

PRIVACY POLICY AND PROCEDURES		
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<b>Endorsed By</b>	CSE Management Team	
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## 1. DEFINITIONS

<b>APP</b>	Australian Privacy Principles
<b>ASQA</b>	Australian Skills Quality Authority, the National VET Regulator
<b>AVETMISS</b>	Australian Vocational Education and Training Management Information Statistical Standard
<b>CoE</b>	Confirmation of Enrolment providing evidence of an overseas student's enrolment with an approved Australian training provider.
<b>Complaint</b>	An expression of dissatisfaction with academic or non-academic services of CSE, including dissatisfaction with a staff member, an agent acting on behalf of CSE, or student of CSE.
<b>CRICOS</b>	Commonwealth Register of Institutions and Courses for Overseas Students.
<b>CSE</b>	Childrens Services Education Pty Ltd trading as Children's Services Education.
<b>EOI</b>	Expression of Interest.
<b>ESOS</b>	Education Services for Overseas Students.
<b>Formal Complaint</b>	A communication which is submitted in writing either on the CSE Complaints and Appeals Form, in an email or hard-copy written document following the procedures set out in this policy and procedures.
<b>Information</b>	Statements or facts provided from individuals and organisations which is transmitted in different ways and has different meanings in different contexts. Information may be collected in one form and disseminated in another form.
<b>NCVER</b>	National Centre for Vocational Education Research.
<b>NRT</b>	Nationally Recognised Training.
<b>OAIC</b>	Office of the Australian Information Commissioner.
<b>Personal Information</b>	Personal information as described by the Privacy Act 1988 which broadly is 'Information or an opinion about an identified individual, or an individual who is reasonably identifiable: a) whether the information or opinion is true or not; and b) whether the information or opinion is recorded in a material form or not.'

<b>PRISM</b>	Provider Registration and International Student Management System.
<b>Respondent</b>	The person, department, organisation or service who responds to the complaint or appeal.
<b>RTO</b>	Registered Training Organisation.
<b>Secure</b>	'Secure' in the context of this policy refers to having mechanisms in place so that personal documentation is stored in safe locations and only able to be accessed by authorised personnel. This may include being locked filing cabinets, offices or archive rooms for hard copy files or protected by login access and firewalls for electronic files.
<b>Sensitive Information</b>	Data which must be protected from unauthorized access to safeguard the privacy or security of an individual or organisation.
<b>SMS</b>	AVETMISS compliant Student Management System.
<b>SRTOs</b>	Standards for Registered Training Organisations 2015.
<b>Trainers/ Assessors</b>	Persons engaged to conduct training and/or assessment in accordance with the Standards for RTOs
<b>USI</b>	Unique Student Identifier
<b>VET</b>	Vocational Education and Training

## 2. RELATED STANDARDS

### **RTO Standard 7**

**The RTO has effective governance and administration arrangements in place.**

*Operational and financial business standards therefore provide important protective measures for the learner and RTO.*

### **ESOS National Code**

#### **Standard 3.3.6**

*In addition to all requirements in the ESOS Act, the written agreement must, in plain English: set out the circumstances in which personal information about the student may be disclosed by the registered provider, the Commonwealth including the TPS, or state or territory agencies, in accordance with the Privacy Act 1988.*

### 3. LEGISLATIVE CONTEXT

CSE is committed to complying with *The Privacy Act 1988* (Privacy Act), and the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* which govern the way in which business entities and federal government agencies must handle personal information, largely through the 13 Australian Privacy Principles (APPs) set out within the Privacy Act.

*Privacy Amendment (Notifiable Data Breaches) Act 2017*. The Notifiable Data Breaches (NDB) scheme under Part IIIC of the Privacy Act 1988 (Privacy Act) established requirements for entities in responding to data breaches

CSE complies with the *Spam Act 2003 (Cth)*, the *Do Not Call Register Act 2006 (Cth)* and the *Freedom of Information Act 1982* (FOI Act).

