

Privacy and Confidentiality Policy

Purpose

The purpose of this privacy and confidentiality policy & procedure is to:

- Outline the framework for the management of the right to student privacy in relation to the records collected and managed by the DANIELS ASSOCIATES Institute.
- Ensure the RTO systematically manages student privacy while recording, storing, communicating, and reporting student records in line with legislative and regulatory requirements.
- Clearly communicate the personal information handling of DANIELS ASSOCIATES Institute.
- Give staff and other individuals a better understanding of the sort of personal information that DANIELS ASSOCIATES Institute holds.
- Enhance the transparency of DANIELS ASSOCIATES Institute's operations.

Scope

This policy encompasses all DANIELS ASSOCIATES Institute's electronic and hard copy versions of staff and student records. DANIELS ASSOCIATES Institute will ensure a secure and effective information management system exists within the RTO to support the processes of communication, data storage, and retrieval to enable the privacy and confidentiality of staff and student records.

Definitions or Reference Documents

- Standards for Registered Training Organisations 2015 (RTOs) set of standards endorsed by the Council of Australian Governments (COAG) Industry and Skills Council to provide:
 - national consistency in the regulation of the VET sector using a standards-based quality framework and a risk-based approach.
 - to promote quality flexibility and innovation in VET
 - promote Australia's reputation for VET locally and overseas
 - promote a VET system that meets Australia's social and economic needs
 - protect students undertaking or proposing to undertake VET in Australia
 - ensure access to accurate information regarding the quality of VET

Personal Information - is defined under the Privacy Act as information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- a) whether the information or opinion is true or not, and

b) whether the information or opinion is recorded in a material form or not

Examples of personal information include names, addresses, phone numbers and email addresses

The definition of personal information only relates to “natural” persons. It does not extend to other “legal” persons, such as companies.

Sensitive information

Under the Privacy Act, sensitive information is defined as: a) Information or an opinion about an individual's:

- Racial or ethnic origin
- Political opinions
- Membership in a political association
- Religious beliefs or affiliations
- Philosophical beliefs
- Membership in a professional or trade association
- Membership in a trade union
- Sexual orientation or practices, or
- Criminal records

Contract – the VET Funding Contract includes all schedules, annexures, attachments, plans and specifications and exhibits to it.

NSW Smart and Skilled and Queensland Certificate 3 Guarantee and User Choice funded programs

Contract to be undertaken, in relation to the delivery the qualification including:

- student attraction activities, including marketing and advertising, in relation to any training within the Training Provider's Funded Scope
- the provision of information about program offerings, fees, support, and the impact on an individual's Skills First Entitlement
- conduct of the Pre-Training Review
- testing any individual's eligibility for training subsidised through the Skills First Program and any relevant Fee Concession or Fee Waiver
- enrolment of individuals into a program, including undertaking any enrolment processes required under this Contract
- development and documentation of a Training Plan
- levying fees, including implementing any Fee Concessions or Fee Waivers
- delivering training and assessment
- collecting and maintaining evidence relating to (a) to (h) above, as required under this Contract
- reporting data and other information to the Department as required under this Contract
- any other matters that reasonably relate to the conduct of the activities set out above

Policy

This policy focuses on DANIELS ASSOCIATES commitment to protecting the privacy of its staff and students and outlines the various ways in which it ensures this protection.

DANIELS ASSOCIATES is committed to protecting and maintaining the privacy and confidentiality of its staff and clients in line with State and Federal Privacy legislation.

DANIELS ASSOCIATES complies with the Privacy Act 1988 including the ten National Privacy Principles.

These principles encompass Collection, Use and Disclosure, Data Quality, Data Security, Openness, Assess and Correction, Unique Identifiers, Anonymity, Transborder Data Flows and Sensitive Information. (For a summary of these principles refer to the Companion Document: Summary of the National Privacy Principles).

DANIELS ASSOCIATES Institute complies with the Confidentiality and Privacy requirements of the Victorian and Commonwealth Government funding training contracts and the regulatory body – ASQA.

