

RTO	Builders Academy Australia (RTO ID 21583)
Type	Public
Applicable standards	Standards for Registered Training Organisations 2015 VET Student Loans Act 2016 State and Territory Funding contracts Higher Education Support Act 2003 Australian Privacy Principles (APP) 2014 The Privacy Act 1988 (Commonwealth) Privacy Amendment (Enhancing Privacy Protection) Act 2012. Student Identifiers Regulation 2014
Authorised by	National Quality Assurance and Compliance Manager
Version	2.0 – Reviewed 30 April 2019

## Policy: Student Privacy

### Overview

Builders Academy Australia (BAA) is required to collect, use, store and disclose a range of personal information on students, employees and a range of other stakeholders. BAA complies with the Privacy Act 1988 (C'Wlth), including the 13 Australian Privacy Principles (APP) as outlined in the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (C'Wlth). BAA is committed to maintaining the privacy and confidentiality of its RTO personnel, RTO contractors, third party and participant records.

This policy specifically relates to the privacy of student, employer and other groups or individuals in the relation of training and / or assessment services. As such, this policy applies to all staff, contractors and other third parties which may be privy to sensitive information covered by the APP.

### What is the APP?

In 2014, the APP replaced the National Privacy Principles (NPP). The APP broadly covers a range of private information that BAA may obtain in the course of our normal duties. For our purposes, these include, but are not limited to:

#### Student

1. Student identifiers (name, date of birth, student numbers, unique student identifiers (USI), State and Territory Student Identifiers and Apprenticeship / Traineeship Contract IDs;
2. Student contact details (phone, address, email, fax etc.);
3. Information such as disabilities, illness, language, literacy or numeracy challenges, and other sensitive information;
4. Student IDs such as Medicare cards, drivers licence, concession cards etc. for the purpose of identifying eligibility for courses and / or funding;
5. Student residency and or citizenship status for the purpose of identifying eligibility for courses and or funding;
6. Copies of student transcripts from other education institutes for determining eligibility for course and / or credit transfers;
7. Third party reports regarding on the job performance for employers; and
8. Assessment results

### Employer/Third Parties

1. Commercially sensitive information about employers and other third parties; and
2. Employer/Third Parties contact details (Phone, address, email, fax, etc.)

BAA will only collect personal information from individuals by fair and lawful means which is necessary for the functions of BAA. BAA will only collect sensitive information with the consent of the individual and if that information is reasonably necessary for the functions of BAA. By entering into an enrolment contract, the individual gives consent for this information to be disclosed.

The information requested from individuals by BAA will only be used to provide details of study opportunities, to enable efficient course administration, to maintain proper academic records, to assess an individual's entitlement to state or territory government funded courses, VET Student Loan assistance, to allocate a Commonwealth Higher Education Student Support Number (CHESSN), to apply for with permission or check a Unique Student Identifier and to report to government agencies as required by law. If an individual chooses not to give BAA certain information then BAA may be unable to enrol that person in a course or supply them with appropriate information.

### Who we disclose student information to:

Personal information about students studying with BAA may be shared with the Australian Government, State and Territory Governments and designated authorities, including the Australian Skills Quality Authority (ASQA), the Commonwealth Department with responsibility for administering the VET Student Loans Act 2016 and Higher Education Support Act 2003 the Tuition Assurance Scheme manager (ACPET), the external Dispute Resolution Scheme Manager (the Commonwealth VET Student Loans Ombudsman). This information includes personal and contact details, course and unit enrolment details and changes. BAA will not disclose an individual's personal information to another person or organisation unless:

- a) 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;
- b) the individual concerned has given written consent to the disclosure;
- c) BAA 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;
- d) the disclosure is required or authorised by or under law; or
- e) 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, BAA shall include in the record containing that information a note of the disclosure. Any person or organisation that collects information on behalf of BAA or to whom personal information is disclosed as described in this procedure will be required to not use or disclose the information for a purpose other than the purpose for which the information was collected by them or supplied to them.