### 4. OVERVIEW

The key features of The Privacy Act 1988 include the 13 APPs which are the principles that govern the way in which personal information is to be collected, used, disclosed and stored. The full text of the APPs and a Privacy fact sheet on the Australian Privacy Principles can be accessed on the [Office of the Australian Information Commissioner](#) website.

CSE fosters a privacy and security aware culture within its organisation, ensuring all staff are aware of their privacy and security obligations. Information collected and held by CSE is managed in accordance with the Australian Privacy Principles (APPs). CSE uses guidelines such as the OAIC Guide for securing personal information, to assess the level of security risk in the way CSE collects and stores information, and as a guide to implementing strategies to protect personal information we collect.

CSE will ensure that all information that is collected about an individual is collected directly from or verified by the individual themselves, and that the person providing the information is responsible for the information given. The collection and storage of personal information will be secure and will not be distributed without that individual's explicit written consent.

### 5. SCOPE

This policy applies to all CSE employees, contractors, students and stakeholders, direct and third-party suppliers, and agents acting on behalf of CSE.

It applies to the collection, updating, use, storage of, disclosure and access to personal and sensitive information that can be recorded in any format including, but not limited to, information held in hard copy, online, digitally or by electronic means, including mobile phones and USB sticks.

## 6. COMPLIANCE REQUIREMENTS

The ways in which CSE maintains compliance with the legislation related to protecting individual's privacy are by:

- maintaining and displaying on our website a clearly expressed and up-to-date Privacy Policy,
- making a hard copy of the CSE Privacy Policy available free of charge if requested,
- including CSE Privacy Policy information in international student's written agreements,
- informing the public about the kinds of personal information that CSE collects and holds,
- informing individuals when we are collecting and/or holding information about them and why it is being collected and/or held,
- informing individuals when we are collecting information for or on behalf of another person or entity,
- only collecting the information that is necessary for or directly related to the services we provide or is required or authorised under an Australian law or court/tribunal order,
- only using the personal information about an individual for the purpose for which it was collected,
- allowing an individual to not identify themselves or use a pseudonym, except where it is impracticable for CSE to deal with a non-identified person,
- requesting consent from individuals before using or disclosing their personal information,
- advising the consequences (where applicable) for the individual if all or some of the personal information is not collected,
- taking reasonable steps to ensure the personal information we collect is accurate, up-to-date and complete,
- taking reasonable steps to protect the information we collect from misuse, interference, loss, unauthorised access, modification or disclosure,
- allowing individuals to request personal information about themselves and seek correction of information we hold without charge,
- ensuring that any charges applied for accessing information are not excessive,
- advising if we are likely to disclose personal information to overseas parties and if so, the countries in which these parties are likely to be located,
- encouraging and providing information and mechanisms for individuals to make inquiries or lodge complaints about our compliance with the APP,
- only using personal information (other than sensitive information) for direct marketing if the individual would expect CSE to use or disclose the information for that purpose, or the individual has consented to the use or disclosure of the information for that purpose,
- only using personal information for direct marketing, on the basis that CSE provides simple means for the individual to request not to receive direct marketing from CSE in the future,
- advising applicants for enrolment that when they approach an Education Agent to manage their application and enrolment on their behalf, the Education Agent will have access to their personal information provided on and with their application.

## **7. PERSONAL INFORMATION COLLECTED**

Information collected by CSE can include, but is not limited to:

- Name
- Date of Birth
- Gender
- Diversity status
- Current and previous overseas and Australian address
- Telephone number/s
- Email addresses
- Driver Licence Number
- Company Name
- ABN / ACN
- Tax File Number (TFN)
- Passport Number
- Visa number and class
- Bank Account Details
- Health Care Card
- Birth Certificates
- Unique Student Identifier
- Victorian Student Number
- Relevant Sensitive Information (for example, health and/or disability)
- Financial and Business details
- Employer contact details
- Workplace Supervisor details
- Emergency contact details
- Working with Children Checks and National Police Checks.

