



VET - Privacy Policy & Procedures

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Purpose

Pines Learning respects and values the privacy of all individual’s personal information and we are committed to handling all personal information consistent with our obligations under the Australian Privacy Principles (March 2014) and the Information Privacy Act 2000. Pines Learning is obligated to comply with the notifiable data breaches scheme under the Privacy Amendment Act 2017 (NDB scheme) as it is contracted by the Commonwealth government to provide childcare services.

This policy and procedure contributes to compliance with Clause 3.6 and 8.5 of the Standards as well as the legislative instrument Data Provision Requirements 2012 including the National VET Provider Collection Data Requirements Policy

Definitions

ASQA means Australian Skills Quality Authority, the national VET regulator and the RTO’s registering body

Personal information means ‘*information or an opinion about an identified individual, or an individual who is reasonably identifiable:*

- ‘*Whether the information or opinion is true or not; and*
- ‘*Whether the information or opinion is recorded in a material form or not.*¹

SRTOs means the Standards for Registered Training Organisations 2015 – refer definition of ‘Standards’

Sensitive information is information is information or an opinion about an individual’s: racial or ethnic origin; or political opinions; or membership of a political association; or religious beliefs or affiliations; or philosophical beliefs; or membership of a professional or trade association; or membership of a trade union;

¹ Definition from: Australian Government. *Privacy Act 1988* (Cth). Accessed on 5th January 2014 at http://www.comlaw.gov.au/Details/C2014C00076/Html/Text#_Toc382302897



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or sexual orientation or practices; or criminal record; that is also personal information; or health information about an individual; or genetic information about an individual that is not otherwise health information; or biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or biometric templates.

Standards means the Standards for Registered Training Organisations (RTOs) 2015 from the VET Quality Framework which can be accessed at www.asqa.gov.au

Unique Student Identifier is a unique reference number issued to an individual by the Australian Government. It is made up of numbers and letters and enables an individual to look up and track their training achievements in an online database.

USI means Unique Student Identifier as above.

National VET Provider Collection Data Requirements Policy is Part B of the National VET Data Policy.



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Policy

1. Privacy Principles

Applicability: This policy encompasses all methods of collecting personal information including hard copy, electronic or verbal. It applies to all Board members, employees paid and unpaid who access any personal information of past, present, potential Centre users, employees or Board members.

- In collecting personal information, Pines Learning complies with the requirements set out in the Privacy Act 1988, including Australian Privacy Principles 3 and 5 (in accordance with the National VET Provider Collection Data Requirements Policy clause 4.4) Vic only Privacy and Data Protection Act 2014 (Vic) and the Health Records Act 2001 (Vic, Education and Training Reform Act 2006 (Vic).
- The Victorian Government, through the Department of Education and Training (the Department)'s collection and handling of enrolment data and VSNS is authorised under the Education and Training Reform Act 2006 (Vic). The Department is also authorised to collect and handle USIs in accordance with the Student Identifiers Act 2014 (Cth) and the Student Identifiers Regulation 2014 (Cth).
- Personal information, including sensitive information, is collected from individuals in order that Pines Learning can carry out its business functions. Pines Learning only collects and stores information that is directly related to its business purposes and legal requirements of providing nationally recognised training and assessment.
- Sensitive information is only collected by Pines Learning if a permitted general or health situation applies in accordance with the Privacy Act (16A, 16B) such as, if:
 - The information relates solely to the members of the organisation, or to individuals who have regular contact with the organisation in connection with its activities. The collection of the information is required or authorised by, or under, an Australian law or a court/tribunal order.
 - It is unreasonable or impracticable to obtain the individual's consent to the collection, use or disclosure.
 - It genuinely and reasonably believes that:
 - The collection, use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety.
 - Unlawful activity, or misconduct of a serious nature, that relates to Pines Learning's functions or activities has been, is being or may be engaged in, and the collection, use or disclosure is necessary in order for the entity to take appropriate action in relation to the matter.
 - The collection, use or disclosure is reasonably necessary to assist any APP entity, body or person to locate a person who has been reported as missing.
 - The collection, use or disclosure is reasonably necessary for the establishment, exercise or defense of a legal or equitable claim.
- Pines Learning ensures each individual:
 - Knows why their information is being collected, how it will be used and who it will be disclosed to.
 - Is made aware of any legal requirement for Pines Learning to collect the information.
 - Is able to access their personal information upon request.
 - Does not receive unwanted direct marketing.
 - Can ask for personal information that is incorrect to be corrected.



