

POLICY AND PROCEDURE

Privacy		
Version 1.0	Issued on 7/08/2020	Review by 7/08/2021
Contact Person	Reece Thomas reece.t@aiit.vic.edu.au	
Approval and Endorsement	Principal Executive Officer khalid.h@aiit.vic.edu.au	
Refer to the following Legislative Frameworks		
Standards for Registered Training Organisations 2015	Standards for Registered Training Organisations 2015	
National Code of Practice for Providers of Education and Training to Overseas Students 2018	National Code of Practice for Providers of Education and Training to Overseas Students 2018	
Other	Australian Consumer Law (ACL) Commonwealth Copyright Act 1968 Data Provision Requirements 2012 Freedom of Information Act 1982 Privacy Act 1988 Student Identifiers Act 2014	
Related Documents (Internal)		
Australian International Institute of Technology Orientation Presentation and Materials Australian International Institute of Technology Employee Handbook Australian International Institute of Technology Student Handbook Australian International Institute of Technology Student Written Agreement Form: Agent (Checklist) Form: Application Form: Complaints and Appeal Lodgement Form: Employee (Induction) Form: Letter of Offer Form: Orientation Materials (Checklist) Form: Student Files (Checklist) Policy and Procedure: Complaints and Appeals Policy and Procedure: Student Identifier Scheme Policy and Procedure: Records (Management)		
Related Documents (External)		
National Privacy Principles (NPP) Tuition Protection Service (TPS) Charter USI Privacy Notice		

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1. Purpose

Australian International Institute of Technology is committed to ensuring the privacy of all students, past and present, and employees.

As outlined in the *Privacy Act 1988 (Cth)* this policy and procedure outlines Australian International Institute of Technology approach to the collection, use, storage, disclosure of and access to personal information and data in relation to the personal privacy of past and present students and employees.

2. Scope

This policy and procedure applies to all personal information collected by Australian International Institute of Technology concerning students, prospective students, individual clients, employees, Education Agents, and other external third parties. It does not apply to information about corporations.

This policy does not apply to personal information that is:

- in a publication, that is available in the public domain.
- kept in a library, art gallery or museum for reference, study, or exhibition purposes.
- a public record under the control of the Keeper of Public Records that is available for public inspection.
- an archive within the meaning of the Commonwealth Copyright Act 1968.

This policy must be observed by all Australian International Institute of Technology employees, consultants, Education Agents, external third parties and students who have access to any personal information and data.

3. Definitions

Personal Information - Means information, data or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Privacy - is a fundamental human right that underpins freedom of association, thought and expression, as well as freedom from discrimination.

4. Collection of Personal Information

Australian International Institute of Technology is committed to ensuring the confidentiality and security of the information provided to it, in accordance with *Privacy Act 1988 (Cth)* and the *National Privacy Principles (NPPs)*.

Australian International Institute of Technology ensures that it manages personal information and data in an open and transparent manner and will only collect personal information and data by fair and lawful means which are necessary for it to perform its functions.

For international students, personal information is collected on the *Application Form* and during the student enrolment process in order for Australian International Institute of Technology to meet its obligations under the *Education Services for Overseas Students Act 2000*, to ensure student compliance with the conditions of their visas and their obligations under Australian immigration laws. The authority to collect this information is contained within the *Education Services for Overseas Students Act 2000* and the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018*.

Generally the personal information and data collected by Australian International Institute of Technology will include an individual's name, address, telephone number(s), email addresses(s), date of birth, emergency contact person(s), gender, citizenship, passport details, visa details, academic and English language attainments, *Unique Student Identifier (USI)*, *Overseas Student Health Cover (OHSC)* details, disabilities, health information, including illnesses, allergies and disability or impairment information. At the time the information is collected, students will be advised why they are required, by a specific law, to supply Australian International Institute of Technology the information requested.

Personal information and data supplied by individuals to Australian International Institute of Technology will be used to provide information about study opportunities, course administration, enrolment, duty of care, academic information and to maintain robust academic records.

If an individual chooses not to consent or provide Australian International Institute of Technology certain information, then Australian International Institute of Technology **may be unable to enrol** the individual in a course or supply them with appropriate information or support.

5. Disclosure of Personal Information and Data

Information and data collected about students on the enrolment *Application Form* during enrolment can be provided, in certain circumstances, to the Australian Government and designated authorities, Debt collectors and, if relevant, the *Tuition Protection Service (TPS)* and the *Australian Skills Quality Authority (ASQA)*.

In other instances, information and data collected on the *Application Form* during enrolment can be disclosed without consent where Australian International Institute of Technology is authorised or required by law. This information includes personal and contact details, course enrolment details and amendments, and the circumstance of any suspected breach of a student visa condition or breach of Commonwealth or State law.

