VSL5.1: Privacy Policy and Procedure

Purpose

Casey College of Beauty Therapy (CCBT) is committed to maintaining the privacy and confidentiality of its RTO personnel and participant records. This policy and procedure is intended to inform all staff and students of CCBT of this commitment.

Policy

CCBT complies with the Privacy Act 1988 including the 13 Australian Privacy Principles (APPs) as outlined in the Privacy Amendment (Enhancing Privacy Protection) Act 2012, VET Student Loans Act 2016 and the VET Student Loans Rules 2016.

As a component of our risk management practices, CCBT has conducted a Privacy Impact Assessment for all operations. Mitigation actions from this risk assessment have been implemented for the management of privacy risks at each stage of the information lifecycle, including collection, use, disclosure, storage, destruction and de- identification.

Providing an overall framework for our privacy practices, CCBT has developed and implemented this APP Privacy Policy.

CCBT manages personal information in an open and transparent way. This is evident in the implementation of practices, procedures and system we outline in this policy, that ensure our compliance with the APPs and any binding registered APP code, and provide suitable procedures for CCBT personnel to be able to deal with related inquiries and complaints that may be received from time to time.

CCBT includes the standard privacy notice in all enrolment forms, in accordance with the NCVER which advises students how their data may be supplied to and used by the Department and Commonwealth VET Student Loans agencies. The following sections of this policy outline how we manage personal information.

Australian Privacy Principle 1 – Open and transparent management of personal information

Purposes for information collection, retention, use and disclosure

CCBT retains a record of personal information about all individuals with whom we undertake any form of business activity. CCBT must collect, hold, use and disclose information from our clients and stakeholders for a range of purposes, including but not limited to:

- Providing services to clients;
- Managing employee and contractor teams;
- Promoting products and services;
- Conducting internal business functions and activities; and
- Requirements of stakeholders.

As a government registered training organisation, regulated by the VRQA, CCBT is required to collect, hold, use and disclose a wide range of personal and sensitive information on participants in nationally recognised training programs. This information requirement is outlined in the *National Vocational Education and Training Regulator Act 2011* and associated legislative instruments. In particular, the legislative instruments:

- VRQA Guidelines for Providers 2022 and
- AQTF Essential Conditions and Standards for Continuous Registration; and
- VET Student Loans Act 2016 and
- VET Student Loans Rules 2016
- Data Provision Requirements 2012.

It is noted that CCBT is also bound by various State Government Acts requiring similar information collection, use and disclosure (particularly *Education Act(s), Vocational Education & Training Act(s)* relevant to state jurisdictions of CCBT RTO operations.

It is further noted that, aligned with these legislative requirements, CCBT delivers services through a range of Commonwealth programs, which also include various information collection and disclosure requirements.

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Individuals are advised that due to these legal requirements, CCBT discloses information held on individuals for valid purposes to a range of third party entities including:

- Governments (Commonwealth, State or Local);
- ACPET, its Tuition Assurance Scheme Operator;
- Australian Apprenticeships Support Networks;
- Employers (and their representatives);
- job active providers;
- schools,
- parents/guardians; and
- service providers such as credit agencies and background check providers.

Kinds of personal information collected and held

The following types of personal information are generally collected, depending on the need for service delivery:

- Contact details;
- Employment details;
- Educational background;
- Demographic Information;
- Course progress and achievement information; and
- Financial billing information.

The following types of sensitive information will be collected and held:

- Identity details;
- Tax File Number
- Employee details & HR information;
- Complaint or issue information;
- Disability status & other individual needs;
- Indigenous status; and
- Background checks (such as National Criminal Checks or Working with Children checks).

Where CCBT collects personal information of more vulnerable segment of the community (such as children), additional practices and procedures are also followed. Please refer to CCBT's RTO's *Working with Children Policy and Procedures* for further information.

How personal information is collected

CCBT RTO's usual approach to collecting personal information is to collect any required information directly from the individuals concerned. This may include the use of forms (such as registration forms, enrolment forms or service delivery records) and the use of web based systems (such as online enquiry forms, web portals or internal operating systems).

