# 1.Purpose

VACCHO is committed to maintaining the privacy and confidentiality of its Registered Training Organisation (RTO) staff and applicant/student records. This Policy and Procedure is intended to inform all staff, students and stakeholders of VACCHO’s commitment to adhering to the relevant Acts and the Australian Privacy Principles (APPs).

Providing an overall framework for our privacy practices, VACCHO has developed and implements this Privacy Policy and Procedure and monitors its’ application throughout the RTOs’ business and day to day practices.

# 2. Scope

This Policy and Procedure covers all of VACCHO’s Education Services’ operation.

All staff must adhere to this Policy and Procedure.

# 3. Responsibility

The RTO Executive Director is responsible for approval and oversight of this Policy and Procedure.

The RTO Executive Director is responsible for implementation and maintenance approval of this Policy and Procedure.

The Executive Manager RTO Compliance is responsible for the day-today oversight of this Policy and Procedure.

All other staff members are responsible for ensuring that they comply with the administrative requirements found in this and other VACCHO Policies and Procedures relating to VACCHO in its capacity as a Registered Training Organisation

# 4. Policy and Procedure

VACCHO complies with the Privacy Act 1988 including the 13 Australian Privacy Principles (APPs) as outlined in the Privacy Amendment (Enhancing Privacy Protection) Act 2012 as well as the Privacy and Data Protection Act 2014 (Vic).

Personal information will never be collected by unlawful or unfair means. VACCHO manages personal information in an open and transparent way. This is evident in the implementation of practices, procedures and system as outlined in this Policy and Procedure, that ensure its compliance with the APPs and any binding registered APP code and provide suitable procedures for VACCHO staff to be able to deal with related inquiries and complaints that may be received from time to time.

VACCHO includes the standard privacy notice in its application procedure in line with legislative requirements which advises applicants/students how their data may be supplied to and used by various departments, agencies and their representatives.

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

*Purposes for information collection, retention, use and disclosure*

VACCHO retains a record of personal information about all individuals with whom we undertake any form of business activity. VACCHO collects, holds, uses and discloses information from our applicants/students 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 government stakeholders.

As a Registered Training Organisation (RTO), regulated by ASQA, VACCHO 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:

* *Standards for Registered Training Organisations 2015, and*
* *Data Provision Requirements 2012.*

It is noted that VACCHO is also bound by various State Government Acts requiring similar information collection, use and disclosure (particularly Education Act(s) and Vocational Education & Training Act(s) relevant to state jurisdictions of VACCHO RTO operations, specifically the VIC government. In accordance with the SkillsFirst Activity Agreement, VACCHO will always comply with the VIC government’s Information Privacy Principles as if it were an agency to which the Information Privacy Principles apply.

Individuals are advised that due to these legal requirements, VACCHO discloses information held on individuals for valid purposes to a range of third party entities including governments (Commonwealth, State and employers (where relevant).

This is undertaken:

* at pre-enrolment, through issuing the NCVER Privacy Information Sheet and Student Handbook
* at application and enrolment, through information made available in the Enrolment Form with requiring the student to declare the provision to this information and their understanding of
* at induction, through reinforcing the manner in which VACCHO collects and manages the personal information of its students as summarised in the Student Handbook.

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

* the individual concerned is made aware that information of that kind will be passed to that person, body or agency
* the individual concerned has consented to the disclosure in writing
* VACCHO 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 including a child
* 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.

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
* employee details & HR information
* complaint or issue information
* disability status & other individual needs, and
* indigenous status.

How Personal Information is Collected

VACCHO’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 its Enrolment Form) and the use of web-based systems (such as internal operating systems).

How Personal Information is Held

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

VACCHO’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 in our financial system and VETtrak, VACCHO’s student management systems, 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. VACCHO’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.

Destruction of paper-based records occurs as soon as practicable in every matter, through the use of secure external shredding and destruction services through on-site shredding, in accordance with the timelines outlined in the Student Records Management Policy and Procedure.

Retention and Destruction of Information

VACCHO retains and destroys documents according to the legislative requirements.

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

In addition, student documentation that is out of the timeframes required for retention (refer to the Student Records Management Policy and Procedure), are disposed of securely through placement in the on-site secure bin, supplied by an external and reputable disposal company, which removes the bin from the premises and disposes of the content on request from the RTO Executive Director.

Accessing and seeking correction of personal information

VACCHO 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 required to complete an Student Record Request From– specifying what information they are seeking to access. In accordance with the RTO’s Student Records Management Policy and Procedure, no student file or information will be permitted to be taken off-site unless required by law.

In all cases where access is requested by a third party, VACCHO 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 any individual feels that VACCHO may have breached one of the APPs, they are encouraged to lodge a formal complaint, using its Complaints and Appeals Policyand Procedure and through submission of a Complaints Form.

