

**Wyndham Community and Education Centre Inc.
Policy and Procedure**

Policy name	Privacy Policy & Procedure (Students/Clients)
Responsible person	Privacy Officer, CEO
Staff involved	All
Review dates	2021
Related documents	<p>Legislation: Privacy Act 1988 (Cth), Privacy Regulations Act 2013 (Cth), Health Records Act 2001 (Vic), Privacy and Data Protection Act 2014 (Vic), Freedom of Information Act 1982 (Cth), Charter of Human Rights & Responsibilities Act 2006 (Vic), Public Records Act 1973 (Vic), Surveillance Devices Act 1999 (Vic), Spam Act 2003 (Cth), Disability Act 2006 (Vic), Children, Youth and Families Act 2005 (Vic), Education Training and Reform Act 2006 (Vic), Student Identifiers Act 2014 & Regulations 2014 (Cth), Child Wellbeing and Safety Act 2005 (Vic), Working with Children Act 2005 (Vic), Commission for Children and Young People Act 2012 (Vic), Crimes Act 1958 (Vic), Family Violence Protection Act 2008 (Vic).</p> <p>Policies: Student Selection, Enrolment & Induction (Foundation Skills) Policy & Procedure, Student Selection, Enrolment & Induction (VET) Policy & Procedure, Student Selection, Enrolment & Induction (VCAL) Policy & Procedure, Record Management & Record Keeping Policy & Procedure, Child Safe Policy & Procedure, Complaints and Appeals Policy & Procedure, Mandatory Reporting and Failure to Disclose Policy & Procedure, National Police Checks Policy & Procedure, Computers, Internet and Email Policy & Procedure, Social Media Policy & Procedure, Data Breach Response Policy & Procedure, Information Security Policy & Procedure, Complaints and Appeals Policy & Procedure, Student Well Being and Duty of Care in VCAL (includes procedures for under-18s) Policy and Procedure, Decision Making Responsibilities for under-18s Policy & Procedure</p> <p>Other: Privacy & Your Rights Tri-fold, Privacy Agreement for Staff & Volunteers, Request to view my own file Form, Enrolment Form, Interview Enrolment Checklist, Commissioner for Privacy and Data Protection website – www.cpdp.vic.gov.au Your privacy rights and how the Victorian Government protects the privacy of your personal information (Vic), Wyndham CEC Website Privacy Statement, Australian Government Privacy website – www.oaic.gov.au, Australian Privacy Principles – a summary for APP entities, Rules of Association, current VET Funding Contract – Skills First Program, Victorian Common Funding Agreement, Victorian VET Student Statistical Collection Guidelines, (<i>Victorian Government VET Student Enrolment</i></p>

This document was reviewed and accepted by the Board of Governance of the Wyndham Community and Education Centre Inc on 30/01/20 and supersedes all previous versions.

Version: 2020v1

Document number: 324

Page 1 of 14

G:\2020\2020 Compliance_P&P_AQTF\Policies\Access equity\Privacy\Privacy - students and clients - 2020v1.docx

Wyndham Community and Education Centre Inc.

Policy and Procedure

	<i>Privacy Notice</i>), DSS Settlement Services Funding Agreement (SETs), Notifiable Data Breach Scheme, National VET Data Policy (<i>Privacy Notice</i>), data Provision Requirements 2012.
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1. Policy Context

Wyndham Community and Education Centre Incorporated is a not-for-profit association established in 1974 and governed by a Board of Governance, comprised of elected community members and stakeholders.

Wyndham Community and Education Centre Incorporated offers a range of community and education programs and services to members of the local Wyndham community and surrounds. Many of these programs and services are government funded: Local, State and Commonwealth Governments.

2. Policy

Wyndham CEC recognises the importance of protecting the privacy and the rights of individuals in relation to their personal information.

This policy supports Wyndham CEC's need to collect information and the right of the individual to privacy.

It ensures that Wyndham CEC can collect information necessary for its programs, services and functions, while recognising the right of individuals to have their information handled in ways that they would reasonably expect and in ways that protect their personal and health information.

This document outlines Wyndham CEC's privacy policy for students and clients and informs them how Wyndham CEC collects, uses, discloses and manages personal and health information in accordance with Victorian and Commonwealth legislation.

This includes information collected, used, disclosed and managed under the *Privacy and Data Protection Act (Vic)*, the *Health Records Act 2001 (Vic)*, and the *Privacy Act 1988 (Cth)*.