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- Can make a complaint about Pines Learning if they consider that their personal information has been mishandled.
- Is made aware of any consequences for not providing the information requested.
- Whether the information is likely to be disclosed to overseas recipients, and if so, which countries such recipients are likely to be located in.
- Pines Learning retains evidence that that the student has acknowledged the following Privacy Notice and Student Declaration as part of their enrolment process:- <https://www.dewr.gov.au/national-vet-data/vet-privacy-notice>

2. Collection of information

- Under the Data Provision Requirements 2012, Pines Learning is required to collect personal information about students undertaking nationally recognised training and disclose that personal information to the National Centre for Vocational Education Research Ltd (NCVER). NCVER will collect, hold, use and disclose personal information in accordance with the Privacy Act 1988 (Cth), the VET Data Policy and all NCVER policies and protocols (including those published on NCVER's website at www.ncver.edu.au).
- Pines Learning is required to provide the Department with student and training activity data. This includes personal information collected in the Pines Learning enrolment form and unique identifiers such as the Victorian Student Number (VSN) and the Commonwealth's Unique Student Identifier (USI).
- Pines Learning provides data to the Department in accordance with the Victorian VET Student Statistical Collection Guidelines, available at <http://www.education.vic.gov.au/training/providers/rto/Pages/datacollection.aspx>.
- In general, personal information will be collected through course application and/or enrolment forms, training records, assessment records and online forms and submissions.
- The types of personal information collected include:
 - personal and contact details
 - employment information, where relevant
 - academic history
 - background information collected for statistical purposes about prior education, schooling, place of birth, disabilities and so on
 - training, participation and assessment information
 - fees and payment information
 - information required for the issuance of a USI.

3. Unique Student Identifiers (USI)

- All students participating in nationally recognised training from 1 January 2015 are required to have a Unique Student Identifier (USI) and provide it to Pines Learning upon enrolment.
- The Student Identifiers Act 2014 authorises the Australian Government's Student Identifiers Registrar to collect information about USI applicants. When Pines Learning applies for a USI on behalf of a student who has authorised us to do so, we need to collect personal information about the student which will be passed on to the Student Identifiers Registrar. This will include:
 - name, including first or given name(s), middle name(s) and surname or family name



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- date of birth
- city or town of birth
- country of birth
- gender
- contact details, so the Student Identifiers Registrar can provide individuals with their USI and explain how to activate their USI account.
- The information provided by an individual in connection with their application for a USI:
 - is collected by the Registrar as authorised by the Student Identifiers Act 2014.
 - is collected by the Registrar for the purposes of:
 - applying for, verifying and giving a USI
 - resolving problems with a USI
 - creating authenticated vocational education and training (VET) transcripts
 - may be disclosed to:
 - Commonwealth and State/Territory government departments and agencies and statutory bodies performing functions relating to VET for:
 - the purposes of administering and auditing VET, VET providers and VET programs
 - education related policy and research purposes
 - to assist in determining eligibility for training subsidies
 - VET Regulators to enable them to perform their VET regulatory functions
 - VET Admission Bodies for the purposes of administering VET and VET programs
 - current and former Registered Training Organisations to enable them to deliver VET courses to the individual, meet their reporting obligations under the VET standards and government contracts and assist in determining eligibility for training subsidies
 - schools for the purposes of delivering VET courses to the individual and reporting on these courses
 - the National Centre for Vocational Education Research for the purpose of creating authenticated VET transcripts, resolving problems with USIs and for the collection, preparation and auditing of national VET statistics
 - researchers for education and training related research purposes
 - any other person or agency that may be authorised or required by law to access the information
 - any entity contractually engaged by the Student Identifiers Registrar to assist in the performance of his or her functions in the administration of the USI system
 - will not otherwise be disclosed without the student's consent unless authorised or required by or under law
- The consequences to the student of not providing the Registrar with some or all of their personal information are that the Registrar will not be able to issue the student with a USI, and therefore Pines Learning will be unable to issue a qualification or statement of attainment.

4. Storage and use of information

- Pines Learning will store all records containing personal information securely and take all reasonable security measures to protect the information collected from unauthorised access, misuse or disclosure. Personal information will be stored in paper-based files that are kept in a secure location



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(locked compactor) and electronically in a secure environment to which only authorised staff have access.

