

## 1. Aim

Avante Education is committed to complying with Federal law regarding privacy and confidentiality, legal and ethical requirements in regards to the collection, storage and disclosure of personal information it holds in regards to its learners, staff, other clients and interactions with external organisations.

Through this policy, Avante Education seeks to comply with Standard 8, clauses 8.5 and Standard3, clauses 3.6 of the Standards for Registered Training Organisations (SRTOs 2015), VET Standard Funding Contract under the Skills First Program and its legislation requirements to adhere to the Privacy Act 1988 and other state legislation.

## 2. Purpose

The purpose of this policy is to outline the frame of processes in how Avante Education must establish and implement good practices to respect an individual privacy and confidentiality and meets the aim and guiding principles of this policy.

## 3. Scope

The scope of the Privacy Policy is relevant to all Avante Education staff, prospective and current learners and other relevant stakeholders of Avante Education. Individual Roles are outlines in Avante Education Responsibilities.

## 4. Policy Statement

Avante Education is committed to complying with all legislation, regulatory and contractual agreement which external govern its operate and inform Avante Education on the requirements of the collection, use storage and disclosure of persona information. ,

## 5. Definitions

**Australian Privacy Principles (APP)** refer to The APPs came into force on 12 March 2014 and set out standards, rights and obligations for the handling, holding, accessing and correction of personal information (including sensitive information).

**Personal Information** is defined in the Privacy Act 1988 to mean “information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- i. whether the information or opinion is true or not; and
- ii. whether the information or opinion is recorded in a material form or not.

**Sensitive Personal Information** is defined in the Privacy Act 1988 to mean “information or an opinion about an individual’s” that is also personal information, such as:

- i. racial or ethnic origin; or
- ii. political opinions; or
- iii. membership of a political association; or
- iv. religious beliefs or affiliations; or
- v. philosophical beliefs; or
- vi. membership of a professional or trade association; or
- vii. membership of a trade union; or
- viii. sexual orientation or practices; or
- ix. criminal record.

## 6. Policy Principles

### **Guiding Principles**

Avante Education has identified the below moving parts are the guiding principles which form the privacy Policy and include:

- 6.1 **Legislation**
- 6.2 **Privacy Commitment**
- 6.3 **Collection of Personal Information**
- 6.4 **Dealing with Personal Information**
- 6.5 **Direct Marketing**
- 6.6 **Cross Border disclosure**
- 6.7 **Adoption, use or disclosure of Government Related identifiers**
- 6.8 **Storage of Personal Information**
- 6.9 **Access to, and correction of, Personal Information**

### 6.1 Legislation

- a) It is a requirement of this Privacy Policy to ensure that Avante Education meets the requirements of the Privacy Act 1988 and complies with other relevant state legislations in relations to the privacy and confidentiality of information supplied by current and prospective learners, staff and other relevant stakeholders.
- b) Avante Education must ensure its Privacy Policy adheres to 13 x Australian Privacy Principles (APPs).
- c) Avante Education must ensure that procedures and processes are established to ensure the Privacy Policy is up-to-date and ensures any changes made to the legislation, regulatory and contractual agreement requirements in relations to privacy and personal information are implemented within the Privacy Policy.
- d) Further to clause 6.1(c) the policy must satisfy that it includes:
  - i. The kind of information that is collected and held
  - ii. How the information is collected and held;
  - iii. The purposes for which information is collected, held, used and disclosed
  - iv. How an individual may access their personal information that is held by Avante Education and seek correction of such information as necessary;
  - v. How the individual may make a complaint about a breach of the APPs and how Avante Education will deal with such a complaint;
  - vi. Whether Avante Education is likely to disclose personal information to overseas recipients, and if so the countries in which such are likely to be located.

