



Australian College of Weight Management & Allied Health

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Privacy Policy

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Privacy Policy

Purpose

This policy and related procedures ensures that the RTO meets its legal and ethical requirements regarding the collection, storage and disclosure of the personal information it holds about individuals.

This policy and procedure contributes to compliance with Clause 3.6 and 8.5 of the Standards.

Scope

This policy applies to all individuals internal or external to the RTO.

Objective

Personal information is collected from individuals in order that the RTO can carry out its business operations. The RTO only collects and stores information that is directly related to its business purposes and legal requirements of providing nationally recognised training and assessment.

Policy Details

Privacy Principles

In collecting personal information, the RTO complies with the requirements set out in the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth) which updates the Privacy Act 1988 (Cth) and ensures compliance with the Australian Privacy Principles (APPs) set out in the Privacy Act and regulations of all States/Territories to which the RTO operates.

This means the RTO ensures each individual:

- Knows why their information is being collected, how it will be used and who it will be disclosed to and provided:

- the mandatory Privacy Notice as required under the Data Provision Requirements 2012 (DPR), under the National Vocational Education and Training Regulator Act 2011 (NCVETR Act)
- USI Privacy Notice
- Is able to access their personal information upon request.
- Does not receive unwanted direct marketing.
- Can ask for personal information that is incorrect to be corrected.
- Can make a complaint about the RTO if they consider that their personal information has been mishandled.

Process and Procedure

Collection of information

In general, personal information will be collected through interviews, enrolment forms, training and assessment records.

The types of personal information collected include:

- personal and contact details
- proof of identification
- employment information, where relevant
- academic history
- Language Literacy and Numeracy proficiency for students, including the name of the test and the score received
- background information collected for statistical purposes about prior education, schooling, place of birth, disabilities and so on
- training, participation and assessment information
- breaches of student of conditions relating to attendance and/or course progress
- fees and payment information
- information required for the issuance of a USI.

Unique Student Identifiers (USI)

All students participating in nationally recognised training from 1 January 2015, are required to have a Unique Student Identifier (USI) and provide it to the RTO upon enrolment. Alternatively, the RTO can apply for a USI on behalf of an individual.

The Student Identifiers Act 2014 authorises the Australian Government's Student Identifiers Registrar to collect information about USI applicants. When the RTO applies for a USI on behalf of a student who has authorised us to do so, we need to collect personal information about the student which will be passed on to the Student Identifiers Registrar. This will include:

- name, including first or given name(s), middle name(s) and surname or family name
- date of birth
- city or town of birth
- country of birth
- gender
- contact details, so the Student Identifiers Registrar can provide individuals with their USI and explain how to activate their USI account.

In order to create a USI on behalf of a student, the RTO will be required to verify the identity of the individual by receiving a copy of an accepted identification document. This document will only be used for the purposes of generating the USI and confirming the identity of the individual with the Registrar. Once the USI has been generated and validated, the identity documents used or collected for this purpose will be securely destroyed.

The information provided by an individual in connection with their application for a USI:

- is collected by the Registrar as authorised by the Student Identifiers Act 2014.
- is collected by the Registrar for the purposes of: applying for, verifying and giving a USI
- resolving problems with a USI
- creating authenticated vocational education and training (VET) transcripts
- may be disclosed to:
 - Commonwealth and State/Territory government departments and agencies and statutory bodies performing functions relating to VET for: the purposes of administering and auditing VET, VET providers and VET programs
 - education related policy and research purposes
 - to assist in determining eligibility for training subsidies

- VET Regulators to enable them to perform their VET regulatory functions
- VET Admission Bodies for the purposes of administering VET and VET programs
- current and former Registered Training Organisations to enable them to deliver VET courses to the individual, meet their reporting obligations under the VET standards and government contracts and assist in determining eligibility for training subsidies
- schools for the purposes of delivering VET courses to the individual and reporting on these courses
- the National Centre for Vocational Education Research for the purpose of creating authenticated VET transcripts, resolving problems with USIs and for the collection, preparation and auditing of national VET statistics
- researchers for education and training related research purposes
- any other person or agency that may be authorised or required by law to access the information
- any entity contractually engaged by the Student Identifiers Registrar to assist in the performance of his or her functions in the administration of the USI system
- will not otherwise be disclosed without the student's consent unless authorised or required by or under law

The consequences to the student of not providing the Registrar with some or all of their personal information are that the Registrar will not be able to issue the student with a USI, and therefore the RTO will be unable to issue a qualification or statement of attainment.

