

## PRIVACY POLICY

Revision 1.1 Nov 2017

### PURPOSE

MiTraining is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (SRTOs 2015). As such, MiTraining is required to comply with Federal law regarding Privacy and confidentiality of employees, clients and contractors.

The purpose of this policy is to outline how MiTraining complies with Privacy Act 1988 and Australian Privacy Principles (APPs).

### SCOPE

This policy outlines the MiTraining approach to protecting the privacy of its students/trainee or clients, staff, contractors or stakeholders of the organisation and its approach to the collection, holding, use, correction, disclosure or transfer of personal information.

### POLICY STATEMENT

In its role as a training provider, MiTraining will be required to collect information from students/trainees or clients or person seeking to enrol with MiTraining either electronically or in hard copy format to identify personally individual users. MiTraining may also record various communications between individuals and the organisation.

MiTraining recognises the right to privacy of students/trainees or clients including students/trainees or client's files and communications. This policy has been developed and updated as required to inform all persons related to the organisation about the collection, use, storage, security and disclosure of personal information collected about them and the right to access personal information if required.

MiTraining is committed to safeguarding any confidential information obtained by the RTO and will ensure:

- It maintains and provides a current Privacy Policy;
- Information gathered for the express purpose of training and assessment matters will not be disclosed to a third party unless prior written consent is provided by the individual concerned, except that required by law;
- The secure storage of all records;
- The confidentiality of all information maintained on records.

### POLICY PRINCIPLES

MiTraining collects personal information, including sensitive information, about students/trainees or clients before and during the course of a student/trainees or client's enrolment. Certain laws governing or relating to the operation of training providers require that certain information be collected.

## LEGISLATION

- a) MiTraining abides by the Privacy Act 1988 and associated 13 x Australian Privacy Principles (APPs).
- b) The APPs came into force on 12 March 2014 and set out standards, rights and obligations for the handling, holding, accessing and correction of personal information (including sensitive information).

The thirteen APPs are:

1. Open and transparent management of personal information
2. Anonymity and pseudonymity
3. Collection of solicited personal information
4. Dealing with unsolicited information
5. Notification of the collection of personal information
6. Use or disclosure of personal information
7. Direct marketing
8. Cross-border disclosure of personal information
9. Adoption, use or disclosure of government related identifiers
10. Quality of personal information
11. Security of personal information
12. Access of personal information
13. Correction of personal information

## UNDERPINNING PRINCIPLES

- a) **Personal Information** is defined in the Privacy Act 1988 to mean “information or an opinion about an identified individual, or an individual who is reasonably identifiable:
  - i. whether the information or opinion is true or not; and
  - ii. whether the information or opinion is recorded in a material form or not.
- b) **Sensitive Personal Information** is defined in the Privacy Act 1988 to mean “information or an opinion about an individual’s” that is also personal information, such as:
  - 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 orientation or practices; or
  - ix. criminal record.

## PART 1 – CONSIDERATION OF PERSONAL INFORMATION PRIVACY

- a) MiTraining will ensure at all times open and transparent management of personal information and as such MiTraining will:
- b) Ensure that personal information is managed in an open and transparent way.
- c) Take reasonable steps to implement practices and procedures that will facilitate dealing with enquiries or complaints from individuals regarding compliance with the Australian Privacy Principles (APPs).

- d) Ensure that it maintains an up-to-date policy about the management of personal information.
- e) Ensure that this Privacy Policy contains the following information:
  - a. The kind of information that is collected and held;
  - b. How the information is collected and held;
  - c. The purposes for which information is collected, held, used and disclosed;
  - d. How an individual may access their personal information that is held by MiTraining and seek correction of such information as necessary;
  - e. How the individual may make a complaint about a breach of the APPs and how MiTraining will deal with such a complaint;
  - f. Whether MiTraining is likely to disclose personal information to overseas recipients, and if so the countries in which such are likely to be located.
  - g. Provide the Privacy Policy free of charge and in such form as appropriate, and as is reasonable.

## ANONYMITY AND PSEUDONYMITY

MiTraining will:

- a) Respect that individuals may not wish to identify themselves when making enquiries on MiTraining products and services;
- b) However, require full personal details as required by law and for identification purposes from students/trainees or clients.