How personal information is held

CCBT's usual approach to holding personal information includes robust storage and security measures at all times. Information on collection is:

- As soon as practical converted to electronic means;
- Stored in secure, password protected systems, such as financial system, learning management system and student management system; and
- Monitored for appropriate authorised use at all times.

Only authorised personnel are provided with login information to each system, with system access limited to only those relevant to their specific role. CCBT's ICT systems are hosted internally with robust internal security to physical server locations and server systems access. Virus protection, backup procedures and ongoing access monitoring procedures are in place.

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Destruction of paper based records occurs as soon as practicable in every matter, through the use of secure shredding and destruction services at all CCBT college sites.

Individual information held across systems is linked through a CCBT allocated identification number for each individual.

Retention and Destruction of Information

CCBT maintains a Retention and Disposal Schedule documenting the periods for which personal information records are kept.

Specifically, for our RTO records, in the event of our organisation ceasing to operate the required personal information on record for individuals undertaking nationally recognised training with us would be transferred to VRQA, as required by law.

Accessing and seeking correction of personal information

CCBT confirms all individuals have a right to request access to their personal information held and to request its correction at any time. In order to request access to personal records, individuals are to make contact with:

CCBT Support 1300 711 072

support@caseycollege.vic.edu.au

In all cases where access is requested by a third party, CCBT will ensure that:

- Parties requesting access to personal information are robustly identified and vetted;
- Where legally possible, the individual to whom the information relates will be contacted to confirm consent (if consent not previously provided for the matter); and
- Only appropriately authorised parties, for valid purposes, will be provided access to the information.

Complaints about a breach of the APPs or a binding registered APP code

If an individual feels that CCBT may have breached one of the APPs or a binding registered APP *Privacy Complaints Procedure* below for further information.

Likely overseas disclosures

CCBT confirms that individuals' personal information is unlikely to be disclosed to overseas recipients, for internal business activity purposes.

Making our APP Privacy Policy available

CCBT provides our APP Privacy Policy available free of charge, with all information being publicly available from our website at caseycollegeofbeauty.vic.edu.au

In addition, this APP Privacy Policy is:

- Included within CCBT's *Student Handbook*;
- Noted within the text or instructions at all information collection points (such as informing individuals during a telephone call of how the policy may be accessed, in cases where information collection is occurring); and
- Available for distribution free of charge on request, as soon as possible after the request is received, including in any particular format requested by the individual as is reasonably practical.

If, in the unlikely event the APP Privacy Policy is not able to be provided in a particular format requested by an individual, we will explain the circumstances around this issue with the requester and seek to ensure that another appropriate method is provided.

Review and Update of this APP Privacy Policy

CCBT RTO reviews this APP Privacy Policy:

- On an ongoing basis, as suggestions or issues are raised and addressed, or as government required changes are identified;

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- Through our internal audit processes on at least an annual basis;
- As a part of any external audit of our operations that may be conducted by various government agencies as a part of our registration as an RTO or in normal business activities; and
- As a component of each and every complaint investigation process where the compliant is related to a privacy matter.

Where this policy is updated, changes to the policy are widely communicated to stakeholders through internal personnel communications, meetings, training and documentation, and externally through publishing of the policy on CCBT's website and other relevant documentation (such as our CCBT Student Handbook) for clients.

Australian Privacy Principle 2 – Anonymity and pseudonymity

CCBT provides individuals with the option of not identifying themselves, or of using a pseudonym, when dealing with us in relation to a particular matter, whenever practical. This includes providing options for anonymous dealings in cases of general course enquiries or other situations in which an individuals' information is not required to complete a request.

Individuals may deal with us by using a name, term or descriptor that is different to the individual's actual name wherever possible. This includes using generic email addresses that does not contain an individual's actual name, or generic user names when individuals may access a public component of our website or enquiry forms.