## The following outlines how we apply each privacy principle:

APP 1	Open and transparent management of personal information	<ul style="list-style-type: none"> <li>➤ We publish this policy on our website: <a href="http://www.buildersacademy.com.au">www.buildersacademy.com.au</a>;</li> <li>➤ A link to this policy is included in our student handbooks; and</li> <li>➤ BAA outlines what information is collected and what it will be used for</li> <li>➤ What information will be released and under what conditions.</li> </ul>
APP 2	Anonymity and pseudonymity	<ul style="list-style-type: none"> <li>➤ Individuals can remain anonymous for the purpose of requesting general information on a course, website enquiries or anonymous complaints/feedback; and</li> <li>➤ Individuals who wish to undertake nationally recognised training with BAA will be required to disclose information of a personal nature as outlined in this policy</li> <li>➤ Students who wish to provide feedback on our courses or services may do so anonymously.</li> </ul>
APP 3	Collection of solicited personal information	<ul style="list-style-type: none"> <li>➤ BAA will collect information you provide on enrolment into a nationally accredited course or on commencement of employment with BAA. We may also collect information you provide on websites, enrolment forms, course materials and assessments;</li> <li>➤ BAA may sometimes collect information, with your consent, from your employer, a job services provider or other organisations where students may engage in placement for training and assessment purposes; and</li> <li>➤ BAA collects information of a personal and sometimes sensitive nature. Information BAA collects may include: full name, date of birth, residential address, contact details, demographic information, ability/disability, employment details, educational background, indigenous background, concession status language, literacy and numeracy skills and educational/course progress. BAA may also collect information on your next of kin or parent/guardian for emergency purposes.</li> </ul>
APP 4	Dealing with unsolicited personal information	<ul style="list-style-type: none"> <li>➤ BAA only collects uses and stores information which is directly related to the provision of training and assessment (for students) and information directly related to the employment or engagement of contractors (for employees and contractors); and</li> <li>➤ Information which is received that is not related to training and assessment or employment with BAA is destroyed in a safe and secure manner.</li> </ul>
APP 5	Notification of the collection of personal information	<ul style="list-style-type: none"> <li>➤ Students and employees are notified when information is collected or sourced from third parties. Such notifications are expressed in enrolment forms, assessment tools and other written documents or implied in such circumstances such as workplace observations.</li> </ul>

APP 6	Use or disclosure of personal information	<ul style="list-style-type: none"> <li>➤ BAA only uses information for the provision of training and assessment BAA only discloses information to 3rd parties such as:               <ul style="list-style-type: none"> <li>i. Relevant Government bodies</li> <li>ii. Apprenticeship Centres – where a student is a trainee or apprentice</li> <li>iii. Employers – where a student is a trainee or apprentice or when an employer has paid for the provision of training</li> <li>iv. Job Services Providers – where you have been referred by a Job Service Provider</li> <li>v. External auditors and our consultants</li> <li>vi. Parent/Guardian – where a student is under the age of 18</li> <li>vii. Other entities required by law.</li> </ul> </li> </ul>
APP 7	Direct marketing	<ul style="list-style-type: none"> <li>➤ Your personal information will never be sold to any marketing company or third party;</li> <li>➤ BAA may use your personal information to market directly to you only for the provision of further training and assessment with the RTO;</li> <li>➤ BAA will only use your information if you have provided consent to use your information for this purpose and you have opted-in to this type of communication; and</li> <li>➤ BAA will provide an 'opt out' option for receiving direct marketing.</li> </ul>
App 8	Cross-border disclosure of personal information	<ul style="list-style-type: none"> <li>➤ BAA will not disclose your personal information to any entity outside of Australia unless you have provided your express written consent;</li> <li>➤ All records will be kept in Australia;</li> <li>➤ Students who agree for BAA to use their personal information such as name and images for marketing purposes via social media platforms are advised of the possibility of their information being accessed by individuals overseas.</li> </ul>
APP 9	Adoption, use or disclosure of government related identifiers	<ul style="list-style-type: none"> <li>➤ BAA is required to collect, in some circumstances, government related identifiers. BAA will not use these identifiers for any reason or purpose except for the explicit reason it is required (e.g. Concession numbers, USI, Drivers Licence Number, etc.) and will not use these numbers as an identifier of individuals; and</li> <li>➤ BAA will only disclose government related identifiers where required by law or express consent has been given to disclose this information.</li> </ul>
APP 10	Quality of personal information	<ul style="list-style-type: none"> <li>➤ BAA collects information and ensures it is accurate, up to date and complete; and</li> <li>➤ BAA will take all reasonable steps to ensure that the information provided from individuals is correct and any third party information received can be verified for accuracy, currency and completeness.</li> </ul>

