

P-8.14 PRIVACY POLICY AND PRIVACY NOTICE ANNEXURE

Purpose

This policy has been written to prevent misuse of personal client information and to ensure that information is managed in an open and transparent way. Protecting the privacy of personal and sensitive information collected by our organisation and the need for confidentiality is fundamental to ECTARC in providing quality services.

Collection of personal information is limited to that which is lawful, by fair means and is reasonably necessary for the organisation's activities.

All information collected is managed in accordance with the requirements of the *Privacy Act 1988* – including Privacy Amendments up to Act No. 92, 2017, and complies with the Australian Privacy Principles to regulate the way in which ECTARC manages personal and sensitive information.

Scope

This policy defines expectations for all ECTARC employees, clients and visitors by clarifying their confidentiality and privacy responsibilities and general expectations when seeking to access staff or client information.

Confidential information may include:

- names and contact details
- employer information
- personal information (e.g. date of birth, disabilities)
- academic records
- discipline matters
- intellectual property
- any document that is marked confidential
- survey information and feedback
- data from events such as conferences, professional development training

Deployment

This policy is made accessible to all stakeholders on the ECTARC website and upon request a PDF version may be provided.

ECTARC collects personal information through processes, including:

- ECTARC's Student Management Portal and the ECTARC Training Portal
- enrolment processes
- registration and attendance at conferences, networking events and training including webinars
- online enquiry forms and the ECTARC website
- dealings with an ECTARC staff member through customer service and support
- responses to surveys or research conducted by ECTARC or on ECTARC's behalf
- social media
- employment applications

Personal information will be used for the primary purpose in which it is collected for, unless permission is sought otherwise, which may include the following purposes:

- To process and approve student applications and enrolments with ECTARC (both funded and fee-for-service)
- Facilitate event enrolments e.g. conferences, professional development workshops, webinars
- Transactions, including for the payment of services and ECTARC training materials
- Venue hire
- Third party training
- Research and to measure consumer interest in ECTARC's products and services

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- ECTARC marketing and promotional purposes (an opt-out option/unsubscribe is provided to all recipients on marketing materials)
- Consulting services that may be requested
- ECTARC's Student Management Portal and the ECTARC Training Portal

A student or staff member may access their personal details via ECTARC's Student Management System where alterations to some personal details may be made and the ECTARC Training Portal. Access to personal details is through the use of a personal login and password that the student creates.

Alternatively, students can request access to their personal information by writing to management. Access to appropriate information is provided within 14 days from receipt of the request. Hard copy and/or computer records may be viewed but not removed or altered. All information that is not accurate will be amended within 5 days of receiving a written request to amend it.

ECTARC only use or disclose information for the purpose for which it was collected or for a secondary purpose which the provider of the information could reasonably expect. This is guided by the Australian Privacy Principles under the *Privacy Act 1988*.

The ECTARC Enrolment Form includes a Privacy Statement that is a signed declaration from the client acknowledging that the information they provide will be used for research, statistical information to the relevant government department and internal management processes only.

Every student must provide ECTARC with their USI on enrolment or as soon as practicable after enrolment. This USI is verified and retained in ECTARC's Student Management System and may be used to support processes relevant to confirming the identification of a student, where required. This does not however replace the need to sight photo identification. This number may be used to identify and maintain the privacy of students during contact calls or enquiries, however in most cases, appropriate identification confirmation occurs by asking the student their full name, address and date of birth.

Personal information is not provided to any third party unless the following exceptions apply:

- Parents have no rights to information about clients who are over 18 years of age. A client who is over 16 but younger than 18 should be approached for permission to release information. If permission is refused, the Manager, in conjunction with the IACC Board of Management, should make a final decision.
- The employer of an apprentice or trainee has the contractual right to receive personal information and information regarding the progression of their employee's studies. Employees of fee-for-service students or other funded students under government initiatives other than traineeships and apprenticeships must not be provided with any personal information regarding their employee.

In circumstances beyond these, personal information will only be shared with a third party where prior written permission is received from the student.

Police should be given assistance with names and contact details only. Any further information would require a subpoena or warrant. When a subpoena or warrant is received, legal advice should be sought from IACC's solicitor and the IACC Board of Management will be consulted.

Solicitors are not entitled to information about clients unless client consent has been sought on receipt of an adequate explanation of the purpose and nature of the research. The Manager in conjunction with the IACC Board of Management will initially consider all research requests prior to involving clients.

Under no circumstances is IACC/ECTARC intellectual property (or part of) to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopied, recorded or otherwise, without the prior permission of IACC/ECTARC. Any intellectual property or resource developed by an ECTARC/IACC employee or consultant remains the property of ECTARC.

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Data Quality – ECTARC takes all reasonable precautions to ensure that personal information that we collect, use and disclose is accurate, complete and up to date. Students and staff have a responsibility to notify ECTARC of any changes to their personal information.

Data Security – ECTARC takes all reasonable steps to protect personal information from misuse and loss, change, unauthorised access, modification or disclosure.

Complaints – All complaints regarding the handling of personal information or other matters covered in this policy can be made to ECTARC management.

