

# PRIVACY AND PERSONAL INFORMATION ABOUT STUDENTS

## Policy and Procedure

*Version 1.6*

<b>VERSION CONTROL &amp; DOCUMENT HISTORY</b>		
<b>Date</b>	<b>Summary of Modifications</b>	<b>Version</b>
Jul 2009	Created	V1.0
Jul 2011	Added version control and document history	V1.1
Jan 2012	Reformatted document in Arial font	V1.2
Jan 2013	Merge Privacy with Personal Information and change TAS to TPS	V1.3
Jul 2018	Add website privacy policy based on latest changes	V1.4
Jun 2019	Add Appendix 2 for student handbook and website privacy policy changes	V1.5
Jan 2022	Re-formatting to the new system	V1.6
Next Review Due: January 2023		
Staff Responsible: Student Services Manager		

<b>RELATED DOCUMENTS</b>
<a href="#"><u>Covid-19 Management Policy</u></a>
<a href="#"><u>Student Complaints, Grievances and Appeals Policy</u></a>
<a href="#"><u>General Data Protection Regulations (GDPR)</u></a>

## Purpose of this Policy

APSI is committed to the responsible and transparent use of personal and sensitive information. This policy outlines the types of information that is collected by APSI and how APSI collects, stores, uses, discloses and protects that information in accordance with the [Privacy Act 1988 \(Cth\)](#). This policy is also in accordance with the [National Code 2018 Standard 3 'Written Agreements'](#), which outlines the requirement for Registered Training Organisations to provide the circumstances where personal information is disclosed and ensure this is in accordance with the [Privacy Act 1988 \(Cth\)](#) in a written agreement. All students of APSI are provided and sign a Privacy Policy as part of the Enrolment Form.

## Personal and Sensitive Information (Information)

'Personal information' is classified as information or an opinion, regardless if true or not, about either an identified or reasonably identified individual and can be in material form or not as per the [Privacy Act 1988 \(Cth\)](#). 'Sensitive information' includes information or an opinion of an individual's criminal record or health information as per the [Privacy Act 1988 \(Cth\)](#). Examples of personal or sensitive information may include but not be limited to:

- Date of Birth or;
- Home Address or;
- Bank Account Details or;
- Covid-19 Digital Certificate.

## How APSI Collects Information

It is not general practice for APSI to collect information unless it is reasonable or legally required in order to provide its services and contractual obligations as a Registered Training Organisation and provided it is in compliance with the [Privacy Act 1988 \(Cth\)](#) and the [National Code 2018](#) and the student has consented.

APSI collects information either directly from the student through registering for a service, completing a form or survey, calling or emailing APSI, registering for promotional events, engaging with APSI on social media or, indirectly from a third party or APSI's website through cookies, which log information on a server in order to recognise devices that have previously accessed the website.

APSI collects majority of a student's information from their Application Form, which includes but may not be limited to, their:

- Full Name, Date of Birth and Gender to verify their identity and create an individual account for the purposes of providing services;
- Residential and Home Address, if they differ, and inclusive of overseas addresses for international students, as per Section 21(1) of [The Education Services for Overseas Students \(ESOS\) Act 2000 \(Cth\)](#);
- Phone Number and Email Address to provide access to the online education platform and facilitate communication regarding the services provided or student safety and wellbeing;
- Education Background or Qualifications, inclusive of English language proficiency test results for international students to ensure the student meets the minimum requirements of their chosen course;
- Criminal Record;
- Chronic Health conditions such as allergies to facilitate student safety and wellbeing and ensure they can meet the requirements of their chosen course;
- Overseas Student Health Insurance (OSHC) for international students to ensure compliance with Student Visa requirements;
- Student Visa Information, inclusive of any previous breaches, for international students and;
- Passport Details for international students.

There may be instances where APSI is required to collect information from a third party, which could include but not be limited to:

- Commonwealth and State agencies;
- Workplace Training host employers;
- Other Registered Training Organisations with whom the student has had dealings with;
- Employment recruitment agencies and;
- Their Education Agent.

Information that may be collected through APSI's website includes but may not be limited to:

- Date and time of visits;
- Page(s) viewed;
- Time spent on the website and;
- Websites visited directly prior and following visiting the APSI website.

For further information please refer to the Privacy Policy on the [APSI website](#).

### **Collection of Information from Children**

Whilst the majority of students at APSI will be over the age of 18 years there may be instances where a student is not yet 18 years of age and is therefore classified as a child. In this instance, APSI, with parental or guardian consent, will only collect information as reasonably and legally required in order to provide its services. APSI does not market to children.

