



# Privacy and Data Protection

**POLICY AND PROCEDURES**



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## PRIVACY AND DATA PROTECTION POLICY AND PROCEDURES

### 1 Purpose

- 1.1 Richmond School of Business ('the School') is committed to protecting the privacy of individuals who interact with any aspect of its business, and will handle personal information in accordance with the Australian Privacy Principles set out in the *Privacy Act 1988* (Cth). In providing products and services, the School will be transparent about how and why information is collected, stored and used. Where appropriate individuals will be provided with the opportunity to specify the ways information is collected, stored or used.
- 1.2 The School consistently seeks to maintain and enhance the integrity and reputation of Vocational Education and Training (VET) in Australia.
- 1.3 The policy and procedures ensures compliance with:
  - a) The relevant standards of National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 ('the National Code 2018');
  - b) The relevant standards of the Standards for Registered Training Organisations (RTOs) 2015.

### 2 Scope

This policy and its related procedures applies to:

- 2.1 All activities conducted within the School. It applies to the collection, Storage, use and disclosure of all personal information or data by the School personnel including employees and students.
- 2.2 Personal Information may be disclosed to third parties on a confidential basis where the disclosure is reasonably necessary so that the School may provide its services.
- 2.3 This policy does not apply to personal information or data which relate to the judicial or quasi-judicial functions of a court, tribunal, a Royal Commission, Board of Enquiry, has been made public or is legitimately already within the public domain or is a document of BHI Group under the meaning of the *Freedom of Information Act 1982* (NSW).
- 2.4 All staff members, prospective staff members and stakeholders of the School;
- 2.5 It should be noted that the procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law.
- 2.6 This document should be read in conjunction with other related policies.

### 3 Policy Statement

- 3.1 The School is committed to maintaining the privacy and confidentiality of its personnel and participant records. The School complies with the *Privacy Act 1988 including the 13 Australian Privacy Principles (APPs)* as outlined in the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*.



- 3.2 Mitigation actions are implemented for the management of privacy risks at each stage of the information lifecycle, including collection, use, disclosure, storage, destruction and de-identification.
- 3.3 The School manages personal information in an open and transparent way. This is evident in the implementation of practices, procedures and systems outlined in this policy and its related procedures, that ensure our compliance with the APPs and any binding registered APP code, and provide suitable procedures for School personnel to be able to deal with related inquiries and complaints that may be received from time to time.

#### **4 General Principles of Privacy and Data Protection**

- 4.1 Personal information is protected by the Privacy Act 1988;
- 4.2 The School takes all reasonable steps required to protect and maintain personal and sensitive information;
- 4.3 A robust governance framework is used to assess, plan, implement and review the protection of personal information against misuse, loss, inappropriate access, and inappropriate disclosure;
- 4.4 Prior to the collection of personal and sensitive information the individual is told what information is to be collected and stored, the purpose of collection, if this information is to be disclosed to a third party and/or under what circumstances disclosure may occur;
- 4.5 Once the individual is well informed, consent is obtained for the collection of information;
- 4.6 Personal and sensitive information is used only for the purpose of its collection and by staff who require the information in order to complete their duties;
- 4.7 Individuals have access to their information when required and without charge;
- 4.8 Personal information is stored securely in either an electronic or hardcopy format;
- 4.9 Security measures such as unique password requirements and restricted file access are used to maintain and protect students/clients and employee's privacy;
- 4.10 The School will only disclose personal information to a third party where written consent has been obtained from the individual;
- 4.11 Where the School receives unsolicited information it is either destroyed or de-identified
- 4.12 The Privacy and Data Protection Policy and Procedures is publicly available on the School website and a synopsis can be found in the student's handbook. More information on the Privacy Act can be found at <http://www.privacy.gov.au/>.

#### **5 Australian Privacy Principle 1**

Open and transparent management of personal information

- 5.1 The School retains a record of personal information about all individuals with whom we undertake any form of business activity. The School must collect, hold, use and disclose information from our clients and stakeholders for a range of purposes, including but not limited to:
  - a) Providing services to clients;
  - b) Managing employee and contractor teams;
  - c) Promoting products and services;
  - d) Conducting internal business functions and activities; and
  - e) Requirements of stakeholders.