APP 11	Security of personal information	<ul style="list-style-type: none"> <li>➤ All personal and sensitive information is kept safe and secure at all times, only authorised BAA staff may access this information; and</li> <li>➤ Destruction of personal and sensitive information is carried out by commercial document destruction companies or secure shredding or secure electronic deletion</li> </ul>
APP 12	Access to personal information	<ul style="list-style-type: none"> <li>➤ Individuals may request copies of information which is kept about them at any time;</li> <li>➤ BAA will not release personal information to a third party unless they are authorised to do so;</li> <li>➤ When requesting personal information, the individual will need to be able to adequately identify themselves</li> <li>➤ The timeframe for granting access will vary according to the nature of the request, who is requesting the information and how the information is requested to be given. For example, information requested by a phone call will generally be given during the call if the caller's identity can clearly be established and the requestor is wanting information verbally. More complex requests may take longer. Please allow 5-10 working days. Where we are unable to respond to a request within this time frame, we will advise you.</li> </ul>
APP 13	Correction of personal information	<ul style="list-style-type: none"> <li>➤ Individuals who feel that the information BAA uses and stores is inaccurate or incomplete may request to have the information updated and corrected. Such corrections must be in writing to: <a href="mailto:enquiries@buildersacademy.com.au">enquiries@buildersacademy.com.au</a></li> </ul>

## Responsible parties and review information

### Privacy compliance training

All BAA staff must undertake privacy training:

1. Upon commencement of employment at BAA, and
2. When directed.

As BAA is a member of the Simonds Group Ltd, the HR department may direct all staff within the group to undertake general privacy training. This is at the discretion of the HR department.

BAA will also require staff to undertake privacy training specific to working in an RTO and to their role and the type of student information that they are privy to.

The following table outlines the broad kinds of privacy training that is undertaken by BAA staff:

Training type	Topics covered	Delivery method
Induction / Refresher Privacy Training directed by HR Department	An overview of: <ul style="list-style-type: none"> <li>• Australian Privacy Principles (APP)</li> <li>• Australian Privacy Act 1988</li> </ul>	Online webinar via the Simonds Personal Learner Management System  May also be delivered face-to-face by: <ul style="list-style-type: none"> <li>— HR Staff</li> <li>— Legal Staff</li> <li>— External privacy experts</li> </ul>
Dedicated Privacy Training specific to BAA	Privacy training will generally cover the following topics: <ul style="list-style-type: none"> <li>• Australian Privacy Principles (APP)</li> <li>• Australian Privacy Act 1988 – Overview</li> <li>• How privacy standards apply to RTOs and individual roles</li> <li>• Relevant BAA forms, privacy declarations and consent forms</li> </ul>	This training is role specific and will vary according to the needs of the role the staff member is undertaking.  This training may be delivered by a live online webinar accessed through live webinar technology, a recorded webinar accessed through the BAA Learner Management System, or face-to-face.  Live sessions may be delivered by: <ul style="list-style-type: none"> <li>— A member of the Compliance Team</li> <li>— The staff member's Team Leader or Manager</li> </ul>

<b>Embedded within other professional development training</b>	<p>Professional development topics which may involve specific processes and procedures that relate to privacy concerns.</p> <p>Examples of these may include, but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Complaints handling and recording training</li> <li>2. Training / information sessions on Standards for Registered Training Organisations relating to student and employer data</li> <li>3. Training on funding contracts</li> <li>4. Training on enrolment processes</li> <li>5. Training on archiving processes</li> <li>6. Training on databases which contain student and / or employer data</li> </ol>	<p>This training is role specific and will vary according to the needs of the role the staff member is undertaking.</p> <p>This training may be delivered by a live online webinar accessed through live webinar technology, a recorded webinar accessed through the BAA Learner Management System, or face-to-face.</p> <p>Live sessions may be delivered by:</p> <ul style="list-style-type: none"> <li>— A member of the Compliance Team</li> <li>— The staff member's Team Leader or Manager</li> <li>— Another Team Leader, Manager or Senior Staff member as applicable to the topic being delivered.</li> </ul>
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Additional training to staff may take place when:

1. There are any changes made to the Privacy Act or Australian Privacy Principles
2. There are changes to privacy requirements under Federal Acts and Legislation or state or territory funding contracts
3. Internal continuous improvement initiatives are implemented which touch on privacy matters
4. New internal or external forms relating to privacy are released
5. Procedures relating to privacy are updated

## Complaints

If you wish to lodge a complaint about how BAA handles personal information or if you feel that BAA has breached the Privacy Act, please feel free to contact us on:

1. By phone on 1300 534 363
2. By email on [enquiries@buildersacademy.com.au](mailto:enquiries@buildersacademy.com.au)

Our Compliance Officer is the nominated Privacy Officer for BAA. You may also request to speak directly to the National Quality Assurance and Compliance Manager.

Our complaints and grievance policy can found on our website: [www.buildersacademy.com.au](http://www.buildersacademy.com.au) under 'Key links and documents'.