

## Policy Purpose

The purpose of this policy and its associated procedure is to outline the approach that VFA Learning will undertake to when collecting, storing and protecting student personal and health information in order to meet their legal and legislated obligations and requirements.

## Policy Scope

This policy applies to all students currently and previously enrolled in full or part qualifications. All staff are to adhere to this policy and associated procedure. The Director of Compliance will provide guidance and advice to all staff on the policy.

## Policy Statements

The following Policy statements are an overarching view of the process VFA Learning will undertake to ensure that they meet their obligations under State and Federal Legislation, Funding Body contracts and VET Regulatory Body requirements for collecting, storing and protecting students personal and health information. A clear and concise procedure to guide staff on maintaining compliance in their daily RTO tasks supports the policy statements.

### 1. VFA Commitment

VFA commits to ensuring the following:

- Implementation and compliance with the Privacy and Data Protection Act 2014 (Vic), Data Provision Requirements 2012, and the Health Records Act 2001 (Vic).
- All information in this Policy complies with the 13 Australian Privacy Principles as outlined in the Privacy Amendment (Enhancing Privacy Protection) Act 2012.
- Collecting, using, storing and accessing personal and health information as necessary for legitimate reasons only
- Informing individuals the purpose for which personal and health information is collected and who the information may be provided to
- Personal and health information is only used for the purpose it was collected for
- Provide Privacy Statements that set out the parameters of what personal and health information is collected
- Take reasonable measures to ensure information is up to date and complete
- Will take reasonable business measures to ensure personal and health information is secured from unauthorised access, use or disclosure
- Individuals can access their records or have a copy of their own personal or health information providing the information does not identify any other individual or group of individuals
- Abides by the Electronic Transactions (VIC) Act 2000, whereby the Act has established the validity of electronic communications and also provides for the use of electronic signatures as well as electronic production and retention of documents and information
- will not adopt, use or disclose a government related identifier related to an individual –

### 2. Privacy Statements

As part of the Application and Enrolment process for potential students, VFA Learning has clearly set out the Privacy Statements, which meet their obligations under the Privacy and Data Protection Act 2014 (Vic), Data Provision Requirements 2012, and the Health Records Act 2001 (Vic).

Privacy Statements sets out and notifies Students and members of public accessing the Student Massage clinics what personal information we are gathering from them, why we are gathering the information and what we are required to do with this information under Australian law or other legal agreement which requires us to gather the information.

Students are required to read and sign the privacy declaration. Where a student is under 18 a parent or guardian will be required to sign the privacy declaration.

VFA Learning provides information free of charge on our website and provides a clear Privacy Statement at [www.vfalearning.vic.edu.au/privacy](http://www.vfalearning.vic.edu.au/privacy).

### 3. Collection of Information

As a Registered Training Organisation, regulated by the ASQA, VFA Learning is required to collect, hold, use and disclose a wide range of personal and sensitive information on participants in nationally recognised training programs. This information requirement is outlined in the National Vocational Education and Training Regulator Act 2011 and associated legislative instruments such as:

- Standards for Registered Training Organisations 2015
- Data Provision Requirements 2012

VFA Learning delivers services through a range of Commonwealth program and State Government funding contract agreement arrangements, which also include various information collection and disclosure requirements.

Individuals are advised that due to these legal requirements, VFA Learning may disclose information held on individuals for valid purposes to a range of third party entities including:

- Governments (Commonwealth, State or Local)
- Australian Apprenticeships Support Networks
- Employers (and their representatives);
- Job active providers;
- Schools,
- parents/guardians; and
- Service providers such as credit agencies and background check providers.

#### ***Kinds of personal information collected and held***

The following types of personal information are generally collected, depending on the need for service delivery:

- Contact details
- Employment details
- Educational background
- Demographic Information
- Course progress and achievement information
- Financial billing information.

The following types of sensitive information will be collected and held:

- Identity details
- Employee details & HR information
- Complaint or issue information
- Disability status & other individual needs
- Indigenous status
- Background checks - such as National Criminal Checks or Working with Children checks).

## 4. Protection of Information

Information requested of potential students will only be through legitimate business documentation such as the Application and Enrolment form and from members of VFA staff via their business email addresses. No information will be requested by a staff member to a student via a private email address.

Staff will always use **Blind Carbon Copy – bcc** to protect students email addresses when sending emails to multiple recipients.

