



Privacy Policy and Procedure RTO PP007

Purpose

ACF is committed to maintaining the privacy and confidentiality of its RTO staff and applicant/student records. This policy and procedure is intended to inform all staff, students and stakeholders of ACF of this commitment.

This policy is an addendum to ACF's organisational Privacy Policy.

Responsibilities

The Executive Director, Knowledge Mobilisation and Practice, or delegate, is responsible for ensuring this policy and procedure is implemented under the direction of ACF's CEO.

Scope

This policy and procedure covers all ACF's RTO training and related services.

Definitions

Applicant means a prospective ACF student or interested party.

Student means an enrolled learner that has agreed to use the services provided by ACF.

ASQA means the Australian Skills Quality Authority.

APPs means the 13 Australian Privacy Principles as stated within the Privacy Act.

Policy

ACF complies with the Privacy Act 1988 including the 13 Australian Privacy Principles (APPs) as outlined in the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

Personal information will never be collected by unlawful or unfair means. Providing an overall framework for our privacy practices, ACF has developed and implemented this Privacy Policy.

ACF manages personal information in an open and transparent way. This is evident in the implementation of practices, procedures and systems as outlined in this policy, that ensure ACF's compliance with the APPs and any binding registered APP code and provides suitable procedures for ACF staff to be able to deal with related inquiries and complaints that may be received from time to time.

ACF includes the standard privacy notice in its application procedure in line with legislative requirements which advises applicants/students how their data may be supplied to and used by various departments, agencies and their representatives.

Procedure

Australian Privacy Principle 1 – Open and transparent management of personal information

Purposes for information collection, retention, use and disclosure

ACF retains a record of personal information about all individuals with whom we undertake any form of business activity. ACF collects, holds, uses and discloses information from our applicants/students and stakeholders for a range of purposes, including but not limited to:

- Providing services to clients;
- Managing employee and contractor teams;
- Promoting products and services;
- Conducting internal business functions and activities; and
- Meeting requirement of government stakeholders.

As a government registered training organisation (RTO), regulated by the ASQA, ACF 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. In particular, the legislative instruments:

- The Standards for Registered Training Organisations (RTOs) 2025; and
- National Vocational Education and Training Regulator Instrument 2020.

It is noted that ACF is also bound by various State Government Acts requiring similar information collection, use and disclosure (particularly Education Act(s) and Vocational Education & Training Act(s) relevant to state jurisdictions of ACF RTO operations.

Individuals are advised that due to these legal requirements, ACF discloses information held on individuals for valid purposes to a range of third-party entities including Governments (Commonwealth, State and employers, where relevant).

ACF will not disclose information to a person, body or agency (other than the individual concerned) unless:

- the individual concerned is reasonably likely to have been aware that information of that kind is usually passed to that person, body or agency.
- the individual concerned has consented to the disclosure and this consent is documented on the Student Management System.
- ACF 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 student or of another person including a child.
- 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.

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, and

- Financial billing information.

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

- Identity details, inclusive of Working with Children Checks and Unique Student Identifiers
- Employee details & HR information
- Complaint or issue information
- Disability status & other individual needs
- Aboriginal and or Torres Strait Islander identity.

How personal information is collected

ACF RTO's usual approach to collecting personal information is to collect any required information directly from the individuals concerned. This may include the use of forms (such as ACF's electronic application and enrolment forms, student support plan, or service delivery records) and the use of web-based systems (such as on-line study portals or internal operating systems).

How personal information is held

Individual information held across systems is linked through an ACF allocated identification number for each individual.

ACF's usual approach to holding personal information always includes robust storage and security measures. Information on collection is:

- Converted to electronic means
- Stored in secure, password protected systems, such as in our financial system, ACF's student management system, and
- Always monitored for appropriate authorised use.

Only authorised personnel are provided with login information to each system, with system access limited to only those relevant to their specific role. ACF's ICT systems are hosted internally with robust internal security to physical server locations and server systems access. Virus protection, backup procedures and ongoing access monitoring procedures are in place.

Retention and Destruction of Information

Destruction of paper-based records occurs as soon as practicable in every matter, through the use of secure external shredding and destruction services.

ACF retains and destroys documents according to the legislative requirements.