Procedure

Provision of Training Services: DANIELS ASSOCIATES provides its training services in compliance with all applicable laws which includes Privacy Laws.

State Funded Contracts

DANIELS ASSOCIATES Institute will not, without prior written approval of the Department of Education disclose (or permit the disclosure of) information regarding the NSW and Queensland funding contracts (including details of the Funds paid for any individual) or any Confidential Information of the Department or the State, except:

- to the extent required under this Contract
- to the extent required by Law
- to its solicitors, barristers and/or other professional advisors to obtain advice in relation to its rights under this 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.

In collecting any Personal Information for the purposes of the Skills First Contract, DANIELS ASSOCIATES Institute ensures that it has obtained all necessary consents, in accordance with all applicable Laws.

a) DANIELS ASSOCIATES to collect, use, hold and disclose that Personal Information, including by disclosing it to the Department as contemplated by the Funded

b) the NSW and Queensland Departments to collect, use, hold and disclose Personal Information for the purposes of the Skills First Contract and its operation and management of their respective state funded contracts

DANIELS ASSOCIATES must cooperate with, and provide any assistance requested by, the Department in relation to:

- resolving any complaint made to the Department alleging a breach of the relevant contracts about any Personal Information collected, used, held, or disclosed by the Department that was provided to it by the Training Provider in connection with the relevant Contract.
- providing access to or amendment of any record of Personal Information collected, used, held, or disclosed following a request from an individual made to the Department.

Data Collection

DANIELS ASSOCIATES collects personal information to assist in the provision of its services. Personal information will not be collected unless it is relevant for a purpose directly related to a function or activity of DANIELS ASSOCIATES and will only be collected by lawful means. Where DANIELS ASSOCIATES collects personal information for inclusion in a record, it will take all reasonable steps to ensure that the individual is made aware of the purpose for which the information is being collected. DANIELS ASSOCIATES will not collect personal information by unlawful or unfair means.

Collection of personal information - Staff

- Staff personal information will be collected in accordance with DANIELS ASSOCIATES HR policies. Specific information may include Personal details, Taxation details, superannuation details, resumes, medical information, Certificate of Qualifications, and Police and/or Working with Children checks if required.
- Personal Information is filed in a staff member's file and kept in a secure location with the RTO Manager.

Collection of personal information – Students

- DANIELS ASSOCIATES will ensure that records are accurate, current, complete, and not misleading. DANIELS ASSOCIATES confirms information/details from students as part of the re-enrolment procedure; see the Enrolment Policy and Procedure.
- DANIELS ASSOCIATES is required to collect personal information from Students to process enrolments and obtain the information required to provide suitable training and assessment services. Where applicable, e, information may also be required to comply with AVETMISS standards as specified by government regulators.

- DANIELS ASSOCIATES is required to collect personal information from Students to create a USI which will be linked to the national VET collection as per DANIELS ASSOCIATES Institute's USI Policy & Procedure. This personal information once collected will be discarded by the RTO when no longer required as per DANIELS ASSOCIATES Records Management Policy & Procedure.
- Information collected includes general personal details and may include details of any disability or health issue that may affect the student's ability to undertake training and/or assessment activities.
- DANIELS ASSOCIATES will only collect personal information that is required for the purposes of employment or education, or in meeting both Federal and State government reporting requirements.
- DANIELS ASSOCIATES collects all personal information in writing from a personal details form, or an enrolment form and/or other forms required by DANIELS ASSOCIATES which require the student to provide personal details or directly from the person whom the information is about. (Where applicable information may be collected from the parent or guardian of a student under the age of 18).
- Students must advise DANIELS ASSOCIATES of any changes to personal details to ensure records are kept accurate, complete, and up to date. Students are to advise of any changes to the RTO Admin Team by completing the Change of Contact Details form. The Student Management System will be updated to reflect changes to personal details. Students' changes to details are kept confidential and are filed in the student's file.