## PART 2 – COLLECTION OF PERSONAL INFORMATION

- a) MiTraining will not collect personal information from an individual unless that information is necessary for one or more of its functions or activities, or is required by law.
- b) MiTraining advises that it is required by law to collect, hold, use and supply personal information, in accordance with the National VET Provider Collection Data Provision Requirements.
- c) MiTraining will take reasonable steps at or before the time of collection to ensure that students/trainees or clients are aware of:
  - a. Who we are and how to contact us;
  - b. How to gain access to a student's/trainee's or client's information;
  - c. The purpose for which the information is being collected;
  - d. Any organisation to which we would normally disclose information of that kind;
  - e. Any law that requires that particular information to be collected;
  - f. The main consequences for the individual if all or part of the information is not provided.
- d) MiTraining collects information from the student/trainee or client in the following ways:
  - a. When they register interest on line, apply for enrolment, request certain services or products, or otherwise contact or do business with us.
  - b. Information may be collected from enrolment forms, certified documents, telephone calls, faxes, emails, letters sent by the student/trainee or client.
  - c. Information may be collected from third parties, such as other training providers, regarding confirmation of training and ongoing professional development that they have attended, as permitted by the individual.

- e) Should MiTraining collect information about a student/trainee or client from a third party we will take reasonable steps to ensure that the individual is, or has been made aware of, the matters listed above except to the extent that making the individual aware of the matters would pose a serious threat to the life or health of any individual.

Sensitive and health information is not collected without prior permission from the individual.

### **PART 3 – DEALING WITH PERSONAL INFORMATION**

- a) MiTraining will not use or disclose personal or sensitive information for any purpose other than what it was collected for, unless the relevant person has provided written consent to use or disclose that information in circumstances that are different to those for which it was collected.
  - a. The circumstances where an exception may occur are:
    1. Where the use or disclosure of this information is required or authorised by or under an Australian law or a court/tribunal order;
    2. The individual would reasonably expect MiTraining to use or disclose the information for the secondary purpose;
    3. A permitted health situation exists in relation to the use or disclosure of the information by MiTraining;
    4. A permitted general situation exists in relation to the use or disclosure of the information by MiTraining;
    5. MiTraining reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.
- b) MiTraining collects personal information so as to:
  - a. Process applications;
  - b. Manage student/trainee or client enrolment;
  - c. Record and maintain student/trainee or client details;
  - d. Administering training programs;
  - e. Record and maintain details of student/trainee or client ongoing training and assessment;
  - f. Provide the student/trainee or client with details regarding client services, benefits, and training opportunities;
  - g. Notify the student/trainee or client about upcoming events and opportunities;
  - h. Gain feedback from the student/trainee or client;
  - i. Communicate with the student/trainee or client;
  - j. Report to relevant authorities as required by law.

In relation to Direct Marketing MiTraining:

- a) May use personal information (specifically the student/trainee or client name and relevant address details) and information about the student/trainee or client preferences for direct marketing (i.e. the communication channels which are preferred for receiving direct marketing from MiTraining and the types of products and services in which the individual is interested in) so as to let the individual know about our services and benefits, where we have the individual's consent.
- b) Provides an opt-out and/or unsubscribe method that is easily accessible for individuals to request not to receive direct marketing communications.

In relation to Cross Border Discloser MiTraining:

- a) Does not disclose personal information to overseas recipients unless prior written approval is received by the individual who the personal information relates.

In relation to the adoption, use or disclosure of Government Related identifiers MiTraining:

- b) Is required by law (Student Identifier Act) to collect, maintain and report to relevant Government agencies the individual's Unique Student Identifier (USI) number in accordance with the National VET Provider Collection Data Provision Requirements.
- c) Will not disclose the Unique Student Identifier (USI) number for any other purpose, including on any Certification documents you receive.
- d) Must not adopt the Unique Student Identifier (USI) number as its own identifier of the individual.

## INTERNET PRIVACY

The goal of MiTraining is to protect the information of an individual on the internet in the same manner that the organisation protects information in all other interactions with the prospective or enrolled students/trainees or clients or persons seeking information about the organisation.

If an individual visits the organisation website no personally identifiable information will be collected that is not specifically volunteered.

However, the MiTraining website automatically collects non-personally identifiable information such as the browser type and IP address and the ISP designates. This is standard practice for websites, and is not used for any other purpose that to evaluate how the organisation has designed the website for best use by students/trainees or clients and the public. The information collected will not be provided to any third party.

## PART 4 – INTEGRITY OF PERSONAL INFORMATION

In relation to the quality of personal information MiTraining will take steps, as are reasonable, to ensure that the personal information it:

- a) Collects is accurate, up to date and complete at the item of collection and that any personal information is collected is not misleading or difficult to interpret;
- b) Uses or discloses, is, having regard to the purpose of the use or disclosure, accurate, up to date, complete and relevant.

In relation to the security of personal information MiTraining will take steps, as are reasonable in the circumstances to:

- a) Protect the information from misuse, interference and loss as well as unauthorised access, modification or disclosure.
- b) Destroy the information or to ensure that the information is de-identified.

