

# PRIVACY POLICY AND PROCEDURE

## Policy

### 1. Purpose

Success Resources International Pty Ltd (SRI) is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (SRTOs 2015). As such, SRI is required to comply with Federal law regarding Privacy and confidentiality of employees, clients and contractors.

The purpose of this policy is to outline how SRI complies with Privacy Act 1988 and Australian Privacy Principles (APPs).

### 2. Policy Statement

SRI is committed to complying with obligation under Privacy Act 1988, and the associated Australian Privacy Principles (APPs), specifically in the way it collects, uses, secures and discloses personal information. SRI is committed to safeguarding any confidential information obtained by the RTO.

SRI will ensure:

- It maintains and provides a current Privacy Policy;
- Information gathered for the express purpose of training and assessment matters will not be disclosed to a third party unless prior written consent is provided by the individual concerned, except that required by law;
- The secure storage of all records;
- The confidentiality of all information maintained on records.

### 3. Policy Principles

#### 3.1 Legislation

- a) SRI, although not required to, chooses to abide by the Privacy Act 1988 and associated Australian Privacy Principles (APPs).
- b) The APPs came into force on 12 March 2014 and set out standards, rights and obligations for the handling, holding, accessing and correction of personal information (including sensitive information).

#### 3.2 Underpinning Principles

- a) *Personal Information* is defined in the Privacy Act 1988 to mean “information or an opinion about an identified individual, or an individual who is reasonably identifiable:
  - i. whether the information or opinion is true or not; and
  - ii. whether the information or opinion is recorded in a material form or not.
- b) *Sensitive Personal Information* is defined in the Privacy Act 1988 to mean “information or an opinion about an individual’s” that is also personal information, such as:
  - i. racial or ethnic origin; or

- ii. political opinions; or
- iii. membership of a political association; or
- iv. religious beliefs or affiliations; or
- v. philosophical beliefs; or
- vi. membership of a professional or trade association; or
- vii. membership of a trade union; or
- viii. sexual orientation or practices; or
- ix. criminal record.

### **3.3 PART 1 – Consideration of Personal Information Privacy**

#### **a) Open and Transparent Management of Personal Information.**

SRI will :

- i. Ensure that personal information is managed in an open and transparent way.
- ii. Take reasonable steps to implement practices and procedures that will facilitate dealing with enquiries or complaints from individuals regarding compliance with the Australian Privacy Principles (APPs).
- iii. Ensure that it maintains an up-to-date policy about the management of personal information.
- iv. Ensure that SRI Privacy Policy contains the following information:
  - The kind of information that is collected and held;
  - How the information is collected and held;
  - The purposes for which information is collected, held, used and disclosed;
  - How an individual may access their personal information that is held by SRI and seek correction of such information as necessary;
  - How the individual may make a complaint about a breach of the APPs and how SRI will deal with such a complaint;
  - Whether SRI is likely to disclose personal information to overseas recipients, and if so the countries in which such are likely to be located.
- v. Provide the Privacy Policy free of charge and in such form as appropriate, and as is reasonable.

#### **b) Anonymity and pseudonymity**

SRI will :

- i. Respect that individuals may not wish to identify themselves when making enquiries on SRI products and services;
- ii. However, require full personal details as required by law and for identification purposes from clients.

### **3.4 PART 2 – Collection of Personal Information**

- a) SRI will not collect personal information from you unless that information is necessary for one or more of its functions or activities, or is required by law.
- b) SRI advises that it is required by law to collect, hold, use and supply personal information, in accordance with the National VET Provider Collection Data Provision Requirements.
- c) SRI will take reasonable steps at or before the time of collection to ensure that you are aware of:
  - i. Who we are and how to contact us;

- ii. How to gain access to your own information;
  - iii. The purpose for which the information is being collected;
  - iv. Any organisation to which we would normally disclose information of that kind;
  - v. Any law that requires the particular information to be collected;
  - vi. The main consequences for the individual if all or part of the information is not provided.
- d) SRI collects information from you in the following ways:
- i. When you register your interest on line, apply for enrolment, request certain services or products, or otherwise contact or do business with us.
  - ii. Information may be collected from enrolment forms, certified documents, telephone calls, emails, letters sent by you.
  - iii. Information may be collected from third parties, such as other training providers, regarding confirmation of training and ongoing professional development that you have attended, as permitted by you.
- e) Should SRI collect information about you from a third party we will take reasonable steps to ensure that the individual is or has been made aware of the matters listed above except to the extent that making the individual aware of the matters would pose a serious threat to the life or health of any individual.

