Privacy of Information Policy

PURPOSE
The purpose of this policy is to outline how HBA Learning Centres meets with the requirements of personal information to be collected, used and disclosed for the purposes for which it is required, and otherwise in accordance with the Privacy Act 1988 and the National Vocational Education and Training Regulator Act 2011.

This policy contains:

- The types of personal information HBA Learning Centres collects and holds
- How HBA Learning Centres collects and holds personal information
- The purposes for which HBA Learning Centres collects, holds, uses and discloses personal information
- How an individual may access personal information about themselves held by HBA Learning Centres
  - how an individual can seek the correction of such information
- Whether HBA Learning Centres is likely to disclose personal information to overseas recipients
- How an individual may complain about a breach of the Australian Privacy Principles (APP)
  - how HBA Learning Centres will deal with such a complaint

Standards for Registered Training Organisations 2015
This policy relates to compliance with the following Standards for Registered Training Organisations 2015

| Standard 4 | Accurate and accessible information about an RTO, its services and performance is available to inform prospective and current learners and clients. |
| Standard 5 | Each learner is properly informed and protected |
| Standard 8 | The RTO cooperates with the VET Regulator and is legally compliant at all times. |

SCOPE
This policy applies to:

- All HBA Employee’s
- All HBA Learners
Definitions
The following definitions apply when used in this policy:

**Personal Information** Information or an opinion about an identified individual, or an individual who is reasonably identifiable (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not

**Sensitive Information** Information about a person’s racial or ethnic origin, political opinions, membership of a trade union religious beliefs or affiliations, philosophical belief’s, memberships of a professional or trade association, membership of a trade union, sexual preferences or practices or criminal record or biometric information that is to be used for the purpose of automated biometric identification or biometric templates

**ASQA** Australian Skills Quality Authority (ASQA). The national regulator for vocational education and training.

**NCVER** The National Centre for Vocational Education Research (NCVER), is the national professional body responsible for collecting, managing, analyzing and communicating research and statistics on the Australian vocational education and training (VET) sector.

**AVETMISS** The Australian Vocational Education and Training Management Information Statistical Standard (AVETMISS). A national data standard which ensures the consistency and accuracy of vocational education and training (VET) information.

**Australian Privacy Principles** The foundations of the privacy protection framework. The Australian Privacy Principles are principles-based law.

**USI** Unique Student Identifier (USI) is an individual education number which provides an online record of vocational education and training undertaken in Australia.

POLICY
HBA understands the importance people attach to personal information (such as name, address, date of birth, phone number, email address, etc.).

HBA is committed to managing and protecting any personal information any person shares with HBA.

Through this policy HBA seeks to ensure that all persons will be able to deal with HBA with the confidence that personal information is only used by HBA in ways that are legal, ethical, secure and as required for compliance as a registered training organisation (RTO).
Types of Information Collected
When a person enrolls into an HBA course, HBA is required to collect personal information as part of the enrolment process. This includes application for Recognition of Prior Learning (RPL) and Credit Transfer (CT).

The enrolment form will collect details of a personal nature (e.g. date of birth, address, contact details) to ensure the identity of the individual and the collection of accurate information pertaining to the course enrolment.

Further to this personal information, HBA collects details known as AVETMISS data. This information is of a personal nature and will include but is not limited to, details of education, employment history, current employment status, disabilities and language, literacy and numeracy skills.

The collection of this information will also assist HBA in ensuring appropriate support needs are identified and effective training and assessment arrangements can be made on an individual basis as required.

Persons visiting the HBA website may be able to access other sites by clicking on links that HBA embeds within its website. Persons should be aware that other sites may not be subject to the same privacy standards and procedures as HBA. HBA does not take responsibility for persons choosing to visit these other sites.

HBA only collects the personal information necessary for enrolment, marketing and reporting purposes.

Provision of details
Information submitted digitally to HBA (e.g. using an electronic enrolment form or by sending an email) is collected and used only for the purposes that it is provided for.

When a person makes an enquiry about an HBA course through the HBA website, HBA will use the information to process the enquiry. In this case the person making the enquiry may elect to use a Pseudonym (e.g. preferred name, stage name, nickname etc.)

When a person makes the decision to enrol in an HBA course and completes an enrolment form (including RPL and CT application) the person must use their full legal name for this enrolment to be processed.

HBA will only issue certificates and statements of attainment in the legal name verified against the learners Unique Student Identifier (USI).

HBA will take all reasonable steps to make sure that personal information is accurate, complete and up to date at the time of collection and use. It is the responsibility of the individual to ensure HBA is provided with updated personal information as it changes (e.g. change of name, email or postal address etc.). All enrolment forms must be fully detailed by the individual stating the information provided is true and correct at the time of submission.

If an individual's details have changed (e.g. name change due to marriage) they will need to inform HBA in writing (email) to request the personal information to be
updated. Change of name will require the individual to provide acceptable identification to prove their identity (e.g. Marriage certificate), which must be certified by a Justice of the Peace, Lawyer/Solicitor, Police Officer or HBA Trainer and Assessor.

Changes requested to names, must align with the learners USI details.

