

# Privacy Policy and Procedure

## 1 Background

Menzies Institute of Technology (hereinafter known as the ‘Institute’) acknowledges the need for a framework to manage privacy of the Institute and its members. The Institute is committed to protecting employee and client privacy and confidentiality in line with State and Federal Privacy legislation.

## 2 Purpose

This policy ensures that the Institute meets its legal and ethical requirements in regard to the collection, storage and disclosure of the personal information it holds in regards to individuals. This policy and procedure contributes to compliance with Clause 3.6 and 8.5 of the Standards for Registered Training Organisations 2015, Standard 3 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 as well as the legislative instrument Data Provision Requirements 2012 including the National VET Provider Collection Data Requirements Policy.

## 3 Audience

This policy applies to all members of the Institute.

## 4 Definitions

**ASQA** means Australian Skills Quality Authority, the national VET regulator and the RTO’s registering body

**Personal information** means *‘information or an opinion about an identified individual, or an individual who is reasonably identifiable:*

- *‘Whether the information or opinion is true or not; and*
- *‘Whether the information or opinion is recorded in a material form or not.’<sup>1</sup>*

**SRTOs** means the Standards for Registered Training Organisations 2015 – refer definition of ‘Standards’

**Sensitive information** is information or an opinion about an individual’s: racial or ethnic origin; or political opinions; or membership of a political association; or religious beliefs or affiliations; or philosophical beliefs; or membership of a professional or trade association; or membership of a trade union; or sexual orientation or practices; or criminal record; that is also personal information; or health information about an individual; or genetic information about an individual that is not otherwise health information; or biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or biometric templates.

**Standards** means the Standards for Registered Training Organisations (RTOs) 2015 from the VET Quality Framework which can be accessed at [www.asqa.gov.au](http://www.asqa.gov.au)

**Unique Student Identifier** is a unique reference number issued to an individual by the Australian Government. It is made up of numbers and letters and enables an individual to look up and track their training achievements in an online database.

**TPS** means the Tuition Protection Scheme established to assist international students where the provider is unable to deliver their course in full because of provider default.

**USI** means Unique Student Identifier as above.

**National VET Provider Collection Data Requirements Policy** is Part B of the National VET Data Policy.

## 5 Policy

### 5.1. Privacy Principles

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<sup>1</sup> Definition from: Australian Government. *Privacy Act 1988* (Cth). Accessed on 5<sup>th</sup> January 2014 at [http://www.comlaw.gov.au/Details/C2014C00076/Html/Text#\\_Toc382302897](http://www.comlaw.gov.au/Details/C2014C00076/Html/Text#_Toc382302897)

- 5.1.1 In collecting personal information, the Institute complies with the requirements set out in the *Privacy Act 1988*, including *Australian Privacy Principles 3 and 5* (in accordance with the National VET Provider Collection Data Requirements Policy clause 4.4) *Privacy and Data Protection Act 2014 (Vic)* and the *Health Records Act 2001 (Vic)*, *Education and Training Reform Act 2006 (Vic)* and the relevant privacy legislation and regulations of the states/territories in which the Institute operates.
- 5.1.2 The Victorian Government, through the Department of Education and Training (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)*.
- 5.1.3 Personal information, including sensitive information, is collected from individuals in order that the Institute can carry out its business functions. The Institute only collects and stores information that is directly related to its business purposes and legal requirements of providing nationally recognised training and assessment.
- 5.1.4 Sensitive information is only collected by the Institute if a permitted general or health situation applies in accordance with the Privacy Act (16A, 16B) such as, if:
- a. The collection of the information is required or authorised by, or under, an Australian law or a court/tribunal order.
  - b. It is unreasonable or impracticable to obtain the individual's consent to the collection, use or disclosure.
  - c. It genuinely and reasonably believes that:
    - i. The collection, use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety.
    - ii. Unlawful activity, or misconduct of a serious nature, that relates to the Institute's functions or activities has been, is being or may be engaged in, and the collection, use or disclosure is necessary in order for the entity to take appropriate action in relation to the matter.
    - iii. The collection, use or disclosure is reasonably necessary to assist any entity, body or person to locate a person who has been reported as missing.

- iv. The collection, use or disclosure is reasonably necessary for the establishment, exercise or defense of a legal or equitable claim.