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Privacy Notice

Under the *Data Provision Requirements 2012*, ECTARC is required to collect personal information about you and to disclose that personal information to the National Centre for Vocational Education Research Ltd (NCVER).

Your personal information (including the personal information contained on this enrolment form), may be used or disclosed by ECTARC for statistical, administrative, regulatory and research purposes. ECTARC may disclose your personal information for these purposes to:

- Commonwealth and State or Territory government departments and authorised agencies; and
- NCVER.

Personal information that has been disclosed to NCVER may be used or disclosed by NCVER for the following purposes:

- populating authenticated VET transcripts;
- facilitating statistics and research relating to education, including surveys and data linkage;
- pre-populating RTO student enrolment forms;
- understanding how the VET market operates, for policy, workforce planning and consumer information; and
- administering VET, including program administration, regulation, monitoring and evaluation.

You may receive a student survey which may be administered by a government department or NCVER employee, agent or third-party contractor or other authorised agencies. Please note you may opt out of the survey at the time of being contacted.

NCVER will collect, hold, use and disclose your personal information in accordance with the *Privacy Act 1988* (Cth), the National VET Data Policy and all NCVER policies and protocols (including those published on NCVER's website at www.ncver.edu.au).

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VET Data Use Statement

Under the Data Provision Requirements 2012 and National VET Data Policy (which includes the National VET Provider Collection Data Requirements Policy at Part B), Registered Training Organisations are required to collect and submit data compliant with AVETMISS for the National VET Provider Collection for all Nationally Recognised Training. This data is held by the National Centre for Vocational Education Research Ltd (NCVER), and may be used and disclosed for purposes that include:

- populating authenticated VET transcripts
- administering VET, including program administration, regulation, monitoring and evaluation
- facilitating statistics and research relating to education, including surveys and data linkage
- understanding how the VET market operates, for policy, workforce planning and consumer information.

NCVER is authorised by the National Vocational Education and Training Regulator Act 2011 (NVETR Act) to disclose to the following bodies, personal information collected in accordance with the Data Provision Requirements or any equivalent requirements in a non-referring State (Victoria or Western Australia), for the purposes of that body:

- a VET regulator (the Australian Skills, Quality Authority, the Victorian Registration and Qualifications Authority or the Training Accreditation Council Western Australia)
- the Australian Government Department of Education, Skills and Employment
- another Commonwealth authority
- a state or territory authority (other than a registered training organisation) that deals with or has responsibility for matters relating to VET.

NCVER may also disclose personal information to persons engaged by NCVER to conduct research on NCVER's behalf.

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Why we collect your personal information

As a registered training organisation (RTO), ECTARC collects your personal information so we can process and manage your enrolment in a vocational education and training (VET) course with us. Where all required information is not provided by you within the 14-day enrolment/cooling off period your enrolment cannot be finalised and you will not be enrolled into your chosen program.

How we use your personal information

ECTARC uses your personal information to enable us to deliver VET courses to you, and otherwise, as needed, to comply with our obligations as an RTO.

How we disclose your personal information

ECTARC are required by law (under the National Vocational Education and Training Regulator Act 2011 (Cth) (NVETR Act)) to disclose the personal information we collect about you to the National VET Data Collection kept by the National Centre for Vocational Education Research Ltd (NCVER). The NCVER is responsible for collecting, managing, analysing and communicating research and statistics about the Australian VET sector. ECTARC are also authorised by law (under the NVETR Act) to disclose your personal information to the relevant state or territory training authority.

How the NCVER and other bodies handle your personal information

The NCVER will collect, hold, use and disclose your personal information in accordance with the law, including the Privacy Act 1988 (Cth) (Privacy Act) and the NVETR Act. Your personal information may be used and disclosed by NCVER for purposes that include populating authenticated VET transcripts; administration of VET; facilitation of statistics and research relating to education, including surveys and data linkage; and understanding the VET market.

The NCVER is authorised to disclose information to the Australian Government Department of Education, Skills and Employment (DESE), Commonwealth authorities, State and Territory authorities (other than registered training organisations) that deal with matters relating to VET and VET regulators for the purposes of those bodies, including to enable:

- administration of VET, including program administration, regulation, monitoring and evaluation
- facilitation of statistics and research relating to education, including surveys and data linkage
- understanding how the VET market operates, for policy, workforce planning and consumer information.

The NCVER may also disclose personal information to persons engaged by NCVER to conduct research on NCVER's behalf.

The NCVER does not intend to disclose your personal information to any overseas recipients.

For more information about how the NCVER will handle your personal information please refer to the NCVER's Privacy Policy at www.ncver.edu.au/privacy.

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If you would like to seek access to or correct your information, in the first instance, please contact ECTARC using the contact details listed below.

DESE is authorised by law, including the Privacy Act and the NVETR Act, to collect, use and disclose your personal information to fulfil specified functions and activities. For more information about how the DESE will handle your personal information, please refer to the DESE VET Privacy Notice at <https://www.dese.gov.au/national-vet-data/vet-privacy-notice>.

Contact information

At any time, you may contact ECTARC at info@ectarc.com.au or 02 42231111 to:

- request access to your personal information
- correct your personal information
- make a complaint about how your personal information has been handled
- ask a question about this Privacy Notice.

New Policy

Reviewed Policy