

POLICY AND PROCEDURE

PRIVACY POLICY AND PROCEDURES

Date Approved:	15/08/2018
Policy Category:	Management
Policy Owner:	General Manager – Training Operations

1. Purpose

1.1 SEDA Group is committed to maintaining the privacy and confidentiality of its RTO personnel and participant records. SEDA Group complies with the *Privacy Act 1988 including the 13 Australian Privacy Principles (APPs)* as outlined in the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*.

1.2 As a component of our risk management practices, SEDA Group endeavours to conduct Privacy Impact Assessments (or similar) for its operations. Mitigation actions from this risk assessment are implemented for the management of privacy risks at each stage of the information lifecycle, including collection, use, disclosure, storage, destruction and de-identification.

1.3 Providing an overall framework for our privacy practices, SEDA Group has developed and implemented this Privacy Policy.

2. Scope

2.1 SEDA Group manages personal information in an open and transparent way. This is evident in the implementation of practices, procedures and systems we outline in this policy, that ensure our compliance with the APPs and any binding registered APP code, and provide suitable procedures for SEDA Group personnel to be able to deal with related inquiries and complaints that may be received from time to time.

2.2 The following sections of this policy outline how we manage personal information.

3. Privacy Principles

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

3.1.1 Purposes for information collection, retention, use and disclosure

SEDA Group retains a record of personal information about all individuals with whom we undertake any form of business activity. SEDA Group must collect, hold, use and disclose information from our clients 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 stakeholders.

As a registered training organisation, regulated by the Australian Skills Quality Authority, SEDA Group 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:

- *Student Identifiers Act 2014*;
- *Standards for Registered Training Organisations (RTOs) 2015*;
- *Data Provision Requirements 2012*; and
- *National VET Data Policy*.

It is noted that SEDA Group is also bound by various State Government Acts requiring similar information collection, use and disclosure (particularly *Education Act(s)*, *Vocational Education & Training Act(s)* and *Traineeship & Apprenticeships Act(s)* relevant to state jurisdictions of SEDA Group operations).

It is further noted that, aligned with these legislative requirements, SEDA Group delivers services through a range of Commonwealth and State Government funding contract agreement arrangements, which also include various information collection and disclosure requirements.

Individuals are advised that due to these legal requirements, SEDA Group discloses information held on individuals for valid purposes to a range of entities including:

- Governments (Commonwealth, State or Local);
- Australian Apprenticeships Support Networks;
- Employers (and their representatives), Schools, Guardians; and
- Service providers such as credit agencies and tuition assurance scheme operators.

3.1.2 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 may also be collected and held:

- Identity details;
- Employee details & HR information;
- Complaint or issue information;
- Disability status & other individual needs;
- Indigenous status; and
- Background checks (such as National Criminal Checks or Working with Children checks).

Where SEDA Group collects personal information of more vulnerable segment of the community (such as children), additional practices and procedures are also followed. Please refer to the *Fit and Proper Person Requirements* for further information.

3.1.3 How personal information is collected

SEDA Group’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 registration forms, enrolment forms or service delivery records) and the use of web-based systems (such as online enquires, applications, event registration, subscriptions, web portals or internal operating systems).

If an individual accesses our website, the use of cookies (small data files transferred onto devices when a website is accessed) may track what they view on our website and also other websites that they visit. SEDA Group also collects personal information from the interactions with our social media sites.

SEDA Group does receive solicited and unsolicited information from third party sources in undertaking service delivery activities. This may include information from such entities as:

- Governments (Commonwealth, State or Local);
- Australian Apprenticeships Support Networks;
- Sport, Recreation, Community, Fitness and Leisure partnered organisations;
- Employers (and their representatives), Schools, Guardians; and
- Service providers such as credit agencies.

SEDA Group engages third parties to assist us in marketing and advertising and may use cookies (that is, small data files transferred onto devices when a website is accessed) and other technologies to obtain information about individual preferences when they access online platforms or websites other than the SEDA Group website. Individual preferences collected in this manner may be disclosed to us.

