

PRIVACY

PURPOSE

Seed Skills (the RTO) respects the privacy of individuals and is committed to the collection, use, disclosure and management of, and provision of access to, Personal Information in a manner consistent with the standards contained in the Commonwealth Privacy Act 1988 (the Privacy Act) and the Australian Privacy Principles.

This Policy applies to all areas of the RTO and all RTO activities. All employees, consultants, contractors and agents of the RTO must comply with this policy when collecting Personal Information on the RTO's behalf and when using or dealing with Personal Information in the RTO's possession. Failure to comply with this Policy may constitute misconduct and may result in disciplinary action being taken by the RTO.

DEFINITIONS

Australian Privacy Principles are contained in the Privacy Act

AVETMISS (Australian Vocational Education and Training Management Information Statistical Standard) is the agreed national data standard for the collection, analysis and reporting of vocational education and training information

A **data breach** occurs when personal information is subjected to unauthorised access or disclosure, or where the information is lost, and unauthorised access or disclosure is likely to occur. Data breaches can occur as a result of:

- human error, such as
 - Loss of an employee's laptop, USB or paper records that contain personal information held by the RTO, or
 - An RTO employee accidentally disclosing personal information to the wrong recipient
- malicious activity, such as
 - Hacking into the RTO's email accounts, software or databases containing Personal Information
 - Scams that trick an employee of the RTO into releasing personal information
 - Inappropriate or fraudulent use of a database containing personal information
- unforeseen circumstances, such as a cloud service provider suffering a data breach

De-identification is a privacy-enhancing tool used to prevent a person's identity from being connected with information. De-identification involves two steps. The first is the removal of direct identifiers. The second is taking one or both of the following additional steps:

- the removal or alteration of other information that could potentially be used to re-identify an individual, and/or
- the use of controls and safeguards in the data access environment to prevent re-identification.



Personal Information is defined in the Privacy Act as 'information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether true or not and whether recorded in a material form or not'. Personal Information that is commonly collected by Seed Skills includes:

- a) name
- b) address (residential, postal and email)
- c) phone number
- d) date of birth
- e) gender
- f) ethnic origin
- g) academic record
- h) IT access logs and metadata from use of online services and facilities

Privacy Act means the Privacy Act 1988 (Cth).

Privacy Notice and Student Declaration is a statement provided upon enrolment that is acknowledged by a student to indicate awareness that the personal information collected may be used together with training activity information. The privacy statement lists the ways information about the student is held, used, disclosed and managed.

Privacy Statement means a notification to an individual at or before the time (or, if that is not practicable, as soon as practicable after) the RTO collects Personal Information, that addresses the following points, as are reasonable in the circumstances:

- a) the full name and contact details of the RTO;
- b) the purposes for which the individual's Personal Information is collected;
- c) any third parties to which the RTO may disclose the individual's Personal Information; and
- d) any consequences for the individual if all or part of the Personal Information is not provided.

RTO Personnel means employees, consultants, contractors and/or agents of Seed Skills.

Sensitive Information is a subset of personal information and is defined in the Privacy Act as:

- information or an opinion (that is also personal information) about an individual's:
 - racial or ethnic origin
 - political opinions
 - membership of a political association
 - religious beliefs or affiliations
 - philosophical beliefs
 - membership of a professional or trade association
 - membership of a trade union

- sexual orientation or practices, or
- criminal record
- health information about an individual
- genetic information
- biometric information that is to be used for the purpose of automated biometric verification or biometric identification, or
- biometric templates

