

Privacy Policy

Policy Summary	
Department Responsible for Policy	Management Team
Contact Person for Policy	Managing Director
Approving Authority	FFET Board
Date Last Approved	29/04/2016
Next Review Date (Evaluation)	Annual review from date of release
Related Documents	Guidelines <ul style="list-style-type: none"> • <i>Privacy Act 1988</i> • <i>Privacy and Personal Information Protection Act 1998</i> • <i>Privacy Amendment (Private Sector) Act 2000</i> • <i>Higher Education Support Act 2003</i> Policies <ul style="list-style-type: none"> • <i>8-01-012 Complaints and Appeals Policy (Academic and Non-Academic)</i> Manuals <ul style="list-style-type: none"> • <i>5-02-001 Human Resources Manual</i> • <i>10-02-005 Document Management Manual</i> • <i>10-02-013 Records Management Manual</i>
Document Number	8-01-008

Policy History	
Policy version	Main changes made
Version Number 1.0	<ul style="list-style-type: none"> • New Policy
Version Number 2.0	<ul style="list-style-type: none"> • Updated and rebranded

1. Preamble

- 1.1 Although the College does not fall within the jurisdiction of either of the *Privacy Act 1988* (Clth) nor the *Privacy and Personal Information Protection Act 1998* (NSW) the College is committed to ensuring high standards in the handling of personal information and respects the privacy of its applicants, customers, stakeholders, staff, students and web visitors.
- 1.2 Personal information will not be disclosed to any other party without the consent of the person involved.
- 1.3 The College is committed to protecting other people's personal information, in accordance with the *Information Privacy Principles, Privacy Act 1988* (Clth), the *Higher Education Support Act 2003*, the *Privacy and Personal Information Protection Act 1998* (NSW) and the *Privacy Amendment (Private Sector) Act 2000* and *08-01-028 Privacy Fact Sheet-national privacy principles*.

2. Definitions

Australian Qualifications Framework (AQF) First introduced in 1995, it is the national policy for regulated qualifications in Australian education and training. It incorporates the qualifications from each education and training sector into a single comprehensive national qualifications framework.

In 2011, under the leadership of the AQF Council, the AQF was revised to ensure that qualification outcomes remain relevant and nationally consistent, continue to support flexible qualifications linkages and pathways and enable national and international portability and comparability of qualifications. The latest version of the AQF framework was published in January 2013.

Australian Quality Training Framework (AQTF) The national set of standards which assures nationally consistent, high-quality training and assessment services for the clients of Australia's vocational education and training (VET) system. Initially established in 2001 for implementation in 2002, it is approved by the Ministerial Council for Tertiary Education and Employment (MCTEE), which includes all Ministers for VET in Australia.

College Kenvale College - Hospitality and Event Management. The College is a project of Foundation For Education and Training Limited (FFET), a non-profit company limited by guarantee, and is a Registered Training Organisation with ASQA.

Foundation for Education and Training (FFET) The College is a project of the Foundation For Education and Training Limited (FFET), a non-profit company limited by guarantee.

Higher Education (HE) Provider A body that is established or recognised by the Commonwealth or a state or territory government to issue qualifications in the HE sector.

Registered Training Organisation (RTO) A vocational education and training organisation registered by a state or territory registering body in accordance with ASQA.

Unit of Competency (UoC) A single component of a qualification, or a stand-alone unit, that has been accredited by the same process as for a whole AQF qualification. (AQF, 2013)

Vocational Education and Training (VET) A type of tertiary education under the Australian Qualifications Framework (AQF), which enables students to gain qualifications for all types of employment, and specific skills to help them in the workplace.

3. Scope

Aim

- 3.1 The College as part of its normal operations collects personal information from staff and students. This policy explains how this information should be dealt with.

Scope

- 3.2 This policy covers matters relating to personal information (including sensitive information) of staff and students collected by the College.
- 3.3 Personal Information is defined under the *Privacy Act 1988* as “information or an opinion (including information or an opinion forming part of a data base and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion”. This includes an individual’s name, address, student number, video recordings and photographs of an individual, body samples and electronic records. The person’s identity does not have to be expressly indicated by the information, it is only necessary that it “can reasonably be ascertained from the information”.
- 3.4 The *Privacy Act 1988* excludes certain types of information from the definition of personal information. The most significant exceptions are:
- a. information contained in a publicly available publication
 - b. information about an individual’s suitability for public sector employment
 - c. information about people who have been dead for more than 30 years.
- 3.5 Sensitive information is defined under the *Privacy Amendment (Private Sector) Act 2000*:
- a. 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 preferences or practices; or
 - criminal record;
 - that is also personal information; or
 - health information about an individual
- 3.6 This policy does not detail the procedures associated with privacy. Please refer to the *10-02-005 Document Management Manual* for the review of compliance with privacy; the *10-02-013 Records Management Manual* for the procedures relating to responsibility for maintaining privacy of personal information, namely how it is done and who is responsible to ensure it is done; and the *5-02-001 Human Resources Manual* for procedures relating to the privacy of personal information relating to employees.