**5.2** As a government registered training organisation, regulated by the Australian Skills Quality Authority (ASQA), the School is required to collect, hold, use and disclose a wide range of personal and sensitive information on participants in nationally recognised training programs. This information requirement is outlined in the *National Vocational Education and Training Regulator Act 2011* and associated legislative instruments. In particular, the legislative instruments:

- a) *Standards for NVR Registered Training Organisations 2012*; and
- b) *Data Provision Requirements 2012*.

**5.3** It is noted that the School is also bound by various State Government Acts requiring similar information collection, use and disclosure (particularly Education Act(s), Vocational Education & Training Act(s) and Traineeship & Apprenticeships Act(s) relevant to state jurisdictions of the School's operations).

**5.4** The following types of personal information are generally collected, depending on the need for service delivery:

- a) Contact details;
- b) Employment details;
- c) Educational background;
- d) Demographic Information;
- e) Course progress and achievement information; and
- f) Financial billing information.

**5.5** Types of personal information collected and held:

The following types of sensitive information may also be collected and held:

- a) Identity details;
- b) Employee details & HR information;
- c) Complaint or issue information;
- d) Disability status & other individual needs;
- e) Background checks (such as National Criminal Checks).

**5.6** How personal information is collected

- a) The School's approach to collecting personal information is to collect any required information directly from the individuals concerned. This may include the use of forms (such as enrolment forms) and the use of web based systems (such as online enquiry forms or internal operating systems).
- b) The School does receive solicited and unsolicited information from third party sources in undertaking service delivery activities. This may include information from such entities as:
  - I. Governments (Commonwealth, State or Local); and
  - II. Service providers such as credit agencies and background check providers.

**5.7** How personal information is held

- a) The School's approach to holding personal information includes robust storage and security measures at all times. Information on collection is:



- I. As soon as practical converted to electronic means;
  - II. Stored in secure, password protected systems, such as financial system and student management system; and
  - III. Monitored for appropriate authorised use at all times.
- b) Only authorised personnel are provided with login information to each system, with system access limited to only those relevant to their specific role. The School's information systems are hosted externally with robust security to physical server locations and server systems access. Virus protection, backup procedures and ongoing access monitoring procedures are in place.
- c) Destruction of paper based records occurs as soon as practicable in every matter, through the use of secure shredding and destruction means.

### 5.8 Private information retention and destruction

- a) The School maintains a Records Register documenting the periods for which personal information records are kept.
- b) Specifically for the School's RTO records, in the event of our organisation ceasing to operate the required personal information on record for individuals undertaking nationally recognised training with the School would be transferred to the Australian Skills Quality Authority, as required by law.

### 5.9 Accessing and seeking correction of personal information

- a) The School confirms all individuals have a right to request access to their personal information held and to request its correction at any time. In order to request access to personal records, individuals are to make contact with:

The School Principal  
asif@rsb.edu.au

- b) A number of third parties, other than the individual, may request access to an individual's personal information. Such third parties may include employers, Governments (Commonwealth, State or Local) and various other stakeholders.
- c) In all cases where access is requested, the School will ensure that:
  - I. Parties requesting access to personal information are robustly identified and vetted;
  - II. Where legally possible, the individual to whom the information relates will be contacted to confirm consent (if consent not previously provided for the matter); and
  - III. Only appropriately authorised parties, for valid purposes, will be provided access to the information.

### 5.10 Making the Privacy and Data Protection Policy and Procedures available

- a) The School provides this Policy and its related procedures available free of charge, with all information being publicly available on the School website at <http://www.rsb.edu.au/>. This website information is designed to be accessible as per web publishing accessibility guidelines, to ensure access is available to individuals with special needs (such as individuals with vision impairment).
- b) In addition, this APP Privacy and Data Protection Policy and Procedures is:



- I. Prominently displayed at the School premises;
  - II. Included (short version) within the School's Student Handbook;
  - III. Noted within the text or instructions at all information collection points (such as informing individuals during a telephone call of how the policy may be accessed, in cases where information collection is occurring); and
  - IV. Available for distribution free of charge on request, as soon as possible after the request is received, including in any particular format requested by the individual as is reasonably practical.
- c) If, in the unlikely event this Privacy and Data Protection Policy and its related procedures is not able to be provided in a particular format requested by an individual, the School will explain the circumstances around this issue with the requester and seek to ensure that another appropriate method is provided.

