

POLICY & PROCEDURE

PRIVACY

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REFERENCES	: Student Handbook Authority to Exchange Information Records Management Legislative Compliance Privacy Act 1988 (amended by the Privacy Amendment (Private Sector) Act 2000) Privacy Principles www.usi.gov.au VET Data Policy - www.education.gov.au/national-vet-data-policy-0 ,		
AUTHORISED	: _____	DATE	: _____
	CEO		

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PURPOSE

The purpose of the Privacy Policy is to ensure that all *MTC Training* students & other stakeholders are aware of the legalities and responsibilities attached to the Privacy Act 1988 (amended by the Privacy Amendment (Private Sector) Act 2000) and Australian Privacy Principles, and the National VET Data Policy and how they regulate the collection, use and disclosure of personal information and the consequences of not adhering to the requirements.

Following a Review of the National Vocational Education and Training (VET) Provider Collection Data Requirements Policy, which outlines the data collection and submission requirements for total VET activity, Skills Ministers have agreed to a revised [National VET Data Policy](#) (the Policy).

The Policy takes effect from 1 January 2018 with a six-month transition period until 1 July 2018.

The Policy is in four parts:

- *Part A Introduction* – outlines why VET data is collected
- *Part B National VET Provider Collection Data Requirements Policy* – specifies obligations on all Registered Training Organisations (RTOs) to collect and submit comprehensive data on their delivery of Nationally Recognised Training. This includes:
 - *The Privacy Notice and Student Declaration*
 - *The VET Data Use Statement*
- *Part C VET Data Access and Disclosure* – outlines arrangements for disclosing and using the VET Data held by the National Centre for Vocational Education Research (NCVER)
- *Part D Administration* – deals with administration and definitional content.

POLICY

It is the policy of *MTC Training* to assure the privacy of our students and stakeholders at all times.

It is the policy of *MTC Training* to gain written authority from students and stakeholders for the sharing or dissemination of information directly related to the provision of its services in the form of the Privacy Notice and Student Declaration

The only exception to the above is a requirement by law to provide evidence or where *MTC Training's* duty of care legally requires the provision of that information i.e. compliance under Mandated Notification (Child Protection Act 1993 and relevant amendments).

PROTECTING PERSONAL INFORMATION

MTC Training is committed to managing and protecting the personal information (such as name, address, date of birth, personal email address, etc) that all stakeholders share with us.

Implementation of this policy ensures that all stakeholders will have confidence that all personal information provided to *MTC Training* is solely used by the organisation within the guidelines of the Privacy Act 1988 (amended by the Privacy Amendment (Private Sector) Act 2000) and VET Data Policy and in an ethical and sensitive manner.

COLLECTION, USE & DISCLOSURE

Persons using our website may do so aware that the site does not collect information of a personal nature from such visits.

Information submitted digitally to our organisation (i.e. electronic data, using an electronic form or application or by sending an email) is collected and used for the nominated purpose only.

MTC Training may also use personal information to manage our relationship with the individual stakeholder.

MTC Training acknowledges that individuals provide personal information to it on a voluntary basis to assist us to administer and provide quality service and outcomes on their behalf.

MTC Training will use contact details to assist in the administration of its services.

Personal information will not be sold to anyone and will not be used for promotions independent of *MTC Training*.

If there is no longer any legitimate purpose for retaining personal information, and within Records Management Legislative compliance, it will be securely destroyed.

Examples of personal information *MTC Training* may hold are:

Name	Language spoken at home
Address	Email address
Telephone Number	Photograph
Fax Number	Qualification Results
Email address	Educational Qualifications
Unique Student Identifier (USI)	Support services
<i>Skills for All</i> Number	
Date of birth/age	
Place of birth	
Ethnic origin	

CHANGES TO PRIVACY STATEMENT

This information relates to *MTC Training's* current privacy policy and standards. *MTC Training* may vary its privacy standards from time to time. *MTC Training* will make public statements of any changes via written notification to our stakeholders.

FEEDBACK

If you have any comments regarding *MTC Training's* privacy statement and policy please advise us via email at training@mtc.sa.edu.au or surface mail to PO Box 545 Noarlunga Centre SA 5168.

EXPLANATION

MTC Training is committed to complying with the National Privacy Principles as set out in the Commonwealth of Australia Privacy Act 1988 and any and all amendments (Privacy Act 1988) and the VET Data Policy.

In compliance with the Privacy Act 1988 and VET Data Policy, the following explanation has been developed detailing how MTC Training will meet the minimum standards for the collection, use and disclosure of personal information.

1. Collection

MTC Training will only collect personal information that is necessary to carry out legitimate activities. Information will be collected in a legal and just method and will not, where reasonably possible, be intrusive.

Personal information will only be collected from individuals.

When collecting personal information, MTC Training will take reasonable steps to ensure that the person is informed of:

- Our identity
- The purpose of collection
- Their rights to access Personal Information held by this organisation.

Students will be provided with a Privacy Notice with the enrolment application and will be required to complete a student declaration and consent.

2. Use and Disclosure

MTC Training will only use or disclose information for the primary purpose (original reason for information being collected). *MTC Training* will not use or disclose information for a secondary purpose (any other purpose than the primary purpose) unless the individual has consented in writing to the use or disclosure.

MTC Training will provide reasonable opportunity for an individual to opt-out of any activity that will make use of their Personal Information.

3. Data Quality

MTC Training will take all reasonable steps to ensure that Personal Information is accurate, complete and up-to-date at the time of collection and use.

4. Data Security

MTC Training will take reasonable steps to ensure personal information is safe from misuse, loss, or unauthorised access, alteration or disclosure. Information will be securely destroyed, or identifiers removed, when it is no longer needed for either the primary or approved secondary purpose or the required retention period set by Australian and/or State legislation.

