



1. Objective

This policy describes the practices and procedures by which the RTO will ensure compliance with the relevant privacy legislation to protect the personal information and right to privacy of those that are detailed within the policy. The policy outlines how we collect and deal with information from individuals. This policy is made available free of charge and is hosted on our website.

2. Applicable Legislation

This policy implements the *Privacy Act 1988* (Cth) and the Australian Privacy Principles ('APP') which is outlined in Schedule 1 of the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Cth).

3. Scope

This policy applies to all personal and sensitive information collected by the RTO in regard an individual.

4. Responsible Parties

The CEO is responsible for the control and issuance of this policy (this may be delegated). The CEO has designated the duties and responsibilities contained within this policy to the RTO manager. Therefore, the RTO Manager's duty is to action this policy. The designated person is: Satya Indukuri
Email: satya.indukuri@alata.edu.au
Phone: 03 9670 8893.

Individual persons: means past and present staff, students and other members of the RTO.

5. Complaints and Appeals:

If you have a complaint about our services in regard Privacy. Please contact the RTO Manager. The RTO Manager will provide an initial response to an individual's query or complaint with 48 hours and will resolve the query or complaint within 10 working days from receipt of formal notice of complaint. However, if the individual is not satisfied with the response, they may appeal the decision.

If they are still not satisfied, they may contact the Australian Privacy Commissioner on 1300 363 992 or <http://www.oaic.gov.au/about-us/contact-us-page>

6. Security of Individuals Records

Individuals record are secured on our server with password and access level protection. Hard copies of records are locked in our archive room.

7. The RTO Manager and CEO maintain a list of staff approved for record access. Record access is only provided where the need has been approved in writing by the individual.

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8. Procedure

The RTO will ensure that it respects the privacy of individuals by implementing the Australian Privacy Principles.

The APP in the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* sets out how private and public sector organisations should collect, use, keep secure and disclose personal information.

The principles give individuals a right to know why and how personal information is collected and to whom it will be disclosed. Within the provisions of the Act, the RTO will provide individuals access to their information and update and correct or remove information if requested by the individual.

The RTO will ensure it operates consistently with the APP and only collect the personal information that is necessary for the conduct of its business, and that it will use that information in the manner for which it was intended.

9. Review

The CEO will review the policy annually or earlier. Should there be relevant amendments to the respective Act or changes to the operation of the RTO or educational environment, these changes will be analysed and reflected in the policy. The CEO will ensure that any updates of amendments to this policy will be provided to staff and current students.

10. Purpose of Collecting Information

The purposes for which the RTO collects personal information of students includes: satisfying legal obligations, administration, to keep employers informed of the student's progress in the course of study, allow the RTO to discharge its duty of care.

The purposes for which the RTO collects personal information of job applicants, staff members and contractors includes: satisfying legal obligations, insurance purposes, administering the individuals contract of employment. The RTO only collects information that it believes is reasonably necessary for, or directly related to its functions as a RTO.

11. Release of Information

The RTO must have the student's permission in writing with reference to release of information, a form titled: Authority to Release Information, will need to be signed prior to the course commencement.

The RTO is required to ask for the staff members permission in writing with reference to release of information; this is included in the staff employment agreement, which must be signed prior to employment.

12. Information Collected

The RTO collects personal information from individuals solely for the purpose of operating as a RTO under the VET Quality Framework administered by the Australian Skills Quality Authority

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who is the National VET Regulator (NVR). The requirements of the NVR may mean the release of students or staff member’s personal information for the purposes of an audit.

The type of information the RTO collects and holds includes (but not limited to) personal information, including sensitive information, about: Students and parents and/or guardians before, during and after the course of a student’s enrolment, job applicants, staff members and contractors; and other people that come into contact with the RTO.

Sensitive information is only collected if the individual [it relates to] provides consent or if Court orders/law allows it.

The information media may take the form of: interviews, feedback surveys, email correspondence, telephone calls, third party information, and application forms. Data will be uploaded to the RTOs Client Management System (CMS).

The RTO will take steps as are reasonable to ensure that personal information that the RTO:

- a) collects about individuals is accurate, up-to-date and complete;
- b) uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant.

13. Provision of Information

Student or staff information will not be provided to anyone unless the RTO has the consent from the student or staff member or is specifically required to provide the information by the authorisation of an Australian Law/Court/Tribunal order. The individual’s personal information will not be disclosed or used for another purpose/secondary purpose unless it would be reasonably expected that the RTO use or disclose the information for a secondary purpose. For example, student information is only given to the following bodies where required:

- a) ASQA: Australian Skills Quality Authority;
- b) STA: State Training Authorities;
- c) The Australian Taxation Department;
- d) Employers where the student is a trainee; and
- e) Other information as authorised.

The bodies corporate may disclose the individual’s information in a corporate group. For example, while students are undertaking the training program, there will be times when the RTO and/or its RTO Manager, Training Consultant, Business Development Consultant, Administration Officer may need to discuss the students program with internal RTO staff and the National VET Regulator – ASQA and/or the students employer. All disclosures will be notified to the individual.