Specifically, for our RTO records, in the event of ACF ceasing to operate, the required personal information on record for individuals undertaking nationally recognised training would be transferred to ASQA, as required by law.

Refer to records management within the RTO Application, Enrolment and Student Responsibilities Policy.

Accessing and seeking correction of personal information

ACF 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 in the first instance with ACF's Support services team.

To formalise the request, the Team will issue a Student File Access Request Form, for completion.

In all cases where access is requested by a third party, ACF will ensure that:

- Parties requesting access to personal information are robustly identified and vetted

- Where legally possible, the individual to whom the information relates will be contacted to confirm consent (if consent not previously provided for the matter), and
- Only appropriately authorised parties, for valid purposes, will be provided access to the information.

Complaints about a breach of the APPs or a binding registered APP code

If any individual feels that ACF may have breached one of the APPs, they are encouraged to lodge a formal complaint, using ACF's Feedback, Complaints and Appeals Policy and Procedure.

Likely overseas disclosure

ACF confirms that individuals' personal information is unlikely to be disclosed to overseas recipients, for internal business activity purposes.

Making our APP Privacy Policy available

ACF provides its APP Privacy Policy available free of charge, with all information being publicly available from the RTO link on our website at www.childhood.org.au. This website information is designed to be accessible as per web publishing accessibility guidelines, to ensure access is available to individuals with special needs (such as an individual with vision impairment).

In addition, this APP Privacy Policy is:

- Included within ACF's Student and Staff RTO Handbooks (in summary form with a reference to the website for access to the full policy)
- Noted within the text or instructions at all information collection points (such as informing individuals during a telephone call of how the policy may be accessed, in cases where information collection is occurring), and
- Available for distribution free of charge on request, as soon as possible after the request is received, including in any format requested by the individual as is reasonably practical.

If, in the unlikely event our Privacy Policy is not able to be provided in a particular format requested by an individual, we will explain the circumstances around this issue with the requester and seek to ensure that another appropriate method is provided.

Review and Update of this Privacy Policy

ACF reviews this Privacy Policy:

- On an ongoing basis as suggestions or issues are raised and addressed, or as government required changes are identified.
- Through our internal audit processes on at least an annual basis.
- As a part of any external audit of our operations that may be conducted by various government agencies as a part of our registration as an RTO or in normal business activities, and
- As a component of each complaint investigation process where the complaint is related to a privacy matter.

Where this policy is updated, changes to the policy are widely communicated to stakeholders through ACF's Quality Bulletin, meetings, training and documentation, and externally through publishing of the policy on ACF's website and other relevant documentation (such as our RTO Student Handbook) for clients.

Australian Privacy Principle 2 – Anonymity and pseudonymity

ACF provides individuals with the option of not identifying themselves, or of using a pseudonym, when dealing with us in relation to a particular matter, whenever practical. This includes providing options for anonymous dealings in cases of general course enquiries, providing feedback, or other situations in which an individuals' information is not required to complete a request.

Individuals may deal with ACF by using a name, term or descriptor that is different to the individual's actual name wherever possible. This includes using generic email addresses that do not contain an individual's actual name, or generic usernames when individuals may access a public component of our website or application forms.

ACF only stores and links pseudonyms to individual personal information in cases where this is required for service delivery (such as system login information) or once the individual's consent has been received.

Individuals are advised of their opportunity to deal anonymously or by pseudonym with us where these options are possible through publishing this Policy on our website.

Requiring identification

ACF must require and confirm identification when an individual confirms interest in enrolling in a nationally recognised training program. ACF is authorised by Australian law to deal only with individuals who have appropriately identified themselves. That is, it is a Condition of Registration for all RTOs under the National Vocational Education and Training Regulator Act 2011 that we identify individuals and their specific individual needs on commencement of service delivery and collect and disclose Australian Vocational Education and Training Management of Information Statistical Standard (AVETMISS) data on all individuals enrolled in nationally recognised training programs.

Other legal requirements, as noted earlier in this policy, also require considerable identification arrangements.

There are also other occasions also within our service delivery where an individual may not have the option of dealing anonymously or by pseudonym, as identification is practically required for us to effectively support an individual's request or need. This includes lodgement of a complaint or appeal.

