms that individuals' personal information is unlikely to be disclosed to overseas recipients, for internal business activity purposes.

Making our Privacy Policy and Procedure available

SCCC provides its Privacy Policy and Procedure available free of charge, with all information being publicly available from the RTO link on its website at: www.southcoastcolleges.edu.au This website information is designed to be accessible as per web publishing accessibility guidelines, to ensure access is available to individuals with special needs (such as an individual with vision impairment).

In addition, a summary of this Privacy Policy and Procedure is:

- included within SCCC's **Student Handbook** (in summary form with a reference to the website for access to the full Policy and Procedure) as well as the NCVER **Privacy Information Sheet**, handed out to all applicants as part of their pre-enrolment information
- noted within the text or instructions at all information collection points (such as informing individuals during a telephone call of how the Policy and Procedure may be accessed, in cases where information collection is occurring), and
- available for distribution free of charge on request, as soon as possible after the request is received, including in any particular format requested by the individual as is reasonably practical.

If, in the unlikely event that this **Privacy Policy and Procedure** is not able to be provided in a particular format requested by an individual, SCCC will explain the circumstances around this issue with the requester and seek to ensure that another appropriate method is provided.

Review and Update of this Privacy Policy and Procedure

SCCC reviews this Privacy Policy and Procedure

- on an ongoing basis as suggestions or issues are raised and addressed, or as Government required changes are identified

- through our internal audit processes on at least an annual basis
- as a part of any external audit of our operations that may be conducted by various government agencies as a part of our registration as an RTO or in normal business activities, and
- as a component of each and every complaint investigation process where the complaint is related to a privacy matter.

Where this Policy and Procedure is updated, changes are widely communicated to stakeholders through staff meetings, and externally through publishing of the updated policy on SCCC's website and other relevant documentation, such as SCCC's **Student Handbook**.

Australian Privacy Principle 2 – Anonymity and pseudonymity

SCCC provides individuals with the option of not identifying themselves, or of using a pseudonym, when dealing with us in relation to a particular matter, whenever practical. This includes providing options for anonymous dealings in cases of general course enquiries or other situations in which an individual's information is not required to complete a request.

Individuals may deal with SCCC by using a name, term or descriptor that is different to the individual's actual name wherever possible. This includes using generic email addresses that do not contain an individual's actual name, or generic usernames when individuals may access a public component of our website or **Enrolment Form**.

SCCC only stores and links pseudonyms to individual personal information in cases where this is required for service delivery (such as system login information) or once the individual's consent has been received.

Individuals are advised of their opportunity to deal anonymously or by pseudonym with us where these options are possible through publishing this Policy and Procedure on SCCC's website.

Requiring identification

SCCC must require and confirm identification however when an individual confirms interest in enrolling in a nationally recognised course program (refer to the **Enrolment Policy and Procedure**). SCCC is authorised by Australian law to deal only with individuals who have appropriately identified themselves. That is, it is a Condition of Registration for all RTOs under the *National Vocational Education and Training Regulator Act 2011* that we identify individuals and their specific individual needs on commencement of service delivery and collect and disclose Australian Vocational Education and Training Management of Information Statistical Standard (AVETMISS) data on all individuals enrolled in nationally recognised training programs.

All funded contract requirements also requires the confirmation of identification when an individual confirms interest in enrolling in a funded course program (refer to **Enrolment Policy and Procedure**).

Other legal requirements, as noted earlier in this Policy and Procedure, also require considerable identification arrangements.

There are also other occasions also within our service delivery where an individual may not have the option of dealing anonymously or by pseudonym, as identification is practically required for us to effectively support an individual's request or need. This includes lodgement of a complaint or appeal.

Australian Privacy Principle 3 — Collection of solicited personal information

SCCC only collects personal information that is reasonably necessary for our business activities and in line with the various Acts and funding obligations.

SCCC only collects sensitive information in cases where the individual consents to the sensitive information being collected and in writing, except in cases where we are required to collect this information by law, such as outlined earlier in this Policy.

All information we collect is collected only by lawful and fair means.

SCCC only collects solicited information directly from the individual concerned, unless it is unreasonable or impracticable for the personal information to only be collected in this manner.

Australian Privacy Principle 4 – Dealing with unsolicited personal information

SCCC may from time to time receive unsolicited personal information. Where this occurs it promptly reviews the information to decide whether or not it could have collected the information for the purpose of its business activities. Where this is the case, SCCC may hold, use and disclose the information appropriately as per the practices outlined in this Policy and Procedure.