Storage and use of information

The RTO will store all records containing personal information securely and take all reasonable security measures to protect the information collected from unauthorised access, misuse or disclosure. Personal information will be stored in either paper-based files that are kept in a secure location (locked filing cabinets/locked compactor) or electronically in a secure environment to which only authorised internal individuals have access.

The personal information held about individuals will only be used to enable efficient student administration, provide information about training opportunities, issue statements of attainment and qualifications to eligible students, and to maintain accurate and detailed records of student course participation, progress and outcomes.

The RTO may use the personal information provided by an individual to market other internal products and services to them. An individual may opt out of being contacted for marketing purposes at any time by contacting the RTO. Information will not be passed onto any third party marketing companies without the prior written consent of the individual.

Disclosure of information

The personal information about students enrolled in a Course with the RTO may be shared with the Australian Government and designated authorities, such as ASQA (the RTO's registering body) and its auditors, the USI Registrar (as per above), DET, TPS, and the National Centre for Vocational Education Research (NCVER). This includes personal details, contact details, course enrolment information, unit outcomes, AQF certification and statement issuance and information about training participation and progress.

The RTO will not disclose an individual's personal information to another individual or organisation unless:

- They are aware that information of that kind is usually passed to that individual or organisation.
- The individual has given written consent.
- Third parties where you consent to the use or disclosure
- The RTO believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious threat to the life or health of the individual concerned or another person.
- The disclosure is required or authorised by, or under, law.
- The disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of public revenue.

Where reasonable and practicable to do so, the RTO will collect individuals Personal Information directly from the individual.

However, in some circumstances the RTO may be provided with information by third parties. In such a case the RTO will take reasonable steps to ensure that the individual is made aware of the information provided to the RTO by the third party.

The RTO may disclose the individual's personal information for individual's who enter into a finance agreement and falls into arrears of \$400 or more, as the individual will be in breach of their finance agreement and failure to amend arrears will result in the individual's personal information (as

permitted under the Privacy Act and other relevant Laws) being provided to a Default Reporting Agency to list the default debt (balance of the individual's finance agreement plus an additional \$100 Administration Fee for default listing) against the individual's credit file;

a) If you are a company, please note that the RTO will perform a credit check.

b) If you are a natural person you:

2.1. understand that the Privacy Act allows the RTO to give a Credit Reporting Agency certain personal information about the individual. The information the RTO discloses to a Credit Reporting Agency includes permitted information which will allow the individual to be identified, the fact that the individual has applied for credit and the amount, the fact that the RTO is a current credit provider to the individual, repayments that are overdue and for which debt collection action has started, information that in the RTO's opinion the individual has committed a serious credit infringement (i.e. acted fraudulently or shown an intention not to comply with the individual's credit obligations);

2.2. agree to the RTO obtaining from a Credit Reporting Agency a credit report containing information about the individual's personal credit worthiness for the purpose of assessing the individual's application and for the purpose of assisting in collecting overdue payments; and agree to the RTO obtaining information about the individual's commercial activities or commercial creditworthiness from any business which provides information about the commercial credit worthiness of persons, the individual's accountant or any other supplier to the individual;

○ Agree to the RTO giving to and obtaining from any credit provider named in the individual's Application or in a credit report on the individual issued by a Credit Reporting Agency, information about the individual's credit arrangements for the purposes of:

3.1. assessing the individual's Application;

3.2. notifying a default by the individual;

3.3. allowing another credit provider to ascertain the status of the individual's arrangements with the RTO where the individual is in default with one or more other credit providers; and

3.4. generally assessing the individual's credit worthiness.

The information exchanged can include any information about the individual's personal and/or commercial credit worthiness, credit standing, credit history or credit capacity which the Privacy Act allows credit providers to give to or receive from each other.

Any person or organisation to which information is disclosed is not permitted to use or disclose the information for a purpose other than for which the information was supplied to them.

Access to and correction of records

Individuals have the right to access or obtain a copy of the information that the RTO holds about them including personal details, contact details and information relating to course participation, progress and AQF certification and statements of attainment issued.

Requests to access or obtain a copy of the records held about an individual must be made by contacting the RTO. The individual must prove their identity to be able to access their records.

There is no charge for an individual to access the records that the RTO holds about them; however, there may be a charge for reissuing AQF certification and statements of attainment. Arrangements will be made within 10 business days for the individual to access their records.

Complaints about privacy

Any individual wishing to make a complaint or appeal about the way information has been handled within the RTO can do so by following the RTO's *Complaints and Appeals Policy and Procedure*.

Roles and Responsibilities

All individuals internal or external to the RTO are responsible for ensuring the Privacy Policy is adhered to at all times.

Related Forms

- Enrolment Form
- Complaints Form