

Policy and Procedure Name	Privacy Policy and Procedure
Version	2.0
Approved By	General Manager Academic
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1. Purpose and Scope

Performance Careers in accordance with the Australian Privacy Principles has a commitment to ensuring that all reasonable steps are taken to protect the privacy of its consumers and staff. The following policy and procedure outlines how personal information is collected, used, disclosed, stored, destroyed.

The Privacy policy and procedure applies to staff, students, employers, clients and potential consumers and is used throughout all aspects of business operations.

The following policy and procedure should be read in conjunction with the *“Record Retention Policy and Procedure”*, *“Engagement and monitoring of third party providers policy and procedure”* and the organisations *“Complaints and appeals policy and procedure”*.

2. Abbreviations / Definitions

AVETMISS	The agreed national data standard for the collection, analysis and reporting of vocational education and training information. ¹
Data breach	Where personal information is held by an organisation and is lost or subjected to unauthorised access, use, modification, disclosure or other misuse ² .
Personal information	Types of information that are specific to an individual for example name, address, contact or bank account details. ³
OAIC	Office of the Australian Information Commissioner
Sensitive information	A type of personal information that is sensitive in its nature – for example race or ethnic origin, political opinion, religious belief or affiliation, medical history or criminal record. ⁴

¹ NCVER (2014) Glossary of VET

² Office of the Australian Information Commissioner (2014) Australian Privacy Principles Guidelines

³ Office of the Australian Information Commissioner (2014) Australian Privacy Principles Guidelines

⁴ Office of the Australian Information Commissioner (2014) Australian Privacy Principles Guidelines

3. Policy and Procedure

In order to deliver a high quality education service Performance Careers is required to collect a variety of personal information from both consumers and staff members. Where personal and sensitive information is collected it is stored, disclosed and destroyed in accordance with the Australian Privacy Principles.

The following principles underpin the organisations privacy policy and procedure;

- Performance Careers takes all reasonable steps required to protect and maintain personal and sensitive information.
- A robust governance framework is used to assess, plan, implement and review the protection of personal information against misuse, loss, inappropriate access, and inappropriate disclosure.
- Prior to the collection of personal and sensitive information the individual is told what information is to be collected and stored, the purpose of collection, if this information is to be disclosed to a third party and/or under what circumstances disclosure may occur.
- Once the individual is well informed consent is obtained for the collection of information.
- Personal and sensitive information is used only for the purpose of its collection and by staff who require the information in order to complete their duties.
- Individuals have access to their information when required and without charge.
- Personal information is stored in either an electronic or hardcopy format.
- Security measures such as unique password requirements and restricted file access are used to maintain and protect students/clients and employee's privacy.
- Performance Careers will only *disclose* personal information to a third party where written consent has been obtained from the individual.
- Where Performance Careers receives unsolicited information it is either destroyed or de-identified
- The Privacy policy and procedure is publically available on the website and a synopsis can be found in the student's handbook.

3.1 Types of information collected and held

Personal and sensitive information is routinely collected from staff and consumers for the purpose of either employment or enrolment.

i. Information collected for the purpose of employment

- Name
- Address
- Contact detail
- Emergency contact
- Employment history
- Qualifications
- Verification documentation and evidence
- Registration/ Licensing documentation
- Recent professional development activities
- Reference checks
- Vulnerable person checks – National Police Clearance Checks, Working with Children Checks
- Proof of identity – 100 Point ID check
- Superannuation details
- Tax File Number
- Insurance documentation
- Bank details

ii. Information collected for the purpose of enrolment in a qualification or program

- Name
- Address
- Contact details
- Emergency contact
- Employment history / status
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- Indigenous status
- Proof of identity – 100 Point ID check
- Unique Student Identifier (USI)
- Disability / special need requirements
- Schooling / qualifications completed
- Verification documentation and evidence
- Citizenship, Residency and Visa status and information
- Vulnerable person checks – National Police Clearance Checks, Working with Children Checks, where required by Host Company
- Language , literacy and numeracy assessments
- Fee payment information- e.g. credit card information, banking details

3.2 How personal information is collected and stored

Individuals may disclose information over the telephone, via email, in person and by the completion of relevant forms. Only information disclosed by the individual is used in the collection of information. Prior to the collection of personal information the individual is told what information is to be collected and stored, the purpose of collection, if this information is to be disclosed to a third party and/or under what circumstances disclosure may occur.

Written and/or verbal consent is obtained prior to collection of personal information and stored appropriately (e.g. in the students/employee file or on the student management system).

The types of information collected or disclosed by the individual will vary depending on the method of collection, the purpose of that collection and the individual disclosing the information.

Forms used by Performance Careers to collect personal information from students include;

- Enquiry forms
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- Enrolment forms
- Application for credit transfer form
- Assessment tasks submission forms
- Training plans/ Individualised learning and assessment plans

Documentation used by Performance Careers to collect personal information from staff include;

- Application documentation
- Staff details form
- Superannuation documentation
- Trainer Professional Development Portfolio
- Trainer Matrix
- Tax file declaration

Information is held in either a locked filing cabinet or electronically on the organisations hard drive or student management system. Access to information is limited to personnel with the correct authorisation and is only available to staff for the purpose of collection. Security measures such as unique password requirements and restricted file access are used to maintain and protect students/clients and employees privacy. Where staff leave the organisation their access to data is removed/deleted.

Where a prospective student completes an online enquiry or payment, the student's privacy is protected by:

- a) Security certificate attached to our URL (<https://>).

