

PP025 Privacy Policy and Procedure

1. PURPOSE

SGAE Ltd, as a national Registered Training Organisation, is committed to the protection of personal privacy as required by the Commonwealth Privacy Act 2000 and will fully comply with the principles set out in the National Privacy Principles contained in Schedule 3 of the Privacy Act.

2. POLICY

The following policy sets out the principles SGAE has adopted to protect information it collects about individuals. The principles deal with the collection, use and disclosure of personal information, as well as access to information and intrusion issues.

SGAE is committed to protecting the privacy of our employees, clients and students. All reasonable steps are taken to protect information from misuse, loss and from unauthorised access, modification or disclosure. This is achieved by employing security measures including:

- Individual password access to systems and databases
- Access to files limited to authorised employees
- Secure file cabinets

SGAE will not reveal, disclose, sell, distribute, rent, license, share or pass information on to a third party, other than those that we have a binding agreement with.

SGAE will not use or disclose any information for the purposes of direct marketing unrelated products or services.

SGAE may use the world wide web in order to transmit client personal information from our delivery sites to our head office and also to transmit details to state and territory registering bodies. SGAE has taken all reasonable steps to protect personal information security when using the internet but is aware that no transmission of information by email or to a registering body website is ever totally secure. The security of data transmitted to state and territory registering bodies is managed by these bodies.

Student information is required to be reported to the relevant state/territory registering bodies under the requirements of the Australian Vocational Education and Training Management Information Statistical System (AVETMISS).

SGAE are required to disclose AVETMISS information to relevant State/Territory Registering Bodies and, the National Centre for Vocational Education Research. This information is for the purposes of AVETMISS reporting and claiming public funds for the delivery of training and assessment services under contracts such as Skills First.

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3. PROCEDURE

The following information is to be provided to students during induction and includes:

Privacy Notice

Under the *Data Provision Requirements 2012*, Southern Grampians Adult Education is required to collect personal information about you and to disclose that personal information to the National Centre for Vocational Education Research Ltd (NCVER).

Your personal information (including the personal information contained on this enrolment form), may be used or disclosed by Southern Grampians Adult Education for statistical, administrative, regulatory and research purposes. Southern Grampians Adult Education may disclose your personal information for these purposes to:

- Commonwealth and State or Territory government departments and authorised agencies; and
- NCVER.

Personal information that has been disclosed to NCVER may be used or disclosed by NCVER for the following purposes:

- populating authenticated VET transcripts;
- facilitating statistics and research relating to education, including surveys and data linkage;
- pre-populating RTO student enrolment forms;
- understanding how the VET market operates, for policy, workforce planning and consumer information; and
- administering VET, including program administration, regulation, monitoring and evaluation.

You may receive a student survey, which may be administered by a government department or NCVER employee, agent or third party contractor or other authorised agencies. Please note you may opt out of the survey at the time of being contacted.

NCVER will collect, hold, use and disclose your personal information in accordance with the *Privacy Act 1988* (Cth), the National VET Data Policy and all NCVER policies and protocols (including those published on NCVER's website at www.ncver.edu.au).

The Victorian Government, through the Department of Education and Training (the Department), develops, monitors and funds vocational education and training (VET) in Victoria. The Victorian Government is committed to ensuring that Victorians have access to appropriate and relevant VET services. Any personal information

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collected by the Department for VET purposes is protected in accordance with the *Privacy and Data Protection Act 2014 (Vic)* and the *Health Records Act 2001 (Vic)*.

Collection of your data - SGAE is required to provide the Department with student and training activity data. This includes personal information collected in the SGAE enrolment form and unique identifiers such as the Victorian Student Number (VSN) and the Commonwealth's Unique Student Identifier (USI).

SGAE provides data to the Department in accordance with the Victorian VET Student Statistical Collection Guidelines, available at <http://www.education.vic.gov.au/training/providers/rto/Pages/datacollection.aspx>.

Use of your data - The Department uses student and training data, including personal information, for a range of VET purposes including administration, monitoring and planning, including interaction between the Department and Student where appropriate.

The data may also be subjected to data analytics, which seek to determine the likelihood of certain events occurring (such as program or subject completion), which may be relevant to the services provided to the student

Disclosure of your data - As necessary and where lawful, the Department may disclose VET data, including personal information, to its contractors, other government agencies, professional bodies and/or other organisations for VET-related purposes. In particular, this includes disclosure of VET student and training data to the Commonwealth and the National Centre for Vocational Education Research (NCVER).

Legal and Regulatory - The Department's collection and handling of enrolment data and VSNs is authorised under the *Education and Training Reform Act 2006 (Vic)*. The Department is also authorised to collect and handle USIs in accordance with the *Student Identifiers Act 2014 (Cth)* and the *Student Identifiers Regulation 2014 (Cth)*.

Survey participation - You may be contacted to participate in a survey conducted by NCVER or a Department-endorsed project, audit or review relating to your training. This provides valuable feedback on the delivery of VET programs in Victoria. You may receive a student survey which may be administered by a government department or NCVER employee, agent, third party contractor or other authorised agencies. Please note you may opt out of the NCVER survey at the time of being contacted.

NCVER will collect, hold, use and disclose your personal information in accordance with the *Privacy Act 1988 (Cth)*, the National VET Data Policy and NCVER policies and protocols (including those published on NCVER's website at www.ncver.edu.au).

Consequences of not providing your information - Failure to provide your personal information may mean that it is not possible for you to enrol in VET and/or to obtain a Victorian Government VET subsidy.

Access, correction and complaints - You have the right to seek access to or correction of your own personal information. You may also complain if you believe your privacy has been breached.

