

PRIVACY POLICY AND PROCEDURE

Approving Authority	ACCS Board
Responsible Officer	Principal
Version	V1.1
Next Scheduled Review	12 July 2023
Related Legislation and Regulations	Privacy Act 1988 National Vocational Education and Training Regulator Act 2011
Associated Documents	Marketing Policy and Procedure Student Application and Admissions Policy and Procedure Student Complaints and Appeals Policy and Procedure Staff related policies

1 SCOPE

This policy applies to personal, sensitive and health information pertaining to any hardcopy or electronic record collected or created by ACCS on behalf of students and staff.

2 PURPOSE

This policy outlines ACCS' approach to protecting the privacy of ACCS students. ACCS 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 students.

ACCS' will allow a student to apply for and receive a copy of the personal information that the provider holds in relation to that student.

3 DEFINITIONS

Acts means Privacy Act 1988 (Cth).

Australian Privacy Principles means the set of 13 principles in the Privacy Act 1988 (Cth) governing the collection, use, disclosure, management and transfer of personal information.

Sensitive information is a subset of personal information that is generally afforded a higher level of privacy protection. Sensitive information is information or opinion about an individual's:

- membership of a political association;
- racial or ethnic origin;
- health or disability;
- membership of a professional or trade association or membership of a trade union;
- political opinions;
- religious beliefs, affiliations or philosophical beliefs.

4 POLICY

COLLECTION OF INFORMATION

- a) ACCS will not collect personal information from you unless that information is necessary for one or more of its functions or activities or is required by law.

- b) ACCS advises that it is required by law to collect, hold, use and supply personal information, in accordance with the HE and VET Provider Collection Data Provision Requirements.
- c) ACCS will take reasonable steps at or before the time of collection to ensure that you are aware of:
 - i. Who we are and how to contact us;
 - ii. How to gain access to your own information;
 - iii. The purpose for which the information is being collected;
 - iv. Any organisation to which we would normally disclose information of that kind;
 - v. Any law that requires the particular information to be collected;
 - vi. The main consequences for the individual if all or part of the information is not provided.
- d) ACCS collects information from you in the following ways:
 - i. When you register your interest on line, apply for enrolment, request certain services or products, or otherwise contact or do business with us.
 - ii. Information may be collected from enrolment forms, certified documents, telephone calls, faxes, emails, letters sent by you.
 - iii. Information may be collected from third parties, such as other training providers, regarding confirmation of training and ongoing professional development that you have attended, as permitted by you.
- e) Should ACCS collect information about you from a third party we will take reasonable steps to ensure that the individual is or has been made aware of the matters listed above except to the extent that making the individual aware of the matters would pose a serious threat to the life or health of any individual.

DEALING WITH PERSONAL INFORMATION

- a) ACCS will not use or disclose personal or sensitive information for any purpose other than what it was collected for, unless the relevant person has provided written consent to use or disclose that information in circumstances that are different to those for which it was collected.
The circumstances where an exception may occur are:
 - i. Where the use or disclosure of this information is required or authorised by or under an Australian law or a court/tribunal order;
 - ii. The individual would reasonable expect ACCS to use or disclose the information for the secondary purpose;
 - iii. A permitted health situation exists in relation to the use or disclosure of the information by ACCS;
 - iv. A permitted general situation exists in relation to the use or disclosure of the information by ACCS;
 - v. ACCS reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.
- b) ACCS collects your personal information so as to:
 - i. Process applications;
 - ii. Manage your enrolment;
 - iii. Record and maintain your details;
 - iv. Administering training programs;
 - v. Record and maintain details of your ongoing training and assessment;
 - vi. Provide you with details regarding client services, benefits, and training opportunities;
 - vii. Notify you about upcoming events and opportunities;
 - viii. Gain feedback from you;
 - ix. Communicate with you;

- x. Report to relevant authorities as required by law.
- c) Adoption, use or disclosure of Government Related identifiers
ACCS:
 - i. Is required by law (*Student Identifier Act*) to collect, maintain and report to relevant Government agencies the individual's Unique Student Identifier (USI).
 - ii. Will not disclose the Unique Student Identifier (USI) number for any other purpose, including on any Certification documents you receive.
 - iii. Must not adopt the Unique Student Identifier (USI) number as its own identifier of the individual.

STORAGE AND SECURITY OF PERSONAL INFORMATION

ACCS 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 the provider, everything reasonably within the power of the provider will be done to prevent unauthorised use or disclosure of information contained in the record.

ACCS 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. ACCS will not use the information except for a purpose to which the information is relevant.

DISCLOSURE

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

- c) the individual concerned has consented to the disclosure,
- 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.

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.

The Principal of ACCS will ensure that all employees are made aware of this policy and its underpinning legislative requirements and comply with this policy at all times.