

## Privacy and Confidentiality Policy & Procedure

### 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 CEAV 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 CEAV Institute.
- Give staff and other individuals a better understanding of the sort of personal information that CEAV Institute holds.
- Enhance the transparency of CEAV Institute's operations.

### Scope

This policy encompasses all CEAV Institute's electronic and hard copy versions of staff and student records. CEAV 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.

### Responsibility

The RTO Manager - Head of Teaching and Learning is responsible for the implementation of this Policy and Procedure and to ensure that staff, sessional contractors, and students are aware of its application and that staff implement its requirements.

### 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

## Privacy and Confidentiality Policy & Procedure

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

That is also personal information; or

- Health information about an individual
- Genetic information about an individual that is not otherwise health information
- **Contract** – the VET Funding Contract includes all schedules, annexures, attachments, plans and specifications and exhibits to it.
- **Department** – the State of Victoria acting through the Department of Education and Training (or its successor)
- **Skills First Victoria Program** – the program of that name

**Training Services** - all activities undertaken, or required under this Contract to be undertaken, in relation to the delivery of Skills First subsidised training, including:

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

## Privacy and Confidentiality Policy & Procedure

- j) reporting data and other information to the Department as required under this Contract; and
- k) any other matters that reasonably relate to the conduct of the activities set out in paragraphs (a) to (j).

### Policy

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

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

CEAV Institute 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](#)).*

CEAV Institute complies with the Confidentiality and Privacy requirements of State Funded training contracts and the regulatory body – ASQA.

### Procedure

#### Provision of Training Services

CEAV Institute provides its training services in compliance with all applicable laws which includes Privacy Laws.

#### State Funded Contracts

- CEAV Institute will not, without prior written approval of the Department of Education disclose (or permit the disclosure of) information regarding the Skills First Contract (including details of the Funds paid for any individual) or any Confidential Information of the Department or the State, except:
  - a) to the extent required under this Contract;
  - b) to the extent required by Law;
  - c) 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;
  - d) to the extent necessary for the registration or recording of documents where required; and/or

## Privacy and Confidentiality Policy & Procedure

e) to the extent required in connection with legal proceedings,  
and then only to the extent strictly necessary for that purpose.

- CEAV Institute is bound by the information privacy principles set out in the PDP Act, and any applicable code of practice under it, for any act done, practice it engages in, under or in connection with the Skills First Contract in the same way and to the same extent as the Department would have been bound had it been directly done or engaged in by the Department.
- In collecting any Personal Information for the purposes of the Skills First Contract, CEAV Institute ensures that it has obtained all necessary consents, in accordance with all applicable Laws, including the PDP Act, the Health Records Act and (if applicable) the *Privacy Act 1988* (Cth), for:
  - a) CEAV Institute to collect, use, hold and disclose that Personal Information, including by disclosing it to the Department as contemplated by the Skills First Contract (including by way of the submission of reports and other information under Clause 7 and Clauses 10 and 11 of Schedule 1, for the purposes of complying with Record disclosure obligations under Clause 10 and during any audit, review, or investigation under Clause 11); and
  - b) the Department to collect, use, hold and disclose Personal Information for the purposes of the Skills First Contract and its operation and management of the Skills First Program.
- CEAV Institute must cooperate with, and provide any assistance requested by, the Department in relation to:
  - a) resolving any complaint made to the Department alleging a breach of the PDP Act or the Health Records Act about any Personal Information collected, used, held, or disclosed by the Department that was provided to it by the Training Provider in connection with this Contract – refer to *CEAV Institute’s Complaints and Appeals Policy and Procedure*; and
  - b) providing access to or amendment of any record of Personal Information collected, used, held, or disclosed in connection with the Skills First Contract following a request from an individual made to the Department.
- If the CEAV Institute becomes aware of any:
  - a) breach of any of Clauses 12.5 to 12.7;
  - b) unauthorized disclosure, use, modification, or access, attempted unauthorised disclosure, use, modification or access, or misuse or loss of any Personal Information collected or held for the purposes of this Contract; or
  - c) act or practice of the Training Provider which causes a failure by the Department to comply with its obligations under the PDP Act or the Health Records Act, it must notify the Department via the SVTS and cooperate with the Department in any investigation or other steps taken by the Department in response to that matter.

### Collection

## Privacy and Confidentiality Policy & Procedure

CEAV Institute 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 CEAV Institute and will only be collected by lawful means. Where CEAV Institute 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. CEAV Institute will not collect personal information by unlawful or unfair means.

### Collection of personal information - Staff

- Staff personal information will be collected in accordance with CEAV Institute's 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 Manager and with ACCEs HR Officer.