Use and disclosure of personal information

- DANIELS ASSOCIATES uses personal information only for the purpose that it was provided, to provide products or services, to communicate with students and staff and to communicate with nominated people in the event of an accident or emergency. DANIELS ASSOCIATES does not provide or sell personal information to external companies for the purposes of marketing.
- DANIELS ASSOCIATES also collects statistical information to improve the level of service provision and to fulfil contractual data reporting requirements; however, none of this information may be directly attributable to any individual.
- DANIELS ASSOCIATES may be required to provide personal information to external organisations including the Australian Government and designated authorities to provide specific services and as required by law.

Use and disclosure of personal information - Staff

- DANIELS ASSOCIATES uses the personal information of its staff for the purpose of meeting the employment requirements of DANIELS ASSOCIATES.

- Personal information will not be used in any other way than those outlined in this policy and any other ways that might be reasonably expected.

Use and disclosure of personal information – Students

- DANIELS ASSOCIATES uses the personal information of its students for the purposes of meeting VET requirements for the awarding of national qualifications, and to comply with reporting requirements where relevant as specified by government regulators.
- Personal information collected through the enrolment form or through other means will be passed onto government regulators as per legal data collection requirements. This personal information may also be accessed for the purposes of an audit by ASQA.
- Personal information will not be used in any other way than those outlined in this policy and any other ways that might be reasonably expected.
- Students are required to sign a Declaration on their Enrolment form agreeing/providing permission to DANIELS ASSOCIATES to provide their personal information to government regulators for reporting purposes.

Access to personal information

- Staff and Students are allowed access to their personal files at any time upon written request as per DANIELS ASSOCIATES Records Management Policy.
- Student information may not be released to parents, partners or any other third party, without the student's written consent. Disclosure to a third party will only be granted after receiving verified written permission, using the Release Authorisation Form.
- If a student gives written consent to release certain information, a record of the written consent must be held on the student file.

Storage and security of personal information

- DANIELS ASSOCIATES Institute will take all reasonable steps to maintain the privacy and security of personal information.
- Information stored electronically is kept on a secure server and access is restricted to authorized employees. The server is regularly backed up and kept in a secure location.
- Reasonable steps will be taken to destroy or permanently de-identify personal information when it is no longer required for any purpose by placing it in secure bins for shredding.
- Student and staff records are archived and destroyed in accordance with the DANIELS ASSOCIATES Institute Record Management Policy & Procedure
- DANIELS ASSOCIATES will make all reasonable efforts to protect confidential information received from students or partner organizations during business operations. This

information will not be disclosed without the prior consent of the client or partner organisation.

Notification of Privacy arrangements

Students and Staff will be advised of:

- DANIELS ASSOCIATES Privacy & Confidentiality Policy & Procedure via the DANIELS ASSOCIATES Institute website Daniels Associates website and the Student Handbook
- DANIELS ASSOCIATES Institute's Privacy Declarations and consent forms via the enrolment process and Student Handbook
- DANIELS ASSOCIATES Institute has included a standard privacy notice in all enrolment forms, which advises individuals on how their data may be supplied to, and used by, the Department and Commonwealth VET Student Loan agencies. Students are required to read, acknowledge, and understand the Privacy statements outlined on the enrolment form by signing the declaration on the enrolment form.
- Students will be required to read, acknowledge, understand, and consent to the RTO gathering personal information which will be used for the purposes of
 - creating a USI by signing the student's identifiers Registrars' Privacy Notice
 - fulfilling AVETMIS Reporting Requirements

Privacy Statement

- DANIELS ASSOCIATES Privacy Statement identifies the way in which personal information is handled – refer to the Student Handbook located on the DANIELS ASSOCIATES website.

Complaints

- Students who wish to make a complaint about a privacy matter are to refer to DANIELS ASSOCIATES Complaints and Appeals Policy & Procedure and document their complaint on DANIELS ASSOCIATES Complaints and Appeals Form and submit it to the RTO Manager, Head of Teaching & Learning. The complaint will be investigated as per DANIELS ASSOCIATES Complaints and Appeals Policy & Procedure.