Australian International Institute of Technology will not disclose any individual's personal information to another person or organisation unless:

- the individual concerned is reasonably likely to have been aware or made aware that information of that kind is usually passed to that person or organisation.
- the individual concerned has given written consent to the disclosure.
- Australian International Institute of Technology believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or of another person.
- the disclosure is required or authorised by or under law; or
- 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 the public revenue.

Where personal information is disclosed for the purposes of enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the purpose of the protection of the public revenue, Australian International Institute of Technology shall include in the record containing the information a note of the disclosure. Any person or organisation to whom personal information is disclosed as described in this policy and procedure will be required to not disclose or use the information for a purpose other than the purpose for which the information was supplied to them.

6. Storage and Security

Australian International Institute of Technology will ensure to take all reasonable steps to ensure that any personal information collected is relevant to the purpose for which it was collected, and accurate, up-to-date, complete, and not misleading.

Australian International Institute of Technology will store securely all records containing any personal information and take all reasonable security measures to protect, personal information collected from unauthorised access, misuse, or disclosure.

7. Access to Records

All students, prospective students, employees, Education Agents and third parties have the right to access or obtain a copy of the personal information that Australian International Institute of Technology holds about them. Requests to access or obtain a copy of personal information must be made in writing. There is **no charge or fee** for a student to access personal information that Australian International Institute of Technology holds about them.

Individuals will be advised of how they may access or obtain a copy of their personal information and any applicable fees within **ten (10 days)** of receiving their written request.

If an individual considers their personal information to be incorrect, incomplete, out of date or misleading, they can request that the information be amended and updated.

Where a record is found to be inaccurate, a correction will be made. Where a student requests that a record be amended because it is inaccurate, but the record is found to be accurate, the details of the request for amendment will be noted on the record.

Written requests for access to obtain a copy of any personal information held by Australian International Institute of Technology must be addressed in writing to the Chief Executive Officer (CEO) or via ceo@aiit.vic.edu.au.

8. Complaints and Appeals

If a student has a complaint or an appeal regarding privacy and personal information, the Australian International Institute of Technology *Complaints and Appeals policy and procedure* will be followed. For more information refer to <https://aiit.vic.edu.au/pol-pro>.

The information about the *Complaints and Appeals policy and procedure* is further provided in the *Student Written Agreement*, the *Student Handbook*, and the *Student Orientation* presentation and materials.

9. Publication

The privacy and personal information and data procedures will be made available to students, prospective students, employees, and Education Agents by publication on Australian International Institute of Technology corporate website. For more information refer to <https://aiit.vic.edu.au/pol-pro>.

To ensure that students have given their informed consent for their personal information to be disclosed to certain third parties as outlined in this procedure, Australian International Institute of Technology will advise students during enrolment and orientation about these procedures and where they are located. Employees will be informed during their employee induction.

10. Responsibility

All students, employees, Education Agents, and individual clients engaged in business operations collecting personal information are responsible for following the policy and procedure.

The Compliance Manager is responsible for the effective implementation and management of this policy as well as provision of information on how to resolve complaints of breaches of this policy.

Any complaints or breaches in relation to this policy should be reported to the Chief Executive Officer (CEO) in person or by email to ceo@aiit.vic.edu.au.

11. References

Source	Document Title	Version – Date
External	Australian Consumer Law (ACL) https://consumerlaw.gov.au/australian-consumer-law/legislation	(Accessed 07/08/2020)
	Commonwealth Copyright Act 1968 https://www.legislation.gov.au/Details/C2017C00180	(Accessed 07/08/2020)
	Education Services for Overseas Students Act 2000 https://www.legislation.gov.au/Details/C2017C00263	2000
	Education Services for Overseas Students (ESOS) Regulations 2019 https://www.legislation.gov.au/Details/F2016C00681	2019
	Freedom of Information Act 1982 https://www.legislation.gov.au/Series/C2004A02562	2010

the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)	2018
National Privacy Principles (NPP) https://www.oaic.gov.au/privacy/australian-privacy-principles/read-the-australian-privacy-principles/	PDF
NCVER Glossary of VET https://www.voced.edu.au/vet-knowledge-bank-glossary-vet-terms	(Accessed 07/08/2020)
https://www.oaic.gov.au/privacy/your-privacy-rights/what-is-privacy/	(Accessed 07/08/2020)
Privacy Act 1988 https://www.legislation.gov.au/Details/C2014C00076	1988
Standards or Registered Training Organisations 2015	2015
Student Identifiers Act 2014	2014
Tuition Protection Service (TPS) https://tps.gov.au/Home	(Accessed 07/08/2020)
Unique Student Identifier (USI) https://www.usi.gov.au/	(Accessed 07/08/2020)

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