POLICY PRINCIPLES

Collection of Personal Information

1. Seed Skills will not collect Personal Information unless the information is reasonably necessary, or directly related to, one or more of the RTO's functions or activities.
2. Seed Skills will not collect Sensitive Information unless:
 - a. the individual has given consent; or
 - b. required or authorised by Australian law or court/tribunal order; or
 - c. an exemption exists under the Privacy Act.
3. Seed Skills will collect Personal Information by lawful and fair means and, where possible, directly from the individual. The RTO collects Personal Information in a number of ways including:
 - a. from correspondence and submitted forms (including via on-line portals);
 - b. as part of any enrolment or registration process;
 - c. direct contact whilst providing services or administration of RTO activities;
 - d. from third parties with which Seed Skills collaborates;
 - e. from employers where students are enrolled through Service Arrangements with a nominated employer; and
 - f. monitoring and logging of metadata from individuals' use of IT and online services and facilities provided by the RTO.
4. Personal Information collected by Seed Skills may be held in hardcopy format, or electronic format stored on the RTO's computing equipment or on cloud-based servers.
5. If Seed Skills receives unsolicited Personal Information and has no reasonable or lawful basis on which to retain the information, the RTO will destroy that information or ensure that it is de-identified.

Enrolment Form - Privacy Notice and Student Declaration

Under the Privacy Act, individuals must be informed about how their personal information collected by or on behalf of governments may be used. RTOs must include a specific privacy notice and student declaration in their enrolment form to inform students how their personal information may be used or disclosed.



The following is the minimum mandatory content for inclusion in a Privacy Notice and Student Declaration under the National VET Data Policy (effective 1 January 2018).

PRIVACY NOTICE

Under the Data Provision Requirements 2012, Seed Skills is required to collect personal information about you and to disclose that personal information to the National Centre for Vocational Education Research Ltd (NCVER).

Your personal information (including the personal information contained on this enrolment form and your training activity data) may be used or disclosed by Seed Skills for statistical, regulatory and research purposes. Seed Skills may disclose your personal information for these purposes to third parties, including:

- School – if you are a secondary student undertaking VET, including a school-based apprenticeship or traineeship;
- Employer – if you are enrolled in training paid by your employer;
- Commonwealth and State or Territory government departments and authorised agencies;
- NCVER;
- Organisations conducting student surveys; and
- 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;
- facilitating statistics and research relating to education, including surveys;
- understanding how the VET market operates, for policy, workforce planning and consumer information; and
- administering VET, including program administration, regulation, monitoring and evaluation.

You may receive an NCVER student survey which may be administered by an NCVER employee, agent or third-party contractor. You may opt out of the survey at the time of being contacted.

NCVER will collect, hold, use and disclose your 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).



STUDENT DECLARATION AND CONSENT

I declare that the information I have provided to the best of my knowledge is true and correct.

I consent to the collection, use and disclosure of my personal information in accordance with the Privacy Notice above.

STUDENT SIGNATURE [or electronic acknowledgement] DATE

Using and Disclosing Personal Information

The purposes for which Seed Skills collects, uses and discloses Personal Information will vary depending on the nature of the association between the individual and the RTO.

Personal Information of students

Seed Skills may use this information in:

- assessing enrolment applications; administration of a student's course of study (including enrolment, funding eligibility, scheduling/ timetabling, visa requirements);
- delivery of training and assessment, educational resources, email and other services related to the student's enrolment with the RTO;
- monitoring a student's progress in their course of study;
- fulfilling external reporting requirements to Commonwealth and State Government agencies as required (such as AVETMISS reporting under the authority of the Data Provision Requirements, and provision of records to the National VET Regulator);
- providing relevant reporting to employers (where students are enrolled through service arrangements with a nominated employer);
- internal planning, improvement and development;
- management of health, safety and wellbeing;
- communicating to students about the RTO and other parties or activities relevant to the student's course of study; and
- administering course participation paperwork such as attendance lists and feedback forms.

Personal information of students will be collected, used and managed in accordance with the Student Handbook.

Students must sign a Media Release Form prior to the RTO using the student's name/ photograph/ image/ audio recording/ video recording/ interview statements/ excerpts or quotes and likeness in all forms and manner for the purposes of advertising, media publicity, publication, educational media, general display or any other media activity (including on the internet) as deemed appropriate by the RTO Manager.

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Personal Information of Prospective Students

Seed Skills may use this information to:

- provide prospective students with information about courses or programs of study offered by the RTO;
- assess admission applications; and
- undertake internal planning, improvement and development.