5.1.5 The Institute ensures each individual:

- a. Knows why their information is being collected, how it will be used and who it will be disclosed to.
- b. Is made aware of any legal requirement for the Institute to collect the information.
- c. Is able to access their personal information upon request.
- d. Does not receive unwanted direct marketing.
- e. Can ask for personal information that is incorrect to be corrected.
- f. Can make a complaint about the Institute if they consider that their personal information has been mishandled.
- g. Is made aware of any consequences for not providing the information requested.
- h. Whether the information is likely to be disclosed to overseas recipients, and if so, which countries such recipients are likely to be located in.

5.1.6 The Institute retains evidence that that the student has acknowledged *Privacy Notice and Student Declaration* which is contained in the *MFS01 Student Application Form* as part of their enrolment process including provisions covered in the Privacy Notice available at the below link: <https://www.education.gov.au/privacy-notice-and-student-declaration>

## 5.2. Collection of Information

5.2.1 Under the *Data Provision Requirements 2012*, the Institute is required to collect personal information about students undertaking nationally recognised training and disclose that personal information to the National Centre for Vocational Education Research Ltd (NCVER). NCVER will collect, hold, use and disclose personal information in accordance with the *Privacy Act 1988 (Cth)*, the VET Data Policy and all NCVER policies and protocols (including those published on NCVER's website at [www.ncver.edu.au](http://www.ncver.edu.au)).

5.2.2 The Institute is required to provide the Department with student and training activity data. This includes personal information collected in the Institute's Application Form

and unique identifiers such as the Victorian Student Number (VSN) and the Commonwealth's Unique Student Identifier (USI).

- 5.2.3 The Institute 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>
- 5.2.4 In general, personal information will be collected through course application and/or enrolment forms, training records, assessment records and online forms and submissions.
- 5.2.5 The types of personal information collected include:
- a. personal and contact details
  - b. employment information, where relevant
  - c. academic history
  - d. background information collected for statistical purposes about prior education, schooling, place of birth, disabilities and so on
  - e. training, participation and assessment information
  - f. fees and payment information
  - g. information required for the issuance of a USI
  - h. for international students:
    - i. current course information including CRICOS code, agreed starting date, expected completion date if the student did not start on the agreed date
    - ii. Information about any terminations for change to identity and duration of the course
    - iii. English language proficiency including the name of the test and the score received
    - iv. visa information, including the Department of Home Affairs office where the visa application was made and current local Department of Home Affairs office
    - v. passport information including whether the student was in Australia when they became an accepted student

### 5.3. Unique Student Identifiers (USI)

- 5.3.1 All students participating in nationally recognised training from 1 January 2015 are required to have a Unique Student Identifier (USI) and provide it to the Institute upon enrolment. Alternatively, the Institute can apply for a USI on behalf of an individual.
- 5.3.2 The *Student Identifiers Act 2014* authorises the Australian Government's Student Identifiers Registrar to collect information about USI applicants. When the Institute applies for a USI on behalf of a student who has authorised us to do so, we need to collect personal information about the student which will be passed on to the Student Identifiers Registrar. This will include:
- a. name, including first or given name(s), middle name(s) and surname or family name
  - b. date of birth
  - c. city or town of birth
  - d. country of birth
  - e. gender
  - f. contact details, so the Student Identifiers Registrar can provide individuals with their USI and explain how to activate their USI account.
- 5.3.3 In order to create a USI on behalf of a student, the Institute will be required to verify the identity of the individual by receiving a copy of an accepted identification document. This document will only be used for the purposes of generating the USI and confirming the identity of the individual with the Registrar. Once the USI has been generated and validated, the identity documents used or collected for this purpose will be securely destroyed.
- 5.3.4 The information provided by an individual in connection with their application for a USI:
- a. is collected by the Registrar as authorised by the *Student Identifiers Act 2014*.
  - b. is collected by the Registrar for the purposes of:
    - i. applying for, verifying and giving a USI
    - ii. resolving problems with a USI
    - iii. creating authenticated vocational education and training (VET) transcripts
- 5.3.5 may be disclosed to:

- a. Commonwealth and State/Territory government departments and agencies and statutory bodies performing functions relating to VET for:
  - i. the purposes of administering and auditing VET, VET providers and VET programs
  - ii. education related policy and research purposes
  - iii. to assist in determining eligibility for training subsidies
- b. VET Regulators to enable them to perform their VET regulatory functions
- c. VET Admission Bodies for the purposes of administering VET and VET programs
- d. 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
- e. schools for the purposes of delivering VET courses to the individual and reporting on these courses
- f. 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
- g. researchers for education and training related research purposes
- h. any other person or agency that may be authorised or required by law to access the information
- i. 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
- j. will not otherwise be disclosed without the student's consent unless authorised or required by or under law

5.3.6 The consequences to the student of not providing the Registrar with some or all of their personal information are that the Registrar will not be able to issue the student with a USI, and therefore the Institute will be unable to issue a qualification or statement of attainment.

