

## 4 Up Skilling Pty Ltd

### Privacy Policy

#### Objective

This policy describes the practices and procedures by which 4 Up Skilling Pty Ltd will ensure the compliance with the relevant privacy legislation to protect the personal information and right to privacy of those which are detailed within this policy.

#### Scope

This policy applies to all current & past students and also persons employed by or contracted to 4 Up Skilling Pty Ltd.

#### Responsible Parties

The Managing Director is responsible for the control and issuance of this policy (this may be delegated).

#### Procedure

4 Up Skilling Pty Ltd will ensure that it respects the privacy of current & past staff and students and their employers by implementing the Australian Privacy Principles (APP) and abiding by the Health Records Act 2001 (Victoria).

The APP are the “practical core” of the *Privacy and Data Protection (PDP) Act 2014* (Vic), and the national *Privacy Act 1988* (Cth).

*(note: the PDP Act 2014 replaces the Information Privacy Act 2000; the APP replace the Information Privacy Principles in 2014; The PDP Act applies to Victorian “public sector organisations”. This includes Victorian Government ministers and parliamentary secretaries, public sector agencies, statutory bodies and local councils. Service providers – including private sector organisations contracted to the Victorian Government – are also bound by the IPPs if there is an enforceable contract that requires this.)*

APP set out how private sector organisations should collect, use, keep secure and disclose personal information. The principles give individuals a right to know what information an organisation holds about them and a right to correct that information if it is wrong.

4 Up Skilling Pty Ltd will ensure it operates consistently with the Privacy Principles and only collects the personal information that is necessary for the conduct of its business, and that it will use that information in the manner for which it was intended.

#### Review

The Quality Manager will review the policy at least bi-annually. Should there be relevant amendments to the respective Act or changes to the operation of 4 Up Skilling Pty Ltd or educational environment, these changes will be analysed and updated in the policy.

#### Purpose of Collecting Information

The purposes for which 4 Up Skilling Pty Ltd collects personal information of students includes: satisfying legal obligations and its RTO registration requirements, administration, to keep employers informed of the student’s progress in the course of study (where an employer has paid on behalf of their staff, or in the case of trainees), and to allow 4 Up Skilling Pty Ltd to discharge its duty of care.

The purposes for which 4 Up Skilling Pty Ltd collects personal information of job applicants, staff members and contractors include: satisfying legal obligations and its RTO registration requirements, insurance purposes, administering the individual's contract of employment and in meeting the national employment standards.

### **Release of Information**

4 Up Skilling Pty Ltd must have the student permission in writing to release information (Form USRIA), where release is not within those outlined by the signed Student Enrolment form.

4 Up Skilling Pty Ltd is required to ask for the staff members permission in writing with reference to release of information; or is verbally requested and consented to when conducting referee checks at time of pre-employment interviews (as recruitment policy & procedure).

### **Information Collected**

4 Up Skilling Pty Ltd collects personal information solely for the purpose of operating as a Registered Training Organisation under the Australian Skills Quality Authority Standards for Registered Training Organisations 2015. ASQA, who is the National VET Regulator (NVR), may require the release of students or staff member's personal information for the purposes of an audit.

The type of information 4 Up Skilling Pty Ltd collects and holds includes (but not limited to) personal information, including sensitive information about students and parents and/or guardians before, during and after the course of a student's enrolment, Job applicants, Staff members and contractors; and other people that come into contact with 4 Up Skilling Pty Ltd.

Information media may take the form of: interviews, feedback surveys, email correspondence, telephone calls, third party information, and application forms. Data will be uploaded to 4 Up Skilling Pty Ltd Student Management System (ICARE).

### **Provision of Information**

Student or staff information will not be provided to anyone unless 4 Up Skilling Pty Ltd has the permission from the student or staff member or is specifically required to provide the information by law.

For example, student information is only given to the following bodies where required:

- ASQA: Australian Skills Quality Authority
- STA: State Training Authorities, including State & Commonwealth Government funding bodies
- NCVER: National Center for Vocational Education Research via AVERTMISS Reporting

- Employers: where the student is a Trainee (as per a VRQA Training Contract), or paid employee (who is required to undertake the training for their job, and where the training is paid by the employer).
- Other training providers seeking validation of a Statement of Attainment for the purpose of recognition/ or in 4 Up Skilling seeking such validation from an issuing provider.

While students are undertaking the training program, there will be times when 4 Up Skilling Pty Ltd and/or its Executive Team may need to discuss the student's program with internal RTO staff and the National VET Regulator – ASQA and the student's employer.

### **Access to Information**

Under the National Privacy Principles, the student or staff member can access his/her personal information and may correct inaccurate or outdated information about them.

### ***Students***

Students will have access to all information held on them. 4 Up Skilling Pty Ltd will store and use the information appropriately and limit access to only those who have a legal reason to have access to that information, or whom the student has given permission.

Students who request access to their information will be given full access to the details they want. No cost will be charged for them accessing their information whilst they are enrolled students. Past Students may also request access, using the Student Records Access form. For access to records, a past student must meet with the Quality Manager and provide identification (such as licence, passport) and the completed form.

### ***Staff***

Staff will have access to all information we hold on them, and we will store and use the information appropriately and limit access to only those who have a legal reason to have access to that information, or whom the staff member has given permission. Staff members who request access to their information will be given full access to the details they want. No cost will be charged for them accessing their information whilst they are employed at RTO. If the person is no longer an employee of 4 Up Skilling Pty Ltd, and they request access of information there may be a fee involved, the cost must be paid in advance of access (e.g. where information is archived & stored off site). Past employees must request access, using the Staff Records Access form, & must meet with the Managing Director.

