

1.0 PURPOSE

- 1.1 This policy ensures that Access Training and Logistics Pty Ltd (ATL) meets legal and ethical requirements related to the collection, storage and disclosure of personal information that it holds about its student population, staff, candidates and other clients and interactions with external organisations

2.0 SCOPE

- 2.1 This policy deals with the collection, use and disclosure, security and access to personal information. All Staff and Student files and information are covered by this policy.

3.0 RESPONSIBILITY

- 3.1 It is the responsibility of the ATL General Manager to ensure that this policy and procedure is adhered to.
- 3.2 All ATL staff have a responsibility to adhere to the policy and procedure.

4.0 DEFINITIONS

Personal information: information or an opinion that identifies an individual or allows their identity to be readily identified from such information. It includes but is not limited to information such as a person's name, address, financial information, marital status or billing details.

National Regulator: Australian Skills Quality Authority also known as ASQA

5.0 POLICY

ATL is committed to maintaining the privacy and confidentiality of its RTO personnel and student records. ATL complies with the Privacy Act 1988 including the 13 Australian Privacy Principles (APPs) as outlined in the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

ATL manages all personal information that it holds in an open and transparent way. This is evidenced in the implementation of practices, procedures and system that (outlined in this policy) ensures our compliance with the APPs and any binding registered APP code. This policy also, provides suitable procedures for ATL personnel as a means to facilitate them in responding to privacy related inquiries and complaints that may be received from time to time.

The following sections of this policy outline how we manage personal information

APP 1 – Open and transparent management of personal information

Purposes for information collection, retention, use and disclosure

ATL must collect, hold, use and disclose information from our clients 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;
- recruitment
- conducting internal business functions and activities; and
- requirements of stakeholders.

As a government registered training organisation (RTO), regulated by the national regulator, ATL is required to collect, hold, use and disclose a wide range of personal and sensitive information on students 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:

- Standards for Registered Training Organisations 2015;
- National Vocational Education and Training Regulator (Data Provision Requirements) Instrument 2020
- Clause 23 of Schedule 1A of the Higher Education Support Act 2003.

It is noted that ATL is also bound by various State Government Acts requiring similar information collection, use and disclosure (particularly relevant Education Act(s), Vocational Education & Training Act(s) and Traineeship & Apprenticeships Act(s)).

It is further noted that, aligned with these legislative requirements, ATL delivers services through a range of Commonwealth and State Government funding contracts, which also include various information collection and disclosure requirements.

Individuals are advised that due to these legal requirements, ATL discloses information held on individuals for valid purposes to a range of entities including:

- Governments (Commonwealth, State or Local);
- Apprenticeship Network providers;
- employers (and their representatives), employment service providers, 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; and
- financial billing information.

The following types of sensitive information may also be collected and held:

- identity details;
- employee details and HR information;
- complaint or issue information;
- disability status and other individual needs;
- indigenous status; and
- background checks (such as National Criminal Checks or Children Checks relevant to each state).

Where ATL collects personal information of more vulnerable segment of the community (such as children), additional practices and procedures are also followed.

How personal information is collected

ATL'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 enrolment forms, application forms or service delivery records) and the use of web based systems (such as online enquiry forms, web portals or internal operating systems).

ATL does receive solicited and unsolicited information from third party sources in undertaking service delivery activities. This may include information from such entities as:

- Governments (Commonwealth, State or Local);
- Apprenticeship Network providers;
- employers (and their representatives), Job Active Providers, schools, guardians; and
- service providers such as credit agencies and background check providers.

How personal information is held

ATL's usual approach to holding personal information includes robust storage and security measures at all times. Information on collection is:

- as soon as practical converted to electronic means;
- stored in secure, password protected systems, such as financial system, and student management system; and
- monitored for appropriate authorised use at all times.
- only authorised personnel are provided with login information to each system, with system access limited to only those relevant to their specific role. Virus protection, backup procedures and ongoing access monitoring procedures are in place.
- destruction of paper-based records occurs as soon as practicable in every matter.

Retention and Destruction of Information

ATL's records management policies and procedures document the periods for which personal information records are kept. Specifically for our RTO records, in the event of our organisation ceasing to operate, the required personal information on record for individuals undertaking nationally recognised training with ATL would be transferred to the national and state regulator, as required by law.

Accessing and seeking correction of personal information

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

Email: admin@acesstraininglogistics.com.au

Third parties, other than the individual, may request access to an individual's personal information. Such third parties may include employers, parents or guardians, schools, Apprenticeship Network providers, Governments (Commonwealth, State or Local) and various other stakeholders.

In all cases where access is requested, ATL 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);
- 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

In instances where an individual feels that ATL may have breached one of the APPs or a binding registered APP, please refer to the Complaints and Appeals Procedure for further information.

Making our APP Privacy Policy available

ATL's Privacy Policy is provided free of charge, with all information being publicly available via the Privacy link on our website at www.acesstraininglogistics.com.au. This information is designed to be accessible as per web publishing accessibility guidelines, to ensure that access is available to individuals with special needs (such as individuals with a vision impairment).

In addition, this APP Privacy Policy is:

- provided to all staff and contractors on induction and at request
- included within our Student Handbook;
- noted within the text or instructions at all information collection points (such as informing individuals during a telephone call of how the policy can 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 particular format requested by the individual as is reasonably practical.

If, in the unlikely event that the Privacy Policy cannot be provided in a particular format requested by an individual, a representative of ATL will explain the circumstances around this issue to the requester and seek to ensure that an alternative, and appropriate, format is provided.

Review and Update of this Privacy Policy

ATL 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 every complaint investigation process where the complaint relates to a privacy matter.