#### **5.4. Storage and use of information**

- 5.4.1 The Institute will store all records containing personal information securely and take all reasonable security measures to protect the information collected from unauthorised access, misuse or disclosure. Personal information will be stored in paper-based files that are kept in a secure location and electronically in a secure environment to which only authorised staff have access.
- 5.4.2 The personal information held about individuals will only be used by the Institute to enable efficient student administration, report data to provide information about training opportunities, issue statements of attainment and qualifications to eligible students, and to maintain accurate and detailed records of student course participation, progress and outcomes. Information about international students may also be shared to promote compliance with the conditions of student visas and the monitoring and control of visas.
- 5.4.3 The Institute may use the personal information provided by an individual to market other internal products and services to them. An individual may opt out of being contacted for marketing purposes at any time by contacting our office. Information will not be passed onto any third party marketing companies without the prior written consent of the individual.

## **5.5. Disclosure of information**

- 5.5.1 The Institute will not disclose an individual's personal information to another person or organisation unless:
- a. They are aware that information of that kind is usually passed to that person or organisation.
  - b. The individual has given written consent.
  - c. The Institute believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious threat to the life or health of the individual concerned or another person.
  - d. The disclosure is required or authorised by, or under, law.
  - e. 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 public revenue.
- 5.5.2 Any person or organisation to which information is disclosed is not permitted to use or disclose the information for a purpose other than for which the information was supplied to them.



5.5.3 Personal information may be used or disclosed by the Institute for statistical, regulatory and research purposes. the Institute may disclose personal information for these purposes to third parties, including:

- a. Commonwealth and State or Territory government departments and authorised agencies; such as the Australian Skills Quality Authority (ASQA), Department of Education and Training (DET), the Department of Home Affairs and the Tuition Protection Service (TPS)
- b. NCVER
- c. Organisations conducting student surveys
- d. Researchers.

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

- a. Issuing a VET Statement of Attainment or VET Qualification, and populating Authenticated VET Transcripts
- b. Facilitating statistics and research relating to education, including surveys
- c. Understanding how the VET market operates, for policy, workforce planning and consumer information
- d. Administering VET, including program administration, regulation, monitoring and evaluation.

## **5.6. Access to and correction of records**

5.6.1 Individuals have the right to access or obtain a copy of the information that the Institute holds about them including personal details, contact details and information relating to course participation, progress and AQF certification and statements of attainment issued.

5.6.2 Requests to access or obtain a copy of the records held about an individual must be made by contacting our office using the *MFS16 Request to Access Records Form*. The individual must prove their identity to be able to access their records.

5.6.3 There is no charge for an individual to access the records that the Institute holds about them. Arrangements will be made within 10 days for the individual to access their records.

## **5.7. Complaints about privacy**

5.7.1 Any individual wishing to make a complaint or appeal about the way information has been handled within the Institute can do so by following *MITP07 Complaints and Appeals Policy and Procedure*.

## 6 Procedures

### 6.1 Privacy Notices

Procedure	Responsibility
<p><b>6.1.1 Privacy notices</b></p> <ul style="list-style-type: none"> <li>▪ Ensure the NCVER privacy notice and declaration are included on the enrolment form <a href="https://www.education.gov.au/privacy-notice-and-student-declaration">https://www.education.gov.au/privacy-notice-and-student-declaration</a></li> <li>▪ Ensure the Victorian Government VET Student Enrolment Privacy Notice (as per the Victorian VET Student Statistical Guidelines) is also included.</li> <li>▪ Ensure similar privacy notices and declarations are included on other forms that may be required to collect personal or sensitive information from individuals, and that these are only used in compliance with clause 1 of this policy.</li> <li>▪ International Student Agreements must set out the circumstances in which personal information about the student may be disclosed (<i>in accordance with National Code 3.3.6</i>)</li> </ul>	<p>Compliance Manager</p>