All Wyndham CEC staff and volunteers will be inducted into the use of this policy and procedure and must act in accordance with this policy, and in accordance with the legislation, whilst performing tasks on behalf of Wyndham CEC that include the collection of personal or health information for the purpose of enrolment or application for a program and service.

Wyndham Community and Education Centre Inc.

Policy and Procedure

3. Privacy Legislation and Wyndham CEC

The *Privacy Act 1988* (Cth) defines personal information as: *information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual, or an individual who is reasonably identifiable.*

Information collected can be classified as personal, sensitive or health information.

Common examples of personal information include an individual's name, signature, address, telephone number, date of birth, financial information if necessary to confirm eligibility for a service.

Examples of personal information that is also sensitive information includes racial and ethnic origin, political or religious beliefs, sexual orientation and criminal records.

Health information examples include health related matters that Wyndham CEC collects in order to ensure an individual's safety and well-being while attending a service at Wyndham CEC for example, anaphylaxis, asthma, epilepsy.

The Privacy Act includes thirteen Australian Privacy Principles (APPs), which outline best practice requirements when it comes to privacy. Wyndham CEC's obligations under privacy vary according to the type of information collected. The types of personal information collected depends on the type of program or service being provided to an individual.

Wyndham CEC respects student/ client rights to privacy under the *Privacy Act 1988* (Cth) and complies with the Act's requirements in respect of the collection, use, disclosure and management of personal information.

Victorian privacy law applies to staff, contractors, volunteers employed or engaged by Wyndham CEC and covers student and client records and information held by Wyndham CEC about a student or client.

Legislation in Victoria protects the privacy of an individual's personal information and sets a standard for the protection of the privacy of personal information by the Victorian public sector. This includes rules about the way organisations handle personal or health information, including sensitive information.

Rules include:

- only using information for the purposes it was collected
- keeping information safe and secure
- only showing information to people who need to see it
- disposing of information securely when it is no longer needed
- maintaining integrity of information

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Version: 2020v1

Document number: 324

Page 3 of 14

G:\2020\2020 Compliance_P&P_AQTF\Policies\Access equity\Privacy\Privacy - students and clients - 2020v1.docx

Wyndham Community and Education Centre Inc.

Policy and Procedure

- providing individuals with access to their own information on request. An individual's right to access remains via a request made under freedom of information Act 1982 (Cth). Wyndham CEC can, depending on circumstances, provide a student/ client with informal access to their own information (see 4.12).

Contacting Us

Wyndham CEC has a nominated Privacy Officer to manage and review Wyndham CEC's privacy practices. For all privacy related enquiries, please contact the Privacy Officer:

Fiona Bolton
Wyndham Community & Education Centre
Mail: 20 Synnot Street, Werribee VIC 3030
Email privacyofficer@wyndhamcec.org.au
Phone: 9742 4013.

4. Privacy and Wyndham CEC's Students/ clients

Wyndham CEC will provide students/clients with a privacy notice informing them about the ways their personal information will be collected, used, disclosed and managed when they enrol in training or apply to access a service of Wyndham CEC.

The privacy notice is incorporated into the student enrolment form for students enrolling or re-enrolling in an education or training course.

The Victorian Government, through the Department of Education & Training, develops, monitors and funds vocational education & training (VET) in Victoria and pre-accredited training programs. Any personal information collected by the Victorian Government for training purposes in Victorian funded programs is protected in accordance with the *Privacy and Data Protection Act 2014 (Vic)* and the *Health Records Act 2001 (Vic)*. Personal information collected can include information deemed sensitive and/or related to health information. Wyndham CEC seeks consent to collect, use, disclose and manage an individual's personal and health information, including necessary sensitive information through a signed privacy notice.

All students enrolling in a training course or clients accessing a service for which information must be collected, will be given a copy of the *Privacy and your Rights* tri-fold containing the Victorian IPPs and a copy of the Australian APPs.

Enrolling students will be provided with a Privacy Notice at enrolment. Wyndham CEC seeks agreement with the Privacy Statement through signed acknowledgement when they sign the enrolment form.

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Version: 2020v1

Document number: 324

Page 4 of 14

G:\2020\2020 Compliance_P&P_AQTF\Policies\Access equity\Privacy\Privacy - students and clients - 2020v1.docx

Wyndham Community and Education Centre Inc.