### 6.2 Privacy Commitment

- a) Avante Education must ensure its procedures establish processes that ensures personal information is managed in an open and transparent way and includes the following:
  - i. A process is established to deal with enquiries or complaints from individuals regarding compliance with the Privacy Policy.
- b) Respect and acknowledge in the event an individual makes not to identify themselves when making enquiries on Avante Education products and services, however, ensure the individuals understands Avante Education requirements by law to collect personal information in adherence to this Policy.
- c) Avante Education must ensure that at minimum the following policies and procedure adopt the Privacy Principles in accordance with the privacy Policy:
  - Records Management Policy

- Records Management Procedure
- Pre-enrolment and Enrolment Policy and Procedure
- Complaints Policy and Procedure
- Access and Equity Policy
- Appeals Policy and Procedure
- d) Avante Education's procedures must establish processes to ensure the Privacy Policy is made available to prospective learners prior to enrolment and;
- e) Are available as a reference for all current learners throughout their participation in their Vocational Learning Program (Program).
- f) by publication on the Avante website with reference to the policy within the learner handbook.
- g) Avante Education's procedures must establish processes to ensure staff have access to the Privacy Policy and are educated and informed of their responsibilities under the Privacy Policy in accordance with the In-House Training Procedure.
- h) Procedures must establish process to ensure privacy practices are monitored by the Director to determine any areas of improvement in accordance with Continuous Improvement Policy.

### 6.3 Collection of Personal Information

- a) Avante Education must not collect personal information from an individual unless that information is necessary for one or more of its functions or activities, or is required by law.
- b) Avante Education must advise that it is required by law to collect, hold, use and supply personal information, in accordance with the National VET Provider Collection Data Provision Requirements.
- c) Avante Education must take reasonable steps at or before the time of collection to ensure that you an individual is aware of:
  - i. Who Avante Education are and how to contact Avante Education;
  - ii. How to gain access to individual's 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) Avante Education must collect information from in individual in the following ways:
  - i. When an individual registers interest in services or products, or otherwise contact or do business with Avante Education.
  - ii. Information may be collected from application to enrol forms, certified documents, telephone calls, faxes, emails, letters sent by individuals.
  - iii. Information may be collected from third parties, such as other training providers, regarding confirmation of training and ongoing professional development that the individual may have attended, as permitted by the individual.
  - iv. Avante Education must collect information from learners, prospective learners and other clients either electronically to in hard copy format including information that personally identifies individual people. Information may include full name, gender residential address, phone number, date of birth, country and place of birth, nationality, copy of birth certificate, emergency contact, education history, tax file numbers (if applicable for the purposes of contractual agreements), banking details, possible disabilities and medical conditions, employment status and history, citizenship and other personal information required to perform the services.
- e) Should Avante Education collect information about an individual from a third party Avante Education must 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.
- f) Personal information that is additional to information that which Avante Education requires is identified as unsolicited information. Unsolicited information received by Avante Education must be destroyed as soon as

practical if it is lawful and reasonable to do so. Unsolicited information received by individual such as learners will be stored within their learner file and will follow Avante's security measures outlined in this policy.

### 6.4 Dealing with Personal Information

- a) Avante Education must 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 Avante Education 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 Avante Education;
  - iv. A permitted general situation exists in relation to the use or disclosure of the information by Avante Education;
  - v. Avante Education 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) Personal information about learners studying with Avante Education may be shared to the Australian Government and designated authorities, such as Australian Apprenticeship Centres (AACs) and the National Centre for Vocational Education Research (NCVER).
- c) Avante Education must collect personal information so as to:
- i. Process applications;
  - ii. Manage enrolment;
  - iii. Record and maintain individual details;
  - iv. Administering training programs;
  - v. Record and maintain details of individual's ongoing training and assessment;
  - vi. Provide individuals with details regarding client services, benefits, and training opportunities;
  - vii. Notify individuals about upcoming events and opportunities;
  - viii. Gain feedback from individuals;
  - ix. Communicate with the individual;
  - x. Report to relevant authorities as required by law.

### 6.5 Direct Marketing

Avante Education:

- i. May use personal information (specifically an individual's name and relevant address details) and information about individuals preferences for direct marketing (ie the communication channels which you prefer for receiving direct marketing from us and the types of products and services in which you are interested in) so as to let you know about our services and benefits, where we have your consent.
- ii. Provides an opt-out and/or unsubscribe method that is easily accessible for individuals to request not to receive direct marketing communications.

