

Privacy Policy

Policy Summary	
Department Responsible for Policy	Management
Contact Person for Policy	Chief Executive Officer
Approving Authority	FFET Board
Date Last Approved	28/04/2020
Next Review Date (Evaluation)	Every two years from date of release
Related Documents	<p>Guidelines</p> <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> • <i>Higher Education Standards Framework 2015</i> • <i>Australian Skills Quality Authority (ASQA) Standards for NVR Registered Training Organisations 2015</i> • <i>Education Services for Overseas Students Act 2000</i> • <i>National Code 2018</i> • <i>Notifiable Data Breaches Act 2017</i> • <i>National VET Data Policy 2017</i> <p>Policies</p> <ul style="list-style-type: none"> • <i>1-01-007 Complaints and Appeals Policy (Academic)</i> • <i>4-01-010 VET STUDENT LOAN Tuition Fee and Refund Policy</i> • <i>5-02-001 Human Resources policy</i> • <i>7-01-002 IT Security Policy</i> • <i>8-01-012 Complaints and Appeals Policy (Academic and Non-Academic)</i> • <i>08-01-028 Privacy Fact Sheet-national privacy principles</i> • <i>10-01-007 Compliance Reporting Policy</i> <p>Manuals</p> <ul style="list-style-type: none"> • <i>4-02-001 Finance Manual</i> • <i>5-02-001 Human Resources Manual</i> • <i>7-02-007 Data Breach Response Plan</i> • <i>8-02-005 Management Manual</i> • <i>8-02-010 Critical Incident and Key College Staff Contact List</i> • <i>10-02-005 Document Management Manual</i>

	<ul style="list-style-type: none"> • 10-02-013 <i>Records Management Manual</i> <p>Documents</p> <ul style="list-style-type: none"> • 1-03-018 <i>Permission for use of images and information</i> • 08-01-028 <i>Privacy Fact Sheet-national privacy principles.</i> • 10-02-005 <i>Management Manual</i> • 12-03-005 <i>International Students Full Offer Letter.</i> • 12-03-007 <i>International Students Package Offer Letter</i> • 12-05-000-<i>Domestic Students Offer Letter</i>
Document Number	8-01-008

Policy History

Policy version	Main changes made	Date Amended
1.0	New Policy	25/11/2013
2.0	Updated and rebranded	29/04/2016
3.0	Add in Higher Education Standards,	30/11/2016
4.0	Updated template, ESOS Act, National Code	23/03/2019
5.0	Updated job titles	28/04/2020

1. Preamble

- 1.1 Although the College does not fall within the jurisdiction of either of the *Privacy Act 1988* 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*, 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.

Australian Skills Quality Authority (ASQA) The national regulator for Australia's vocational education and training (VET) sector. ASQA regulates courses and training providers to ensure nationally approved quality standards are met.

College Kenvale College of Hospitality, Cookery and Events.

Foundation for Education and Training Limited (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.

The Tertiary Education Quality Standards Agency (TEQSA) is an independent statutory authority established in 2011. It sits within the Education portfolio. TEQSA regulates and assures the quality of Australia's large, diverse and complex higher education sector. TEQSA registers and evaluates the performance of higher education providers against the Higher Education Standards Framework.

Unique Student Identifier (USI) The USI is a reference number that will link to the National Vocational Education and Training (VET) Data Collection allowing an individual to view all of their training results from all providers including all completed training units and qualifications.

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)

VET Student Loan scheme: An Australian Government loan scheme established under Schedule 1A of the *Higher Education Support Act 2003* in place from 2009-2016 (and to some continuing students in 2017 onwards—refer to VET Student Loan transitional arrangements) that allows access to loans for higher level VET study.

VET Student Loans program: The Australian Government loan program established by the *VET Student Loans Act 2016* that assists eligible students enrolled in approved higher level vocational education and training courses at approved course providers pay their tuition fees.

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

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- 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 *8-02-005 Management Manual*, *4-02-001 Finance Manual*, *4-01-010 VET STUDENT LOAN Tuition Fee and Refund Policy* and *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 the 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 those areas of the College network which pertains to their role/position.
- 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 and an administrative fee as listed on the website.
- 4.9 Personal information, including contact details, course enrolment details and changes, and the circumstances of any suspected breach of a student visa condition(s), can be disclosed without student consent where authorised or required by law to the Department of Home Affairs, 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 *2-03-006 FULL Offer Letter Template for Domestic Students* or *12-03-005 FULL Offer Letter Template for International Students* and students give informed consent when signing that letter.

- 4.10 A USI is classified as a student's personal information and will only be used for the purpose for which it was collected. Refer to *10-2-007 Compliance Reporting Policy*.
- 4.11 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.
- 4.12 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.
- 4.13 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 a lecturer. The same procedure applies when lecturers or students request contact details of other students, lecturers and staff.
- 4.14 The department manager is responsible for protecting personal information in their department and ensuring department procedures are compliant and implemented.
- 4.15 In the event that personal information is lost or subjected to unauthorised access, modification, disclosure or other misuse or interference, *the Privacy Amendment (Notifiable Data Breaches) Act 2017* requires a response to minimise risk and/or harm that can be caused by the compromised data.
- 4.16 The College's data breach response plan can be found in *7-02-007 Data Breach Response Plan*.