CCBT only stores and links pseudonyms to individual personal information in cases where this is required for service delivery (such as system login information) or once the individual's consent has been received.

Individuals are advised of their opportunity to deal anonymously or by pseudonym with us where these options are possible.

Requiring identification

CCBT must require and confirm identification however in service delivery to individuals for nationally recognised course programs. We are authorised by Australian law to deal only with individuals who have appropriately identified themselves. That is, it is a *Condition of Registration* for all RTOs under the *National Vocational Education and Training Regulator Act 2011* that we identify individuals and their specific individual needs on commencement of service delivery, and collect and disclose Australian Vocational Education and Training Management of Information Statistical Standard (AVETMISS) data on all individuals enrolled in nationally recognised training programs. Other legal requirements, as noted earlier in this policy, also require considerable identification arrangements.

There are also other occasions also within our service delivery where an individual may not have the option of dealing anonymously or by pseudonym, as identification is practically required for us to effectively support an individual's request or need.

Australian Privacy Principle 3 — Collection of solicited personal information

CCBT only collects personal information that is reasonably necessary for our business activities.

We only collect sensitive information in cases where the individual consents to the sensitive information being collected, except in cases where we are required to collect this information by law, such as outlined earlier in this policy.

All information we collect is collected only by lawful and fair means.

We only collect solicited information directly from the individual concerned, unless it is unreasonable or impracticable for the personal information to only be collected in this manner.

Australian Privacy Principle 4 – Dealing with unsolicited personal information

CCBT may from time to time receive unsolicited personal information. Where this occurs we promptly review the information to decide whether or not we could have collected the information for the purpose of our business activities. Where this is the case, we may hold, use and disclose the information appropriately as per the practices outlined in this policy.

Where we could not have collected this information (by law or for a valid business purpose) we immediately destroy or de-identify the information (unless it would be unlawful to do so).

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Australian Privacy Principle 5 – Notification of the collection of personal information

Whenever CCBT collects personal information about an individual, we take reasonable steps to notify the individual of the details of the information collection or otherwise ensure the individual is aware of those matters. This notification occurs at or before the time of collection, or as soon as practicable afterwards.

Our notifications to individuals on data collection include:

- CCBT's identity and contact details, including the position title, telephone number and email address of a contact who handles enquiries and requests relating to privacy matters;
- The facts and circumstances of collection such as the date, time, place and method of collection, and whether the information was collected from a third party, including the name of that party;
- If the collection is required or authorised by law, including the name of the Australian law or other legal agreement requiring the collection;
- The purpose of collection, including any primary and secondary purposes;
- The consequences for the individual if all or some personal information is not collected;
    - Other organisations or persons to which the information is usually disclosed, including naming those parties;
- Whether we are likely to disclose the personal information to overseas recipients, and if so, the names of the recipients and the countries in which such recipients are located.
- A link to this APP Privacy Policy on our website or explain how it may be accessed; and
- Advice that this APP Privacy Policy contains information about how the individual may access and seek correction of the personal information held by us; and how to complain about a breach of the APPs, or any registered APP code, and how we will deal with such a complaint.

Where possible, we ensure that the individual confirms their understanding of these details, such as through signed declarations, website form acceptance of details or in person through questioning.

Collection from third parties

Where CCBT collects personal information from another organisation, we:

1. Confirm whether the other organisation has provided the relevant notice above to the individual; or
2. Whether the individual was otherwise aware of these details at the time of collection; and
3. If this has not occurred, we will undertake this notice to ensure the individual is fully informed of the information collection.

Australian Privacy Principle 6 – Use or disclosure of personal information

CCBT only uses or discloses personal information it holds about an individual for the particular primary purposes for which the information was collected, or secondary purposes in cases where:

- An individual consented to a secondary use or disclosure;
- An individual would reasonably expect the secondary use or disclosure, and that is directly related to the primary purpose of collection; or
- Using or disclosing the information is required or authorised by law.