### **3.5 PART 3 – Dealing with Personal Information**

- a) SRI will not use or disclose personal or sensitive information for any purpose other than what it was collected for, unless the relevant person has provided written consent to use or disclose that information in circumstances that are different to those for which it was collected.

The circumstances where an exception may occur are:

- i. Where the use or disclosure of this information is required or authorised by or under an Australian law or a court/tribunal order;
  - ii. The individual would reasonable expect SRI to use or disclose the information for the secondary purpose;
  - iii. A permitted health situation exists in relation to the use or disclosure of the information by SRI ;
  - iv. A permitted general situation exists in relation to the use or disclosure of the information by SRI ;
  - v. SRI reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.
- b) SRI collects your personal information so as to:
- i. Process applications;
  - ii. Manage your enrolment;
  - iii. Record and maintain your details;
  - iv. Administering training programs;
  - v. Record and maintain details of your ongoing training and assessment;
  - vi. Provide you with details regarding client services, benefits, and training opportunities;
  - vii. Notify you about upcoming events and opportunities;
  - viii. Gain feedback from you;
  - ix. Communicate with you;
  - x. Report to relevant authorities as required by law.

c) Direct Marketing

SRI :

- i. May use personal information (specifically your name and relevant address details) and information about your preferences for direct marketing (i.e. the communication channels which you prefer for receiving direct marketing from us and the types of products and services in which you are interested in) so as to let you know about our services and benefits, where we have your consent.
- ii. Provides an opt-out and/or unsubscribe method that is easily accessible for individuals to request not to receive direct marketing communications.

d) Adoption, use or disclosure of Government Related identifiers

SRI :

- i. Is required by law (*Student Identifier Act*) to collect, maintain and report to relevant Government agencies the individual's Unique Student Identifier (USI) number in accordance with the National VET Provider Collection Data Provision Requirements.
- ii. Will not disclose the Unique Student Identifier (USI) number for any other purpose, including on any Certification documents you receive.
- iii. Must not adopt the Unique Student Identifier (USI) number as its own identifier of the individual.

**3.6 PART 4 – Integrity of Personal Information**

a) Quality of personal information

SRI will take steps, as are reasonable, to ensure that the personal information it:

- i. Collects is accurate, up to date and complete;
- ii. Uses or discloses, is, having regard to the purpose of the use or disclosure, accurate, up to date, complete and relevant.

b) Security of personal information

SRI will take steps, as are reasonable in the circumstances to:

- i. Protect the information from misuse, interference and loss as well as unauthorised access, modification or disclosure.
- ii. Destroy the information or to ensure that the information is de-identified.

**3.7 PART 5 – Access to, and correction of, Personal Information**

a) SRI provides all clients with electronic access to their own personal records, where the individual can update and maintain their own personal information.

b) In some circumstances, SRI may not permit access to individuals for their personal information. If this is ever the case, SRI will provide full details for the legal reasons for this decision. These may include that SRI believes :

- i. That giving access to the information would pose a serious threat to the life, health or safety of the individual, or to public health or public safety; or
- ii. Giving access would have an unreasonable impact on the privacy of other individuals; or
- iii. The request for access is frivolous or vexatious; or
- iv. The information relates to existing or anticipated legal proceedings between SRI and the individual, and would not be accessible by the process of discovery in those proceedings; or
- v. Giving access would reveal the intentions of SRI in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- vi. Giving access would be unlawful; or

