

POLICY & PROCEDURE

STD 4,5	Management of Learner Personal Information		Clause 4.1 & 5.2
Approved:	Glenn Smith, Chief Compliance Officer	Version No. 1.2	Annual Review Date: January, 2017

1. Policy

- 1.1 Smart City Vocational College complies with the requirements of relevant State and/or Commonwealth legislation and the Australian Privacy Principles set out in the Privacy Act 1988 in relation to the collection of information relating to all learners.
- 1.2 Learners, on request, will be provided with access to the personal information that has been collected about them including their learner file.
- 1.3 Where a learner has applied to receive a copy of their personal information:
 - a) The learner must request such information in person, or where this is impracticable, in writing;
 - b) The learner must provide a minimum of 5 working days' notice to allow for approval and processing of access to information;
 - c) The learner must provide suitable photographic identification when making such request whether in person or in writing;
 - d) No fee will apply to the application for, or the providing of, a learner's personal information in electronic format;
 - e) A fee of \$1 per page will be applicable where the learner requests a hardcopy of their personal information

- 1.4 Where 5 working days' notice has not been given as per 1.3(b) above, an additional cost may be incurred at the discretion of Smart City Vocational College depending upon the nature and timeframe of such request.
- 1.5 An invoice will be provided and records shall not be released until payment has been made.
- 1.6 Costs may be waived at the discretion of an authorised officer of Smart City Vocational College.

Collection of information:

- 1.7 Personal information will not be collected by unlawful or unfair means.

* Examples of collection by “unlawful or unfair means”, includes but is not limited to:

- Collection in breach of legislation, for example:
 - Collection via computer hacking
 - Using telephone interception or listening devices
- Collecting information by trespassing on private property
- Collecting information by threatening damage to a person unless information is provided
- Collection from a file dumped by accident on the street or from an electronic device which is lost or left unattended
- Misrepresenting the purposes of the collection
- Collecting information by telephone in the middle of the night
- Collecting by deception, for example, claiming to be a police officer or trusted organisation
- Collecting information from someone who is in intoxicated or in a state of shock or traumatised
- Collecting information in a way that disrespects cultural differences

* *information from the Office of the Australian Information Commissioner*

1.8 Personal information will not be collected unless:

- the information is collected for a purpose directly related to learners; and
- the collection of the information is necessary for or directly related to that purpose.

1.9 Where personal information is collected for inclusion in a record or in a generally available publication, Smart City Vocational College will take reasonable steps to ensure that, before the information is collected or, if that is not practicable, as soon as practicable after the information is collected, the learner concerned is generally aware of:

- the purpose for which the information is being collected;
- if the collection of the information is authorised or required by or under law the fact that the collection of the information is so authorised or required; and
- with whom the information may be shared (such as the Australian Government or Tuition Assurance Scheme).

1.10 Where Smart City Vocational College collects personal information for inclusion in a record or in a generally available publication, it will take reasonable steps to ensure that:

- the personal information collected is accurate, complete and up to date.
- the information collected is relevant to that purpose; and
- the collection of the information does not intrude to an unreasonable extent upon the personal affairs of the learner.

Types of information collected:

1.11 The types and purpose of information collected about a learner will include, but not be limited to the following:

- Learner's enrolment information including any VET FEE-Help related information
- AVETMISS statistical information records (where appropriate)
- Learner information collected to track the learner through each course, subject and class (where applicable)

- Trainer and assessor records about the learner's progress
- Communications with learners that may impact on the outcome of assessments or the learner participation in training or assessment
- Qualifications issued, certificate or statements of attainment.
- Fees and charges applied, refunds given and other financial dealings with learners
- Collected stakeholder feedback, opportunity for improvement, systems inputs and other feedback on the operation of the organisation.