Requirement to make a written note of use or disclosure for this secondary purpose

If CCBT uses or discloses personal information in accordance with an 'enforcement related activity' we will make a written note of the use or disclosure, including the following details:

- The date of the use or disclosure;
- Details of the personal information that was used or disclosed;
- The enforcement body conducting the enforcement related activity;
- If the organisation used the information, how the information was used by the organisation;
- The basis for our reasonable belief that we were required to disclose the information.

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Australian Privacy Principle 7 – Direct marketing

CCBT does not use or disclose the personal information that it holds about an individual for the purpose of direct marketing, unless:

- The personal information has been collected directly from an individual, and the individual would reasonably expect their personal information to be used for the purpose of direct marketing; or
- The personal information has been collected from a third party, or from the individual directly, but the individual does not have a reasonable expectation that their personal information will be used for the purpose of direct marketing; and
- We provide a simple method for the individual to request not to receive direct marketing communications (also known as 'opting out').

On each of our direct marketing communications, CCBT provides a prominent statement that the individual may request to opt out of future communications, and how to do so.

An individual may also request us at any stage not to use or disclose their personal information for the purpose of direct marketing, or to facilitate direct marketing by other organisations. We comply with any request by an individual promptly and undertake any required actions for free.

We also, on request, notify an individual of our source of their personal information used or disclosed for the purpose of direct marketing unless it is unreasonable or impracticable to do so.

Australian Privacy Principle 8 – Cross-border disclosure of personal information

Before CCBT discloses personal information about an individual to any overseas recipient, we undertake take reasonable steps to ensure that the recipient does not breach any privacy matters in relation to that information.

Australian Privacy Principle 9 – Adoption, use or disclosure of government related identifiers

CCBT does not adopt, use or disclose a government related identifier related to an individual except:

- In situations required by Australian law or other legal requirements;
- Where reasonably necessary to verify the identity of the individual;
- Where reasonably necessary to fulfil obligations to an agency or a State or Territory authority; or
- As prescribed by regulations.

Australian Privacy Principle 10 – Quality of personal information

CCBT takes reasonable steps to ensure that the personal information it collects is accurate, up-to-date and complete. We also take reasonable steps to ensure that the personal information we use or disclose is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant. This is particularly important where:

- When we initially collect the personal information; and
- When we use or disclose personal information.

We take steps to ensure personal information is factually correct. In cases of an opinion, we ensure information takes into account competing facts and views and makes an informed assessment, providing it is clear this is an opinion. Information is confirmed up-to-date at the point in time to which the personal information relates.

Quality measures in place supporting these requirements include:

- Internal practices, procedures and systems to audit, monitor, identify and correct poor quality personal information (including training staff in these practices, procedures and systems);
- Protocols that ensure personal information is collected and recorded in a consistent format, from a primary information source when possible;
- Ensuring updated or new personal information is promptly added to relevant existing records;
- Providing individuals with a simple means to review and update their information on an on-going basis through our online portal;
- Reminding individuals to update their personal information at critical service delivery points (such as completion) when

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we engage with the individual;

- Contacting individuals to verify the quality of personal information where appropriate when it is about to used or disclosed, particularly if there has been a lengthy period since collection; and
- Checking that a third party, from whom personal information is collected, has implemented appropriate data quality practices, procedures and systems.

Australian Privacy Principle 11 — Security of personal information

CCBT takes active measures to consider whether we are able to retain personal information we hold, and also to ensure the security of personal information we hold. This includes reasonable steps to protect the information from misuse, interference and loss, as well as unauthorised access, modification or disclosure.

We destroy or de-identify personal information held once the information is no longer needed for any purpose for which the information may be legally used or disclosed.

Access to CCBT offices and work areas is limited to our personnel only - visitors to our premises must be authorised by relevant personnel and are accompanied at all times. With regard to any information in a paper based form, we maintain storage of records in an appropriately secure place to which only authorised individuals have access.

Regular staff training and information bulletins are conducted with CCBT personnel on privacy issues, and how the APPs apply to our practices, procedures and systems. Training is also included in our personnel induction practices.