## 6.2 Privacy of USI Information

Procedure	Responsibility
<p><b>6.2.1 USI Authority and Identification documents</b></p> <ul style="list-style-type: none"> <li>▪ USIs are collected on the <i>MFS01 Application Form</i>. Where a student does not have a USI they may request for the Institute to create one on their behalf.</li> <li>▪ Students who request for the Institute to create a USI on their behalf must sign the <i>MFS15 USI Consent Form</i> and provide the required identification document/s.</li> <li>▪ A USI must not be created for a student if the USI Authority Form which includes the privacy notice has not been signed.</li> <li>▪ As soon as practicable, once the USI has been generated and validated, the personal information provided in the USI section of the Enrolment Form must be securely destroyed and not kept on file.</li> <li>▪ Refer to <i>MITP95 Unique Student Identifier Policy and Procedure</i> for detailed instructions on the generation of USIs.</li> </ul>	<p>Marketing and Admissions Staff</p>

## 6.3 Access to Records

Procedure	Responsibility
<p><b>6.3.1 Request Access to Records</b></p> <ul style="list-style-type: none"> <li>▪ Individuals may request to access their records by using the <i>MFS16 Request to Access Records Form</i>. Written requests should be sent to the Student Services Department.</li> <li>▪ Requests may be from past or current students or other individuals. It may be to access records held in a file about a student, or access to a previously issued AQF certification document – refer to the <i>MITP58 Certificates, Statement of Attainments and Record of Results Issuance Policy and Procedure</i></li> <li>▪ Upon receiving a completed form, confirm the request is valid and has been made by the individual to which the records relate – check identification documents.</li> <li>▪ Arrangements for provision of records should be made as suitable –</li> </ul>	<p>Student Services Staff</p>

Procedure	Responsibility
<p>mailing copies, providing a time for records to be viewed etc.</p> <ul style="list-style-type: none"> <li>▪ Arrangements should be made verbally and confirmed in writing within 10 days of receiving the request.</li> <li>▪ Where records are to be mailed, they should only be mailed to the address that is held on file for that individual, unless alternate change of address information is provided along with proof of identity – such as a driver’s license or utility bill.</li> <li>▪ Where records are to be shown to an individual, the student must produce photo ID prior and this should be matched to the records held on file about the individual to confirm they are only viewing their own records.</li> <li>▪ Keep a note on how the records were accessed on the individuals file.</li> </ul>	

#### 6.4 Amendment to Records

Procedure	Responsibility
<p><b>6.4.1 Request for records to be amended</b></p> <ul style="list-style-type: none"> <li>▪ Where an individual requests for incorrect records held about them to be corrected, they can do so by filling in an <i>MFS17 Amendment to Records Request Form</i>.</li> <li>▪ If it is a change of address or contact details of a current student, they can use the <i>MFS09 Change of Student Details Form</i>.</li> <li>▪ Upon receipt of a request form, consider whether the records held are correct or not. If the request is valid and records are incorrect, update records accordingly.</li> <li>▪ Do not update records if they are found to be correct already.</li> <li>▪ Advise the individual accordingly of the actions taken to follow up their request</li> </ul>	<p>Student Services Staff</p>

## 7 Review

This policy will be subjected to a review and updated every three years from the approval date. Exceptions to frequency of review can be made if necessary. Any person who wishes to enter a complaint concerning this policy may do so in accordance with the appropriate policies.

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<b>Relevant Standards:</b>	Standards for RTOs 2015 Clause: 3.6 and 8.5 National Code 2018: Standard 3	
<b>Related Policies/Documents:</b>	Privacy Act 1988 Student Identifiers Act 2014 (Cth) Student Identifiers Regulation 2014 (Cth) Data Provision Requirements 2012 Australian Privacy Principles 3 and 5 National VET Provider Collection Data Requirements Policy Health Records Act 2001 (Vic) Education and Training Reform Act 2006 (Vic) Privacy and Data Protection Act 2014 (Vic) Victorian VET Student Statistical Collection Guidelines MITP58 Certificates, Statement of Attainments and Record of Results Issuance Policy and Procedure MFS01 Application Form MFS09 Change of Student Details Form MFS15 USI Consent Form MFS16 Request to Access Records Form MFS17 Amendment to Records Request Form MITP07 Complaints and Appeals Policy and Procedure MITP95 Unique Student Identifier Policy and Procedure	
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<b>Version Number</b>	<b>Approval Date</b>	<b>Amendment</b>
1	28/05/2011	Creation of policy
2	01/06/2012	Reviewed and updated the next review date
3	01/09/2017	Reviewed and updated the next review date
4	11/04/2018	Updated policy and procedure section
5	24/04/2019	Amended clause 5.16
6	23/04/2021	Updated policy with new privacy statements and updated on application form