## **8. WHERE CSE COLLECTS PERSONAL INFORMATION**

CSE will collect information in several ways including, but not limited to the following:

- Enquirers and prospective students when they express interest or apply for enrolment with CSE
- From enrolled students to maintain current personal information
- From Education Agents acting on behalf of students where students have expressively authorised the Education Agent to act on their behalf
- From employers and workplace supervisors, including the host services where CSE students undertake Vocational Placement
- Through marketing activities, student expos, email enquiries and similar methods where the interested parties provide personal information to find out about training opportunities
- Information in the public domain (for example, online personal profiles, general websites, and telephone directories)
- Our parent company or partner company records where they have permission to provide this information

- From other training providers (for example, when verifying student previous educational history)
- From referees in relation to prospective staff or workplaces for Vocational Placement.
- Unsolicited information
- Police checks/reports including working with children checks
- Health checks/medical certificates from students and staff.

## 9. HOW PERSONAL INFORMATION IS USED

CSE uses personal information collected from an individual or an authorised third party acting on their behalf to fulfil its obligations in delivering educational services to:

- assist in the determination of an applicant's eligibility as a student or staff member,
- apply for enrolled students USI on their behalf (written permission required),
- access the USI register to substantiate student claims of previous study for eligibility or skills recognition purposes (written permission required),
- record student information and issue Confirmation of Enrolment (CoE) in PRISMS,
- record student information and student progression in the SMS,
- maintain evidence of participation, progression and completion in individual student (hard copy and electronic format) files,
- enable the reporting of AVETMISS data to NCVET and state authorities,
- enable contracted training partners to enrol our students on their SMS, record training results and issue Statements of Attainment (for example, First Aid training providers),
- to provide students with access to e-learning portals,
- supply trainers with the information they need to adequately service each individual student's requirements, as needed,
- supply contractors with information needed to perform their role (for example, compliance consultants),
- send notifications to students such as semester timetables, invoices, changes policies, and to issue testamurs, statements of attainment and statements of results,
- capture emergency contact details for the purposes of contacting appropriate next of kin in the event of an unforeseen emergency,
- provide Vocational Placement providers, so they have sufficient information relating to the students taking part in the placement,
- support Vocational Placement supervisors/managers to manage student behaviour and performance,
- refer students to external referral, support and counselling agencies,
- inform students about events, additional training services and opportunities.

## 10. PROCEDURES

All staff who have access to individual's personal information are made aware of the Privacy Act, the Australian Privacy Principles and this CSE Privacy Policy.

### **10.1 General information about student data collection and use**

- Personal information collected from enrolment forms and attachments (electronic or hard copy) are entered into the SMS by the administration team and an individual file for each student is created. A copy of the enrolment form and all attachments are securely retained (digital or hard copy)
- Information from the SMS is uploaded to NCVER, and to other statutory authorities, as required by RTO registration guidelines and any government contract guidelines in place at the time
- Student Services staff will verify the students details on the USI register during the enrolment process
- Approved staff will enter student personal information into PRISMS to produce relevant pre-enrolment documentation and the CoE. Copies of the documentation and CoE are stored on the student's electronic and/or hard copy files
- Trainers receive a student information that is relevant for them to perform their training and assessment role.
- Vocational Placement supervisors will receive personal information as necessary about students who will be undertaking their placement at their workplace
- The Marketing team receive limited student information to enable them to make contact with enquirers, prospective students, students and graduates for general marketing and for satisfaction and outcome surveys
- Finance and accounts staff have access to student's personal information for purposes of collecting fees and providing refunds
- Students are advised that they may be contacted by NCVER or ASQA by email or phone in relation to their training and assessment with CSE
- From time to time CSE engages contractors to carry out specific functions (for example, compliance consultants). These contractors may have access to a student's personal information whilst undertaking their activities. All contractors sign a Privacy Declaration prior to engagement
- In the event of a complaint or appeal being lodged with CSE, personal information may be collected and made available to managers and members of a review panel.