5. Commonwealth Assistance

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 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.

6. Complaints

6.1 Complaints regarding a breach of privacy are to be handled using *5-01-012 Complaints and Appeals Policy (STAFF)* or *10-01-021 Complaints and Appeals Policy (Students)*. 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>

- 6.2 This policy, and the availability of the complaints and appeals process, does not remove the right of staff or students 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 Chief Executive Officer is responsible for the management of this policy.
- 8.2 The College's various departments are responsible for the application of this policy, as may be pertinent or appropriate.

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 every two years or whenever there are changes applicable 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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National Code 2018	
Standard 2	<p>2.1 Prior to accepting an overseas student or intending overseas student for enrolment in a course, the registered provider must make comprehensive, current and plain English information available to the overseas student or intending overseas student on:</p> <p>2.1.1 the requirements for an overseas student's acceptance into a course, including the minimum level of English language proficiency, educational qualifications or work experience required, and course credit if applicable</p> <p>2.1.2 the CRICOS course code, course content, modes of study for the course including compulsory online and/or work-based training, placements, other community-based learning and collaborative research training arrangements, and assessment methods</p> <p>2.1.3 course duration and holiday breaks</p> <p>2.1.4 the course qualification, award or other outcomes</p> <p>2.1.5 campus locations and facilities, equipment and learning resources available to students</p> <p>2.1.6 the details of any arrangements with another provider, person or business who will provide the course or part of the course</p> <p>2.1.7 indicative tuition and non-tuition fees, including advice on the potential for changes to fees over the duration of a course, and the registered provider's cancellation and refund policies</p> <p>2.1.8 the grounds on which the overseas student's enrolment may be deferred, suspended or cancelled</p> <p>2.1.9 the ESOS framework, including official Australian Government material or links to this material online</p> <p>2.1.10 where relevant, the policy and process the registered provider has in place for approving the accommodation, support and general welfare arrangements for younger overseas students (in accordance with Standard 5)</p> <p>2.1.11 accommodation options and indicative costs of living in Australia.</p> <p>2.2 The registered provider must have and implement a documented policy and process for assessing whether the overseas student's English language proficiency, educational qualifications or work experience is sufficient to enable them to enter the course.</p>
Standard 6	<p>6.6 The registered provider must have sufficient student support personnel to meet the needs of the overseas students enrolled with the registered provider.</p> <p>6.7 The registered provider must ensure its staff members who interact directly with overseas students are aware of the registered provider's obligations under the ESOS framework and the potential implications for overseas students arising from the exercise of these obligations.</p> <p>6.8 The registered provider must have and implement a documented policy and process for managing critical incidents that could affect the overseas student's ability to undertake or complete a course, such as but not limited to incidents that may cause physical or psychological harm. The registered provider must maintain a written record of any critical incident and remedial action taken by the registered provider for at least two years after the overseas student ceases to be an accepted student.</p> <p>6.9 The registered provider must:</p> <p>6.9.1 take all reasonable steps to provide a safe environment on campus and advise overseas students and staff on actions they can take to enhance their personal security and safety</p> <p>6.9.2 provide information to overseas students about how to seek assistance for and report an incident that significantly impacts on their wellbeing, including critical incidents</p> <p>6.9.3 provide overseas students with or refer them to (including electronically)</p>

	general information on safety and awareness relevant to life in Australia.
Standard 7	<p>Registered providers must not knowingly enrol an overseas student seeking to transfer from another registered provider's course prior to the overseas student completing six months of his or her principal course (or for the school sector, until after the first six months of the first registered school sector course), except where any of the following apply:</p> <p>7.2 For the purposes of Standard 7.1.3, the registered provider must have and implement a documented policy and process for assessing overseas student transfer requests prior to the overseas student completing six months of their principal course (or for the school sector, until after the first six months of the first registered school sector course). The policy must be made available to staff and overseas students, and outline:</p> <p>7.2.1 the steps for an overseas student to lodge a written request to transfer, including that they must provide a valid enrolment offer from another registered provider</p> <p>7.2.2 circumstances in which the registered provider will grant the transfer request because the transfer is in the overseas student's best interests, including but not limited to where the registered provider has assessed that:</p> <p>7.2.2.1 the overseas student will be reported because they are unable to achieve satisfactory course progress at the level they are studying, even after engaging with that registered provider's intervention strategy to assist the overseas student in accordance with Standard 8 (Overseas student visa requirements)</p> <p>7.2.2.2 there is evidence of compassionate or compelling circumstances</p> <p>7.2.2.3 the registered provider fails to deliver the course as outlined in the written agreement</p> <p>7.2.2.4 there is evidence that the overseas student's reasonable expectations about their current course are not being met</p> <p>7.2.2.5 there is evidence that the overseas student was misled by the registered provider or an education or migration agent regarding the registered provider or its course and the course is therefore unsuitable to their needs and/or study objectives</p> <p>7.2.2.6 an appeal (internal or external) on another matter results in a decision or recommendation to release the overseas student.</p> <p>7.2.3 the circumstances which the registered provider considers as reasonable grounds to refuse the transfer</p> <p>7.2.4 a reasonable timeframe for assessing and replying to the overseas student's transfer request having regard to the restriction period.</p> <p>7.7 The registered provider must maintain records of all requests from overseas students for a release and the assessment of, and decision regarding, the request for two years after the overseas student ceases to be an accepted student.</p>