### **Privacy Principles**

4 Up Skilling Pty Ltd abides by the Australian Privacy Principles and will not pass on students or other staff member's information to anyone in any way that may be considered as breaching the Privacy Principles.

Where a breach in privacy is found, 4 Up Skilling will notify effected stakeholders (i.e. DET, DIS, ASQA, Student, Employer).

The Privacy Principles in plain English: *The following was downloaded from <https://www.oaic.gov.au/privacy/australian-privacy-principles/read-the-australian-privacy-principles/>*

### **APP 1: Open and transparent management of personal information**

Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.

- 4 Up Skilling's Privacy Policy is available to the general public, current and past staff and students via our website.
- Collection of personal information is declared and explained on enrolment.
- An individual may complain about a breach of the Australian Privacy Principles, or a registered APP code by following 4 Up Skilling's Complaints & Appeal process available on our website.

### **APP 2: Anonymity and pseudonymity**

Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym.

- Limited exceptions apply. it is impracticable for RTO to deal with individuals who have not identified themselves or who have used a pseudonym.
- This option is provided to enrolled students during synchronous online training delivery, where a student wishes to participate in a recorded session but remain unidentifiable. This is only allowable once attendance and participation is recorded or the alias used is able to be identified by 4 Up Skilling and linked to that student enrolment (this may require a confidential written medium addressed to the coordinator, such as an email or letter; or other means of identifying the students participation).

### **APP 3: Collection of solicited personal information**

Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information.

- 4 Up Skilling collects personal information solely for the purpose of operating as a Registered Training Organisation under the Australian Skills Quality Authority Standards for Registered Training Organisations 2015. ASQA, who is the National VET Regulator (NVR), may require the release of students or staff member's personal information for the purposes of an audit.
- 4 Up Skilling may also collect funded student personal information as required by State Training Authorities.

### **APP 4: Dealing with unsolicited personal information**

Outlines how APP entities must deal with unsolicited personal information.

- If 4 Up Skilling receives unsolicited personal information, it will, as soon as practicable but only if it is lawful and reasonable to do so, destroy the information or ensure that the information is de-identified

### **APP 5: Notification of the collection of personal information**

Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

- In all instances where personal information is collected, the student /other party will be notified as soon as practically possible.

### **APP 6: Use or disclosure of personal information**

Outlines the circumstances in which an APP entity may use or disclose personal information that it holds.

- Information collected is only used for the purposes it is intended and consented to.
- See associated policy and forms
  - o Authority to Release Information (form USRIA)

### **APP 7: Direct marketing**

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

- Information collected is only used for the purposes it is intended and consented to.
- See associated marketing policy and forms
  - o Authority to Use Information (USRSI)

### **APP 8: Cross-border disclosure of personal information**

Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas.

### **APP 9: Adoption, use or disclosure of government related identifiers**

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier or use or disclose a government related identifier of an individual.

- 4 Up Skilling will not use or disclose a government related identifier of an individual unless required to do so by law or it's regulators and in fulfilling its obligations to an agency or a State or Territory authority
- Division 5 of the *Student Identifiers Act (Cth) 2014* sets out the circumstances as to when students' identifiers can be collected, used and/or disclosed. In addition, the *Student Identifiers Regulations 2014* details when third parties such as RTOs, NCVET and VET related bodies, can collect, use or disclose student identifiers.
  - o An entity is authorised to collect, use or disclose a student identifier of an individual if the individual consents (expressly or impliedly) to the collection, use or disclosure.
  - o However, the individual cannot consent to the entity using the individual's student identifier as the entity's own identifier of the individual.
  - o An entity is authorised to collect, use or disclose a student identifier of an individual if:
    - (a) the entity has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to the entity's functions or activities has been, is being or may be engaged in; and
    - (b) the entity reasonably believes that the collection, use or disclosure is necessary in order for the entity to take appropriate action in relation to the matter.
  - o An entity is authorised to collect, use or disclose a student identifier of an individual if the collection, use or disclosure is authorised by the regulations.

### **APP 10: Quality of personal information**

An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete.

- 4 Up Skilling will take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

### **APP 11: Security of personal information**

An APP entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure.

An entity has obligations to destroy or de-identify personal information in certain circumstances.

- Where 4 Up Skilling no longer needs the information for any purpose for which the information may be used or disclosed; and
- the information is not contained in a Commonwealth record; and
- 4 Up Skilling is not required by or under an Australian law, or a court/tribunal order, to retain the information;
- 4 Up Skilling will take such steps as are reasonable in the circumstances to destroy the information or to ensure that the information is de-identified.
- Information of this nature is shredded.

#### **APP 12: Access to personal information**

Outlines an APP entity's obligations when an individual requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

- See associated policy and forms for release of staff/student information.
  - o Staff Records Access (form USSRA)
  - o Student Records Access (form USSdRA)

#### **App 13: Correction of personal information**

Outlines an APP entity's obligations in relation to correcting the personal information it holds about individuals

- 4 Up Skilling work to correct and keep up to date personal information to ensure it is accurate, up to date, complete, relevant and not misleading.

The Managing Director is responsible for the management and updates to the Privacy Policy.

#### **Associated documents:**

Code of Practice (USCoP)

Marketing Policy

Complaints Appeals Policy (USCA)

Staff Records Access (form USSRA)

Student Records Access (form USSdRA)

Authority to Release Information (form USRIA)

Authority to Use Information (form USRSI)

VQF Quality Management System (form

USVQMS) Australian Privacy Principles (APP)

PDP Act 2014

Privacy Act 1988

Health Records Act 2001

Reporting & Compliance Policy (USRC)

Policy developed by: Quality Manager

Policy endorsed by: Managing Director