3.1.4 How personal information is held

SEDA Group’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 financial system, learning management system and student management system; 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. SEDA Group ICT systems are hosted both internally and externally 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, using secure shredding and destruction services.

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

No data transmission over the internet can be guaranteed to be secure. As a result, SEDA Group cannot warrant the security of any personal information transmitted by an individual to SEDA Group, over the internet.

3.1.5 Retention and Destruction of Information

SEDA Group maintains a retention of records table documenting the periods for which personal information records are kept. Specifically, for our RTO records, in the event of our organisation ceasing to operate the required personal information on record for individuals undertaking nationally recognised training with us would be transferred to the Australian Skills Quality Authority, as required by law.

3.1.6 Accessing and seeking correction of personal information

SEDA Group 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 to contact SEDA Group on 1300 777 332.

A number of third parties, other than the individual, may request access to an individual’s personal information. Such third parties may include employers, parents or guardians, schools, Australian Apprenticeships Centres, Governments (Commonwealth, State or Local) and various other stakeholders.

In all cases where access is requested, SEDA Group 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.

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

If an individual feels that SEDA Group may have breached one of the APPs or a binding registered APP, see the *Privacy Complaints Procedure* below for further information.

3.1.8 Likely overseas disclosures

At this point in time, SEDA Group does not have any overseas partnerships.

3.1.9 Making our Privacy Policy available

SEDA Group provides our Privacy Policy free of charge, with all information being publicly available from the Privacy link on our website at www.seda.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.

In addition, this Privacy Policy is:

- Referenced within our RTO Operating Manual
- Noted within the text or instructions at all information collection points (such as informing individuals during a telephone call of how the policy 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 the Privacy Policy is not able to be provided in a particular format requested by an individual, we will explain the circumstances around this issue with the requester and seek to ensure that another appropriate method is provided.

3.1.10 Review and Update of this Privacy Policy

SEDA Group reviews this Privacy Policy:

- 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 every complaint investigation process where the complaint is related to a privacy matter.

Where this policy is updated, changes to the policy are widely communicated to stakeholders through a range of mechanisms such as internal personnel communications, meetings, training and documentation, and externally through publishing of the policy on SEDA Group’s website.

3.2 Australian Privacy Principle 2 – Anonymity and pseudonymity

SEDA Group 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 us 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 does not contain an individual’s actual name, or generic user names when individuals may access a public component of our website or enquiry forms.

SEDA Group only stores or 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.

3.2.1 Requiring identification

SEDA Group must require and confirm identification however in service delivery to individuals for nationally recognised course programs. We are 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. Other legal requirements, as noted earlier in this policy, 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 support an individual’s request or need.

3.3 Australian Privacy Principle 3 — Collection of solicited personal information

SEDA Group only collects personal information that is reasonably necessary for our business activities.

We only collect sensitive information in cases where the individual consents to the sensitive information being collected, 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.

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

3.4 Australian Privacy Principle 4 – Dealing with unsolicited personal information

SEDA Group may from time to time receive unsolicited personal information. Where this occurs, we promptly review the information to decide whether we could have collected the information for the purpose of our business activities. Where this is the case, we may hold, use and disclose the information appropriately as per the practices outlined in this policy.

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

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

Whenever SEDA Group collects personal information about an individual, we take 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.

Our notifications to individuals on data collection include:

- SEDA Group 's 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 on our website or explain how it may be accessed; and
- Advice that this Privacy Policy 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.

Where possible, we ensure that the individual confirms their understanding of these details, such as through signed declarations, website form acceptance of details or in person through questioning.

3.5.1 Collection from third parties

Where SEDA Group collects personal information from another organisation, we:

- 3.5.1.1 Confirm whether the other organisation has provided the relevant notice above to the individual; or
- 3.5.1.2 Whether the individual was otherwise aware of these details at the time of collection; and
- 3.5.1.3 If this has not occurred, we will undertake this notice to ensure the individual is fully informed of the information collection.