Use of Information
The personal information gained by HBA Learning Centres during an enquiry and/or an enrolment will not be released to any third party for marketing or any other purpose, unless specified prior to the receipt of information.

Information Received via an Enquiry
HBA will use the information collected during an enquiry to provide information on HBA Learning Centres services and products. Persons not wishing to receive such information may contact HBA Learning Centres and request such contact be cancelled.

Information Received via an Enrolment
HBA will use an individual’s contact details to assist in the administration of the relevant course.

HBA will provide reasonable opportunity for an individual to opt-out of any of HBA’s marketing activities that makes use of their personal information (e.g. learners receiving updates from HBA regarding upcoming specials, other services and products via email).

HBA Learning Centres is required by law (under the National Vocational Education and Training Regulator Act 2011 (Cth) (NVETR Act) to disclose personal information collected about enrolled learners, to the National VET Data Collection kept by the National Centre for Vocational Education Research Ltd (NCVER). The NCVER is responsible for collecting, managing, analysing and communicating research and statistics about the Australian VET sector.

HBA Learning Centres is also authorised by law (under the NVETR Act) to disclose your personal information to the relevant state or territory training authority.

The NCVER will collect, hold, use and disclose your personal information in accordance with the law, including the Privacy Act 1988 (Cth) and the NVETR Act 2011. Your personal information may be used and disclosed by NCVER for purposes that include populating authenticated VET transcripts; administration of VET; facilitation of statistics and research relating to education, including surveys and data linkage; and understanding the VET market.

The NCVER is authorised to disclose information to the Australian Government Department of Education, Skills and Employment (DESE), Commonwealth authorities, State and Territory authorities (other than registered training organisations) that deal with matters relating to VET and VET regulators for the purposes of those bodies, including to enable:
• administration of VET, including program administration, regulation, monitoring and evaluation
• facilitation of statistics and research relating to education, including surveys and data linkage
• understanding how the VET market operates, for policy, workforce planning and consumer information.

The NCVER may also disclose personal information to persons engaged by NCVER to conduct research on NCVER’s behalf.

The NCVER does not intend to disclose your personal information to any overseas recipients.

For more information about how the NCVER will handle your personal information please refer to the NCVER’s Privacy Policy at [www.ncver.edu.au/privacy](http://www.ncver.edu.au/privacy).

**Disclosure of Information**

HBA will not disclose Personal Information to any external company or third party unless the individual has consented to the use or disclosure (e.g. a learner requests in writing that their progress and results be provided to a potential employer).

Personal information will not be sold or used for promotions independent of HBA. Personal information will be destroyed, if there is no longer any legitimate purpose for retaining such information and or the record retention period imposed by the National Vet Regulator has elapsed.

HBA will only disclose personal information when HBA is required to co-operate with investigations of claimed unlawful activities or to conform to the proclamations of the law or comply with legal process served on HBA.

Where a learner’s employer or another external party has funded the learner’s training HBA may disclose learner information, where the learner has consented to this by ticking the consent box located in the declaration of the enrolment form.

HBA will also disclose personal information to fulfil a learner’s request. For an individual to obtain copies of their personal information to be distributed they must request a copy in writing (email) to HBA granting permission. Once HBA has received this request in writing, the information can then be released.

**Storage of Information**

HBA is required to keep Learners records for compliance with the NVR standards. These records are kept for a minimum of 30 years in an electronic Learner Management System and HBA’s secure cloud storage.

Access to these records is strictly controlled. Only authorised HBA employees have access to these records. Restricted access is enforced on all HBA files.

Where sensitive information is concerned (e.g. credit card details, HBA processes payment and then removes the card details from any documentation.

At all times HBA will take reasonable steps to ensure all personal information is safe from misuse, loss, and unauthorised access, alteration or disclosure.
Access to Personal Records
HBA learners will have access to all their personal information by formal request in writing (email) but will not be allowed to access any information that may breach the privacy of other persons.

Information may be provided to statutory authorities such as the Australian Taxation Office (ATO) where there is a legal obligation to provide it.

Complaint for Breach of Privacy
Any persons believing their personal information has not been dealt with in accordance with any part of this Privacy of Information Policy, the Privacy Act 1988, the Australian Privacy Principles and the National Vocational Education and Training Regulator Act 2011, a written (email) complaint can be directed to HBA’s Compliance Manager via the following email address complaints@hba.edu.au.

NON-COMPLIANCE WITH POLICY
Any breach of this policy:

- May impact the RTO’s registration with the Australian Skills Quality Authority
- May result in criminal offences and civil penalty provisions under the National Vocational Education and Training Regulator Act 2011
- May result in criminal offences and civil penalty provisions under the Privacy Act 1988
- Will be managed in accordance with the Australian Privacy Principles
- May breach the VET Quality Framework

KEY PERSONS RESPONSIBLE
The RTO staff roles responsible for managing the outcomes of this policy are:

- HBA Managing Director
- HBA Compliance Manager
- HBA National Manager
- HBA Accountant

DOCUMENTS
The following documents are related to this policy:

- Privacy of Information Procedure
- HBA Learning Centres enrolment form
- Complaints Policy and Procedure
- Complaints register
- Standards for Registered Training Organisations (RTOs) 2015