- The personal information held about individuals will only be used by Pines Learning to enable efficient student administration, report data to provide information about training opportunities, issue statements of attainment and qualifications to eligible students, and to maintain accurate and detailed records of student course participation, progress and outcomes.
- Pines Learning may use the personal information provided by an individual to market other internal products and services to them. An individual may opt out of being contacted for marketing purposes at any time by contacting our office. Information will not be passed onto any third party marketing companies without the prior written consent of the individual.
- Pines Learning implements the following safeguards to ensure online information is secure:
 - VETtrak is the database used to store personal information and is password protected
 - Up to date virus protection and a firewall on the server that houses all data
 - Spam filters to ensure no unauthorised breaches of data access
 - *Encrypted Back up of data daily*

5. Disclosure of information

- Pines Learning will not disclose an individual's personal information to another person or organisation unless:
 - They are aware that information of that kind is usually passed to that person or organisation.
 - The individual has given written consent.
 - Pines Learning believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious threat to the life or health of the individual concerned or another person.
 - The disclosure is required or authorised by, or under, law.
 - 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 public revenue.
- Any person or organisation to which information is disclosed is not permitted to use or disclose the information for a purpose other than for which the information was supplied to them.
 - Personal information may be used or disclosed by Pines Learning for statistical, regulatory and research purposes. Pines Learning may disclose personal information for these purposes to third parties, including:
 - Schools – for secondary student undertaking VET, including a school-based apprenticeship or traineeship
 - Employers – where students are enrolled in training paid for by their employer
 - Commonwealth and State or Territory government departments and authorised agencies; such as the Australian Skills Quality Authority (ASQA), the Department
 - NCVER
 - Organisations conducting student surveys
 - Researchers.
- Personal information disclosed to NCVER may be used or disclosed for the following purposes:
 - Issuing a VET Statement of Attainment or VET Qualification, and populating Authenticated VET Transcripts



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- Facilitating statistics and research relating to education, including surveys
- Understanding how the VET market operates, for policy, workforce planning and consumer information
- Administering VET, including program administration, regulation, monitoring and evaluation.

6. Access to and correction of records

- Individuals have the right to access or obtain a copy of the information that Pines Learning holds about them including personal details, contact details and information relating to course participation, progress and AQF certification and statements of attainment issued.
- Requests to access or obtain a copy of the records held about an individual must be made by contacting our office using the *Request to Access Records Form*. The individual must prove their identity to be able to access their records.
- There is no charge for an individual to access the records that Pines Learning holds about them; however there may be a charge for any copies made. Arrangements will be made within 10 days for the individual to access their records.

7. Complaints about privacy

- Any individual wishing to make a complaint or appeal about the way information has been handled within Pines Learning can do so by following Pines Learning's *Complaints and Appeals Policy and Procedure*.



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Procedures

1. Privacy Notices

Procedure	Responsibility
<p>A. Privacy notices</p> <ul style="list-style-type: none">• Ensure the NCVER privacy notice and declaration are included on the enrolment form: https://www.ncver.edu.au/privacy• Ensure the Victorian Government VET Student Enrolment Privacy Notice (as per the Victorian VET Student Statistical Guidelines) is also included.• Ensure similar privacy notices and declarations are included on other forms that may be required to collect personal or sensitive information from individuals, and that these are only used in compliance with clause 1 of this policy.	VET Manager

2. Privacy of USI information

Relevant SRTOs: Clause 3.6

Procedure	Responsibility
<p>A. USI Authority and Identification documents</p> <ul style="list-style-type: none">• USIs are collected on the <i>Enrolment Form</i>.	Administration Team

3. Access to Records

Procedure	Responsibility
<p>A. Request to access records</p> <ul style="list-style-type: none">• Individuals can access their own information by completing the Learners request for records form. available by contacting reception or downloaded from our website.• Requests may be from past or current students or other individuals. It may be to access records held in a file about a student, or access to a previously issued AQF certification document – refer to the <i>AQF Certification Policy & Procedure</i>.• Upon receiving a completed form, confirm the request is valid and has been made by the individual to which the records relate – check identification documents.• Arrangements for provision of records should be made as suitable – mailing copies, providing a time for records to be viewed etc.• Arrangements should be made verbally and confirmed in writing within 10 days of receiving the request.• Where records are to be mailed, they should only be mailed to the address that is held on file for that individual, unless alternate change of address	Administration team



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Procedure	Responsibility
<p>information is provided along with proof of identity – such as a driver’s license or utility bill.</p> <ul style="list-style-type: none"> Where records are to be shown to an individual, the student must produce photo ID prior and this should be matched to the records held on file about the individual to confirm they are only viewing their own records. Keep a note on how the records were accessed on the individuals file. 	