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MTC Training will take reasonable steps to ensure the security of physical files, computers, networks and communications are maintained at all times.

5. Openness

MTC Training will make available, on request, our Privacy Statement and Policy. We will also, on request and within reason, inform an individual of:

- 1) What type of Personal Information we collect and hold;
- 2) For what purpose;
- 3) How it is collected;
- 4) How it is used and disclosed.

6. Access and Correction

MTC will provide current students with their personal information on an annual basis to confirm accuracy of content.

On other occasions, if requested, *MTC Training* will give individuals access to and correct their personal information.

When requesting access to personal information, individuals will:

- 1) Provide a formal written request for access to their personal information;
- 2) Provide two (2) acceptable proofs of their identity;
- 3) Advise what format they require the information;
- 4) Provide data storage, if necessary;
- 5) Pay any reasonable associated fees (MTC TRAINING may need to charge an administrative fee for access to and copy of personal information);
- 6) Allow 15 working days for processing (i.e. 3 weeks)

7. Unique Student Identifier (USI)

All students studying nationally recognised Vocational Education and Training (VET) courses in Australia from 1 January 2015, will be required to have a USI. A USI is an account (or reference number) made up of numbers and letters. The USI allows students online access to their training records and results (transcript) through their online USI account.

The USI is a requirement under Commonwealth legislation and conditions of registration for training organisations. *MTC Training* must have a valid USI before issuing a student with a qualification or statement of attainment. This applies to:

- New students
- Pre-enrolled students
- Continuing students
- School students completing nationally recognised training

It is the responsibility of the student to apply for the USI and provide this reference number to MTC Training. Please refer - <http://www.usi.gov.au/Training-Organisations/Pages/organisation-privacy.aspx> regarding USI Organisation Privacy and Security.

The *Student Identifiers Act 2014* (s.11) requires RTOs to destroy personal information collected from individuals **solely** for the purpose of applying for a USI on their behalf as soon as practicable after the application has been made or the information is no longer needed for that purpose. If you are required by or under a law to retain this information, then you may wish to include a statement on the form to explain that.

Under Standard 3.6 (d), RTO'S are required to ensure the security of the USI and all related documentation under their control, including information stored in student management system(s).

8. Anonymity

Where it is legal and practical, *MTC Training* will make available to individuals options of not identifying themselves when entering into certain activities with our organisation. An example of this may be a survey.

9. Trans-Border or International Data Flow

MTC Training will not transfer personal information to a foreign company or organisation unless required to do so under relevant legislation and/or government directives. Notification of such an information transfer will be provided to the individual concerned and where practicable prior to the transfer.

10. Sensitive and Health Information

MTC Training will not collect information that is of a sensitive nature unless prior permission has been received from the individual and/or it is required under relevant Australian and/or State legislation.

DURATION

MTC Training is required by law to retain records applicable to a person's competency and completion of training for a period of 30 years. These will be archived 12 months after completion of the accredited course or qualification.

If *MTC Training* ceases operation as an RTO and in the event that a new owner takes over *MTC Training*:

- The new owner will have to meet the ASQA registration standards including those meeting Privacy and Records Management.
- *MTC Training* will place a notice in the Advertiser (or its equivalent at the time).
- The new owner will take responsibility for the archiving and access of those records.

Under various other statutes of limitations *MTC Training* is required to keep corporate, administrative, financial records for a minimum period of 7 years.

ADDITIONAL INFORMATION

Queries related to the privacy and security practices for *MTC Training*, please contact the CEO.

COMPLAINTS/CONCERNS

Please refer to the MTC Training Complaint Policy.

If you believe that your personal information has not been dealt with in accordance with an information privacy principle you may make a written complaint to MTC Training. Your complaint should be addressed to:

CEO
MTC Training
PO 545
Noarlunga Centre South Australia 5168

Or via email to
training@MTC Training.sa.edu.au

RESPONSIBILITIES

RTO Manager & Accountable Officers

It is the responsibility of the RTO Administration Manager, RTO Training Manager and Accountable Officers to ensure that all employees and contractors are conversant and compliant with the requirements of the Privacy Policy and Privacy Act 1988.

Trainer/Assessors

It is the responsibility of Trainer/Assessors to ensure:

- candidates are aware of MTC Training's Privacy Policy
- that the Privacy Policy is covered comprehensively as part of the Student Induction/Orientation process.

Employees

It is the responsibility of staff to ensure that their behaviour aligns fully with the Privacy Policy and Privacy Act 1988 at all times and that any breach of the policy or Act is reported immediately to the RTO Manager.

A breach of the Privacy Policy by an employee will result in disciplinary action with a maximum of summary dismissal.

Contractors

A breach of the Privacy Policy by a contractor will result in the immediate termination of their contract.

Students

It is the responsibility of students to ensure that they abide by the Privacy Policy in relation to any information they may gain from another student or about *MTC Training*.

LEGAL IMPLICATIONS

Some levels of breaches of privacy are prosecutable by law. If any stakeholder is found to have breached at a prosecutable level *MTC Training* will be required to report this to the relevant authorities.

All employees are required to sign a Confidentiality and Non-Disclosure Agreement.

All students, employees and employers are required to sign an Authority to Exchange Information Declaration.

SPECIAL CONDITIONS

Whilst employee records are not subject to the levels of privacy afforded to student and other information under the Privacy Act and Principles *MTC Training* agrees with all of its employees to increase the level of privacy in relation to their personnel records to the same level afforded Students.

Access to any employee personnel file by any persons other than the CEO, Director Business Services, Payroll Officer or the RTO Manager will require an Authority to Exchange Information by the employee (Employee giving permission for access to their personnel file).