Standard 9	<p>9.1 A registered provider must have and implement a documented process for assessing, approving and recording a deferment of the commencement of study or suspension of study requested by an overseas student, including maintaining a record of any decisions.</p> <p>9.2 A registered provider may defer or suspend the enrolment of a student if it believes there are compassionate or compelling circumstances.</p> <p>9.3 A registered provider may suspend or cancel a student's enrolment including, but not limited to, on the basis of:</p> <p>9.3.1 misbehaviour by the student</p> <p>9.3.2 the student's failure to pay an amount he or she was required to pay the registered provider to undertake or continue the course as stated in the written agreement</p> <p>9.3.3 a breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements).</p> <p>9.4 If the registered provider initiates a suspension or cancellation of the overseas student's enrolment, before imposing a suspension or cancellation the registered provider must:</p> <p>9.4.1 inform the overseas student of that intention and the reasons for doing so, in writing</p> <p>9.4.2 advise the overseas student of their right to appeal through the provider's internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.</p> <p>9.5 When there is any deferral, suspension or cancellation action taken under this standard, the registered provider must:</p> <p>9.5.1 inform the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa</p> <p>9.5.2 report the change to the overseas student's enrolment under section 19 of the ESOS Act.</p> <p>9.6 The suspension or cancellation of the overseas student's enrolment under Standard 9.3 cannot take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.</p>
Standard 10	<p>10.1 The registered provider must have and implement a documented internal complaints handling and appeals process and policy, and provide the overseas student with comprehensive, free and easily accessible information about that process and policy.</p> <p>10.2 The registered provider's internal complaints handling and appeals process must:</p> <p>10.2.1 include a process for the overseas student to lodge a formal complaint or appeal if a matter cannot be resolved informally</p> <p>10.2.2 include that the provider will respond to any complaint or appeal the overseas student makes regarding his or her dealings with the registered provider, the registered provider's education agents or any related party the registered provider has an arrangement with to deliver the overseas student's course or related services</p> <p>10.2.3 commence assessment of the complaint or appeal within 10 working days of it being made in accordance with the registered provider's complaints handling and appeals process and policy, and finalise the outcome as soon as practicable</p> <p>10.2.4 ensure the overseas student is given an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings</p> <p>10.2.5 conduct the assessment of the complaint or appeal in a professional, fair and transparent manner</p> <p>10.2.6 ensure the overseas student is given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome</p>

	<p>10.2.7 keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.</p> <p>10.3 If the overseas student is not successful in the registered provider's internal complaints handling and appeals process, the registered provider must advise the overseas student within 10 working days of concluding the internal review of the overseas student's right to access an external complaints handling and appeals process at minimal or no cost. The registered provider must give the overseas student the contact details of the appropriate complaints handling and external appeals body.</p> <p>10.4 If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, the registered provider must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action</p>
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Higher Education Standards Framework 2015

Standard 7	<p>7 Representation, Information and Information Management</p> <p>7.3 Information Management.</p> <p>Information systems and records are maintained, securely and confidentially as necessary to:</p> <ul style="list-style-type: none"> a. maintain accurate and up-to-date records of enrolments, progression, completions and award of qualifications b. prevent unauthorised or fraudulent access to private or sensitive information, including information where unauthorised access may compromise academic or research integrity c. document and record responses to formal complaints, allegations of misconduct, breaches of academic or research integrity and critical incidents, and d. demonstrate compliance with the Higher Education Standards Framework.
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Legislation

Privacy Act 1988 (Cth)
Privacy and Personal Information Protection Act 1998 (NSW)
Privacy Amendment (Private Sector) Act 2000
Higher Education Support Act 2003 (HESA)
Education Services for Overseas Students (ESOS) Act 2018
Health Records and Information Privacy Act 2002 (NSW)
Higher Education Standards Framework 2015
Australian Skills Quality Authority (ASQA) Standards for NVR Registered Training Organisations 2015
National VET Data Policy 2017

Notifiable Data Breaches Act 2017

10. References

- 10.1 Australian Qualifications Framework Council. (2013). *Australian Qualifications Framework (AQF)*, 2nd ed., Australia.
- 10.2 Australian Skills Quality Authority (ASQA), Standards for Registered Training Organisations (RTOs) 2015. Australia.
- 10.3 *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students* (ESOS National Code). Australia.
- 10.4 The Tertiary Education Quality Standards Agency (TEQSA) (2015). *Higher Education Standards Framework 2015*. Australia.