Policy and Procedure

As part of the enrolment interview process, staff will provide reasons at the time and point of collection, regarding what information is being collected and held, and how the information will be used or disclosed.

All students will be informed of their right to access information held about them and the process for doing so at the enrolment interview (see section 4.12 below).

If a student/client does not wish to provide information they have the right to refuse, however, this may restrict the activities they can participate in and Wyndham CEC may not be able to offer them the service they seek. A refusal must be recorded in a way appropriate to the situation e.g. a refusal to answer a question on an enrolment form would be recorded using the @ symbol (see section 4.7 below).

4.1 Collection of data

Wyndham CEC is required to provide the Victorian Department of Education and Training with student data and training activity data. This includes the personal information collected via the Wyndham CEC enrolment form such as unique identifiers: the Victorian Student Number (VSN); and, the Commonwealth's Unique Student Identifier (USI).

Wyndham CEC provides data to the Department in accordance with the *Victorian VET Student Statistical Collection Guidelines*, available at: <http://www.education.vic.gov.au/training/providers/rto/Pages/datacollection.aspx> Data reported by Wyndham CEC may also be forwarded to federal government agencies, such as NCVER, under the terms of the *National VET Data Policy*, available at: <https://www.education.gov.au/national-vet-data-policy-0>

4.2 Use of data - students

The Victorian Department and NCVER use student and training data, including personal information, for a range of VET purposes including administration, monitoring and planning.

A student's USI may be used for specific VET purposes including the verification of student data provided by Wyndham CEC; the administration and audit of VET providers and programs; education-related policy and research purposes; and to assist in determining eligibility for training subsidies.

Wyndham CEC will provide students with relevant information about privacy at enrolment or at any other time via an appointment with a relevant staff member.

Victorian legislation allows anyone to make a privacy complaint in the event that a belief is formed that privacy rules have been breached. This can be done through the Office of the Commissioner for Privacy and Data Protection -

<http://www.dataprotection.vic.gov.au/>

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Version: 2020v1

Document number: 324

Page 5 of 14

G:\2020\2020 Compliance_P&P_AQTF\Policies\Access equity\Privacy\Privacy - students and clients - 2020v1.docx

Wyndham Community and Education Centre Inc.

Policy and Procedure

4.3 What is personal information?

When used in this Privacy Policy, the term “*personal information*” has the meaning given to it in the Act. In general terms, it is any information that can be used to personally identify you. This may include name, address, telephone number, email address and profession or occupation. If the information we collect personally identifies you, or you are reasonably identifiable from it, the information will be considered personal information.

Some personal information collected by Wyndham CEC may be regarded as “sensitive” under the *Privacy Act 1988 (Cth)*.

Sensitive information is generally relevant to an assessment of whether a person is eligible for our education & training, business or community services. Sensitive and health information require consent and a higher level of protection.

Wyndham CEC may need to collect sensitive and health information in order to provide a service to an individual and will seek signed consent to do so.

4.4 What personal information do we collect and hold?

We may collect the following types of personal information:

- Name
- Mailing or street address
- Email address
- Telephone
- Facsimile number
- Age or birth date
- Employment status
- Gender
- Country of Birth
- Language spoken
- Disability or Health information
- Indigenous status
- School level & qualifications completed
- Emergency Contact details
- Victorian Student Number (VSN)
- Unique Student Identifier (USI)
- Details of the programs and services you have used from us or which you have enquired about, together with any additional information necessary to deliver those programs and services and to respond to enquiries

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Version: 2020v1

Document number: 324

Page 6 of 14

G:\2020\2020 Compliance_P&P_AQTF\Policies\Access equity\Privacy\Privacy - students and clients - 2020v1.docx

Wyndham Community and Education Centre Inc. Policy and Procedure

- Any additional information relating to you that you provide to us directly through our website or indirectly through use of our website, through our representatives or otherwise;
- Information you provide to us through our Head Office, surveys or contacts with our representatives from time to time; and
- Students may be contacted by NCVET or a Department-endorsed project, audit or review relating to an individual's training. Students may opt out of the NCVET survey.

Wyndham CEC may also collect some information that is not personal information because it does not identify you or anyone else. For example, we may collect anonymous answers to surveys or aggregated information about how users use our website.

4.5 How do we collect personal information?

We collect personal information directly from an individual unless it is unreasonable or impracticable to do so.

We may collect personal information in the following ways:

- Through access and use of our website
- During conversations between you and our staff/ representatives; or
- When you complete an enrolment or application form for a program or service or, any finance department forms.

