



Privacy Requirements: Policy

RTO:3855: Level 9, 221 Queen St Melbourne 3000: ABN 81006819503 p.03 9654 2037 f. 03 9650 3192 www.heleneabicair.com.au

Privacy Requirements - Policy

Maps to standard 3.3 AQTF, HESA Schedule 1A cl23

The Privacy Act came into legislation in 1988 with 11 National Privacy Principles. HRA Pty Ltd T/As The Helene Abicair College [the College] will adhere to these principles in the handling of your personal information collected during the course of providing our services. The College takes privacy very seriously and is committed to protecting the privacy of individuals. This includes personal, health, financial and other confidential information, which is necessary for the College to carry out its functions. The College will take all reasonable steps to protect individual information from loss, misuse or unauthorised disclosure or destruction. The right to privacy is a value that is highly regarded.

The College strives to balance the rights of privacy with the need to be accountable and transparent in its dealings. Certain information will not be available under freedom of information laws. This includes private information relating to another individual, the College's internal working documents and material obtained in confidence.

1. Privacy - Personal information procedures

The College must comply with the information privacy principles relating to information obtained by the provider for the purposes of VET FEE-HELP assistance. The College policy allows students to apply for and receive personal information that the College holds about themselves [\[HESA Schedule 1A cl23\]](#) according to the above requirements.

The request should be lodged in writing, addressed to the Training Manager, providing full details of your name, student number and details of the specific information required.

Contact Details for the Training Manager: Kim Oldfield

Phone: (03)9654 2037.

Address: Level 9, 221 Queen St Melbourne, 3000, Victoria.

A dispute resolution process is available according to the '*Grievances, Complaints and Appeals Policy and Procedures - Non-Academic*'.

The College has delegated to the Principal via the Student Administration, responsibility for overseeing the implementation of all privacy procedures and that the procedures are running effectively, including:

- 1• Handling requests for information by government agencies
- 2• Handling requests by members of the public to access confidential information in the College
- 3• Updating and correcting information
- 4• Handling complaints concerning the privacy laws or this policy
- 5• Reviewing the internal procedures for maintaining consistency of dealing with individual information and the keeping of appropriate records in a secure manner.

This policy shall be made available in the student induction handbook and be available at the offices of the College. Any individuals shall be able to obtain a copy of the policy on application.

2.0 Privacy, Confidentiality and Freedom of Information

Privacy laws regulate the collection, use and disclosure, storage and disposal of individual information and relate to how an individual's information is handled. Freedom of Information laws provide for an individual's right of access to information and provide for access to certain documents of the College

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whether or not they relate to the requester.

The College endeavors to balance the rights of privacy with the need to be accountable and transparent in its dealings. Certain information will not be available under freedom of information laws. This includes private information relating to another individual, the College's internal working documents and material obtained in confidence.

If there is a need to restrict information about an individual to an individual the College will only do so if it is lawful to do so and will provide an explanation of the reason for doing so.

Policy:

Collection

The College will only collect information that is necessary to carry out its functions or activities. Individual information will be collected in a lawful manner and as far as is reasonable and practicable, in a fair means and not in an unreasonably intrusive way.

When collecting information, the College will take reasonable steps to ensure that the individual is aware of his/her right to access the information, the purpose of its collection, to whom it may be disclosed, any law that requires the particular information to be collected, and the main consequences (if any) for the individual if all or part of the information is not provided. Where practicable and possible information will only be collected with an individual's consent from the individual. If collected without consent the College will only do so if lawful. If the College collects information about an individual from someone else it will take reasonable steps to ensure that the individual is made aware of their rights as referred to above (except if such action would pose a serious threat to the life or health of any individual).

The kind of information that the College may collect includes the following:

- 1• Information provided to the College by students or prospective students for the purpose of assessing applications for enrolment or renewal of enrolment.
- 2• Information collected from third parties for the purpose of the College assessing applications for enrolment or re-enrolment.

Information shall only be collected where it is necessary for the fulfillment of the College's role or where otherwise required by law.