- vii. Denying access is required or authorised by or under an Australian law or a court/tribunal order; or
- viii. Both of the following apply:
  - SRI has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to SRI functions or activities has been, is being or may be engaged in;
  - Giving access would be likely to prejudice the taking of appropriate action in relation to the matters; or
- ix. Giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- x. Giving access would reveal evaluative information generated within SRI in connection with a commercially sensitive decision-making process.
- c) When dealing with requests for access to personal information, SRI will:
  - i. Respond to request for access within 30 days of the request, if from an individual, and within a reasonable time, if the request is from an organisation; and
  - ii. Provide access to the information in the manner requested, if it is reasonable and practicable to do so.
- d) SRI does not charge a fee for access to personal information. The exception is re-prints of certification documentation previously supplied.
- e) With regard to the correction of personal information held:
  - i. should SRI be satisfied that information is inaccurate, out of date, incomplete, irrelevant or misleading, SRI will take such steps as reasonable to correct the information to ensure that, having regard to the purpose for which it is held, the information is accurate, up-to-date, complete, relevant and not misleading.
  - ii. Should SRI refuse to correct information, SRI will give written notice to the individual that sets out:
    - The reason for refusal
    - The mechanisms available to complain about the refusal; and
    - Any other matter prescribed by the regulations.

#### **4. SRI Responsibilities**

The Directors of SRI ensures that all employees are made aware of this policy and its underpinning legislative requirements, and comply with this policy at all times.

The Directors of SRI ensures that all clients have access to and awareness of this policy.

#### **5. Records Management**

All personal information and records are maintained in accordance with Records Management Policy. (See Records Management Policy)

#### **6. Monitoring and Improvement**

All practices for Privacy are monitored by the Directors of SRI and areas for improvement identified and acted upon. (See Continuous Improvement Policy)

## Procedure

### Step 1: Application to access own records.

<b>Client</b>	1.1	Client advises in writing they wish to view their own records (i.e. Client file) kept by SRI.
<b>SRI Admin</b>	1.2	Communicate with client confirming their needs. Confirm identify of the client. Arrange a date / time for the client to attend and view their records.

### Step 2: Accessing own records

<b>Client</b>	2.1	Client arrives to view their own "Client file".
<b>SRI Admin</b>	2.2	Communicate with client confirming their needs. Confirm identify of the client. Arrange a date / time for the client to attend and view their records.
<b>Client</b>	2.3	Client views to view their own "Client file". Client is not permitted to remove any documentation from their own file, however may request a copy of the documentation.
<b>SRI Admin</b>	2.4	Return client file to filing system.

### Step 3: Application by a client for a third party to access client records / information

<b>Client</b>	3.1	Client signs " <b>Privacy Disclosure Form</b> " and submits to admin or signs the " <b>Declaration of Parties</b> " section in the training record booklet, allowing a third party to access the clients own records/ information.
<b>SRI Admin</b>	3.2	Communicate with client confirming their needs. Confirm identity of the client. Confirm identity of the third party. Arrange a date / time for the third party to attend and view the records, or discuss personal details of the client. May need to communicate with Third party to arrange date and time. Note on the client records, both SMS and Client file, that a third party has authority to view records. Place " <b>Privacy Disclosure Form</b> " on client file.

### Step 4: Accessing Client records by a Third Party

<b>Third Party</b>	4.1	Third party arrives to view the Client records "Client file", or calls to receive client specific information.
<b>SRI Admin</b>	4.2	Verify identification of Third party. Retrieve client file. Provide private access for Third party to view the records under supervision, or provide personal information as permitted and written on the " <b>Privacy Disclosure Form</b> ".
<b>Third Party</b>	4.3	Third party views the "Client file". Third party is not permitted to remove any documentation from the client file, however may request a copy of the documentation if this has been the instruction given by the client on the " <b>Privacy Disclosure Form</b> ".
<b>SRI Admin</b>	4.4	Returns client file to filing system.