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<b>POLICY AND PROCEDURE NAME:</b>	<b>Privacy</b>
<b>DATE ENDORSED:</b>	19 <sup>th</sup> October 2016
<b>REVIEW DATE:</b>	19 <sup>th</sup> October 2018

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## Preamble / Context

MACE Incorporated (MACE) is committed to protecting the privacy of personal information which the organisation collects, holds and administers.

## Purpose

MACE is required to collect, use, store and disclose a range of personal information on students, employees and a range of other stakeholders. MACE is committed to maintaining the privacy and confidentiality of all student and personnel records. MACE complies with:

- the *Privacy and Data Protection Act 2014* (Federal), including the 13 Australian Privacy Principles (APP) as outlined in the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Federal).
- *Information Privacy Act 2000* (Vic), including the ten Information Privacy Principles specified in Schedule 1

## Scope / Persons affected by this policy

- This policy applies to all students, employees and independent contractors.

## Policy and Procedure Statement

### **Australian Privacy Principles:**

#### **1. Open and transparent management of personal information**

- a. MACE will publish this policy on its website
- b. A website link to this policy will be included in MACE's student handbook, staff handbook and the policy made available on request.

#### **2. Anonymity and pseudonymity**

- a. Individuals have the option to not identify themselves when dealing with MACE, for example when requesting information on a course, website enquiries or anonymous complaints/feedback.
- b. Individuals who wish to undertake nationally recognised training with the MACE will be required to disclose information of a personal nature as outlined in this policy.

#### **3. Collection of solicited personal information**

- a. MACE will collect information you provide on enrolment into a nationally accredited course or on commencement of employment with MACE. MACE may also collect information you provide on websites, enrolment forms, course materials and assessments.
- b. MACE may sometimes collect information, with your consent, from your employer, a job services provider or other organisations where students may engage in placement for training and assessment purposes.
- c. MACE collects information of a personal and sometimes sensitive nature. Information MACE collects may include: Full name, date of birth, residential address, contact details, demographic information, ability/disability, employment details, educational background, indigenous background, concession status, language, literacy and

numeracy skills and educational/course progress. The RTO may also collect information on your next of kin or parent/guardian.

#### **4. Dealing with unsolicited personal information**

- a. MACE only collects, uses and stores information which is directly related to the provision of training and assessment (for students) and information directly related to the employment or engagement of contractors (for employees and contractors).
- b. Information which is received that is not related to training and assessment or employment with MACE is destroyed in a safe and secure manner.

#### **5. Notification of the collection of personal information**

- a. Students, employees and contractors are notified when information is collected or sourced from third parties. Such notifications are expressed in enrolment forms, assessment tools and other written documents or implied in circumstances such as workplace observations.

#### **6. Use or disclosure of personal information**

- a. MACE only uses information for the provision of training and assessment and is required by law to disclose this information to a number of organisations such as:
  - i. Registering bodies such as the ASQA (National) or VRQA (Victoria)
  - ii. Government funding bodies in each state and territory and/or Commonwealth Government
  - iii. Apprenticeship Centres
  - iv. Employers and Job Services Providers
  - v. External auditors and our consultants
  - vi. The Australian Taxation Office
  - vii. Other entities required by law and in accordance with the Privacy Act 1988.
- b. MACE will not disclose any personal or sensitive information to a third party except for the direct provision of training and assessment or in emergency and life threatening situations.

#### **7. Direct marketing**

- a. Your personal information will never be sold to any marketing company or third party.
- b. MACE may use your personal information to market directly to you only for the provision of further training and assessment with MACE.
- c. MACE will only use your information if you have provided consent to use your information for this purpose and you have opted-in to this type of communication.

#### **8. Cross-border disclosure of personal information**

- a. MACE will not disclose your personal information to any entity outside Australia unless you have provided your express written consent.
- b. All records will be kept in Australia.

#### **9. Adoption, use or disclosure of government related identifiers**

- a. MACE is required to collect, in some circumstances, government related identifiers. MACE will not use these identifiers for any reason or purpose except for the explicit reason it is required (e.g. Concession numbers, Tax File Numbers, Drivers Licence Number, etc.) and will not use these numbers as an identifier of individuals.
- b. MACE will only disclose government related identifiers where required by law or express consent has been given to disclose this information.