Australian Privacy Principle 3 – Collection of solicited personal information

ACF only collects personal information that is reasonably necessary for our business activities.

We only collect sensitive information in cases where the individual consents to the sensitive information being collected, except in cases where we are required to collect this information by law, such as outlined earlier in this policy.

All information we collect is collected only by lawful and fair means.

We only collect solicited information directly from the individual concerned, unless it is unreasonable or impracticable for the personal information to only be collected in this manner.

Australian Privacy Principle 4 – Dealing with unsolicited personal information

ACF may from time to time receive unsolicited personal information. Where this occurs it promptly reviews the information to decide whether the information is needed for the purpose of its business activities. Where this is the case, ACF may hold, use and disclose the information appropriately as per the practices outlined in this policy.

Where ACF is not required to collect this information (by law or for a valid business purpose) it immediately destroys or de-identifies the information (unless it would be unlawful to do so).

Australian Privacy Principle 5 – Notification of the collection of personal information

Whenever ACF collects personal information about an individual, it takes reasonable steps to notify the individual of the details of the information collection or otherwise ensures the individual is aware of those matters. This notification occurs at or before the time of collection, or as soon as practicable afterwards.

Our notifications to individuals on data collection include:

- ACF's identity and contact details, including the position title, telephone number and email address of a contact who handles enquiries and requests relating to privacy matters.
- The facts and circumstances of collection such as the date, time, place and method of collection, and whether the information was collected from a third party, including the name of that party.
- If the collection is required or authorised by law, including the name of the Australian law or other legal agreement requiring the collection.
- The purpose of collection, including any primary and secondary purposes.
- The consequences for the individual if all or some personal information is not collected.
- Other organisations or persons to which the information is usually disclosed, including naming those parties.
- Whether we are likely to disclose the personal information to overseas recipients, and if so, the names of the recipients and the countries in which such recipients are located.
- A link to this Privacy Policy on our website or explain how it may be accessed.
- Acceptance, as evidenced by signing of the ACF Privacy Notice, and
- Advice that this Privacy Policy contains information about how the individual may access and seek correction of the personal information held by us; and how to complain about a breach of the APPs, or any registered APP code, and how we will deal with such a complaint.

Personal information disclosed to the NCVET may be used or disclosed for the following purposes:

- Issuing a VET Statement of Attainment or VET Qualification and populating authenticated VET transcripts.
- Facilitating statistics and research relating to education, including surveys.
- Understanding how the VET market operates, for policy, workforce planning and consumer information and
- Administering VET, including program administration, regulation, monitoring and evaluation.

A Student Declaration, consenting to personal information disclosure to appropriate departments, agencies and their third-party representatives, is given to students to consider and sign during the application process.

Collection from third parties

Where ACF collects personal information from another organisation, it:

1. Confirms whether the other organisation has provided the relevant notice above to the individual or
2. Confirms whether the individual was otherwise aware of these details at the time of collection, and
3. If this has not occurred, it will undertake this notice to ensure the individual is fully informed of the information collection.

Australian Privacy Principle 6 – Use or disclosure of personal information

ACF only uses or discloses personal information it holds about an individual for the primary purposes for which the information was collected, or secondary purposes in cases where:

- An individual consented to a secondary use or disclosure.
- An individual would reasonably expect the secondary use or disclosure, and that is directly related to the primary purpose of collection; or
- Using or disclosing the information is required or authorised by law.

Requirement to make a written note of use or disclosure for this secondary purpose

If ACF uses or discloses personal information in accordance with an 'enforcement related activity' we will make a written note of the use or disclosure, including the following details:

- The date of the use or disclosure
- Details of the personal information that was used or disclosed
- The enforcement body conducting the enforcement related activity
- If the organisation used the information, how the information was used by the organisation, and
- The basis for our reasonable belief that we were required to disclose the information.

Australian Privacy Principle 7 – Direct Marketing

ACF does not use or disclose personal information that it holds about an individual for the purpose of direct marketing, unless:

- The personal information has been collected directly from an individual for the purpose of direct marketing; or
- The personal information has been collected from a third party, for the purposes of direct marketing

On each of our direct marketing communications whenever used, ACF provides a prominent statement that the individual may request to opt out of future communications, and how to do so.