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

APP 2 – Anonymity and pseudonymity

ATL 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 or other situations in which an individual's information is not required to complete a request.

Individuals may deal with us 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 does not contain an individual's legal name, or generic username when individuals may access a public component of our website or enquiry forms.

ATL 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.

Requiring identification

ATL must require and confirm identification in service delivery to individuals for nationally recognised course programs. We are 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, we are also required to 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.

It should be noted that there are occasions during our service delivery or general operations process where an individual may not have the option of interacting with us anonymously or by using a pseudonym, because identification is required for ATL to effectively support an individual's request or need.

APP 3 — Collection of solicited personal information

ATL 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 that 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 impractical for the personal information to only be collected in this manner.

APP 4 – Dealing with unsolicited personal information

ATL may from time to time receive unsolicited personal information. Where this occurs we promptly review the information to decide whether or not we could have collected the information for the purpose of our business activities. Where this is the case, we may hold, use and disclose the information appropriately as per the practices outlined in this policy.

Where we are not permitted to collect this information (by law or for a valid business purpose) we immediately destroy or de-identify the information (unless it would be unlawful to do so).

APP 5 – Notification of the collection of personal information

Whenever ATL collects personal information about an individual, we take reasonable steps to notify the individual of the details of the information collection or otherwise ensure the individual is aware of the information collection process. This notification occurs at or before the time of collection, or as soon as practical afterwards.

Our notifications to individuals on data collection include:

- ATL'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 an explanation of how it can be accessed; and
- advice that this Privacy Policy contains information about how the individual can 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.

Where possible, we ensure that the individual confirms their understanding of these details, such as through signed declarations, website form acceptance of details or in person through questioning.

Collection from third parties

Where ATL collects personal information from another organisation, we:

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

APP 6 – Use or disclosure of personal information

ATL only uses or discloses personal information that it holds about an individual for the particular 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 ATL 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;
- the basis for our reasonable belief that we were required to disclose the information.

APP 7 – Direct marketing

ATL does not use or disclose the 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, and the individual would reasonably expect their personal information to be used for the purpose of direct marketing; or
- the personal information has been collected from a third party, or from the individual directly, but the individual does not have a reasonable expectation that their personal information will be used for the purpose of direct marketing; and
- we provide a simple method for the individual to request not to receive direct marketing communications (also known as ‘opting out’).

On each of our direct marketing communications, ATL 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 us at any stage not to use or disclose their personal information for the purpose of direct marketing, or to facilitate direct marketing by other organisations. We comply with any request by an individual promptly and undertake any required actions for free of charge.

We also, on request, notify an individual of our source of their personal information used or disclosed for the purpose of direct marketing unless it is unreasonable or impractical to do so.

APP 8 – Cross-border disclosure of personal information

Before ATL discloses personal information about an individual to any overseas recipient, we undertake to take reasonable steps to ensure that the recipient does not breach any privacy matters in relation to that information.

APP 9 – Adoption, use or disclosure of government related identifiers

ATL 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.

APP 10 – Quality of personal information

ATL takes reasonable steps to ensure that the personal information it collects is accurate, up-to-date and complete. We also take reasonable steps to ensure that the personal information we use or disclose, is related to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant. This is particularly important when:

- we initially collect the personal information; and
- we use or disclose personal information.

We take steps to ensure personal information is factually correct. In cases of an opinion, we ensure information takes into account competing facts and views and makes an informed assessment, providing it is clear this is an opinion. Information is confirmed to be up-to-date at the point in time to which the personal information relates.

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;
- providing individuals with a simple means to review and update their information on an on-going basis through our online portal;
- reminding individuals to update their personal information at critical service delivery points (such as completion) 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
- checking that a third party, from whom personal information is collected, has implemented appropriate data quality practices, procedures and systems.

APP 11 — Security of personal information

ATL takes active measures to consider whether we are able to retain personal information we hold, and also to ensure the security of personal information we hold. This includes reasonable steps to protect the information from misuse, interference and loss, as well as unauthorised access, modification or disclosure.

We destroy or de-identify 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 ATL offices and work areas is limited to our personnel only - visitors to our premises must be authorised by relevant personnel and are accompanied at all times. With regard to any information in a paper based form, we maintain storage of records in an appropriately secure place to which only authorised individuals have access.

Regular staff training and information bulletins related to privacy issues, and this Privacy Policy are conducted with ATL personnel. This training and communication also considers how the APPs apply to our practices, procedures and systems. Training is also included in our personnel induction practices.

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

APP 12 — Access to personal information

Where ATL 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 10 working 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 10 working days, by giving access to the personal information that is requested in the manner in which it was requested.
- provide information access free of charge.

APP 13 – Correction of personal information

ATL takes reasonable steps to correct personal information that we hold, to ensure it is accurate, up-to-date, complete, relevant and not misleading, and directly related to the purpose for which it is held.

Individual Requests

On an individual's request, 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:

- give a 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, take reasonable steps to associate a statement with the personal information that the individual believes it to be inaccurate, out-of-date, incomplete, irrelevant or misleading;
- respond within 10 calendar days to these requests; and
- complete all actions free of charge.

Correcting at ATL's initiative

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

6.0 RELATED POLICIES & PROCEDURES

- Administration & Records Management Policy & Procedure
- Student Handbook

7.0 RELATED LEGISLATION

Commonwealth Privacy Act 1988

Privacy Amendment (Enhancing Privacy Protection) Act 2012

Higher Education Support Act 2003

Standards for Registered Training Organisations 2015

8.0 REVISION HISTORY

Rev #	Date	Detail of modifications
1	11/08/2015	Issued
2	02/05/2018	Reviewed. Minor amendments – formatting. Addition of Revision History
3	03/02/2022	Reviewed and updated including reflecting legislative change