In line with the VIC Government’s Agreement for funded initiatives, VACCHO will immediately refer any complaint to the Minister about VACCHO’s treatment of personal information. It will also notify the Minister as soon as practical of any unauthorised disclosure to third parties or of any breach of the Agreement or any other funding Agreement executed under the Agreement in respect to personal information.

Likely Overseas Disclosures

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

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Making our Privacy Policy and Procedure available

VACCHO provides its Privacy Policy and Procedure available free of charge, with all information being publicly available from the RTO link on its website.

This website information is designed to be accessible as per web publishing accessibility guidelines, to ensure access is available to individuals with special needs (such as an individual with vision impairment).

In addition, a summary of this Privacy Policy and Procedure is:

* included within VACCHO’s Student Handbook (in summary form with a reference to the website for access to the full Policy and Procedure) as well as the Privacy Information Sheet, handed out to all applicants as part of their pre-enrolment information
* noted within the text or instructions at all information collection points (such as informing individuals during a telephone call of how the Policy and Procedure 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.

The NCVER issued Privacy Notice is provided to all applicants and enrolling students as part of the application and enrolment process. It is made available on VACCHO’s website and enrolling staff ensure that the individual has read and understands the Notice, as confirmed through signing the Enrolment Form.

If, in the unlikely event that this Privacy Policy and Procedureor Privacy Notice 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 Privacy Policy and Procedure

VACCHO reviews this Privacy Policy and Procedure:

* on an ongoing basis as suggestions or issues are raised and addressed, or as Government required changes are identified
* through our internal audit processes on at least an annual basis, organised by the Compliance Coordinator
* 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 complaint is related to a privacy matter.

Where this Policy and Procedure is updated, changes are communicated to staff through the internal Quality Bulletin, meetings, training and documentation and externally through publishing of the updated policy on VACCHO’s website and other relevant documentation, such as the Student Handbook.

Australian Privacy Principle 2 – Anonymity and pseudonymity

VACCHO 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 VACCHO 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 do not contain an individual’s actual name, or generic usernames when individuals may access a public component of our website or Enrolment Form.

VACCHO 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 through publishing this Policy and Procedure on the RTO’s website.

Requiring identification

VACCHO must require and confirm identification however when an individual confirms interest in enrolling in a nationally recognised course program (refer to the Application and Enrolment Policy and Procedure). VACCHO is 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.

All funded contract requirements also requires the confirmation of identification when an individual confirms interest in enrolling in a funded course program (refer to Application and Enrolment Policy and Procedure).

Other legal requirements, as noted earlier in this Policy and Procedure, 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. This includes lodgement of a complaint or appeal.

Australian Privacy Principle 3 — Collection of solicited personal information

VACCHO only collects personal information that is reasonably necessary for our business activities and in line with the various Acts and funding obligations.

We only collect sensitive information in cases where the individual consents to the sensitive information being collected and in writing, 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

VACCHO may from time to time receive unsolicited personal information. Where this occurs it promptly reviews the information to decide whether or not it could have collected the information for the purpose of its business activities. Where this is the case, VACCHO may hold, use and disclose the information appropriately as per the practices outlined in this Policy and Procedure.

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

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

Whenever VACCHO collects personal information about an individual, it takes 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.

Notifications to individuals on data collection include:

* VACCHO 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 Privacy Policy and Procedure on the website or explain how it may be accessed
* written acceptance, as evidenced by signing of the VACCHO Privacy Notice as part of the Enrolment Form, and
* advice that this Privacy Policy and Procedure 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.

Personal information disclosed to the NCVER may be used or disclosed for the following purposes:

* issuing a VET Statement of Attainment or VET Qualification, and populating authenticated VET transcripts
* facilitating statistics and research relating to education, including surveys
* understanding how the VET market operates, for policy, workforce planning and consumer information, and
* administering VET, including program administration, regulation, monitoring and evaluation.

Collection from Third Parties:

Where VACCHO collects personal information from another organisation, it:

* confirms whether the other organisation has provided the relevant notice above to the individual or
* confirms whether the individual was otherwise aware of these details at the time of collection, and
* if this has not occurred, it 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

VACCHO 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 VACCHO 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, and
* the basis for our reasonable belief that we were required to disclose the information.

Australian Privacy Principle 7 – Direct marketing

VACCHO 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 the Enrolment Form.

On each of our direct marketing communications whenever used, VACCHO 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 VACCHO at any stage not to use or disclose their personal information for the purpose of direct marketing. VACCHO complies with any request by an individual promptly and undertake any required actions for free.

VACCHO also, on request, notifies 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

VACCHO will rarely find itself in this situation however before any of the RTOs disclose personal information about an individual to any overseas recipient, it undertakes to 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

VACCHO 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

VACCHO takes reasonable steps to ensure that the personal information it collects is accurate, up-to-date and complete. It also takes 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:

* when VACCHO initially collect the personal information, and
* when VACCHO use or disclose personal information.

VACCHO takes 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
* reminding individuals to update their personal information at critical service delivery points (such as completion) when 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 (such as employers), has implemented appropriate data quality practices, procedures and systems.