### **How APSI Stores and Secures Information**

APSI will take reasonable steps to ensure the student's information is stored in a secure environment protected from unauthorised access, modification and disclosure. APSI uses WiseNET, an industry-compliant cloud platform, to facilitate the management of student information and provide its services in a secure manner. Additionally, all APSI staff are provided with only a level of access to relevant information as required for them to sufficiently perform their role.

### **Retention Durations of Information**

As a Registered Training Organisation, APSI is required to retain sufficient information to be able to re-issue a Qualification or Statement of Attainment for 30 years as per the regulatory requirements of the [Australian Skills Quality Authority \(ASQA\)](#). Subsequent to this obligation, APSI will ensure information is either deleted or anonymised.

### **How APSI Uses and Discloses Information**

APSI may use information collected from students for any purpose in a responsible and legal manner provided it is in accordance with the [Privacy Act 1988 \(Cth\)](#) and the [National Code 2018](#) and the student has consented and these purposes may include but not be limited to:

- Fulfilling data reporting obligations as a Registered Training Organisation to regulatory bodies;
- Facilitating communication with the student;
- Facilitating communication with the student's Agent or Emergency Contact as required;
- Facilitating marketing activities;
- Facilitating surveys to generate data to be analysed for optimising the management of services provided, including implementation of reasonable requests in the survey and;
- Disclosing information to third parties if doing so would be in the best interest of the safety and wellbeing of the student or is legally required.

## Disclosure of Information

APSI may under certain circumstances disclose information for the purpose which was either specified or reasonably apparent at the time when the information was collected. It is not general practice for APSI to disclose information to a third party without a student's consent. The third parties APSI may disclose information to may include but not be limited to:

- Insurance companies;
- Service providers and Specialist Advisers including but not limited to services relating to student welfare;
- Government Departments and law enforcement agencies, including overseas for international students;
- Platforms such as WiseNET and Google Analytics to provide services and improve services provided;
- Commonwealth and State agencies and;
- Any person with a lawful entitlement to obtain the information.

If APSI engages a third party contractor to perform services on its behalf, which involves the disclosure of a student's information, APSI will ensure that they are subject to the same privacy obligations that APSI provides and take reasonable steps to prohibit the use of information by the contractor, except for the purposes for which it was provided, to ensure the student's information remains protected.

APSI reserves the right to disclose information without a student's consent if it is necessary under circumstances that, which include but not be limited to:

- Ensure the safety and wellbeing of a student or another individual or individuals;
- Require mandatory reporting as a Registered Training Organisation;
- Require the identification of, contact of or pursuit of legal action against a student deemed to be violating the Terms and Conditions of their enrolment, any of APSI's policies and procedures or the law;
- An emergency or;
- For any other circumstances required by law.

## Access to Information

The student, their Education Agent, their Emergency Contact, their parent or guardian, if under 18 years of age, or a third party nominated by the student in writing may request access to or transfer of any information held by APSI as per Article 20 of the General Data Protection Regulations (GDPR) in Related Documents. Students can request access by emailing [service@apsi.edu.au](mailto:service@apsi.edu.au). APSI will endeavour to provide access to the information within a reasonable timeframe, unless there is an exemption which applies under the [Privacy Act 1988 \(Cth\)](#). If APSI requires longer than 14 business days the student or nominated person will be notified that additional time is required. APSI reserves the right to decline access to information and in doing so will provide its decision and reasoning to the student in writing. If a student is dissatisfied with the decision they may appeal as per APSI's Student Complaints, Grievances and Appeals Policy in Related Documents. If after APSI's appeals process a student is still dissatisfied with the outcome they can contact the [Office of the Australian Information Commissioner \(OAIC\)](#).

## How APSI Protects Information

APSI is committed to protecting the security of all information it collects, stores, uses and discloses, including its use by authorised third parties, and to taking all reasonable precautions to mitigate against unauthorised access, modification or disclosure. APSI uses website encryption of pages that contain information, encrypts information data at rest and strongly encourages all students to have complex passwords incorporating upper case letters, lower case letters, numerals and special characters, to provide the utmost protection.

## Data Breach

Whilst APSI endeavours to protect all information it collects, stores, uses and discloses, there may be an instance of data breach despite all the mitigating measures put in place by APSI. In this instance, APSI will inform all affected individuals and the appropriate authorities without undue delay and provide assistance to any individuals affected to mitigate any adverse effects on the data breach in accordance with the [Privacy Act 1988 \(Cth\)](#).