### 6.6 Cross Border Disclosure

Avante Education:

- a) Does not disclose personal information to overseas recipients unless prior written approval is received by the individual who the personal information relates.

### 6.7 Adoption, use or disclosure of Government Related identifiers

Avante Education:

- i. Is required by law (*Student Identifier Act*) to collect, maintain and report to relevant Government agencies the individual's Unique Student Identifier (USI) number in accordance with the National VET Provider Collection Data Provision Requirements.
- ii. Must 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.

### 6.8 Storage of Personal Information

#### a) Quality of personal information

Avante Education must take steps, as are reasonable, to ensure that the personal information it:

- i. Collects is accurate, up to date, complete and accurately recorded;
- ii. Uses or discloses, is, having regard to the purpose of the use or disclosure, accurate, up to date, complete and relevant.

#### b) Security of personal information

Avante Education must take steps, as are reasonable in the circumstances to:

- i. Protect the information from misuse, interference and loss as well as unauthorised access, modification or disclosure.
- ii. Destroy the information or to ensure that the information is de-identified.
- iii. Store securely all records containing personal information and take all reasonable security measures to protect personal information collected from unauthorised access, misuse or disclosure.

#### c) All personal information and records are maintained in accordance with Records Management Policy. (See Records Management Policy)

### 6.9 Access to, and correction of, Personal Information

#### a) Avante Education must provide all learners with access to their own personal records.

#### b) In some circumstances, Avante Education may not permit access to individuals for their personal information. If this is ever the case, Avante Education will provide full details for the legal reasons for this decision. These may include that Avante Education believes :

- i. That giving access to the information would pose a serious threat to the life, health or safety of the individual, or to public health or public safety; or
- ii. Giving access would have an unreasonable impact on the privacy of other individuals; or
- iii. The request for access is frivolous or vexatious; or
- iv. The information relates to existing or anticipated legal proceedings between Avante Education and the individual, and would not be accessible by the process of discovery in those proceedings; or
- v. Giving access would reveal the intentions of Avante Education in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- vi. Giving access would be unlawful; or
- vii. Denying access is required or authorised by or under an Australian law or a court/tribunal order; or
- viii. Both of the following apply:
  - Avante Education has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to Avante Education functions or activities has been, is being or may be engaged in;
  - Giving access would be likely to prejudice the taking of appropriate action in relation to the matters; or

- ix. Giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- x. Giving access would reveal evaluative information generated within Avante Education in connection with a commercially sensitive decision-making process.
- c) When dealing with requests for access to personal information, Avante Education will:
  - i. Respond to request for access within 30 days of the request, if from an individual, and within a reasonable time, if the request is from an organisation; and
  - ii. Provide access to the information in the manner requested, if it is reasonable and practicable to do so.
- d) Avante Education must not charge a fee for access to personal information. The exception is re-prints of certification documentation previously supplied or as advised in the Fees, Charges and Refunds Policy.
- e) With regard to the correction of personal information held:
  - i. should Avante Education be satisfied that information is inaccurate, out of date, incomplete, irrelevant or misleading, Avante Education will take such steps as reasonable to correct the information to ensure that, having regard to the purpose for which it is held, the information is accurate, up-to-date, complete, relevant and not misleading.
  - ii. Should Avante Education refuse to correct information, Avante Education will give written notice to the individual that sets out:
    - The reason for refusal
    - The mechanisms available to complain about the refusal; and
    - Any other matter prescribed by the regulations.
  - i. Learners must have the right to access or obtain a copy of the person information that Avante Education holds about them.
  - ii. Learners must be advised of how they may access or obtain a copy of their personal information and the applicable fees within ten (10) days of receiving their written request.

## 7. Avante Education Responsibilities

Avante Education identifies the below responsibilities as a minimum for this Policy including:

### **In-House Training Manager**

- Responsible for ensuring that all staff are made aware of this policy and its underpinning legislative requirements, and comply with this policy at all times.

### **Learning Pathway Advisor**

- Responsible for ensuring all prospective and current learners have access to this Policy

### **All staff**

- Responsible for protecting the confidentiality of information provided by individual and in accordance with this policy