14. Access to Information

Under the APP, the student or staff member can access his/her personal information free of charge and may update, correct or delete inaccurate or outdated information about them. If we

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are satisfied that the information about an individual is inaccurate we will take all steps as reasonably possible to ensure the information is accurate, up to date, complete and relevant and not misleading. This also applies to third parties.

Individuals requesting access to information about themselves will be identified and verified in the same way that a Bank verifies individuals to set up a Bank account, this will include a 100 point verification by the RTO Manager.

By law there is certain information that a RTO must maintain for up to 30 years and so we are not at liberty to delete all data; you may clarify requests in this regard with the RTO Manager. Other files will be retained for a lesser period, for example files relating to taxation.

Personal Information is protected from misuse, interference and loss and from unauthorised access, modification or disclosure. Personal information is maintained on our student/staff management system, the program allows access by approved staff only and includes various levels of access. The CEO and RTO Manager have full rights access, whereas the data entry person may only add data but have no change access rights unless provided access by above senior managers.

Once the RTO is no longer required to hold personal information it will take steps as are reasonable to destroy information or to ensure that the information is de-identified.

We will respond to a request for access to personal information within a reasonable period after the request is made and submitted on the appropriate form: Student Records Access or Staff Records Access. Access will be provided if the documentation has been completed fully and submitted with the appropriate level of verification and the individual does not meet any of the following criteria:

Access **will not be provided** to individuals' information where the access would:

- a) pose a serious threat to the life, health or safety of any individual;
- b) be a public health/safety risk;
- c) have unreasonable impact on the privacy of other individuals;
- d) be deemed as vexatious or frivolous;
- e) relate to anticipated or existing legal proceedings;
- f) reveal intention of the RTO in relation to negotiations with the individual and would prejudice those negotiations;
- g) be deemed unlawful or prohibited by an Australian law/Court order;
- h) be required for suspected unlawful activity or misconduct of a serious nature relating to the RTOs functions or activities and giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
- i) be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- j) reveal information in relation to commercially sensitive decision making processes.

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If access is refused, we will provide written detail of the reasons for refusal, and provide the individual access to the complaints and appeals mechanisms and any other matter prescribed by the regulations.

15. Students

Students will have access to all information held on them. The RTO will store and use the information appropriately and limit access to only those who have a legal reason to have access to that information, or whom the student has given permission.

Students who request access to their information will be given full access to the details they want. No cost will be charged for them accessing their information whilst they are enrolled students. The appropriate form is titled, Student Records Access and may be requested from RTO Manager.

For access to records, the student must meet with the RTO Manager and provide identification (such as driver’s license, passport, and credit card) and complete the records access form.

16. Staff

Staff will have access to all information we hold on them, and we will store and use the information appropriately and limit access to only those who have a legal reason to have access to that information, or whom the staff member has given permission.

Staff members who request access to their information will be given full access to the details they want. No cost will be charged for them accessing their information whilst they are employed at RTO. If the person is no longer an employee of the RTO, and they request access of information there may be a fee involved, the cost must be paid in advance of access. The appropriate form is titled, Staff Records Access and may be requested from RTO Manager For access to records, the staff member must meet with the RTO Manager and provide the completed form.

17. Privacy Principles

The RTO abides by the APP and will not pass on students or other staff member’s information to anyone in any way that may be considered as breaching the APP.

18. The Australian Privacy Principles:

The APP was downloaded from ComLaw website:

<http://www.comlaw.gov.au/Details/C2012A00197/Download> [downloaded 13 March 2014]

Refer to Schedule 1

- a) Part 1 sets out principles that require APP entities to consider the privacy of personal information, including ensuring that APP entities manage personal information in an open and transparent way:**

Australian Privacy Principle 1—open and transparent management of personal information;

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Australian Privacy Principle 2—anonymity and pseudonymity.

b) Part 2 sets out principles that deal with the collection of personal information including unsolicited personal information:

Australian Privacy Principle 3—collection of solicited personal information;

Australian Privacy Principle 4—dealing with unsolicited personal information;

Australian Privacy Principle 5—notification of the collection of personal information.

c) Part 3 sets out principles about how APP entities deal with personal information and government related identifiers. The Part includes principles about the use and disclosure of personal information and those identifiers:

Australian Privacy Principle 6—use or disclosure of personal information;

Australian Privacy Principle 7—direct marketing;

Australian Privacy Principle 8—cross-border disclosure of personal information;

Australian Privacy Principle 9—adoption, use or disclosure of government related identifiers.

d) Part 4 sets out principles about the integrity of personal information. The Part includes principles about the quality and security of personal information:

Australian Privacy Principle 10—quality of personal information;

Australian Privacy Principle 11—security of personal information.

e) Part 5 sets out principles that deal with requests for access to, and the correction of, personal information:

Australian Privacy Principle 12—access to personal information;

Australian Privacy Principle 13—correction of personal information.

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