## Privacy of Information

APSI endeavours to treat all information it collects as part of its operations and obligations as a RTO in accordance with the [Australian Privacy Principles](#) outlined by the Office of the Australian Information Commissioner, which are:

- APP 1 'Open and transparent management of personal information': ensuring that APSI manages information in an open and transparent way, including having a clearly expressed and up to date privacy policy;
- APP 2 'Anonymity and pseudonymity': requiring APSI to give individuals the option of not identifying themselves or of using a pseudonym provided no limited exceptions apply;
- APP 3 'Collection of solicited personal information': outlining when APSI can collect information that is solicited, including applying a higher standard to the collection of sensitive information;
- APP 4 'Dealing with unsolicited personal information': how APSI must deal with unsolicited information;
- APP 5 'Notification of the collection of personal information': outlines when and in what circumstances APSI must tell an individual about certain matters when collecting information;
- APP 6 'Use or disclosure of personal information': outlines the circumstances in which APSI may use or disclose information that it holds;
- APP 7 'Direct marketing': stipulates that APSI may only use or disclose information for direct marketing purposes if certain conditions are met;
- APP 8 'Cross-border disclosure of personal information': outlines the steps APSI must take to protect information before it is disclosed overseas;
- APP 9 'Adoption, use or disclosure of government related identifiers': outlines the limited circumstances when APSI may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual;
- APP 10 'Quality of personal information': stipulates that APSI must take reasonable steps to ensure the information it collects is accurate, up to date, complete and relevant having regard to the purpose of the use or disclosure;
- APP 11 'Security of personal information': stipulates that APSI must take reasonable steps to protect information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. APSI has obligations to destroy or de-identify information in certain circumstances;
- APP 12 'Access to personal information': outlines APSI's obligations when an individual requests to be given access to information held about them by APSI, including specific exceptions that may apply;
- APP 13 'Correction of personal information': outlines APSI's obligations in relation to correcting the information it holds about an individual.

## Accuracy of Information

APSI will take reasonable steps to ensure that the information collected, stored, used and disclosed is accurate, complete and up to date. To facilitate this, APSI sends out an email reminder to all current students every 6 months to prompt them to update their information via MyWiseNET if required. It is the

responsibility of all students to ensure they update any inaccurate, incomplete or out of date information when prompted. Students can update their personal information through MyWiseNET or emailing [service@apsi.edu.au](mailto:service@apsi.edu.au). Please note, international students are required to ensure their information provided to APSI is always accurate, complete and up to date within 7 days, as per their conditions of their Student Visa issued by the [Department of Home Affairs](#) in accordance with the [Migration Regulations 1994 \(Cth\)](#), to ensure APSI meets their obligations as a Registered Training Organisation.

## Declining or Withdrawing Consent to Provide Information

Students reserve the right to not provide information or their consent at all times however, students must be aware that in doing so it may prevent APSI from being able to offer its services to the student in accordance with its reasonable or legal requirements as a Registered Training Organisation. Students are encouraged to be familiar also with the collection of information in APSI's Covid-19 Management Policy in Related Documents.

Students have the right to request erasure of their information if the information is no longer necessary for the purpose which it was collected or stored for or, if they wish to withdraw their consent to provide the information, unless there is a legal ground for maintaining a record of the information, as per Article 17 of the GDPR in Related Documents. Please note, if a student wishes to withdraw their consent to provide information, it will not apply retrospectively nor have any impact on information collected for a legal purpose.

As per Article 18(1) of the GDPR in Related Documents, students may request APSI to restrict the use of their information if the accuracy of the data is contested by the student only whilst the accuracy is being verified, if the use of their information is unlawful and the student opposes erasure and prefers restricted use of their information, APSI is no longer required to keep the information but the student requires APSI to maintain a record for their own purposes or the student objects to the use of their information, as per Article 21(1) of the GDPR in Related Documents, only whilst the assessment of APSI's obligations versus the student's rights are assessed.

Please note, to ensure the utmost security of all information stored by APSI, APSI may require sufficient evidence of your identity prior to discussing any information or processing any request to access, rectify, restrict or erase information. APSI reserves the right to decline a request if there is a reasonable or legal reason APSI is required to maintain the information for providing its services or meeting its obligations as a Registered Training Organisation. In this instance, APSI will inform the student in writing with their reasoning. If a student is dissatisfied with the outcome they can appeal as per APSI's Student Complaints, Grievances and Appeals Policy in Related Documents. If after APSI's appeals process a student is still dissatisfied with the outcome they can contact the [Office of the Australian Information Commissioner \(OAIC\)](#).

## Changes to this Policy

APSI reserve the right to change this policy at any time with immediate effect and will make every effort to communicate any significant changes in writing to affected individuals. Continued use of the services provided by APSI will be deemed as acceptance of any amended policy.