MiTraining undertakes all reasonable steps to ensure personal information is suitably and securely stored including appropriate filing and process for the protection of files are in place. The organisation takes all reasonable steps to ensure the security of physical and electronic files and also ensure that personal information is safe from misuse, loss and unauthorised access, alteration or disclosure. All staff contracted or engaged by the organisation are required to sign a confidentiality clause as part of their Contracts of Engagement/Employment.

## PART 5 – ACCESS TO, AND CORRECTION OF, PERSONAL INFORMATION

If requested, MiTraining may provide students/trainees or clients access to, a copy of, and correction of their personal information held by MiTraining if the request is provided in writing and approved by the RTO Manager.

- a) MiTraining provides all students/trainees or clients with electronic access to their own personal records, where the individual can update and maintain their own personal information.
- b) In some circumstances, MiTraining may not permit access to individuals for their personal information. If this is ever the case, MiTraining will provide full details for the legal reasons for this decision. These may include that MiTraining believes :
  - a. That giving access to the information would pose a serious threat to the life, health or safety of the individual, or to public health or public safety; or
  - b. Giving access would have an unreasonable impact on the privacy of other individuals; or
  - c. The request for access is frivolous or vexatious; or
  - d. The information relates to existing or anticipated legal proceedings between IABS and the individual, and would not be accessible by the process of discovery in those proceedings; or
  - e. Giving access would reveal the intentions of MiTraining in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
  - f. Giving access would be unlawful; or
  - g. Denying access is required or authorised by or under an Australian law or a court/tribunal order; or
  - h. The following apply:
    - i. MiTraining has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to MiTraining functions or activities has been, is being or may be engaged in;
    - ii. Giving access would be likely to prejudice the taking of appropriate action in relation to the matters;
  - i. Giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body and an enforcement agency/body performing a lawful security function asks MiTraining not to provide the information on the basis that providing access would be likely to cause damage to the security of Australia;
  - j. Giving access would reveal evaluative information generated within MiTraining in connection with a commercially sensitive decision-making process;
- c) When dealing with requests for access to personal information, MiTraining will:
  - a. Respond to request for access within 30 days of the request, if from an individual, and within a reasonable time, if the request is from an organisation; and
  - b. Provide access to the information in the manner requested, if it is reasonable and practicable to do so.
- d) MiTraining does not charge a fee for access to personal information. However, MiTraining may charge a reasonable fee to make a copy of personal information and the standard cost of re-prints of certification documentation previously supplied will be charged.
- e) With regard to the correction of personal information held:
  - a. should MiTraining be satisfied that information is inaccurate, out of date, incomplete, irrelevant or misleading, MiTraining will take such steps as reasonable to correct the information to ensure that, having regard to the purpose for which it

- is held, the information is accurate, up-to-date, complete, relevant and not misleading.
- b. Should MiTraining refuse to correct information, MiTraining will give written notice to the individual that sets out:
    - i. The reason for refusal
    - ii. The mechanisms available to complain about the refusal; and
    - iii. Any other matter prescribed by the regulations.

Where a student/trainee or client requests that a record be amended because of inaccuracies but the record is found to be inaccurate, the details of the request for amendment will be noted in the student records and may be investigated for misconduct if applicable.

## RESPONSIBILITIES

The CEO of MiTraining ensures that all employees and contractors are made aware of this policy and its underpinning legislative requirements, and comply with this policy at all times.

The RTO Manager of MiTraining ensures that all students/trainees or clients have access to and awareness of this policy.

## RECORDS MANAGEMENT

All documentation from Information Privacy processes is maintained in accordance with Records Management Policy. (See Records Management Policy).

## MONITORING AND IMPROVEMENT

All Information Privacy practices are monitored by the CEO of MiTraining and areas for improvement identified and acted upon. (See Continuous Improvement Policy).

## CONTINUOUS IMPROVEMENT AND REVIEW OF POLICY

The Information Privacy Policy and accompanying procedures will be continuously implemented and assessed for areas of improvement and will be formally reviewed annually as part of the general continuous improvement process.

## POLICY PUBLICATION

All policies and procedures that are applicable to prospective students/trainees and enrolled students/trainees and all relevant organisation staff/contractors are made available on request at all times, and form part of the induction and orientation for staff and students and are made available, via the website (where appropriate), student administration/management system and internal electronic systems.

## NOTES

<i>Related Policies/Procedures:</i>	<i>Continuous Improvement Policy Management of RTO Policy Privacy Procedures Complaints Policy</i>
<i>Related Documents/Forms:</i>	<i>Complaints and Appeals Form</i>
<i>Related Legislation:</i>	<i>Privacy Act 1988</i>
<i>Guidelines:</i>	<i>Privacy Act 1988 and associated 13 x Australian Privacy Principles (APPs)</i>
<i>Approved By:</i>	<i>Chief Executive Officer</i>
<i>Date of Next Review:</i>	