3.6 Australian Privacy Principle 6 – Use or disclosure of personal information

SEDA Group 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.

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

If SEDA Group 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;
- The basis for our reasonable belief that we were required to disclose the information.

3.7 Australian Privacy Principle 7 – Direct marketing

SEDA Group 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 each of our direct marketing communications, SEDA Group 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 us at any stage not to use or disclose their personal information for the purpose of direct marketing, or to facilitate direct marketing by other organisations. We comply with any request by an individual promptly and undertake any required actions for free.

We also, on request, notify 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.

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

Before SEDA Group discloses personal information about an individual to any overseas recipient, we undertake reasonable steps to ensure that the recipient does not breach any privacy matters in relation to that information. At this point in time, SEDA Group does not have any overseas partnerships.

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

SEDA Group 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.

3.10 Australian Privacy Principle 10 – Quality of personal information

SEDA Group takes reasonable steps to ensure that the personal information it collects is accurate, up-to-date and complete. We also take 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 where:

- When we initially collect the personal information; and
- When we use or disclose personal information.

We take 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;
- Providing individuals with a simple means to review and update their information on an on-going basis through our online portal;
- 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, has implemented appropriate data quality practices, procedures and systems.

3.11 Australian Privacy Principle 11 — Security of personal information

SEDA Group takes active measures to consider whether we are 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.

We destroy or de-identify 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 SEDA Group offices and work areas is limited to our personnel 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, we maintain storage of records in an appropriately secure place to which only authorised individuals have access.

Where possible, staff training and meetings are conducted with SEDA Group personnel on privacy issues, and how the APPs apply to our practices, procedures and systems. Training is also included in our staff induction practices.

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

3.12 Australian Privacy Principle 12 — Access to personal information

Where SEDA Group holds personal information about an individual, we provide 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 14 calendar days, when notifying our refusal to give access, including providing reasons for refusal in writing, and the complaint mechanisms available to the individual; or
 - Within 30 calendar days, by giving access to the personal information that is requested in the manner in which it was requested.
- Provide information access free of charge.

3.13 Australian Privacy Principle 13 – Correction of personal information

SEDA Group 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.

3.13.1 Individual Requests

On an individual’s request, we:

- Correct personal information held; and

- Notify 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, we:

- Give a written notice to the individual, including the reasons for the refusal and the complaint mechanisms available to the individual;
- Upon request by the individual whose correction request has been refused, take reasonable steps to associate a statement with the personal information that the individual believes it to be inaccurate, out-of-date, incomplete, irrelevant or misleading;
- Respond within 14 calendar days to these requests; and
- Complete all actions free of charge.

3.13.2 Correcting at SEDA Group's initiative

We take reasonable steps to correct personal information we hold in cases where we are 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.

4. Request for Records Access Procedure

Individuals or third parties may at any stage request access to records held by SEDA Group relating to their personal information. The following procedure is followed on each individual request for access:

- 4.1** A request for access is provided by the requester, with suitable information provided to be able to:
- a) Identify the individual concerned;
 - b) Confirm their identity; and
 - c) Identify the specific information that they are requesting access to.

This request can be made by contacting SEDA Group on 1300 777 332.

- 4.2** Upon receiving a request for access, SEDA Group then:

- a) Confirms the identity of the individual or party requesting access;
- b) Confirms that this individual or party is appropriately authorised to receive the information requested;
- c) Searches the records that we possess or control to assess whether the requested personal information is contained in those records; and
- d) Collates any personal information found ready for access to be provided.

4.3 Confirming identity

SEDA Group personnel must be satisfied that a request for personal information is made by the individual concerned, or by another person who is authorised to

make a request on their behalf. The minimum amount of personal information needed to establish an individual's identity is sought, which is generally an individual's name, date of birth, last known address and signature.