We may also collect relevant personal information from third parties including: referring community service organisations, law enforcement agencies, insurance companies, or government entities.

4.6 For what purposes do we collect, hold, use and disclose personal information?

We collect personal information about you so that we can perform our business activities and functions and to provide the best possible quality of service to you.

We collect, hold, use and disclose personal information for the following purposes:

- To provide programs and services to students/ clients
- To send communications requested by students/ clients
- To answer enquiries and provide information or advice about existing and new programs and services
- To provide students/ clients with access to protected areas of our website
- To conduct business processing functions including providing personal information to related bodies or other third parties

This document was reviewed and accepted by the Board of Governance of the Wyndham Community and Education Centre Inc on 30/01/20 and supersedes all previous versions.

Version: 2020v1

Document number: 324

Page 7 of 14

G:\2020\2020 Compliance_P&P_AQTF\Policies\Access equity\Privacy\Privacy - students and clients - 2020v1.docx

Wyndham Community and Education Centre Inc. Policy and Procedure

- For the administrative, marketing, planning, program or service development, quality management and research purposes of Wyndham CEC and its related bodies
- To provide students/ clients updated personal information to our related bodies as required by them
- To update Wyndham CEC records and keep students/ clients contact details up to date
- To process and respond to any complaint made by students/ clients
- To comply with any law, rule, regulation, lawful and binding determination, decision or direction of a regulator, or in co-operation with any governmental authority of any country (or political sub-division of a country).

Please note: Personal information will not be shared, sold, rented or disclosed other than as described in this privacy policy.

4.7 What happens if we can't collect personal information?

If you do not provide us with the personal information described above, some or all of the following may happen:

- We may not be able to provide the requested programs or services to you, and you may not be able to enrol/ access the service or activity;
- We may not be able to provide you with the information about the programs and services that you may want;
- We may be unable to tailor the content of our website to personal preference and your experience of our website may not be as enjoyable or useful; and,
- A student may not be able to obtain a Victorian Government subsidy for a training course.

4.8 Cookies

In some cases Wyndham CEC may also collect personal information through the use of cookies. When you access our website, we may send a “cookie” (which is a small summary file containing a unique ID number) to your computer. This may enable us to recognise your computer and greet you each time you visit our website without bothering you with a request to register.

Wyndham CEC also uses cookies to measure website usage patterns in the aggregate. We use this to research our user's habits so that we can improve our online programs and services. Our cookies do not collect personal information. If you do not wish to receive cookies, you can set your browser so that your computer does not accept them.

Wyndham Community and Education Centre Inc.

Policy and Procedure

Wyndham CEC may log IP addresses (that is, the electronic addresses of computers connected to the Internet) to analyse trends, administer the website, track user movements, and gather broad demographic information.

4.9 Authorised personnel access levels to personal information

Wyndham CEC staff are authorised to have access to personal information at different levels as follows:

CEO	- Level 1
COO and CFO	- Level 2
Service Unit Managers	- Level 3
Coordinators	- Level 4
Other staff	- Level 4
Board	- Level 5

Level 1 = Access to all information

Level 2 = Access to all information relevant to role and as determined by the CEO

Level 3 = Access to all information relevant to own service unit/ program area

Level 4 = Access to all information relevant to own work area

Level 5 = Access to information related to governance and Board of Governance matters as relevant

4.10 To whom may we disclose information?

Wyndham CEC does not disclose personal information other than for the purpose for which it was collected, or if an individual has consented to a secondary purpose, or an individual would reasonably expect this, or if required by law.

Wyndham CEC may disclose personal information as necessary and where lawful, to government in accordance with contractual obligations. Wyndham CEC takes reasonable steps to inform you of this and seeks written consent to do so through the signed Privacy Notice.

We may also disclose personal information to:

- Our employees, contractors or service providers for the purposes of the operation of our business, fulfilling requests by you, and to otherwise provide programs and services to you including, without limitation, web hosting providers, IT system administrators, payment processors, data entry services providers, electronic network administrators, data collectors, and professional advisors such as accountants, solicitors, business advisors and consultants where necessary;
- Suppliers and other third parties with whom we have commercial relationships, for necessary business, marketing, and related purposes;
- Any organisation for any authorised purpose with your express consent;

Wyndham Community and Education Centre Inc. Policy and Procedure

- The VSN (for applicable students only) can only be communicated to persons, bodies or schools registered with the Victorian Registration and Qualification Authority (VRQA), students and their parents or guardians; and,
- Government entities and entities such as NCVER for statistical, administrative, regulatory and research purposes.