We conduct ongoing internal audits (at least annually and as needed) of the adequacy and currency of security and access practices, procedures and systems implemented.

Australian Privacy Principle 12 — Access to personal information

Where CCBT holds personal information about an individual, we provide that individual access to the information on their request. In processing requests, we:

- Ensure through confirmation of identity that the request is made by the individual concerned, or by another person who is authorised to make a request on their behalf;
- Respond to a request for access:
    - Within 14 calendar days, when notifying our refusal to give access, including providing reasons for refusal in writing, and the complaint mechanisms available to the individual; or
    - Within 30 calendar days, by giving access to the personal information that is requested in the manner in which it was requested.
- Provide information access free of charge.

Australian Privacy Principle 13 – Correction of personal information

CCBT takes reasonable steps to correct personal information we hold, to ensure it is accurate, up-to-date, complete, relevant and not misleading, having regard to the purpose for which it is held.

Individual Requests

On an individual's request, we:

- Correct personal information held; and
- Notify any third parties of corrections made to personal information, if this information was previously provided to these parties.

In cases where we refuse to update personal information, we:

- Give a written notice to the individual, including the reasons for the refusal and the complaint mechanisms available to the individual;
- Upon request by the individual whose correction request has been refused, take reasonable steps to associate a statement with the personal information that the individual believes it to be inaccurate, out-of- date, incomplete,

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irrelevant or misleading;
- Respond within 14 calendar days to these requests; and
- Complete all actions free of charge.

Correcting at CCBT's initiative

We take reasonable steps to correct personal information we hold in cases where we are satisfied that the personal information held is inaccurate, out-of-date, incomplete, irrelevant or misleading (that is, the information is faulty). This awareness may occur through collection of updated information, in notification from third parties or through other means.

Procedure

CCBT complies with the requirements of Clause 23 of Schedule 1A of the Act and the Information Privacy Principles set out in the Privacy Act 1988 in relation to the collection of information relating to all students.

CCBT will allow a Student to apply for and receive a copy of the VET personal information that the provider holds in relation to that Student.

1. Collection of information

1.1 Personal information will not be collected unless:
- the information is collected for a purpose directly related to Students; and
- the collection of the information is necessary for or directly related to that purpose.

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

1.3 Where personal information is collected for inclusion in a record or in a generally available publication CCBT 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 Student 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).

1.4 Where CCBT solicits and collects personal information for inclusion in a record or in a generally available publication it will take reasonable steps to ensure that:
- the information collected is relevant to that purpose and is up to date and complete; and
- the collection of the information does not intrude to an unreasonable extent upon the personal affairs of the Student

2. Storage and security of personal information

2.1 CCBT will ensure:
- 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
- that if it is necessary for the record to be given to a person in connection with the provision of a service to CCBT, everything reasonably within the power of CCBT will be done to prevent unauthorised use or disclosure of information contained in the record.
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2.2 CCBT will maintain a record setting out:
- the nature of the records of personal information kept by or on behalf of the record-keeper;
- the purpose for which each type of record is kept;
- the classes of individuals about whom records are kept;
- the period for which each type of record is kept;

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- the persons who are entitled to have access to personal information contained in the records and the conditions under which they are entitled to have that access; and
- the steps that should be taken by persons wishing to obtain access to that information.

CCBT will not use the information without taking reasonable steps to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date and complete. The VET Provider will not use the information except for a purpose to which the information is relevant.

3. Disclosure

3.1 CCBT will not disclose the information to a person, body or agency (other than the individual concerned) unless:

- the individual concerned is reasonably likely to have been aware that information of that kind is usually passed to that person, body or agency;
- the individual concerned has consented to the disclosure;
- CCBT 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 student or of another person;
- the disclosure is required or authorised by or under law; or
- 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.

3.2 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, the record-keeper shall include in the record containing that information a note of the disclosure.

3.3 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.

4. VET Student Loan Program

CCBT has ensured that it has met all its student information obligations as outlined in the VET Support Loan Program through this Policy and Procedure.

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