Use and disclosure

The College will not use or disclose individual information about an individual other than for the primary purpose of the collection unless the information is related to the primary purpose and it could reasonably be expected by the individual to be used or disclosed, or the individual has consented. The following exceptions apply:

- 1• Where no consent is given or it is impracticable to obtain it and the use or disclosure is necessary for research, or the compilation or analysis of statistics, as required by the Victorian Registration and Qualifications Authority or the DWEER or other government department, other than for publication in a form that identifies any particular individual and the College believes that the information will not be disclosed by the recipient;
- 2• the College reasonably believes that the use or disclosure is necessary to lessen or prevent a serious and imminent threat to an individual's life, health, safety and welfare or a serious threat to student/staff/public health, safety, or welfare;

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3• the College has reason to suspect that unlawful activity has been, is being or may be engaged in and it is necessary to use and disclose such information for investigating or reporting to relevant authorities.

4• the use or disclosure is required or authorised by or under the law or the College reasonably believes that the use or disclosure is necessary by or on behalf of a law enforcement agency for:

1 prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of law imposing a penalty or sanction;

2the enforcement of laws relating to the confiscation of the proceeds of crime;

3 protection of the public revenue;

4 the prevention, detection, investigation or remedying of seriously improper conduct;

5 the preparation for, or conduct of, proceedings before any court or tribunal or implementation of its orders.

-the College is requested to do so by ASIO (Australian Security Intelligence Organisation) or ASIS (Australian Secret Intelligence Service) and such request is authorised in writing by the Director-General of the relevant authority certifying that the disclosure would be connected with the performance of its functions.

-the College must require the student to provide informed consent to their information being provided to the Australian Government. Therefore in accordance with the College's obligations under IPP2 the College must ensure that the student is provided with the appropriate privacy notices at the time they provide personal information. Where the student applies directly to the College, consent to provide personal information to DEEWR must be obtained. Such consent can be satisfied by either of the following:

1. the request for VET FEE-HELP assistance form asks for the student's consent to provide information to DEEWR. Where the student submits such a form prior to the allocation of a CHESSN, the requirement will be satisfied. OR

2. the College will require the CHESSN to be allocated prior to the submission of the request for VET FEE-HELP assistance form. In such an instance the College will require the student's informed consent by completing the following statement:

Wording for informed consent

I understand that:

- [name of provider or tertiary admission centre] is collecting the information in this form for the purpose of assessing my entitlement to Commonwealth assistance under the Higher Education Support Act 2003 and allocation of a Commonwealth Higher Education Student Support Number (CHESSN) to me;

-HRA Pty Ltd T/As Helene Abicair College of Advanced Beauty Therapy will disclose this information to the Department of Education, Employment and Workplace Relations (DEEWR) for those purposes;

- DEEWR will store the information securely in the VET FEE-HELP IT System/Higher Education Information Management System;

- DEEWR may disclose the information to the Australian Taxation Office; and

- [name of provider or tertiary admission centre] and DEEWR will not otherwise disclose the information without my consent unless required or authorised by law.

Data quality

The College will take reasonable steps to make sure that the individual information it collects uses or discloses is accurate, complete and up-to-date.

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Data security

The College will take reasonable steps to protect the individual information it holds from misuse and loss and from unauthorised access, modification or disclosure.

The College and its staff are committed to maintaining the privacy of the individual information collected, and the College will take all reasonable precautions to protect the information from loss, misuse, or unauthorised alteration. Internal systems shall be in place to monitor the access and changes to the data.

Data held on the College's electronic data files, or which flows between system networks, or are stored in back up systems for disaster recovery purposes, shall be protected from unauthorised access. The College uses its best efforts to ensure that security systems used are the most appropriate technology to protect the information transmitted.

The College will take all reasonable steps to destroy or permanently de-identify individual information if it is no longer needed for any purpose.

Openness

On request the College will make its Privacy Requirements Policy available, and will take all reasonable steps to let an individual know what sort of individual information it holds, for what purposes and how it collects, holds, uses and discloses that information.

Access and Correction

If requested, students or prospective students and members of the public shall have access to and correction of personal information held by the College. a ready means of being able to contact the College to access the information, to confirm its correctness, and to lodge requests for amendment of the records where necessary.

