

# PP49

## Handling Personal Information Policy and Procedure

### PURPOSE

This policy is a statement of the requirements relating to personal information of students eligible for Vet Student Loans. This policy will apply equally to students and potential and eligible students for Loans approved place through SCEI.

### SCOPE

This policy and procedure applies to all students and staff of Southern Cross Education Institute.

### DEFINITIONS

The Act	VET Student Loans Act 2016
Student	A person being trained and/or assessed by SCEI for the purpose of issuing AQF or non-AQF certification documentation.
Census Date	A published date, set by the provider, no earlier than 20% of the way through a VET Unit of Study
Tuition Fees	Fees paid for a VET Unit of Study that is approved for Vet Student Loans and applies to students who are, or would be entitled to Vet Student Loans assistance under clause 43 of Schedule 1A of the Act.
Unit or VET Unit of Study	A VET unit of study approved for Vet Student Loans that a student may undertake with Southern Cross Education Institute, for which the student may access Vet Student Loans assistance to pay for all or part of their tuition fees.
Course of Study	An extended period of organised study, often leading to a qualification
Qualification	Formal certification, issued by SCEI, in recognition that a student has achieved learning outcomes or competencies relevant to course of study.
Potential Student	All persons seeking to enroll in a VET or higher education unit of study that meets the course requirement under subclasses 45(1) of Schedule 1A of the Act and who are, or would be, entitled to VET FEE- HELP or FEE-HELP assistance under the Act.

<p>Personal Information</p>	<p>HESA Schedule 1A defines information relevant to VET FEE-HELP as “VET personal information”: “information or an opinion (including information or an opinion forming part of a database), whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion; and obtained or created by a VET officer for the purposes of Part 2 of this Schedule and Chapter 4” (HESA). A person is a VET officer if the person is or was an officer of a VET provider. (Clause 74, Schedule 1A, HESA). For FEE-HELP the same principles apply, as set out in Division 179 of HESA</p>
<p>Institute / SCEI</p>	<p>Southern Cross Education Institute</p>

## POLICY and PROCEDURE

1. Southern Cross Education Institute understands and seeks to comply with the requirements of Clause 23 of Schedule 1A of the Act and the Information Privacy Principles set out in Section 14 of the Privacy Act 1988 in relation to the collection of information relating to all students.
2. Southern Cross Education Institute will allow a student to apply for and receive a copy of the VET personal information that the provider holds in relation to that student.
3. **Collection and Management of Personal Information**
  - 3.1. SCEI collects personal information to enable it to function effectively. Any personal information collected by SCEI is managed in accordance with the Privacy Act 1988.
  - 3.2. SCEI collects the following types of personal information:
    - 3.2.1. Student identifiers (name, date of birth, student numbers, unique student identifiers (USI), State and Territory Student Identifiers),
    - 3.2.2. Student contact details (phone, address, email, fax etc.);
    - 3.2.3. Student Information such as disabilities, illness, language, literacy or numeracy challenges, and other sensitive information
    - 3.2.4. Student IDs such as Medicare cards, driver’s license, concession cards etc. for the purpose of identifying eligibility for courses and / or funding,
    - 3.2.5. Student residency and / or citizenship status for the purpose of identifying eligibility for courses and / or funding
    - 3.2.6. Student academic transcripts and/ or certificates for the purpose of identifying eligibility for courses and / or funding
    - 3.2.7. student academic performance,
    - 3.2.8. student graduation,
    - 3.2.9. student welfare information;
  - 3.3. Personal information will not be collected unless:
    - 3.3.1. the information is collected for a purpose directly related to students; and

- 3.3.2. the collection of the information is necessary for or directly related to that purpose
- 3.4. Personal information will not be collected by unlawful or unfair means.
- 3.5. Where personal information is collected for inclusion in a record or in a generally available publication Southern Cross Education Institute will take reasonable steps to ensure that, before the information is collected or, if that is not practicable, as soon as practicable after the information is collected, the student concerned is generally aware of:
  - 3.5.1. the purpose for which the information is being collected;
  - 3.5.2. if the collection of the information is authorised or required by or under law the fact that the collection of the information is so authorised or required; and
  - 3.5.3. with whom the information may be shared (such as the Australian Government or Tuition Assurance Scheme)
- 3.6. Where Southern Cross Education Institute solicits and collects personal information for inclusion in a record or in a generally available publication it will take reasonable steps to ensure that:
  - 3.6.1. the information collected is relevant to that purpose and is up to date and complete; and
  - 3.6.2. the collection of the information does not intrude to an unreasonable extent upon the personal affairs of the student.

#### 4. **Storage and security of personal information**

- 4.1. SCEI stores personal information in a variety of formats including on databases, in hard copy files and on personal devices, including laptop computers. The security of personal information is of paramount importance to SCEI and we take all reasonable steps to protect the personal information we hold about from misuse, loss, unauthorised access, modification or disclosure
- 4.2. Southern Cross Education Institute will ensure:
  - 4.2.1. that the record is protected, by such security safeguards as it is reasonable in the circumstances to take, against loss, against unauthorised access, use, modification or disclosure, and against other misuse;
  - 4.2.2. restricting access to information on our databases on a need to know basis with different levels of security being allocated to staff members based on their roles and responsibilities.
  - 4.2.3. ensuring all staff members are aware that they are not to reveal or share personal passwords.
  - 4.2.4. ensuring where sensitive information is stored in hard copy files that these files are stored in lockable filing cabinets in lockable rooms. Access to these records is restricted to employees on a need to know basis.
  - 4.2.5. implementing physical security measures at our premises to prevent break-ins.
  - 4.2.6. implementing ICT security systems, policies and procedures designed to protect personal information storage on our computer networks.
  - 4.2.7. implementing human resources policies and procedures, such as email and internet usage, confidentiality and document security policies, designed to ensure that employees follow correct protocols when handling personal information.