Where SCCC could not have collected this information (by law or for a valid business purpose), it immediately destroys or de-identifies the information (unless it would be unlawful to do so).

Australian Privacy Principle 5 – Notification of the collection of personal information

Whenever SCCC collects personal information about an individual, it takes reasonable steps to notify the individual of the details of the information collection or otherwise ensure the individual is aware of those matters. This notification occurs at or before the time of collection, or as soon as practicable afterwards.

Notifications to individuals on data collection include:

- SCCC identity and contact details, including the position title, telephone number and email address of a contact who handles enquiries and requests relating to privacy matters
- the facts and circumstances of collection such as the date, time, place and method of collection, and whether the information was collected from a third party, including the name of that party
- if the collection is required or authorised by law, including the name of the Australian law or other legal agreement requiring the collection
- the purpose of collection, including any primary and secondary purposes
- the consequences for the individual if all or some personal information is not collected
- other organisations or persons to which the information is usually disclosed, including naming those parties

- whether we are likely to disclose the personal information to overseas recipients, and if so, the names of the recipients and the countries in which such recipients are located
- a link to this **Privacy Policy and Procedure** on the website or explain how it may be accessed
- written acceptance, as evidenced by signing of the Privacy Notice as part of the **Enrolment Form**, and
- advice that this **Privacy Policy and Procedure** contains information about how the individual may access and seek correction of the personal information held by us, and how to complain about a breach of the APPs, or any registered APP code, and how we will deal with such a complaint.

Personal information disclosed to the NCVET may be used or disclosed for the following purposes:

- issuing a VET Statement of Attainment or VET Qualification, and populating authenticated VET transcripts
- facilitating statistics and research relating to education, including surveys
- understanding how the VET market operates, for policy, workforce planning and consumer information, and
- administering VET, including program administration, regulation, monitoring and evaluation.

A **Student Release Authority**, consenting to personal information disclosure to appropriate departments, agencies and their third-party representatives, is given to students to consider and sign during SCCC's application and enrolment process.

Collection from Third Parties:

Where SCCC collects personal information from another organisation, it:

- confirms whether the other organisation has provided the relevant notice above to the individual or
- confirms whether the individual was otherwise aware of these details at the time of collection, and
- if this has not occurred, it will undertake this notice to ensure the individual is fully informed of the information collection.

Australian Privacy Principle 6 – Use or disclosure of personal information

SCCC only uses or discloses personal information it holds about an individual for the particular primary purposes for which the information was collected, or secondary purposes in cases where:

- an individual consented to a secondary use or disclosure
- an individual would reasonably expect the secondary use or disclosure, and that is directly related to the primary purpose of collection, or
- using or disclosing the information is required or authorised by law.

Requirement to make a written note of use or disclosure for this secondary purpose

If SCCC uses or discloses personal information in accordance with an 'enforcement related activity' we will make a written note of the use or disclosure, including the following details:

- the date of the use or disclosure
- details of the personal information that was used or disclosed
- the enforcement body conducting the enforcement related activity
- if the organisation used the information, how the information was used by the organisation, and
- the basis for our reasonable belief that we were required to disclose the information.

Australian Privacy Principle 7 – Direct marketing

SCCC does not use or disclose the personal information that it holds about an individual for the purpose of direct marketing, unless:

- the personal information has been collected directly from an individual, and the individual would reasonably expect their personal information to be used for the purpose of direct marketing, or
- the personal information has been collected from a third party, or from the individual directly, but the individual does not have a reasonable expectation that their personal information will be used for the purpose of direct marketing, and
- we provide a simple method for the individual to request not to receive direct marketing communications (also known as ‘opting out’) on the **Enrolment Form**.

On each of our direct marketing communications whenever used, SCCC provides a prominent statement that the individual may request to opt out of future communications and how to do so.

An individual may also request SCCC at any stage not to use or disclose their personal information for the purpose of direct marketing. We comply with any request by an individual promptly and undertake any required actions for free.

SCCC also, on request, notifies an individual of our source of their personal information used or disclosed for the purpose of direct marketing unless it is unreasonable or impracticable to do so.

Australian Privacy Principle 8 – Cross-border disclosure of personal information

SCCC will rarely find itself in this situation however before any of the RTOs disclose personal information about an individual to any overseas recipient, it undertakes to take reasonable steps to ensure that the recipient does not breach any privacy matters in relation to that information.