Personal information will only be shared when a formal agreement such as an MoU or contract exists in relation to information or data sharing between parties and in circumstances permitted under the *Privacy and Data Protection Act 2014 (VIC)*.

4.11 Government Identifiers

Wyndham CEC may use a government related identifier to verify the identity of an individual in relation to its business activities and in order to provide a service.

This includes, but is not limited to:

- VSN for students up to the age of 24 years
- USI
- Customer Reference Number (CRN) / Job Seeker Identification (JSI)
- Passport / VISA / Travel Document
- VASS Number (VCAL enrolments)
- aXcelerate Enrolment Number
- Pension or Concession Card
- Medicare Number

4.12 How can students/ clients access and correct personal information?

Students/ clients may request access to any personal information we hold about you at any time by contacting us. Where we hold information that you are entitled to access, collected directly by Wyndham CEC, we will try to provide you with a suitable means of accessing it (for example, by mailing or emailing it to you). Wyndham CEC does not charge a fee to cover our costs of locating the information and providing it to you.

Wyndham CEC will take all reasonable steps to correct any personal information as long as we are satisfied that it is inaccurate, out of date, incomplete, irrelevant or misleading. If we have provided your information to third parties we will also notify them of any correction to information on condition you provide permission to do so, unless it is impracticable or unlawful to do so.

Requests for access to, or correction of personal information should be made in writing by email or mail and addressed to the Privacy Officer as indicated on page 3.

Requests will be answered within 30 days.

Wyndham Community and Education Centre Inc.

Policy and Procedure

There may be instances where we cannot grant you access to the personal information we hold or we may not agree with your request to access and correct the information. For example, we may need to refuse access if granting access would interfere with the privacy of others or if it would result in a breach of confidentiality. If that happens, we will give you written reasons for any refusal and provide information about avenues for complaint.

4.13 Other information we may collect

During the enrolment process personal information is collected. This information may be used for the following purposes unless you have chosen to opt-out:

- Creation of a computer logon account
- Creation of an email address
- Creation of a web storage account
- Creation of an e-Learning logon account
- Wyndham CEC direct marketing

Some of these accounts may reside on international servers. As such, we may need to disclose your personal information at account creation. Wyndham CEC checks the privacy policy and server security of any organisation for which the above mentioned accounts may be created, ensuring your privacy rights are maintained in accordance with the Australian Privacy Principles (APPs).

At time of enrolment you will be given the option to opt-out of any of the above services by making a selection on Wyndham CEC's Enrolment Form. You may ask to be removed from Wyndham CEC's direct marketing lists by contacting Wyndham CEC's Privacy Officer as detailed on page 2 of this Policy & Procedure.

4.14 Privacy exemptions

Personal and health information can be disclosed for a purpose other than which it was collected and without the person's consent when the disclosure is:

- Necessary to prevent a threat to life, health or safety
- Required, authorised or permitted by law or for law enforcement purposes
- Used for research or compilation of statistics in the public interest, in certain limited circumstances
- When complying with duty of care purposes and processes

5. Direct marketing materials

We may send you direct marketing communications and information about our programs and services that we consider may be of interest to you. These communications may be

Wyndham Community and Education Centre Inc.

Policy and Procedure

sent in various forms, including mail, SMS, fax, email, in accordance with applicable marketing laws, such as the *Spam Act 2003 (Cth)*. If you indicate a preference for a method of communication, we will endeavour to use that method whenever practical to do so.

In addition, at any time you may opt-out of receiving marketing communications from us by contacting us or by using opt-out facilities provided in the marketing communications and we will then ensure that your name is removed from our mailing list.

Contact details are on page 3 of this policy and procedure.

We do not provide personal information to other organisations for the purposes of direct marketing.

6. What is the process for complaining about a breach of privacy?

If you believe that your privacy has been breached, please contact us using the contact information on page 3 and provide details of the incident so that we can investigate it.

We will respond to you within 30 days.

7. Do we disclose personal information to anyone outside of Australia?

As indicated in section 4.10 of this policy, some personal information may reside on international servers, usually located in the United States of America. This usually includes storage of student or staff work on platforms such as Moodle or Google Docs or for creating a student log in. As such, we may need to disclose personal information at account creation. Wyndham CEC checks the privacy policy and server security of any organisation for which the above mentioned accounts may be created, ensuring privacy rights are maintained in accordance with the Australian Privacy Principles (APPs).