4. Amendment to Records

Procedure	Responsibility
<p>A. Request for records to be amended</p> <ul style="list-style-type: none"> Where an individual requests for incorrect records held about them to be corrected, they can do so by filling in an <i>Amendment to Records Request Form</i>. If it is a change of address or contact details of a current student, they can use the <i>Change of Details Form</i>. Upon receipt of a request form, consider whether the records held are correct or not. If the request is valid and records are incorrect, update records accordingly. Do not update records if they are found to be correct already. Advise the individual accordingly of the actions taken to follow up their request 	Administration team

5. Data Breach

<ul style="list-style-type: none"> If Pines Learning suspects that it has experienced an eligible data breach it will undertake a prompt investigation to assess whether or not the breach is reportable. Pines Learning will report to the department any cyber breach within 1 business day and cease uploads to SVTS until given clearance by the Department 	General Manager
<ul style="list-style-type: none"> Pines Learning will not delay its investigation in and will notify Board members via email asap. The assessment will not exceed 30 days from the date of suspicion. 	
<p>The assessment of a suspected data breach will be undertaken in 3 stages:</p> <ul style="list-style-type: none"> Initiate: identify the person or group responsible for completing the assessment Investigate: gather all the relevant information about the data breach, eg <ul style="list-style-type: none"> Can we employ any remedial action? What personal information has been affected? Who may have had access to it? What are the likely impacts? 	



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<ul style="list-style-type: none"> • Evaluate: the person or group needs to make a decision as to whether it is a notifiable data breach. This decision should be well documented, including the reasons why that decision was reached. 	
<p>If Pines Learning believes an eligible data breach has occurred, the organisation must:</p> <ul style="list-style-type: none"> • Contain the breach in so far as is possible • Prepare a notification statement that contains: <ul style="list-style-type: none"> ○ the identity and contact details of Pines Learning ○ a description of the data breach (date, cause, who most likely has the data, steps taken to contain and remedy breach) ○ the kinds of information affected (eg name, contact details, credit card, health, passport numbers etc) ○ recommendations for affected individuals (eg cancel credit cards advise passport office etc) • Provide a copy of the notification statement to the OAIC (Office of the Australian Information Commissioner) details in section 8v. <p>Quickly notify individuals at likely risk of serious harm.</p>	
<p>If Pines Learning considers that a data breach will result in serious harm to one or more individuals but cannot assess which individuals are at risk, it will notify all affected individuals.</p>	
<p>Individuals detailed in point 8ii will be notified asap and within 30 days to mitigate the effect of the breach.</p>	
<p>If the individuals to be notified in point 8iii are under 18 years of age their parent or guardian will also be notified.</p>	
<p>Notifications detailed in points 8iii – 8iv will be undertaken by the General Manager and will take the form of:</p> <ul style="list-style-type: none"> • Phone or • Email or Letter 	
<p>Eligible data breaches will be reported to the Office of the Australian Information Commissioner within 30 days. Contact details for the OAIC are:</p> <p>1300 363 992</p> <p>enquiries@oaic.gov.au</p> <p>www.oaic.gov.au</p> <ul style="list-style-type: none"> • GPO Box 5218, Sydney NSW 2001 	

6. Related Documents:

www.oaic.gov.au/individuals/privacy-fact-sheets/general/privacy-fact-sheet-17-australian-privacy-principles

www.oaic.gov.au/privacy-law/privacy-act/notifiable-data-breaches-scheme

Pines Learning Cybersecurity Strategy (<G:\RISK MANAGEMENT\Pines Learning Cyber Security Strategy.docx>)

Pines Learning Archiving ([G:\RECORDS MANAGEMENT\Archiving Procedures \(2\).docx](G:\RECORDS MANAGEMENT\Archiving Procedures (2).docx))



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Document Control

Version	Date	Reason for Change	Prepared by	Approved by
3.0	May 2018		Compliance Manager	General Manager
3.1	July 2022	Updated for 2022 Skills First contract changes	External Consultant	