- 4.2.8. undertaking due diligence with respect to third party service providers who may have access to personal information, including cloud service providers, to ensure as far as practicable that they are compliant with the Australian Privacy Principles or a similar privacy regime.
- 4.2.9. that if it is necessary for the record to be given to a person in connection with the provision of a service to the VET Provider, everything reasonably within the power of the VET Provider will be done to prevent unauthorised use or disclosure of information contained in the record
- 4.3. Southern Cross Education Institute will maintain a record setting out:
  - 4.3.1. the nature of the records of personal information kept by or on behalf of the record-keeper;
  - 4.3.2. the purpose for which each type of record is kept;
  - 4.3.3. the classes of individuals about whom records are kept;
  - 4.3.4. the period for which each type of record is kept;
  - 4.3.5. the persons who are entitled to have access to personal information contained in the records and the conditions under which they are entitled to have that access; and
  - 4.3.6. the steps that should be taken by persons wishing to obtain access to that information
- 4.4. Southern Cross Education Institute will not use the information without taking reasonable steps to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date and complete. The VET Provider will not use the information except for a purpose to which the information is relevant.
- 4.5. Personal information we hold that is no longer needed, or required to be retained by any other laws, is destroyed in secure manner, deleted or de-identified as appropriate.
- 4.6. SCEI's website may contain links to other websites. SCEI does not share personal information with those websites and we are not responsible for their privacy practices.

## 5. Disclosure of Information

- 5.1. Southern Cross Education Institute will not disclose the information to a person, body or agency (other than the individual concerned) unless:
  - 5.1.1. the individual concerned is reasonably likely to have been aware that information of that kind is usually passed to that person, body or agency;
  - 5.1.2. the individual concerned has consented to the disclosure;
  - 5.1.3. The VET Provider 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;
  - 5.1.4. the disclosure is required or authorised by or under law; or
  - 5.1.5. 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
- 5.2. 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, the record-keeper shall include in the record containing that information a note of the disclosure.
- 5.3. When required by law, the College may disclose personal information held about an individual to:
  - 5.3.1. another provider;
  - 5.3.2. government departments;
  - 5.3.3. medical practitioners;
  - 5.3.4. people providing services to the College, including specialist visiting teachers; and

- 5.3.5. others who have been so authorised.
- 5.4. Where law enforcement agencies (e.g. the Police) or third parties wish to request personal information regarding a student, then this request must be submitted in writing by an authorised officer, quoting the Act or Statute under which the request is made, and addressed to the Student Administration Manager.
- 5.5. Where law enforcement agencies (e.g. the Police) or third parties wish to request personal information regarding a member of staff, then this request must be submitted in writing by an authorised officer, quoting the Act or Statute under which the request is made, and addressed to the Human Resources Manager.
- 5.6. SCEI is required to collect and disclose personal information in relation to students who are eligible for VET Student Loans to meet our obligations under the VET Student Loans Act 2016 and VET Student Loans Rules 2016. These are:
- 5.6.1. Department of Education and Training – statistical information about student demographics and completions and personal details of students accessing VET Student Loans.
- 5.6.2. Australian Taxation Office – Department of Education and Training reports to Tax Office certain personal details (Tax File Numbers, addresses etc) of students with a VET Student Loans debt. The Tax Office may also contact SCEI directly requesting personal information if a student's VET Student Loans debt needs adjusting.
- 5.6.3. VET Tuition Scheme Assurance Operator if SCEI ceases to provide a VET course of study, it will give access to your personal details to the VET tuition assurance scheme operator.

## 6. Charges

- 6.1. There is no charge for access to, or amendment of, personal information. There may be charges for copies of documents or other services. Where hardship can be demonstrated these fees may be waived.

## 7. Appeal

- 7.1. If you believe SCEI staff have breached the policies and procedures set out above, you should first discuss your concerns with the student's trainer and assessor. You are welcome to discuss your concerns with a staff member from Student Welfare Department, if you don't feel comfortable approaching the manager concerned.
- 7.2. If a satisfactory resolution cannot be reached, the alleged breach should be submitted in writing to the Compliance Manager. Your complaint will be handled in accordance with the Complaints and Appeals procedure.

## RELATED DOCUMENTS

- PP25 Effective Records Management Policy and Procedure
- PP48 VET Student Loans Refund Policy and Procedures

## LEGISLATIVE CONTEXT

- Privacy Act 1988 (Cth)
- Freedom of Information Act 1982 (VIC)
- Australian Privacy Principles
- VSL Loans Rules 2016 (Section 94)
- VSL Loans Act 2016

## RESPONSIBILITIES

- CEO
- Student Administration Manager
- Human Resources Manager
- Compliance Manager

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