### **10.2 Direct marketing**

CSE may use or disclose personal information (other than sensitive information) about an individual for the purposes of direct marketing if:

- a) CSE collected the personal information from the individual and the individual would reasonably expect CSE to use or disclose the information for that purpose.
- b) CSE will:
  - provide a simple means by which the individual may easily request not to receive direct marketing communications from CSE;
  - make reasonable efforts to ensure no further direct marketing is sent to those contact details;
  - make all reasonable efforts to remove the individual's contact and personal details if the individual communicates this request to the response point of the origin of the direct marketing, or through any other CSE corporate communication media;
  - not charge the individual for the making of, or to give effect to, the request to remove their details from future direct marketing; and will make every reasonable effort to

- give effect to such a request within a reasonable period after the request is made;  
and
- c) Any direct marketing conducted by CSE will comply with:
- The *Do Not Call Register Act 2006*,
  - The *Spam Act 2003*,
  - Any other Act of the Commonwealth, or a Norfolk Island enactment, prescribed by the regulations.

### **10.3 Online advertising and remarketing**

CSE may use the following features to market via third party providers for the purposes of promoting its services:

- Remarketing
- Interest categories
- Similar audiences
- Interest-based advertising
- Demographic and location targeting.

In conducting the above activity CSE will not:

- collect personally identifiable information (PII) including, but not limited to, email addresses, telephone numbers, and credit card numbers,
- use or associate personally identifiable information with remarketing lists, cookies, data feeds, or other anonymous identifiers,
- use or associate targeting information, such as demographics or location, with any personally identifiable information collected from the advertisement or its landing page,
- share any personally identifiable information with third parties through our remarketing tag or any product data feeds which might be associated with our third-party advertisements,
- send third parties precise location information without obtaining people's consent.

CSE will abide by the policy for sensitive categories outlined below:

- a) When creating a remarketing list, we will not use any sensitive information about our site or app visitors, whether collected directly or associated with a visitor, based on the visitor's profile or behaviour on our site or app.
- b) Advertisement content will not imply knowledge of personally identifiable or sensitive information.

## **11. GOVERNMENT RELATED IDENTIFIERS**

CSE will not adopt a government related identifier of an individual as its own identifier of the individual unless:

- required or authorised under law
- the identifier is prescribed by regulations
- CSE is prescribed by regulations or included in a class of organisations prescribed by regulations

- the adoption, use or disclosure occurs in the circumstances prescribed by those regulations.

CSE will not use or disclose a government related identifier of an individual unless:

- the use or disclosure of the identifier is reasonably necessary to verify the identity of the individual for the purposes of our activities or functions
- the use or disclosure of the identifier is reasonably necessary to fulfil CSE's obligations to a government agency of State or Territory authority
- the use or disclosure of the identifier is required by law
- a permitted general situation exists in relation to the use or disclosure of the identifier
- CSE believes that the use or disclosure of the identifier is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

## 12. DATA QUALITY

CSE will:

- take reasonable steps to ensure that the personal information we collect, use and where appropriate disclose to others is accurate, complete, and up to date, having regard to the purpose for which the information is held
- if requested by the individual, take reasonable steps to correct that 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
- take reasonable steps to give notification, unless it is impracticable or unlawful, when correcting personal information about an individual that CSE has previously disclosed to another organisation which is also a respondent to the Australian Privacy Principles, and if the individual requests CSE to do so
- give the individual a written notice if CSE refuses to correct the personal information, as requested by the individual, setting out:
  - The reasons for the refusal except when it would be unreasonable to do so; and
  - The mechanisms available to complain about the refusal
  - Any other matter prescribed by the regulations.
- if the individual and CSE disagree about whether the information is inaccurate, incomplete, out of date, irrelevant or misleading, and the individual asks CSE to associate with the information a statement that the information is inaccurate, incomplete, out of date, irrelevant or misleading, CSE will take such steps as are reasonable to associate the statement in such a way that will make the statement apparent to users of the information.