Individuals wishing to obtain further information about the College's privacy policy or procedures, or who wish to access their information or ensure that their information is up-dated should contact the Manager-Student Services or staff.

The College will provide access to individual information that is held about an individual on request by the individual except if:

- (a) in the case of personal information other than health information -providing access would pose a serious and imminent threat to the life or health of any individual; or
- (b) in the case of health information - providing access would pose a serious threat to the life or health of any individual; or
- (c) providing access would have an unreasonable impact upon the privacy of other individuals; or
- (d) the request for access is frivolous or vexatious; or
- (e) the information relates to existing or anticipated legal proceedings between the organisation and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
- (f) providing access would reveal the intentions of the organisation in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- (g) providing access would be unlawful; or
- (h) denying access is required or authorised by or under law; or
- (i) providing access would be likely to prejudice an investigation of possible unlawful activity; or
- (j) providing access would be likely to prejudice the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law; or
- (l) the enforcement of laws relating to the confiscation of the proceeds of crime; or
- (m) the protection of the public revenue; or

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- (n) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or
- (o) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders by, or on behalf of, an enforcement body; or
- (k) an enforcement body performing a lawful security function asks the organisation not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.

If the College is not required to provide the individual with access to information (as stated above) it will, if reasonable, consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.

If an individual considers their personal information to be incorrect, incomplete, out of date or misleading, they can request that the information be amended. Where a record is found to be inaccurate, a correction will be 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 will be noted on the record.

The College will provide individuals access to any personal information held about them free of charge. The College may choose to charge a fee to make a copy of personal information. Should a fee apply, it will not be excessive.

When requesting access to personal information, individuals shall:

- request to access their personal information formally in writing
 - provide two (2) acceptable forms to prove their identity
 - advise what format they require the information
 - provide data storage, if necessary
- allow 14 working days for processing

Unique identifiers

The College will not adopt a unique identifier of an individual that has been assigned by another organisation unless it is necessary to carry out the College's functions OR the individual has consented to it.

The College will not use or disclose a unique identifier to another organisation unless it is necessary for the College to fulfill its obligations to the other organisation, or it is necessary to fulfill the objectives described under the Uses and Disclosure clause (above) OR the individual has given consent.

The College will not require an individual to provide a unique identifier in order to obtain a service unless it is required or authorised by law or is connected with a purpose for which the unique identifier was assigned.

Transborder data flows

The College will transfer information about an individual to a third party who is outside of Victoria in limited circumstances and **only if one or more of the following apply-**

- 1• The College reasonably believes that the recipient of the information is subject to the law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the Privacy Principles
- 2• The individual consents to the transfer
- 3• The transfer is necessary for the performance of a contract between the individual and the College or the implementation of pre-contractual measures taken in response to the individuals request
- 4• The transfer is necessary for the conclusion or performance of a contract concluded in the

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interest of the individual between the College and a third party

5• Consent of the individual has been obtained .

6• The College has taken reasonable steps to ensure that the information, which it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the privacy principles.

Sensitive information

The College will not collect sensitive information about an individual unless the individual has consented, it is required under law, or the collection is necessary to prevent or lessen an imminent threat to the life or health of any individual.

Staff, Consultants, College and Panel Members

The College and its staff are trained in their obligations under this Policy. Consultants, full time instructors and sessional instructors are required to understand and comply with this policy. Adherence to the privacy principles shall be a condition of employment. A breach of any of the principles or this policy is a ground for disciplinary action.

The College will investigate any suspected infringements of privacy. Disciplinary action will be taken in cases where investigation demonstrates that an infringement has taken place.

Complaints

Individuals who wish to make a complaint about the College's handling of a privacy issue should refer to the College's '**Grievances, Complaints and Appeals Policies and Procedures – Non Academic**' available on the College website, in the student induction booklet or from the College administration. The Principal, may be contacted if any issues are not otherwise resolved via the above grievances procedures at the first stage.

This Policy and Procedure will be published in the Student Induction Handbook and College website www.heleneabicair.com.au, and available from the College office located at Level 9, 221 Queen St Melbourne, 3000, Victoria.

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