### Collection of personal information – Students

- CEAV Institute will ensure that records are accurate, current, complete, and not misleading. CEAV Institute confirms information/details from students as part of the re-enrolment procedure; see the Course Enrolment Policy and Procedure
- CEAV Institute 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, information may also be required to comply with AVETMISS standards as specified by government regulators.
- CEAV Institute is required to collect personal information from Students to create a USI which will be linked to the national VET collection as per CEAV Institute's **USI Policy**. This personal information once collected will be discarded by the RTO when no longer required as per CEAV Institute's **Records Management Policy**.
- 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.
- CEAV Institute 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.
- CEAV Institute collects all personal information in writing from a personal details form, or an enrolment form and/or other forms required by CEAV Institute 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 CEAV Institute 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 Admin Team by completing the Changes to Student Details form which contains a Privacy statement. The Student

## Privacy and Confidentiality Policy & Procedure

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

- CEAV Institute 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. CEAV Institute does not provide or sell personal information to external companies for the purposes of marketing.
- CEAV Institute 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.
- CEAV Institute 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

- CEAV Institute uses the personal information of its staff for the purpose of meeting the employment requirements of CEAV Institute.
- 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

- CEAV Institute 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 as 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 CEAV Institute 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 CEAV Institute's **Records Management Policy**.

## Privacy and Confidentiality Policy & Procedure

- 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
- 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

- CEAV 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
- Non-active files are archived at a secure location for 7 years and electronic records are archived for 30 years

### Confidential Information

- CEAV Institute 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 organization

### Notification of Privacy arrangements

- Students will be provided with CEAV Institute's Privacy Statement at induction/orientation - refer to Appendix A
- Students and Clients will be advised of:
  - CEAV Institute's Privacy Policy via the website [CEAV Institute.com.au](http://CEAV Institute.com.au) and the Student's Course Handbook
  - CEAV Institute's Privacy Statement at Induction
  - CEAV Institute's Privacy Declarations and consent forms via the enrolment process and Student's Course Handbook
  - Consent to collect and create USI information via the consent form at induction and the Students Handbook
- CEAV Institute has included a standard privacy notice in all enrolment forms, in accordance with the Victorian VET Student Statistical Collection Guidelines, 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

## Privacy and Confidentiality Policy & Procedure

- creating a USI by signing the student's identifiers Registrars' Privacy Notice
- fulfilling AVETMIS Reporting Requirements

### Privacy Statement

- CEAV Institute's Privacy Statement identifies the way in which personal information is handled – refer to Appendix A, and Student Handbook and the website [www.CEAVinstitute.com.au](http://www.CEAVinstitute.com.au)

### Complaints

- Students who wish to make a complaint about a privacy matter are to refer to CEAV Institute's **Complaints and Appeals Policy** and document their complaint on CEAV Institute's **Complaint/grievance Form** and submit it to the Manager - Head - Learning and Training – CEAV Institute. The complaint will be investigated as per CEAV Institute's **Complaints and Appeals Policy**.

### Meeting the requirements of the VET Quality Framework

Standards for Registered Training Organisations –Standard 6 Clauses 6.1-6.5

Skills First – Clause 4 General Obligations of Training Provider - 4.6, Clause 12 Confidentiality and Privacy – 12.1

### Related Documents

- USI Policy and Procedure
- Complaints and Appeals Policy and Procedure
- Disciplinary Policy and Procedure
- Records Management Policy
- Student Handbook
- Assessment policy and procedure
- Student Enrolment Form
- Summary of the National Privacy Principles
- Training and Assessment Policy and Procedure
- Record Management Policy and Procedure
- Assessment Cover Sheet and Feedback Form
- Assessment Validation and Moderation Policy
- Assessment Validation and Moderation Procedure
- Competency Assessment Sheet
- Student Complaints and Appeals Policy
- Student Complaints and Appeals Procedure
- Request to Access Personal Information Form



## Privacy and Confidentiality Policy & Procedure

### Document Version Details

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Approved By CEO, ACCE:	Penne Dawe	
Approved By RTO Manager-Head of Teaching & Learning	Dora Karas	
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Legislation	Relevant Websites
<b>Commonwealth</b>	
National Vocational Education and Training Regulator Act 2011, including the July 2020 amendments	<a href="https://www.legislation.gov.au/Details/C2020C00250">https://www.legislation.gov.au/Details/C2020C00250</a>
Australian Privacy Principles	<a href="https://www.oaic.gov.au/privacy/australian-privacy-principles">https://www.oaic.gov.au/privacy/australian-privacy-principles</a>
Commonwealth Privacy Act 1988 and Amendments	<a href="https://www.legislation.gov.au/Details/C2014C00076">https://www.legislation.gov.au/Details/C2014C00076</a>
Public Records	<a href="https://www.legislation.vic.gov.au/in-force/acts/public-records-act-1973/041">https://www.legislation.vic.gov.au/in-force/acts/public-records-act-1973/041</a>
<b>Victorian</b>	
Education and Training Reform Act 2006	<a href="https://www.legislation.vic.gov.au/in-force/acts/education-and-training-reform-act-2006/091">https://www.legislation.vic.gov.au/in-force/acts/education-and-training-reform-act-2006/091</a>
Victorian Privacy Act 2008	<a href="https://www.vic.gov.au/privacy-vicgovau">https://www.vic.gov.au/privacy-vicgovau</a>
Privacy and Data Protection Act 2014	<a href="https://www.legislation.vic.gov.au/in-force/acts/privacy-and-data-protection-act-2014/027">https://www.legislation.vic.gov.au/in-force/acts/privacy-and-data-protection-act-2014/027</a>

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