#### **10. Quality of personal information**

- a. MACE collects information and ensures it is accurate, up to date and complete.
- b. MACE will take all reasonable steps to ensure that the information provided from individuals is correct and any third party information received can be verified for accuracy, currency and completeness.

## **11. Security of personal information**

- a. All personal and sensitive information is kept safe and secure at all times, only people who are authorised may access this information.
- b. Personal and Sensitive information is protected from unauthorised access, interference, misuse, loss, modification or disclosure.
- c. Destruction of personal and sensitive information is carried out by commercial document destruction companies or secure shredding or secure electronic deletion.

## **12. Access to personal information**

- a. Individuals may request copies of information which is kept about them at any time free of charge. MACE may charge for printing and postage in some circumstances.
- b. All requests for access to personal information must be in writing and the individual must be able to identify themselves and verify their identity prior to any information being disclosed.
- c. All requests must be made to:

### **The Privacy Officer**

Executive Officer  
MACE Incorporated  
PO Box 295  
Mansfield 3724  
contact@mace.vic.edu.au

## **13. Correction of personal information**

Individuals who feel that the information used and stored is inaccurate or incomplete may request to have the information updated and corrected. Such corrections must be in writing.

## ***Victorian Privacy Principles:***

### **1 Collection of Personal Information**

- 1.1 MACE will not collect personal information unless the information is necessary for one or more of its functions or activities.
- 1.2 Collection of personal information will only be by lawful and fair means and not in an unreasonably intrusive way.
- 1.3 At or before the time (or, if that is not practicable, as soon as practicable after) that MACE collects personal information about an individual from the individual, MACE will take reasonable steps to ensure that the individual is aware of:
  - the contact details for MACE; and
  - the fact that he or she is able to gain access to the information; and
  - the purposes for which the information is collected; and
  - to whom (or the types of individuals or organisations to which) the organisation usually discloses information of that kind; and
  - any law that requires the particular information to be collected; and
  - the main consequences (if any) for the individual if all or part of the information is not provided.
- 1.4 If it is reasonable and practicable to do so, MACE will only collect personal information about an individual from that individual.
- 1.5 When MACE collects personal information about an individual from someone else, it will take reasonable steps to ensure that the individual is (or has been) made aware of the detail listed in Section 1.3 (except in circumstances where doing that would pose a serious threat to the life or health of any individual).

### **2 Use and Disclosure of Personal Information**

- 2.1 MACE will not use or disclose personal information about an individual for a purpose (the secondary purpose) other than the primary purpose of collection unless:

- the secondary purpose is related to the primary purpose of collection and the individual would reasonably expect the organisation to use or disclose the information for the secondary purpose; and the information is necessary for one of its functions; or
- the individual has consented to the use or disclosure; or
- if the use or disclosure is necessary for research, or the compilation or analysis of statistics, in the public interest, other than for publication in a form that identifies any particular individual and it is impracticable for the organisation to seek the individual's consent before the use or disclosure; or
- MACE reasonably believes that the use or disclosure is necessary to
  - lessen or prevent a serious and imminent threat to an individual's life, health, safety or welfare; or
  - a serious threat to public health, public safety, or public welfare; or
  - MACE has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; or
- the use or disclosure is required or authorised by or under law.
- MACE will also adhere to procedures identified under Principle Clauses 2.1 (g) to (h) inclusive if required under law.

### **3 Data Information Quality**

- 3.1 MACE will take reasonable steps to make sure that the personal information it collects, uses, or discloses is accurate, complete and up to date.

### **4 Data Information Security**

- 4.1 MACE will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.
- 4.2 MACE will take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose.

### **5 Openness**

- 5.1 This document sets out MACE's policy on Privacy and management of personal information, and will be made available to anyone upon request.
- 5.2 On request by any individual, MACE will take reasonable steps to let the individual know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information (refer also to section 6 below).

### **6 Information Access and Correction**

- 6.1 MACE will provide an individual with access to the information on request by the individual, except to the extent that:
- providing access would pose a serious and imminent threat to the life or health of any individual; or
  - providing access would have an unreasonable impact on the privacy of other individuals; or
  - the request for access is frivolous or vexatious; or
  - the information relates to existing legal proceedings between the organisation and the individual, and the information would not be accessible by the process of discovery or subpoena in those proceedings; or
  - providing access would reveal the intentions of the organisation in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
  - if providing access would be unlawful; or
  - if denying access is required or authorised by or under law; or
  - providing access would be likely to prejudice an investigation of possible unlawful activity.