Australian Privacy Principle 9 – Adoption, use or disclosure of government related identifiers

SCCC does not adopt, use or disclose a government related identifier related to an individual except:

- in situations required by Australian law or other legal requirements
- where reasonably necessary to verify the identity of the individual
- where reasonably necessary to fulfil obligations to an agency or a State or Territory authority, or
- as prescribed by regulations.

Australian Privacy Principle 10 – Quality of personal information

SCCC takes reasonable steps to ensure that the personal information it collects is accurate, up-to-date and complete. It also takes reasonable steps to ensure that the personal information we use or disclose is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant. This is particularly important:

- when we initially collect the personal information, and
- when we use or disclose personal information.

SCCC takes steps to ensure personal information is factually correct. In cases of an opinion, we ensure information takes into account competing facts and views and makes an informed assessment, providing it is clear this is an opinion. Information is confirmed up-to-date at the point in time to which the personal information relates. Quality measures in place supporting these requirements include:

- internal practices, procedures and systems to audit, monitor, identify and correct poor quality personal information (including training staff in these practices, procedures and systems)
- protocols that ensure personal information is collected and recorded in a consistent format, from a primary information source when possible
- ensuring updated or new personal information is promptly added to relevant existing records
- reminding individuals to update their personal information at critical service delivery points (such as completion) when we engage with the individual
- contacting individuals to verify the quality of personal information where appropriate when it is about to be used or disclosed, particularly if there has been a lengthy period since collection, and
- checking that a third party, from whom personal information is collected (such as employers), has implemented appropriate data quality practices, procedures and systems.

Australian Privacy Principle 11 — Security of personal information

SCCC takes active measures to consider whether it is able to retain personal information we hold, and also to ensure the security of personal information we hold. This includes reasonable steps to protect the information from misuse, interference and loss, as well as unauthorised access, modification or disclosure.

SCCC destroys or de-identifies personal information held once the information is no longer needed for any purpose for which the information may be legally used or disclosed.

Access to SCCC offices and work areas is limited to our staff only - visitors to our premises must be authorised by relevant personnel and are accompanied at all times.

With regard to any information in a paper based form, SCCC maintains storage of records in an appropriately secure place to which only authorised individuals have access.

Annual staff training is conducted with SCCC staff on privacy issues, and how the APPs apply to our practices, procedures and systems. Information is also included in our staff induction practices and through the Staff Handbook.

SCCC conducts ongoing internal audits (at least annually and as needed) of the adequacy and currency of security and access practices, procedures and systems implemented.

Australian Privacy Principle 12 — Access to personal information

Where SCCC holds personal information about an individual, SCCC provides that individual access to the information on their request. In processing requests, we:

- ensure through confirmation of identity that the request is made by the individual concerned, or by another person who is authorised to make a request on their behalf
- respond to a request for access within 5 calendar days and when notifying our refusal to give access, including providing reasons for refusal in writing, and the complaint mechanisms available to the individual, and
- provide information access free of charge.

Australian Privacy Principle 13 – Correction of personal information

SCCC takes reasonable steps to correct personal information we hold, to ensure it is accurate, up-to-date, complete, relevant and not misleading, having regard to the purpose for which it is held. Students are advised of the importance of ensuring that SCCC has current information about each individual, through the **Student Handbook** and as part of the student induction process.

Individual Requests

On an individual’s written request (via email), SCCC:

- corrects personal information held, and
- notifies any third parties of corrections made to personal information if this information was previously provided to these parties.

In cases where we refuse to update personal information, SCCC:

- gives a written notice to the individual, including the reasons for the refusal and the complaints mechanisms available to the individual
- upon request by the individual whose correction request has been refused, takes reasonable steps to provide specific advice about the personal information which SCCC believes is inaccurate, out-of-date, incomplete, irrelevant or misleading
- responds within 14 calendar days to these requests, and
- completes all actions free of charge.

Correcting at SCCC’s initiative

SCCC take reasonable steps to correct personal information which it holds in cases where it is satisfied that the personal information held is inaccurate, out-of-date, incomplete, irrelevant or

misleading (that is, the information is faulty). This awareness may occur through collection of updated information, in notification from third parties or through other means.

PUBLISHING AND COMMUNICATION

Published March 2020

Reviewed March 2020

Reviewed October 2020

Authorised Officer Position	CEO	Authorised Officer Name	Sarah Smith
Signature		Date	1 October 2020