Personal Information of Employees, Job Applicants and Contractors

Seed Skills may use this information in:

- assessing applications for employment or contract work;
- administration and management of the employee or contractor;
- management of health, safety and wellbeing;
- fulfilling external reporting requirements;
- internal planning, improvement and development; and
- creating a staff contact directory.

In the case of employees and applicants who agree to be added to the RTO's Human Resources database, the information may be used for follow-up contact for future job vacancies.

Seed Skills personnel must sign a Media Release Form prior to the RTO using their name/ photograph/ image/ audio recording/ video recording/ interview statements/ excerpts or quotes and likeness in all forms and manner for the purposes of advertising, media publicity, publication, educational media, general display or any other media activity (including on the internet) as deemed appropriate by the RTO Manager.

If Seed Skills collects or discloses Personal Information other than for those purposes stated above, such other purposes will be notified to the individual in a Privacy Statement.

Other than the purposes stated in this Policy or in a Privacy Statement, Seed Skills will only use or disclose Personal Information for purposes which are in reasonable contemplation or are permitted under the Privacy Act.

Anonymity and Pseudonymity

Seed Skills will provide individuals with the option of not identifying themselves, or of using a pseudonym, when dealing with the RTO, except where:

- a) Seed Skills is required or authorised by Australian law or a court/tribunal order, to deal with individuals who have identified themselves;
- b) it is impracticable for the RTO to deal with individuals who have not identified themselves or who have used a pseudonym; or
- c) this would conflict with the RTO's other legal obligations or conditions of registration.



Seed Skills will not, under any circumstances, issue an AQF Certification or Statement of Attainment for any accredited units of competency under a pseudonym or any name other than what is documented on a student's formal identification of their legal name.

Managing Personal Information

Seed Skills will take such steps as are reasonable in the circumstances to:

1. ensure that Personal Information it collects is accurate, up-to-date and complete;
2. ensure that Personal Information the RTO uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant;
3. protect Personal Information in its possession from misuse, interference, loss, and unauthorised access, modification or disclosure; and
4. destroy or de-identify Personal Information if the Personal Information is no longer needed or required to be retained under any law, regulation or code applicable to the RTO.

How Personal Information is Held

The security of, and appropriate access to, the RTO's information assets is a critical priority for the RTO and its information technology structure. Seed Skills takes all reasonable steps under the Privacy Act to protect the personal information held by the RTO from misuse, interference, loss, and from unauthorised access, modification or disclosure.

How Individuals May Seek Access to or Correct Personal Information

Seed Skills will, upon written request by an individual, give the individual access to Personal Information about them held by the RTO, unless there is a legitimate reason for refusal.

Seed Skills encourages RTO Personnel, students and other individuals with whom the RTO has regular dealings to notify Seed Skills of any changes to their Personal Information. If individuals do not disclose changes or update their Personal Information, this may affect the RTO's ability to administer records or provide services for those individuals.

Seed Skills will respond to requests for access or correction within a reasonable period after the request is made in writing and will not impose any charges for the request. If the RTO refuses to make the requested correction, the RTO will provide the individual with a written notice setting out the reasons for refusal.

RTO Personnel Email Signature

All RTO Personnel with a Seed Skills email account must include the below email disclaimer in their email signature:

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BREACHES AND COMPLAINTS

Seed Skills Personnel who become aware of any actual or suspected loss or unauthorised access, use, modification, disclosure or other misuse of Personal Information (“data breach”) must immediately report actual or suspected data breaches to the Compliance Officer and RTO Manager. Compliance Officer and RTO Manager must take immediate action to contain the actual or suspect data breach.

If an individual believes that their Personal Information has not been handled by the RTO in accordance with this Policy, they may make a formal complaint in accordance with the Grievances, Complaints and Appeals Policy. In order to enable prompt processing, individuals are encouraged to lodge complaints within six months of the individual becoming aware of the conduct the subject of the complaint. Complaints will be processed in a reasonable time in accordance with the Grievances, Complaints and Appeals Policy. Individuals will be advised in writing of the RTO’s decision and any action taken.

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