#### **5.11 Review and update of this Policy and its related procedures**

- a) The School reviews this Privacy and Data Protection Policy and Procedures:
- I. On an ongoing basis, as suggestions or issues are raised and addressed, or as government required changes are identified;
  - II. Through internal audit processes on at least an annual basis;
  - III. As a part of any external audit of our operations that may be conducted by various government agencies as a part of the School registration as an RTO or in normal business activities; and
  - IV. As a component of each and every complaint investigation process where the complaint is related to a privacy and data protection matter.
- b) Where this Policy and its related procedures is updated, changes to the policy are widely communicated to stakeholders through internal personnel communications, meetings, training and documentation, and externally through publishing of the policy on the School's website and other relevant documentation (such as Student Handbook) for clients.

## **6 Australian Privacy Principle 2**

### **Anonymity and Pseudonymity**

- 6.1** The School provides individuals with the option of not identifying themselves, or of using a pseudonym, when dealing with the School in relation to a particular matter, whenever practical. This includes providing options for anonymous dealings in cases of general course enquiries or other situations in which an individual's information is not required to complete a request.
- 6.2** Individuals may deal with the School by using a name, term or descriptor that is different to the individual's actual name wherever possible. This includes using generic email addresses that does not contain an individual's actual name or generic user names when individuals may access a public component of our website or enquiry forms.
- 6.3** The School only stores and links pseudonyms to individual personal information in cases where this is required for service delivery (such as system login information) or once the individual's consent has been received. Individuals are advised of their opportunity to deal anonymously or by pseudonym with us where these options are possible.

Requiring identification:





- 6.4 The School must require and confirm identification however, in service delivery to individuals for nationally recognised course programs. The School is authorised by Australian law to deal only with individuals who have appropriately identified themselves. That is, it is a Condition of Registration for all RTOs under the National Vocational Education and Training Regulator Act 2011 that the School identify individuals and their specific individual needs on commencement of service delivery, and collect and disclose Australian Vocational Education and Training Management of Information Statistical Standard (AVETMISS) data on all individuals enrolled in nationally recognised training programs.
- 6.5 There are also other occasions also within our service delivery where an individual may not have the option of dealing anonymously or by pseudonym, as identification is practically required for us to effectively support an individual's request or need.
- 6.6 Other legal requirements, as noted earlier in this policy, also require considerable identification arrangements.

## **7 Australian Privacy Principle 3**

Collection of solicited personal information

- 7.1 The School only collects personal information that is reasonably necessary for its business activities.
- 7.2 The School only collect sensitive information in cases where the individual consents to the sensitive information being collected, except in cases where the School is required to collect this information by law, such as outlined earlier in this policy.
- 7.3 All information the School collects is collected only by lawful and fair means. The School only collects solicited information directly from the individual concerned, unless it is unreasonable or impracticable for the personal information to only be collected in this manner.

## **8 Australian Privacy Principle 4**

Dealing with unsolicited personal information

- 8.1 The School may from time to time receive unsolicited personal information.
- 8.2 Where this occurs the School promptly reviews the information to decide whether or not it could have collected the information for the purpose of the School business activities. Where this is the case, the School may hold, use and disclose the information appropriately as per the practices outlined in this policy.
- 8.3 Where the School could not have collected this information (by law or for a valid business purpose) the School immediately destroys or de-identifies the information (unless it would be unlawful to do so).

## **9 Australian Privacy Principle 5**

Notification of the collection of personal information

- 9.1 Whenever the School collects personal information about an individual, the School takes reasonable steps to notify the individual of the details of the information collection or otherwise ensure the individual is aware of. This notification occurs at or before the time of collection, or as soon as practicable afterwards.
- 9.2 Our notifications to individuals on data collection include:



- a) The School's identity and contact details, including the position title, telephone number and email address of a contact who handles enquiries and requests relating to privacy matters;
  - b) The facts and circumstances of collection such as the date, time, place and method of collection, and whether the information was collected from a third party, including the name of that party;
  - c) If the collection is required or authorised by law, including the name of the Australian law or other legal agreement requiring the collection;
  - d) The purpose of collection, including any primary and secondary purposes;
  - e) The consequences for the individual if all or some personal information is not collected;
  - f) Other organisations or persons to which the information is usually disclosed, including naming those parties;
  - g) A link to this Privacy and Data Protection Policy and Procedures on the School's website or explain how it may be accessed; and
  - h) Advice that this Privacy and Data Protection Policy and Procedures contains information about how the individual may access and seek correction of the personal information held by the School; and how to complain about a breach of the APPs, or any registered APP code, and how the School will deal with such a complaint.
- 9.3** Where possible, the School ensures that the individual confirms their understanding of these details, such as through signed declarations or in person through questioning.
- 9.4** Where the School collects personal information from another organisation, the School:
- a) Confirms whether the other organisation has provided the relevant notice above to the individual; or
  - b) Whether the individual was otherwise aware of these details at the time of collection; and
  - c) If this has not occurred, the School will undertake this notice to ensure the individual is fully informed of the information collection.