4. Handling Personal Information

The College uses the following as principles in handling personal information:

- 4.1 Information collected is only what is necessary, e.g. for enquiries, name, postal address, contact numbers, email address, school attending and year level only. Personal information about an individual is not collected just because that information may come in handy later.
- 4.2 Reasonable measures will be taken to ensure an individual is notified of the purpose for collecting personal information. All documents used by the College to collect other people's details must have appropriate privacy clauses and disclosures attached to the document, in order that students give informed consent for the use of their information.
- 4.3 Personal information is used only for the purpose for which it was collected unless:
 - a. the individual concerned has consented to use of the information for that other purpose;
 - b. the College believes on reasonable grounds that use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person;
 - c. use of the information for that other purpose is required or authorised by or under law;
 - d. use of the information for that other purpose is reasonably necessary for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue; or
 - e. the purpose for which the information is used is directly related to the purpose for which the information was obtained.
- 4.4 Where personal information is used for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue, the record-keeper shall include in the record containing that information a note of that use.
- 4.5 Personal information is kept accurate, up-to-date, complete and not misleading. Where a record is found to be inaccurate, the correction is made. Where a student requests that a record be amended because it is inaccurate but the record is found to be accurate, the details of the request for amendment are noted on the record.
- 4.6 Personal information is to be kept secure by the relevant department from unauthorised access, modification or disclosure and against misuse and loss. The IT system must be secure, so that users only have access to that information that is necessary for their position i.e. selected areas of the College network.
- 4.7 Students are required to notify the College of any changes to their personal information, such as their address, to ensure that records are accurate and up-to-date.
- 4.8 All students, lecturers and staff are to be given access to view their personal information if requested, free of charge. Students who request a copy of their record, may be charged a nominal fee.
- 4.9 Personal information, including contact details, course enrolment details and changes, and the circumstances of any suspected breach of student visa condition, can be disclosed without student consent where authorised or required by law to the Department of Immigration and Border Protection, other Australian

Government and designated authorities, the Tuition Assurance Scheme, Tuition Protection Scheme and ESOS Assurance Fund Manager, ACPET, and the students' Industry Partners, if deemed appropriate by the Management Team. This information is included on the Letter of Offer and students give informed consent when signing that letter.

- 4.10 Personal information will not be disclosed without written consent of the party involved, to anyone other than those listed above. The written consent is to be kept in the student or lecturer file.
- 4.11 All full-time staff have access to lecturers' and students' contact details stored in the College's databases. Staff access to students and lecturers personal information is limited to only what is necessary.
- 4.12 In the case whereby a lecturer needs to contact students outside of class, the College acts as the mediator for communication between a lecturer and a student. Usually, the College will inform the student of the purpose and ask the students to contact the lecturer directly. Alternatively, students should give a written permission to the College for their information to be given to lecturer. The same procedure applies when lecturers or students request contact details of other students, lecturers and staff.
- 4.13 The department manager is responsible for protecting personal information in their department and ensuring department procedures are compliant and implemented.

5. Commonwealth Assistance

- 5.1 The College may also collect personal information for the purpose of assessing a student's entitlement to Commonwealth assistance under the *Higher Education Support Act 2003* and allocation of a Commonwealth Higher Education Student Support Number (CHESSN). The College will disclose this information to the Department of Education and Training (DET) for those purposes. DET will store the information securely in the VET FEE-HELP IT System/Higher Education Information Management System, and may disclose the information to the Australian Taxation Office. The College and DET will not otherwise disclose the information without student consent unless required or authorised by law.
- 5.2 The College will obtain the student's consent to provide personal information to DET on the Request for VET FEE-HELP assistance form. Students are required to submit this form prior to the allocation of a CHESSN.

6. Complaints

- 6.1 Complaints regarding a breach of privacy are to be handled using the *8-01-012 Complaints and Appeals Policy (Academic and Non-Academic)*.
- 6.2 Where a privacy breach has severely impacted on an individual, this will be reported to the Office of the Australian Information Commissioner. Refer to website <http://www.oaic.gov.au/privacy/making-a-privacy-complaint>
- 6.3 This policy, and the availability of the complaints and appeals process, does not remove the right of the student to take action under Australia's consumer protection laws.

7. Application

- 7.1 This policy applies to all staff and students of the College.
- 7.2 In line with AQF (2013), this policy will be applied consistently and fairly.

8. Responsibilities

- 8.1 The College's Managing Director is responsible for the management of this policy.
- 8.2 The College's various departments are responsible for the application of this policy, where applicable.

9. Quality and Compliance

- 9.1 The College's approach to Privacy aligns with the Commonwealth and State Government legislation.
- 9.2 This policy will be reviewed and updated annually by the Management Department to ensure the quality and relevance of its content, and to maximise the effectiveness of its application to both the students and the needs of industry.
- 9.3 The following legislation and compliance regulations apply to this policy:

Standards for Registered Training Organisations RTOs 2015

Standard 8	<p>The RTO cooperates with the VET Regulator and is legally compliant at all times</p> <p>8.5 The RTO complies with Commonwealth, State and Territory legislation and regulatory requirements relevant to its operations.</p> <p>8.6 The RTO ensures its staff and clients are informed of any changes to legislative and regulatory requirements that affect the services delivered.</p>
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Higher Education Standards Framework (Threshold Standards) 2011

Chapter 1	5.5 The higher education provider maintains adequate records for all its higher education operations, with appropriate confidentiality and security.
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Legislation

- *Privacy Act 1988*
- *Privacy and Personal Information Protection Act 1998*
- *Privacy Amendment (Private Sector) Act 2000*
- *Higher Education Support Act 2003*