### **Storage and Security**

VFA Learning stores information gathered from students or individuals in both hard copy and electronic format. Information in hard copy format are filed in a student or client file (massage clinic) that clearly identifies the individual by name. Files are stored in lockable filing cabinets in rooms that are not accessible to the public or visitors. Electronic information is stored in Student Management and Learning Management systems that are password protected.

Access to VFA Learning offices and work areas is limited to VFA staff only; authorised visitors are clearly identifiable and have no access to student information unless the purpose of their visit is to undertake a regulatory audit.

### **Retention and Destruction of Records**

Destruction of paper-based records occurs as per the **“Student Record Management Policy and Procedure”**, using secure shredding and destruction services at all VFA Learning sites.

Non-active client files from the Student Massage Clinics run at each campus will be kept for a period of 5 years and destroyed in December of the 5<sup>th</sup> year.

In the event of VFA Learning ceasing operations, all information pertaining to the issuance of certificates or statements of attainment will be transferred by electronic means to ASQA as required by the Standards for RTO's 2015.

### **Correction of Personal Information**

VFA Learning takes reasonable steps to correct personal information we hold, to ensure it is accurate, up-to-date, complete, relevant and not misleading, having regard to the purpose for which it is held.

- **Individual Requests**

On an individual's request, we:

- Correct personal information held
- Notify any third parties of corrections made to personal information, if this information was previously provided to these parties.

- **Correcting at VFA Learning's initiative**

VFA Learning will take reasonable steps to correct personal information we hold in cases where we are satisfied that the personal information held is inaccurate, out-of-date, incomplete, irrelevant or misleading. This awareness may occur through collection of updated information, in notification from third parties or through other means.

### **Disclosure**

VFA may disclose or transfer personal and health information without the individual's consent to comply with legislative requirements – to meet legal obligations such as but not limited to subpoena, search

warrant, Ombudsman's request, Auditor-General's request, ASIO request or Education and Funding Regulators.

VFA Learning does not use or disclose the personal information that it holds about an individual for the purpose of direct marketing unless we have obtained permission from the individual.

Students given the option to Opt in or Opt out of direct marketing during the application process.

VFA will only disclose or transfer personal and health information for purposes other than to meet legal obligations or to comply with legislative requirements with the written consent of the individual.

VFA learning confirms that individuals' personal information is will not be disclosed to overseas recipients unless consent from the individual is obtained.

VFA Learning will not disclose any students USI number or use it for any other purpose than that prescribed by regulations

## 5. Freedom of Information

VFA Learning confirms all individuals have a right to request access to their personal information held and to request its correction at any time. In order to request access to personal records, individuals are to make contact with:

**VFA Learning Privacy Officer**

**03 5223 6800**

[privacy@vfalearning.vic.edu.au](mailto:privacy@vfalearning.vic.edu.au)

Where VFA Learning holds personal information about an individual, we provide that individual access to the information on their request. In processing requests, we:

- Ensure through confirmation of identity that the request is made by the individual concerned, or by another person who is authorised to make a request on their behalf;
- Respond to a request for access:
  - Within 14 calendar days, when notifying our refusal to give access, including providing reasons for refusal in writing, and the complaint mechanisms available to the individual or
  - Within 30 calendar days, by giving access to the personal information
- Provide information access free of charge

In all cases requests for access by a third party, VFA Learning will ensure that:

- Parties requesting access to personal information are robustly identified and vetted;
- Where possible, the individual to whom the information relates will be contacted to confirm consent (if consent not previously provided for the matter)

## 6. Managing Potential Breaches

All potential breaches of this Policy should be brought to the attention of and investigated by VFA Learning's Privacy Officer in writing specifying the details of the potential breach.

## 7. Student Massage Clinics

The contents of this Policy and its associated Procedure also applies to the health information gathered from members of the general public who receive treatments from students as part of the assessment process from students enrolled in Massage and Myotherapy courses. All information gathered from members of the public meets the requirements of the Health Records Act 2001 (Vic).

## Related Policies and Procedures

- All Policies and Procedures

### Responsible Officer

The responsible officer for the implementation of this Policy is the Managing Director

### Publishing details

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|---|--|
| <b>Document Name</b>                                    | Privacy Policy   |
| <b>Approved by</b>                                      | Managing Director  |
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