- 6.2 MACE will, if the individual is able to establish that the information is not accurate, complete and up to date, take reasonable steps to correct the information.
- 6.3 MACE will provide reasons for denial of access or a refusal to correct personal information. Refer to Privacy Principle Clauses 6.2 to 6.8 inclusive for further information about access to information procedures and other requirements.

## **7 Unique Identifiers**

- 7.1 Unique identifiers will not be assigned to individuals other than to enable MACE to carry out any of its functions efficiently. Refer also to the definition in Table below, and for further information Clauses 7.2, 7.3 and 7.4 of the Privacy Principles.

## **8 Anonymity**

- 8.1 Wherever it is lawful and practicable, individuals will be provided the option of not identifying themselves when entering transactions with MACE. However, the nature of the business carried on by MACE means that it may not always be possible for MACE to provide services to clients or staff members in an anonymous way.

## **9 Transborder Data Information Flows**

- 9.1 Although unlikely, MACE may transfer personal information outside of Victoria where it is necessary to do so. If MACE transfers personal information outside Victoria, it will comply with the relevant requirements of those Privacy Laws that relate to transborder information flows outside Victoria.
- 9.2 This stipulates that the recipient of the information must protect privacy of personal information to a similar standard as the Victorian Information Privacy Principles – refer Clause 9.1 (b) to 9.1 (f).

## **10 Sensitive Information**

- 10.1 MACE will not collect sensitive information about an individual unless:
- the individual has consented; or
  - the collection is required under law; or
  - the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns is physically or legally incapable of giving consent to the collection, or physically cannot communicate consent to the collection; or
  - the collection is necessary for the establishment, exercise or defence of a legal or equitable claim
- 10.2 MACE may collect sensitive information about an individual if:
- the collection is necessary for research, or the compilation of or analysis of statistics, relevant to government funded targeted welfare or educational services; or is of information relating to an individual's racial or ethnic origin and is collected for the purpose of providing government funded targeted welfare or educational services; and
  - there is no reasonably practicable alternative to collecting the information for that purpose; and it is impracticable for MACE to seek the individual's consent to the collection.

## **Responsibility**

The Executive Officer is responsible for the control and issuance of this policy.

## Definitions

As identified in the chart below.

Item	Definition
Information	In this policy a reference to 'information' is a reference to both health information and personal information.
Personal information	Information which directly or indirectly identifies a person.
Primary purpose	Is one for which the individual concerned would expect their information to be used. Using the information for this purpose would be within their reasonable expectations e.g. client enrolment in a course or employment as a staff member.
Privacy principles	As defined in <i>the Privacy and Data Protection Act 2014</i> (Federal), including the 13 Australian Privacy Principles (APP) as outlined in the <i>Privacy Amendment (Enhancing Privacy Protection) Act 2012 (C'With)</i> , and the ten Information Privacy Principles specified in Schedule 1 of the <i>Information Privacy Act 2000 (Vic)</i> . This policy is based on both Federal and State privacy principles.
Sensitive information	Typically refers to information that is health related or of a socio-economic nature e.g. 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 preferences or practices, criminal record.
Unique Identifiers	Refers to an identifier (usually a number) assigned by an organisation to an individual uniquely to identify that individual for the purposes of the operations of the organisation, but does not include an identifier that consists only of the individual's name but does not include an identifier within the meaning of the Health Records Act 2001.

## Related Documents / Forms

- Complaints and Appeals Policy PP029.7
- Complaints and Appeals Form MA010.2
- Suspension, Expulsion and Withdrawal Policy PP067.1
- Record Keeping Policy PP016.4

## Relevant Standards

### Standards for RTOs 2015

- Standard 3.4, 5.2, 6.5, 8.1, 8.5, 8.6

### Legislation

- Privacy Act 1988
- Privacy and Data Protection Act 2014 (Federal)
- The Australian Privacy Principles (APP), 2014 (C'With.)
- Information Privacy Act 2000 (Vic.)
- Health Records Act 2001 (Vic.)