## 13. DATA SECURITY

CSE will:

- take reasonable steps to ensure the information held is protected from misuse, interference and loss as well as from unauthorised access, modification or disclosure

- give access to authorised personnel only, as determined by the Manager International Education and only where CSE believes they reasonably need access to that information to provide products or services or to do their jobs
- have physical, electronic, and procedural safeguards in place that comply with federal regulations to protect personal and business information about you
- take reasonable steps to destroy or permanently de-identify personal information if it is no longer required, is not contained in a Commonwealth record, and CSE is not required by law to retain it
- if it suspects an eligible data breach may have occurred, undertake a reasonable and expeditious assessment to determine if the data breach is likely to result in serious harm to any individual affected
- notify individuals whose personal information is involved in a data breach that is likely to result in serious harm, and notify the Australian Information Commissioner of the eligible data breach.

#### **14. CROSS-BORDER DISCLOSURE**

CSE will only transfer personal information about an individual to an overseas recipient (other than within our organisation or to the individual) if:

- CSE has taken reasonable steps to ensure that the overseas recipient does not breach the Australian Privacy Principles in relation to the information, or
- CSE reasonably believes that the recipient of the information is subject to a law or binding scheme that has the effect of protecting the information in a way that is substantially similar to the Australian Privacy Principles; and there are mechanisms that the individual can access to enforce that protection of the law or binding scheme
- the individual consents to the disclosure, in which case CSE will expressly inform the individual that if he or she consents to the disclosure of the information, CSE will not take reasonable steps to ensure that the overseas recipient does not breach the Australian Privacy Principles in relation to the information and after providing this information, CSE will then re-check that the individual still consents to the disclosure
- the disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or a permitted general situation exists in relation to the disclosure of the information by CSE
- the disclosure of the information is required or authorised by or under an international agreement relating to information sharing to which Australia is a party; or
- CSE reasonably believes that the disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body or the recipient is a body that performs the functions, or exercises powers, that are similar to those performed or exercised by an enforcement body.

#### **15. REQUESTS FOR INFORMATION**

CSE will not disclose any personal information without first establishing the identity of the person requesting the information.

If access to personal information held by CSE is required, a written request specifying the information sought may be made to the Manager International Education. Adequate identification by or authority from an individual must be supplied to CSE before any personal information will be provided.

The nature and the timing of any access will be agreed between CSE and the individual, usually within five (5) business days of receiving a request. If this cannot be complied with CSE will advise within this period when access will be provided.

CSE may charge a reasonable fee for providing access to personal information, but not for lodging a request for access.

If CSE refuses access it will provide written notice to the individual which sets out:

- the reasons for the refusal except, having regard to the grounds for the refusal, it would be unreasonable to do so,
- the mechanisms available to complain about the refusal,
- any other matter prescribed by the regulations.

## **16. COMPLAINTS METHOD**

Any complaint by an individual regarding CSE's management or handling of personal or sensitive information:

1. Should be addressed in line with the CSE Complaints and Appeals Policy and Procedures to the Manager International Education via contact details on our website.
2. Should be made in writing, detailing the personal information involved and the contact or process that is the subject of the complaint. (Refer to the Complaints and Appeals Form available on our website).
3. Will be acknowledged in accordance with the CSE Complaints and Appeals Policy and Procedures.

## **17. RELATED DOCUMENTS**

Australian Privacy Principles Fact Sheet.

The Privacy Act 1988 (Privacy Act), and the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

Australian Privacy Principles.

CSE Complaints and Appeals Policy and Procedure.

CSE Archiving, Retention and Retrieval Procedures.