## **10 Australian Privacy Principle 6**

### Use or disclosure of personal information

- 10.1** The School only uses or discloses personal information it holds about an individual for the particular primary purposes for which the information was collected, or secondary purposes in cases where:
- a) An individual consented to a secondary use or disclosure;
  - b) An individual would reasonably expect the secondary use or disclosure, and that is directly related to the primary purpose of collection; or
  - c) Using or disclosing the information is required or authorised by law.
- 10.2** If the School uses or discloses personal information in accordance with an 'enforcement related activity' the School will make a written note of the use or disclosure, including the following details:
- a) The date of the use or disclosure;
  - b) Details of the personal information that was used or disclosed;
  - c) The enforcement body conducting the enforcement related activity;
  - d) If the organisation used the information, how the information was used by the organisation;



- e) The basis for the School's reasonable belief that the School was required to disclose the information.

## **11 Australian Privacy Principle 7**

### Direct marketing

**11.1** The School does not use or disclose the personal information that it holds about an individual for the purpose of direct marketing, unless:

- a) The personal information has been collected directly from an individual, and the individual would reasonably expect their personal information to be used for the purpose of direct marketing; or
- b) The personal information has been collected from a third party, or from the individual directly, but the individual does not have a reasonable expectation that their personal information will be used for the purpose of direct marketing; and
- c) The school provides a simple method for the individual to request not to receive direct marketing communications (also known as 'opting out').

**11.2** On each of the School's direct marketing communications, the School provides a prominent statement that the individual may request to opt out of future communications, and how to do so.

**11.3** An individual may also request the School at any stage not to use or disclose their personal information for the purpose of direct marketing, or to facilitate direct marketing by other organisations. The School complies with any request by an individual promptly and undertake any required actions free of any charge.

**11.4** The School also, on request, notifies an individual of the School's source of their personal information used or disclosed for the purpose of direct marketing unless it is unreasonable or impracticable to do so.

## **12 Australian Privacy Principle 8**

### Cross-border disclosure of personal information

**12.1** The School does not operate overseas, and therefore has no requirement to disclose personal information overseas.

## **13 Australian Privacy Principle 9**

### Adoption, use or disclosure of government related identifiers

**13.1** The School does not adopt, use or disclose a government related identifier related to an individual except:

- a) In situations required by Australian law or other legal requirements;
- b) Where reasonably necessary to verify the identity of the individual;
- c) Where reasonably necessary to fulfil obligations to an agency or a State or Territory authority; or
- d) As prescribed by regulations.

## **14 Australian Privacy Principle 10**



## Quality of personal information

**14.1** The School takes reasonable steps to ensure that the personal information it collects is accurate, up-to-date and complete. We also take reasonable steps to ensure that the personal information the School uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant. This is particularly important where:

- a) When the School initially collects the personal information; and
- b) When the School uses or discloses personal information.

**14.2** The School takes steps to ensure personal information is factually correct. In cases of an opinion, the School ensures information takes into account competing facts and views and makes an informed assessment, providing it is clear this is an opinion. Information is confirmed up-to-date at the point in time to which the personal information relates.

**14.3** Quality measures in place supporting these requirements include:

- a) Internal practices, procedures and systems to audit, monitor, identify and correct poor quality personal information (including training staff in these practices, procedures and systems);
- b) Protocols that ensure personal information is collected and recorded in a consistent format, from a primary information source when possible;
- c) Ensuring updated or new personal information is promptly added to relevant existing records;
- d) Providing individuals with a simple means to review and update their information on an on-going basis;
- e) Reminding individuals to update their personal information at critical service delivery points (such as completion) when the School engages with the individual;
- f) Contacting individuals to verify the quality of personal information where appropriate when it is about to use or disclose, particularly if there has been a lengthy period since collection; and
- g) Checking that a third party, from whom personal information is collected, has implemented appropriate data quality practices, procedures and systems.

## 15 Australian Privacy Principle 11

### Security of personal information

**15.1** The School takes active measures to consider whether it is able to retain personal information it holds, and also to ensure the security of personal information it hold. This includes reasonable steps to protect the information from misuse, interference and loss, as well as unauthorised access, modification or disclosure.