- b) Unique Application Reference ID for students to track their applications. Using the Reference ID, students are able to come back return and complete the full application/enquiry at a later date.
- c) Different levels of system access for staff depending on role and permissions given based on their responsibilities.
- d) Student payments are processed by Ezy pay Pty Ltd, an external provider. Details of Ezy pay's privacy & security policies are located <https://www.ezypay.com/privacy-security/>.
- e) Once a student has enrolled they have unique password to access their student portal (more than 5 incorrect password attempts will lock the account).

3.3 Use of information

Personal information is only for the purpose for its collection and by staff who require the information in order to complete the tasks associated with their role and function.

- i. Student personal information is used to;
 - Identify individuals enrolled in a Performance Careers program
 - Process application and enrolment requests including credit transfer applications
 - Process payments for service delivered
 - Monitor student progression and provide individualised support
 - Enter student assessment results
 - Identify students enrolled in a training product that is superseded
 - Report data required by government (data provision and contractual data requirements).
 - Monitor and evaluate organisational performance.
 - Ensure certification documentation is awarded to the correct graduate
- ii. Staff personal information is used to ;
 - Ensure staff have the correct qualifications, registration/licensing requirements to deliver and assess nationally recognised training.
 - To mitigate risk and ensure student safety
 - To support human resources processes and systems
 - Manage logistical requirements associated with training and assessment
 - Meet superannuation and taxation legislative requirements

Where students do not wish to use their name and contact details on assessment task submission sheets they are able to use their student or enrolment number.

3.4 Direct Marketing

Performance Careers only uses or discloses personal information for direct marketing purposes if consent has been gained. Individuals have the opportunity to be removed from circulation or subscription lists if they choose not to receive organisation related materials.

3.5 Disclosure of personal information

Performance Careers only discloses information to a third party where written consent has been gained from the individual. Where possible, data is encrypted so that the student has a level of pseudonymity. Performance Careers does not disclose any individual's personal information to overseas recipients.

In accordance with legislative and regulatory requirements Performance Careers is regularly required to provide information to State and Commonwealth government departments for the

purpose of administration, research and quality assurance⁵. Performance Careers does not use or disclose government related identifiers.

3.6 Accessing and seeking correction of personal information

Performance Careers acknowledges the rights of individuals to have access to their personal information under the “Freedom of Information Act” and provides opportunities to review this information on request.

Students and staff are encouraged to update their personal information as it changes to maintain the currency and accuracy of records/data. Where Performance Careers staff identify/suspect that personal information is inaccurate, out of date, incomplete or misleading they will contact the individual for further clarification and action any rectifications as required. Students will be notified to access their student portal where they can update personal information. There is no charge to an individual who wishes to correct personal information or an associating statement.

3.7 Destruction of personal information

Personal information is securely destroyed in accordance with the organisations Records Retention and Management policy and procedure. See this policy and procedure for more information.

3.8 Complaints and appeals

Feedback on the organisations compliance with the privacy policy and procedure is encouraged by contacting the Compliance Manager or by making a complaint Where an individual wishes to make a complaint they are required to lodge the complaint in writing by letter or email to Compliance Manager, Level 8 333 Sussex St, Sydney 2000 or email: compliance@performance.edu.au. The Compliance Manager will acknowledge the complaint within 3 working days. Following a comprehensive investigation potential causes of the complaint will be identified, corrective actions taken to eliminate or mitigate the likelihood of future reoccurrence. The complainant will be informed. If the complainant is dissatisfied with the outcome of their complaint they can approach their state-based Training Ombudsman, the OAIC or ASQA for further information and/or action. See Complaints and appeals policy and procedure for more information.

3.9 Governance mechanisms

Performance Careers has robust governance framework in place to ensure its compliance with the Australian Privacy Principles. The following governance framework underpins and supports the operationalisation of this policy and procedure;

- Risk assessments including privacy impact assessments are undertaken when required.
- Staff receive training on the handling of personal and sensitive information on employment commencement and as changes and/ or amendments occur.
- Staff who regularly handle personal information are provided with supervision and support from their line manager.
- Performance development and management processes ensure staff have the knowledge and skills required to complete their role requirements
- Where an agent or contractor is collecting personal information from a consumer on behalf of Performance Careers systematic processes are implemented to monitor

⁵ AVETMISS data, quality indicator reporting data and information required to undertake a compliance audit.

compliance and maintain the student's privacy– see Engagement and monitoring of third party provider's policy and procedure.

- The Privacy policy and procedure is publically available on the website and a synopsis can be found in the student's handbook.
- The organisations privacy policy and procedure is reviewed and updated annually or where required.
- Performance Careers takes all reasonable steps required to protect and maintain personal and sensitive information in accordance with the Australian Privacy Principles. If a data breach was to occur the organisation has a systematic approach to managing the critical incident in an open and transparent manner that manages risk effectively. The process for managing a data breach includes conducting a preliminary assessment and investigation, undertaking a risk assessment, notifying all relevant parties and developing an action plan to prevent potential future breaches.
- The organisations Continuous Improvement Committee and Compliance Manager monitor the effectiveness of the policy/procedure and is actively involved in its review.

4. References

- Australian Skills Quality Authority (2015) *"Standards for Registered Training Organisations (RTOs) 2015"*.
- Privacy Act 1988
- Privacy Amendment Act 2012
- Office of the Australian Information Commissioner () Australian Privacy Principles
- Office of the Australian Information Commissioner (2014) Guide to developing an APP privacy policy