Disclosure:

1.12 Smart City Vocational College will not disclose the information to a person, body or agency (other than the individual concerned) unless:

- a) the individual concerned is reasonably likely to have been aware that information of that kind is usually passed to that person, body or agency;
- b) the individual concerned has consented to the disclosure in writing;
- c) Smart City Vocational College believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the learner or of another person;
- d) the disclosure is required or authorised by or under law; or
- e) the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.

1.13 Personal information will not be provided to any third party (unless required or authorised by law) without the prior signed written consent of the individual, such permission is to be kept on the learner's file. Smart City Vocational College may be required to disclose personal information held about an individual to:

- a) Another RTO
- b) Government Departments
- c) Current Employer (if applicable)
- d) Anyone the individual has authorised the disclosure of information to

1.14 Where personal information is disclosed for the purposes of enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the purpose of the protection of the public revenue, Smart City Vocational College shall include in the record containing that information a note of the disclosure.

1.15 Everything, where reasonable within the powers of Smart City Vocational College, will be done to ensure that a person, body or agency to whom personal information is disclosed will not use or disclose the information for a purpose other than the purpose for which the information was given to the person, body or agency.

1.16 Copies of any information provided to a third party will be kept on file.

Storage and security of personal information:

1.17 Smart City Vocational College will ensure:

- a) that the record is protected, by such security safeguards as it is reasonable in the circumstances to take, against loss, against unauthorised access, use, modification or disclosure, and against other misuse; and
- b) that if it is necessary for the record to be given to a person in connection with the provision of a service to Smart City Vocational College, everything reasonably within the power of Smart City Vocational College will be done to prevent unauthorised use or disclosure of information contained in the record.

1.18 Using your personal information, we may also:

- a) if you request that we provide information on our products and/or services, use your personal information to provide that information, including to follow up if we do not hear from you.
- b) disclose your personal information to our related or associated parties, **employees**, agents, government bodies and regulatory authorities (where required or authorised by law) and our service providers, provided however that such related or associated

parties, employees, agents, government bodies, regulatory authorities and service providers have been granted the authority by a Smart City Vocational College's authorised officer.

- c) use your personal information for marketing purposes, to send you direct marketing communications via electronic or non-electronic means (including after your agreement with us ends). You may request not to receive future direct marketing communications from Smart City Vocational College or its agents or related parties by using the opt out/unsubscribe function in the communication or by contacting our privacy department at privacy@smartcitycollege.edu.au

In all other respects we will collect, hold, use and disclose your personal information in accordance with this privacy policy which sets out how you may access and correct the personal information that we hold about you and how you may make a complaint relating to our treatment of your personal information.

1.19 Smart City Vocational College will provide individuals with the opportunity to correct or update their personal information as per the Procedure provided in this document

- a) Any amendments to personal information must be noted with appropriate documentation to ensure accurate tracking.
- b) If a learner requests that a record be amended and yet the record is found to be accurate, the learner's request for such change will be noted in the CRM (Customer Relationship Management) or learner file.

1.20 Smart City Vocational College provides individuals with the opportunity to lodge a complaint relating to our treatment of your personal information. Please refer to our Complaints and Appeals Policy and Procedure.

1.21 Personal information will be held by this organisation only for the period we are legally required to retain the information.

1.22 A copy of this Policy will be placed on our website including information for a learner to contact the Enquiries line of the Office of the Australian Information Commissioner, on 1300 363 992 if they feel privacy principles have been breached by Smart City Vocational College.

2 Scope

This policy and procedure applies to learners and employees of SC Admin Pty Ltd ATF SC Administrative Trust and its associated entities, including Smart City Vocational College Pty Ltd.

While the operation of the Privacy Act does not apply to the Employer in regards to any acts which directly relate to:

- a) the employment relationship between the organisation and the individual; and
- b) an employee record held by the organisation

SC Admin Pty Ltd ATF SC Administrative Trust treats the handling of personal information very seriously. The protection of employee privacy in relation to the handling of employee personal information is detailed in the Smart City Employee Handbook.