Australian Privacy Principle 11 — Security of personal information

VACCHO takes active measures to consider whether it is 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.

VACCHO destroys or de-identifies 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 VACCHO offices and work areas is limited to our staff 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, VACCHO maintains storage of records in an appropriately secure place to which only authorised individuals have access.

Annual staff training is conducted with VACCHO staff on privacy issues, and how the APPs apply to our practices, procedures and systems. Information is also included in our staff induction practices and confirmed through the Staff Induction Checklist.

VACCHO conducts 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 VACCHO holds personal information about an individual, VACCHO provides 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 5 calendar days and when notifying our refusal to give access, including providing reasons for refusal in writing, and the complaint mechanisms available to the individual, and
* provide information access free of charge.

Australian Privacy Principle 13 – Correction of personal information

VACCHO 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. Students are advised of the importance of ensuring that VACCHO has current information about each individual, through the Student Handbook and as part of the student induction process.

Individual Requests

On an individual’s written request (via completion and submission of Student Details Update Form), VACCHO:

* corrects personal information held, and
* notifies 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, VACCHO:

* gives 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, takes reasonable steps to associate a statement with the personal information that the individual believes it to be inaccurate, out-of-date, incomplete, irrelevant or misleading
* responds within 14 calendar days to these requests, and
* completes all actions free of charge.

Correcting at VACCHO’s initiative

VACCHO take reasonable steps to correct personal information which it holds in cases where it is 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.

Links to other Websites

This VACCHO Privacy Policy and Procedure does not apply to external links, social media or non-VACCHO web pages. Such third party websites may collect student, staff and other VACCHO stakeholder personal information.

VACCHO does not accept responsibility for any content contained on external websites.

How to Contact Us about Privacy Matters

VACCHO’s Privacy Officer is the RTO Executive Director, who is available by phone:

* (03) 9411 9411 between 8.30am – 5.00pm Monday to Friday.

# 5. Additional Victorian Skills First Program Requirements

*In addition to adhering to all requirements to maintain its registration by following the Standards for RTOs 2015 and all related requirements and directives from ASQA, the national VET Regulator, at all times, as outlined in this Policy and Procedure, VACCHO’s Education Services ensures that it also adheres to the following additional requirements, as prescribed in the Standard VET Funding Contract, Skills First Program.*

VACCHO includes the standard (NCVER) Privacy Notice in its Enrolment Form, in accordance with the Victorian VET Student Statistical Collection Guidelines, which advises individuals how their data may be supplied to, and used by, the Department.

VACCHO commits to never, without prior written approval of the Department, disclose (or permit the disclosure of) information regarding its Contract (including details of the Funds paid for any individual) or any confidential information of the Department of Education and Training (DET) or the State, except:

* to the extent required under the Skills First Contract
* to the extent required by Law
* to its solicitors, barristers and/or other professional advisors in order to obtain advice in relation to its rights under the Skills First Contract, the Training Services or the Funds and provided such advisors are under a duty of confidentiality
* to the extent necessary for the registration or recording of documents where required, and/or
* to the extent required in connection with legal proceedings

and then only to the extent strictly necessary for that purpose.

VACCHO commits to cooperating with, and provide any assistance requested by, the

DET in relation to:

* resolving any complaint made to DET alleging a breach of the PDP Act or the Health Records Act about any ppersonal iinformation collected, used, held or disclosed by the DET that was provided to it by VACCHO in connection with the Skills First Contract
* providing access to or amendment of any record of personal information collected, used, held or disclosed in connection with the Skills First Contract following a request from an individual made to DET.

As soon as VACCHO’s RTO Executive Director becomes aware of any breaches to its privacy commitments, which may include:

* unauthorised disclosure, use, modification or access, attempted unauthorised disclosure, use, modification or access, or misuse or loss of any personal information collected or held for the purposes of the Skills First Contract or
* act/s or practice/s of VACCHO which causes a failure by DET to comply with its obligations under the PDP Act or the Health Records Act

the RTO Executive Director will notify DET via the SVTS and cooperate with the Department in any investigation or other steps taken by DET in response to that matter.

# 6. Related documents

* Privacy Notice (gov issued) 2021 version
* Student Details Update Form
* Student Record Request From
* Student Handbook
* Change in Details Form
* Enrolment Form
* Complaints Form
* Cooperating with the Regular and Meeting all Regulatory and Funding Requirements Policy and Procedure
* Student Records Management Policy and Procedure
* Complaints and Appeals Policy and Procedure
* Application and Enrolment Policy and Procedure

This Policy and Procedure supplements the following VACCHO organisational Policy and Procedure/s:

* Privacy and Confidentiality Policy
* Confidentiality and Non-Disclosure Agreement

# 6. Review and Authorisation

Responsible Positions

Authorising Officer: RTO Executive Director

Review Officer: Executive Manager RTO Compliance

Review

This Policy is reviewed annually.