At time of enrolment you will be given the option to opt-out of any of the above services by making a selection on Wyndham CEC's Enrolment Form. You may ask to be removed from Wyndham CEC's direct marketing lists by contacting Wyndham CEC's Privacy Officer as detailed in section 3 of this Policy & Procedure.

8. Information retention and disposal

Wyndham CEC stores personal information in either electronic (soft copy) or paper (hard copy) form.

Information collected for the purposes of enrolment in education and training programs and services is held in our student management system, VETtrak (pre-2016) or aXcelerate (post-2016).

Wyndham Community and Education Centre Inc.

Policy and Procedure

Wyndham CEC also maintains some databases for the following purposes:

- a Medical Register of students who require duty of care especially those under-18
- a Qualifications Register
- a Legal Register for students under-18 with custody or other legal orders
- reporting other data to government departments

Back-up copies of all electronic files held in Wyndham CEC's systems are kept in the event of an IT system failure or loss.

Wyndham CEC retains personal information for as long as it is required for its business activities and functions, and for as long as it is legally required to retain the information.

When personal information is no longer needed by Wyndham CEC, and it is lawful to do so, Wyndham CEC destroys or takes reasonable steps to de-identify information.

9. Security

Wyndham CEC will take reasonable steps to ensure that personal information is protected from misuse and loss, and from unauthorised access or interference, modification or disclosure.

Wyndham CEC's policies, systems and networks are in place to comply with the law and to manage risk. This includes protection from unauthorised access. Access to databases and management systems are protected through user log-in & password and, assignment of user access rights (see section 4.9).

Security steps includes:

- Wyndham CEC's premises and server room are fully secured
- Website protection measures such as firewalls, encryption and anti-virus software in place
- Access restrictions to computer systems such as log in and password protection
- Work stations lock when left unattended
- Hard copy files and documents are locked in secured filing cabinets and locked rooms
- Documents no longer required are shredded in locked bins and destroyed by an appropriately certified contractor
- Restricted access to senior management offices
- Staff training and PD around student/ client privacy

Website security

Wyndham CEC strives to protect the personal information and privacy of users but as our website is linked to the Internet, and the Internet is inherently insecure, we cannot

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Version: 2020v1

Document number: 324

Page 13 of 14

G:\2020\2020 Compliance_P&P_AQTF\Policies\Access equity\Privacy\Privacy - students and clients - 2020v1.docx

Wyndham Community and Education Centre Inc.

Policy and Procedure

guarantee the security of information you disclose online. We also cannot guarantee that the information you supply will not be intercepted while being transmitted over the Internet. Accordingly, any personal information or other information which you transmit to us online is transmitted at your own risk.

If you are concerned, you can contact us via the contact details on page 3. You can also help by notifying us if you become aware of a security breach.

10. Links/ third party websites

Our website may contain links to other websites operated by third parties. We make no representation or warranties in relation to the practises of any third party website and we are not responsible for the privacy policies or the content of any third party website. Third party websites are responsible for informing you about their own privacy practises.

11. Responding to a privacy breach

While Wyndham CEC takes all reasonable steps to avoid privacy breaches, sometimes things can inadvertently go wrong. In such an event, Wyndham CEC will respond by following the steps in the *Data Breach Response Policy & Procedure*. This includes taking immediate steps to prevent the risk of serious harm to the individual and notifying the relevant individual(s) affected.

12. Contacting us/ Complaints

If you have any questions about this privacy policy, any concerns or a complaint regarding the treatment of privacy or a possible breach of privacy, please use the contact link on our website or contact our Privacy Officer using the details set out above on page 3.

We will treat requests or complaints confidentially. Our staff will contact you after receipt of a complaint to discuss concerns and outline options regarding how they may be resolved. We aim to ensure complaints are resolved appropriately and within 30 days.

If you are not happy with Wyndham CEC's response you can refer a complaint to the Office of the Australian Information Commissioner (OAIC) <https://www.oaic.gov.au/>

13. Changes to Wyndham CEC's Privacy Policy

Wyndham CEC may change this privacy policy from time to time. Any updated versions of this privacy policy will be posted on Wyndham CEC's website. Unless required, this Policy and Procedure will be reviewed annually.