When meeting the requesting party in person, identification may be sighted.

If confirming details over a telephone conversation, questions regarding the individual's name, date of birth, last known address or service details may be confirmed before information is provided.

- 4.4** Once identity and access authorisation is confirmed, and personal information is collated, access is provided to the requester within 30 calendar days of receipt of the original request. We will provide access to personal information in the specific manner or format requested by the individual, wherever it is reasonable and practicable to do so, free of charge.

Where the requested format is not practical, we consult with the requester to ensure a format is provided that meets the requester's needs.

- 4.5** If the identity or authorisation access cannot be confirmed, or there is another valid reason why SEDA Group is unable to provide the personal information, refusal to provide access to records will be provided to the requester, in writing. Our notification will include reason(s) for the refusal, and the complaint mechanisms available to the individual. Such notifications are provided to the requester within 30 calendar days of receipt of the original request.

5. Request for Records Update Procedure

Individuals or third parties may at any stage request that their records held by SEDA Group relating to their personal information be updated. The following procedure is followed on each individual request for records updates:

- 5.1** A request for records update is provided by the requester, with suitable information provided to be able to:
- a) Identify the individual concerned;
 - b) Confirm their identity; and
 - c) Identify the specific information that they are requesting be updated on their records.

This request can be made by contacting SEDA Group on 1300 777 332.

- 5.2** Upon receiving a request for records update, SEDA Group then:
- a) Confirms the identity of the individual or party to whom the record relates;
 - b) Searches the records that we possess or control to assess whether the requested *personal information* is contained in those records; and
 - c) Assesses the information already on record, and the requested update, to determine whether the requested update should proceed.

5.3 Assessing Update

SEDA Group personnel assess the relevant personal information we hold, and the requested updated information, to determine which version of the information is considered accurate, up-to-date, complete, relevant and not misleading, having regard to the purpose for which it is held.

This may include checking information against other records held by us, or within government databases, in order to complete an assessment of the correct version of the information to be used.

5.4 Once identity and information assessment is confirmed, personal information is:

- a) Updated, free of charge, within 14 calendar days of receipt of the original request; and
- b) Notified to any third parties of corrections made to personal information, if this information was previously provided to these parties.

5.5 If the identity of the individual cannot be confirmed, or there is another valid reason why SEDA Group is unable to update the personal information, refusal to update records will be provided to the requester in writing, free of charge, within 14 calendar days.

Our notification will include the reasons for the refusal and the complaint mechanisms available to the individual.

5.6 Upon request by the individual whose correction request has been refused, we will also take reasonable steps to associate a 'statement' with the personal information that the individual believes it to be inaccurate, out-of-date, incomplete, irrelevant or misleading. This statement will be applied, free of charge, to all personal information relevant across SEDA Group systems within 30 calendar days of receipt of the statement request.

6. Privacy Complaints Procedure

If an individual feels that SEDA Group has breached its obligations in the handling, use or disclosure of their personal information, they may raise a complaint. We encourage individuals to discuss the situation with their SEDA Group representative in the first instance, before making a complaint.

Please refer to SEDA Group's *Concerns, Complaints (Grievances) and Appeals Policy and Procedure* located on our website for individuals who wish to make a complaint.

7. Related Policies and Procedures

7.1 Concerns, Complaints (Grievances) and Appeals Policy and Procedure

7.2 VSL Fair Treatment, Equal Benefits and Opportunity Policy and Procedures

7.3 VSL Statement of VET Tuition Assurance

- 7.4 VSL Student Entry Procedure
- 7.5 VSL Student Selection and Admission Policy and Procedures
- 7.6 VSL Student Review and Re-Crediting Procedures
- 7.7 VSL VET Fee Payment Policy
- 7.8 VSL Tuition Fee Refund Policy
- 7.9 VSL Tuition Assurance Procedures