An individual may also request ACF at any stage not to use or disclose their personal information for the purpose of direct marketing. We comply with any request by an individual promptly and undertake any required actions for free.

Where requests are made by individuals to disclose ACF's source of their personal information, ACF may provide this information where reasonable to do so.

Australian Privacy Principle 8 – Cross-border disclosure of personal information

ACF does not usually share/discard an individual's personal information to third parties or individuals outside of Australia. In circumstances where an individual's personal information is shared to third parties outside of Australia, ACF provides the recipients with privacy obligations to ensure the privacy of the individual is not compromised/breached.

Australian Privacy Principle 9 – Adoption, use or disclosure of government related identifiers

ACF does not adopt, use or disclose a government related identifier related to an individual except:

- In situations required by Australian law or other legal requirements.
- Where reasonably necessary to verify the identity of the individual.
- Where reasonably necessary to fulfil obligations to an agency or a State or Territory authority, or
- As prescribed by regulations.

Australian Privacy Principle 10 – Quality of personal information

ACF takes reasonable steps to ensure that the personal information it collects is accurate, up to date, and complete. It also ensures that any personal information it uses or discloses is, considering the purpose of the use or disclosure, accurate, up to date, complete, and relevant.

In cases of an opinion, we ensure information considers competing facts and views and makes an informed assessment, providing it is clear this is an opinion.

Quality measures in place supporting these requirements include:

- Internal practices, procedures and systems to audit, monitor, identify and correct poor quality personal information (including training staff in these practices, procedures and systems).

- Protocols that ensure personal information is collected and recorded in a consistent format, from a primary information source when possible.
- Ensuring updated or new personal information is promptly added to relevant existing records.
- Reminding individuals to update their personal information at critical service delivery points, when we engage with the individual.
- Contacting individuals to verify the quality of personal information where appropriate when it is about to be used or disclosed, particularly if there has been a lengthy period since collection, and

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Australian Privacy Principle 11 — Security of personal information

ACF takes active measures to assess whether it can retain the personal information it holds and to ensure the security of that information. This includes reasonable steps to protect the information from misuse, interference and loss, as well as unauthorised access, modification or disclosure.

ACF destroys or de-identifies personal information held once the information is no longer needed for any purpose for which the information may be legally used or disclosed.

Access to ACF offices and work areas is limited to our staff only - visitors to our premises must be authorised by relevant personnel and are always accompanied. ACF stores all sensitive paper-based records in a secure location accessible only to authorised individuals.

Regular staff training is conducted with ACF personnel on privacy issues, and how the APPs apply to our practices, procedures and systems. Information is also included in our personnel induction practices.

ACF conducts ongoing internal audits (at least annually and as needed) of the adequacy and currency of security and access practices, procedures and systems implemented.

Australian Privacy Principle 12 — Access to personal information

Where ACF holds personal information about an individual, ACF provides 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.
- Provide information access free of charge.
- Respond to a request for accessing records within 5 calendar days, and
- Notify individuals of any reasons for refusal of access records in writing, explaining the complaint mechanisms available to the individual.

Australian Privacy Principle 13 – Correction of personal information

ACF 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. Students are advised of the importance of ensuring that ACF holds current information via the Student Handbook.

Individual Requests

Upon an individual's written request (via email), we:

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

In cases where we refuse to update personal information, we:

- Provide written notice to the individual, including the reasons for the refusal and the complaint mechanisms available to the individual.
- Upon request by the individual whose correction request has been refused, ACF will take reasonable steps to associate a statement with the personal information, indicating that the individual believes it is inaccurate, out of date, incomplete, irrelevant, or misleading.
- Respond within 14 calendar days to these requests, and
- Complete all actions free of charge.

Forms and Records

The following forms should be used in conjunction with this procedure:

- RTO PP013-01 Privacy Notice
- RTO PP013-02 Student Records Access Form
- RTO PP001 Student Handbook
- USI Privacy Notice: <https://www.usi.gov.au/about-us/privacy/privacy-notice-students>

The following references should be read in conjunction with this procedure:

- RTO PP011 Application Enrolment and Student Responsibilities Policy and Procedure
- RTO PP016 Feedback, Complaints & Appeals Policy and Procedure
- ACF PP018 Privacy Policy

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