**15.2** The School destroys or de-identifies personal information held once the information is no longer needed for any purpose for which the information may be legally used or disclosed.

**15.3** Access to the School offices and work areas is limited to its personnel only - visitors to the School premises must be authorised by relevant personnel and are accompanied at all times.

**15.4** With regard to any information in a paper based form, the School maintain storage of records in an appropriately secure place to which only authorised individuals have access.

**15.5** Regular staff training is conducted with the School's personnel on privacy issues, and how the APPs apply to its practices, procedures and systems. Training is also included in the School's personnel induction practices.

**15.6** The School conducts ongoing internal audits (at least annually and as needed) of the adequacy and currency of security and access practices, procedures and systems implemented.



## 16 Australian Privacy Principle 12

Access to personal information

**16.1** Where the School holds personal information about an individual, the School provides that individual access to the information on their request. In processing requests, the School:

- a) Ensures through confirmation of identity that the request is made by the individual concerned, or by another person who is authorised to make a request on their behalf;
- b) Respond to a request for access:
  - I. Within 14 calendar days, when notifying the School's refusal to grant access, including providing reasons for refusal in writing, and the complaint mechanisms available to the individual; or
  - II. Within 30 calendar days, by giving access to the personal information that is requested in the manner in which it was requested.
  - III. Provide information access free of charge.

## 17 Australian Privacy Principle 13

Correction of personal information

**17.1** The School takes reasonable steps to correct personal information it holds, to ensure it is accurate, up-to-date, complete, relevant and not misleading, having regard to the purpose for which it is held.

**17.2** On an individual's request, the School:

- a) Corrects personal information held; and
- b) Notifies any third parties of corrections made to personal information, if this information was previously provided to these parties.

**17.3** In cases where the School refuse to update personal information, the School:

- a) Gives a written notice to the individual, including the reasons for the refusal and the complaint mechanisms available to the individual;
- b) Upon request by the individual whose correction request has been refused, takes reasonable steps to associate a statement with the personal information that the individual believes it to be inaccurate, out-of-date, incomplete, irrelevant or misleading;
- c) Responds within 14 calendar days to these requests; and
- d) Complete all actions free of charge.

**17.4** The School takes reasonable steps to correct personal information it holds in cases where it is satisfied that the personal information held is inaccurate, out-of-date, incomplete, irrelevant or misleading (that is, the information is faulty). This awareness may occur through collection of updated information, in notification from third parties or through other means.

## 18 Confidentiality

**18.1** All information relating to Privacy and Data Protection will be treated as confidential and in accordance with the School's Privacy and Data Protection Policy and Procedures.

**18.2** The School will maintain confidentiality to ensure that:



- a) No information will be released without the agreement of the individual or group involved.

## 19 Limitations of Confidentiality

**19.1** There are some circumstances under which a written authority does not need to be obtained to discuss information relevant to a file or service provided by the School:

- a) Duty to warn – if there is intent by the client to cause harm to one self or others. In such cases, the School staff will report such information to relevant authorities or intended victim.
- b) Legal privilege as law does not protect Trainers communication and file notes are subject to court subpoena.

## 20 Appeals

**20.1** If the student is not satisfied with any decision relating to Privacy and Data Protection, the student has the right to appeal the decision.

**20.2** An appeal must be lodged in writing to the School Principal within 20 working days from the date of the decision was taken.

**20.3** The appeal should include the following details:

- a) the student's full name (family/surname and first name), and contact details,
- b) the nature of the decision or matter being appealed,
- c) the basis for the appeal,
- d) details of the specific outcome sought by the student, and
- e) copies of all relevant documents.

## 21 Further Information and Assistance

**21.1** Students should seek clarification on any aspects of this Policy and its related Procedures prior to accepting an offer of admission made by the School.

**21.2** Student assistance is available by contacting School Reception or Student Support.

**21.3** Students may make an appointment with the Student Support Manager for assistance with their request relating to this Policy and its related Procedures.

**21.4** Contact details for the School are outlined as follows:

Phone: +61 2 8844 1000  
Address: Level 2,  
197 Church Street,  
PARRAMATTA NSW 2150  
Email: [admin@rsb.edu.au](mailto:admin@rsb.edu.au)

NOTE: For definitions and explanation of the terms used in this policy and procedures, please refer to the document titled '*Glossary of Terms.*'