For further information, please contact SGAE's Compliance Manager in the first instance by phone 1800 810 393 or email jayne@sgae.vic.edu.au.

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Further information

For further information about the way the Department collects and handles personal information, including access, correction and complaints, go to <http://www.education.vic.gov.au/Pages/privacypolicy.aspx>.

For further information about Unique Student Identifiers, including access, correction and complaints, go to <http://www.usi.gov.au/Students/Pages/student-privacy.aspx>.

For more information about NCVER's Privacy Policy go to <https://www.ncver.edu.au/privacy>.

USI Privacy Notice

Consent for collection, use or disclosure of personal information

You are advised and agree that you understand and consent that the personal information you provide in connection with your application for a Unique Student Identifier (USI):

- is collected by the Registrar as authorised by the *Student Identifiers Act 2014*.
- is collected by the Registrar for the purposes of:
 - applying for, verifying and giving a USI;
 - resolving problems with a USI; and
 - creating authenticated vocational education and training (VET) transcripts;
- 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; and
 - 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 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 Student Identifiers Registrar to assist in the performance of his or her functions in the administration of the USI system; and
- will not otherwise be disclosed without your consent unless authorised or required by or under law.

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The consequences for not providing the Registrar with some or all of your personal information are that the Registrar will not be able to issue you with a USI.

Privacy policies and complaints

You can find further information on how the Registrar collects, uses and discloses the personal information about you in the [Registrar's Privacy Policy](#) or by contacting the Registrar on usi@education.gov.au or telephone 1300 857 536, international enquiries +61 2 6240 8740. The Registrar's Privacy Policy contains information about how you may access and seek correction of the personal information held about you and how you may make a complaint about a breach of privacy by the Registrar in connection with the USI and how such complaints will be dealt with.

You may also make a complaint to the Information Commissioner about an interference with privacy pursuant to the *Privacy Act 1988*, including in relation to the misuse or interference of or unauthorised collection, use, access, modification or disclosure of USIs.

In accordance with section 11 of the *Student Identifiers Act 2014*, [RTO] will securely destroy personal information which we collect from individuals solely for the purpose of applying for a USI on their behalf as soon as practicably after we have made the application or the information is no longer needed for that purpose, unless we are required by or under any other law to retain it.

Student Acknowledgement

- I acknowledge that I have read the combined *National VET Data Policy Privacy Notice and Victorian Government's VET Student Enrolment Privacy Notice*.
- I declare that the information I have provided to the best of my knowledge is true and correct.
- I acknowledge that **SGAE** will collect, use and disclosure my personal information in accordance with the Privacy Notice above.

Students sign their enrolment forms as their agreement to the use of their personal information as described. Further information regarding use of student personal information will be also provided if required by State or Territory Legislation

SGAE will provide information if required to do so by law, for example, in response to a court order or subpoena.

4. DEFINITIONS

The following definitions are adopted from the definitions attached to the National Privacy Principles of the Privacy Act, and apply to the policy outlined above:

Access

This involves SGAE giving an individual information about themselves held by SGAE. Giving access may include allowing an individual to inspect personal information or giving a copy of it to them.

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Collection

SGAE collects personal information if it gathers, acquires or obtains personal information from any source and by any means. Collection includes when an SGAE keeps personal information it has come across by accident or has not asked for.

Consent

Consent means voluntary agreement to some act, practice or purpose. It has two elements: knowledge of the matter agreed to, and voluntary agreement. Consent can be express or implied. Express consent is given explicitly, either orally or in writing. Implied consent arises where consent may reasonably be inferred in the circumstances from the conduct of the individual and SGAE. Consent is invalid if there is extreme pressure or coercion.

Only a competent individual can give consent although SGAE can ordinarily assume capacity unless there is something to alert it otherwise. Competence means that individuals are capable of understanding issues, forming views based on reasoned judgments and communicating their decisions. The general law about competence and incapacity will apply to the issue of consent.

Contractors

The Privacy Act treats the acts and practices of employees (and those 'in the service of' SGAE) in performing their duties of employment as those of SGAE (see section 8(1)(a)). Contractors performing services for SGAE are not considered to fall within this provision. However, where there is a particularly close relationship between SGAE and a contractor it may mean that the actions of the contractor could be treated as having been done by SGAE for the purposes of section 8 of the Privacy Act.

When the parties to a contract are regarded as separate entities under the Privacy Act and SGAE gives personal information to a contractor, SGAE is disclosing information and the contractor is collecting the information. In practical terms, this means that SGAE may need to have clauses in the contract for the protection of personal information SGAE discloses to the contractor in order to meet its obligations under the National Privacy Principles.

Disclosure

In general terms SGAE discloses personal information when it releases information to others outside of SGAE. It does not include giving individuals information about themselves.

Personal information

Personal information is information or an opinion (including information or an opinion forming part of a database) whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion (section 6). It includes all personal information regardless of its source.

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Personal information relates to a natural living person. A natural person is a human being rather than, for example, a company, which may in some circumstances be recognised as a legal 'person' under the law.

Sensitive information

Sensitive information is a subset of personal information. It means information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record or health information about an individual (see section 6 of the Privacy Act).

Use

In general terms, use of personal information refers to the handling of personal information within SGAE, including 'the inclusion of information in a publication'.

5. ASSOCIATED DOCUMENTS

Enrolment Pack 2020

5. RELATED STANDARDS

Standard 3, Clauses 1.1 – 1.3

6. RESPONSIBILITY

- EO
- Training Coordinator
- Compliance Manager

Approved by: Erin White

Position: Executive Officer

Signature:

Date:18/3/2020

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Version	Created by:	Reason for update	Implementation Date
2	Jayne Mark	Replace old policy	25/3/2020