

# Wyndham Community and Education Centre Inc.

## Policy and Procedure

Policy name	<b>Privacy Policy &amp; Procedure</b>
Responsible person	Privacy Officer, CEO
Staff involved	All
Review dates	2019
Related documents	<p><b>Legislation:</b> Privacy Act 1988 (Cth), Privacy Regulations Act 2013 (Cth), Information Privacy Act 2000 (Vic), Health Records Act 2001 (Vic), Privacy and Data Protection Act 2014 (Vic), Freedom of Information Act 1982 (Cth), Charter of Human Rights &amp; 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)</p> <p><b>Policies:</b> Student Selection, Enrolment &amp; Induction (Foundation Skills) Policy &amp; Procedure, Student Selection, Enrolment &amp; Induction (VET) Policy &amp; Procedure, Student Selection, Enrolment &amp; Induction (VCAL) Policy &amp; Procedure, Record Management &amp; Record Keeping Policy &amp; Procedure, Child Safe Policy &amp; Procedure, Complaints and Appeals Policy &amp; Procedure, mandatory Reporting Policy &amp; Procedure, National Police Checks Policy &amp; Procedure</p> <p><b>Other:</b> Privacy &amp; Your Rights Tri-fold, Privacy Agreement for Staff &amp; Volunteers, Request to view my own file Form, Enrolment Form, Interview Enrolment Checklist, Commissioner for Privacy and Data Protection website – <a href="http://www.cpdp.vic.gov.au">www.cpdp.vic.gov.au</a> 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 – <a href="http://www.oaic.gov.au">www.oaic.gov.au</a>, Australian Privacy Principles – a summary for APP entities, Rules of Association, 2018 SF VET Funding Contract, Victorian VET Student Statistical Collection Guidelines 2018, DSS Settlement Services Grant Agreement, Notifiable Data Breach Scheme</p>

### 1. Policy Context

Wyndham Community and Education Centre Incorporated (*Association Number A0002509M*), is a not-for-profit association established in 1974 and governed by a Board of Governance, comprised of 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. Some are funded by the State Government and some by the Commonwealth Government.

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This document was reviewed and accepted by the Board of Governance of the Wyndham Community and Education Centre Inc on 2/02/18 and supersedes all previous versions.

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### 2. Policy

Wyndham CEC recognises the importance of protecting the privacy and the rights of individuals in relation to their personal information. This document outlines our privacy policy and informs you how we collect and manage your personal information.

### 3. Commonwealth Legislation

The *Privacy Act 1988* (Cth) regulates how personal information is handled. The Privacy Act 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.*

Common examples are an individual's name, signature, address, telephone number, date of birth, medical records, bank account details and commentary or opinion about a person.

The Privacy Act includes thirteen Australian Privacy principles (APPs), which apply to some private sector organisations, as well as most Australian Government agencies.

Wyndham CEC respects your rights to privacy under the *Privacy Act 1988* (Cth) and complies with all of the Act's requirements in respect of the collections, management and disclosure of your personal information. The Privacy Act 1988 (Cth), covers the handling of personal information by Federal government organisations. The Australian Privacy Commissioner regulates the commonwealth Privacy Act.

### 4. State Legislation

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 information.

Rules include:

- only using your 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
- providing individuals with access to their own information on request.

### 5. For Students

Under Victorian and Commonwealth privacy legislation, students must be provided with a privacy notice informing them about the ways their personal information will be

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collected and handled when they enroll in training. The privacy notice is incorporated into the student enrolment form for all students enrolling or re-enrolling in a course.

The Victorian Government, through the Department of Education & Training, develops, monitors and funds vocational education & training in Victoria. Any personal information collected by the Victorian Government for training purposes is protected in accordance with the *Privacy and Data Protection Act 2014 (Vic)* and the *Health Records Act 2001 (Vic)*.

### 5.1 Collection of your data

Wyndham CEC is required to provide the Department with student and training activity data. This includes personal information collected in the Wyndham CEC enrolment form and unique identifiers such as 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>.

### 5.2 Use of your data

The Department uses 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 you with relevant information about privacy at your enrolment or at any other time via an appointment with a staff member.

Wyndham CEC's Privacy Officer is Fiona Bolton. For all privacy related enquiries, please contact the Privacy Officer at 20 Synnot Street, Werribee or via email at [privacyofficer@wyndhamcec.org.au](mailto:privacyofficer@wyndhamcec.org.au) or on 9742 4013.

Anyone is able 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/>

Privacy legislation is legally binding and penalties may be imposed on an organisation or on an individual for breaches.

### 5.3 What is your 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

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identify you. This may include your 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.

#### **5.4 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 your enquiries
- 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; and
- Information you provide to us through our Head Office, surveys or contacts with our representatives from time to time.

We 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.

#### **5.5 How do we collect your personal information?**

We collect your personal information directly from you unless it is unreasonable or impracticable to do so. When collecting personal information from you, we may collect it in ways including:

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- Through your access and use of our website
- During conversations between you and our representatives; or
- When you complete an enrolment or application form or any finance department forms.

We may also collect relevant personal information from third parties including:

- Community service organisations, law enforcement agencies or government entities.

Only authorised staff have access to certain information.

#### **5.6 Authorised personnel access levels are as follows:**

- Level 1 - Access to all information
- Level 2 - Access to all information relevant to own service unit area
- Level 3 - Access to all information relevant to own work area
- Level 4 - Assist to collect information, but with limited access to stored information
- Level 5 - Assist to collect information, but no access to stored information
- Level 6 – Access to information related to governance and position on Board of Governance

CEO/ COO/ CFO	- Level 1
Service Unit Managers	- Level 2
Coordinators	- Level 3
Teachers / Trainers	- Level 4
Office workers	- Level 4
Volunteers	- Level 5
Board	- Level 6

#### **5.7 Cookies**

In some cases we may also collect your 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.

We also use 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. We 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.

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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 eLearning logon account
- Direct marketing by Wyndham CEC

Some of these accounts may reside on international servers, usually located in the United States of America. 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.

### **5.8 What happens if we can't collect your 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, either to the same standard or at all
- 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 your preference and your experience of our website may not be as enjoyable or useful.

### **5.9 For what purposes do we collect, hold, use and disclose your 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 your personal information for the following purposes:

- To provide programs and services to you
- To send communications requested by you
- To answer enquiries and provide information or advice about existing and new programs and services
- To provide you with access to protected areas of our website

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- To conduct business processing functions including providing personal information to related bodies or other third parties
- For the administrative, marketing, planning, program or service development, quality management and research purposes of Wyndham CEC and its related bodies
- To provide your updated personal information to our related bodies
- To update our records and keep your contact details up to date
- To process and respond to any complaint made by you
- 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):-

Your personal information will not be shared, sold, rented or disclosed other than as described in this privacy policy.

### **5.10 To whom may we disclose your information?**

Wyndham CEC does not disclose personal information other than for the purpose for which it was collected, or 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 to governments in accordance with contractual obligations. In these circumstances, Wyndham CEC will take reasonable steps to inform you and seek your consent and to take all reasonable steps to ensure that the information is handled according to the APPs.

We may also disclose your 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, couriers, payment processors, data entry services providers, electronic network administrators, data collectors, and professional advisors such as accountants, solicitors, business advisors and consultants;
- Suppliers and other third parties with whom we have commercial relationships, for business, marketing, and related purposes; and,
- Any organisation for any authorised purpose with your express consent.
- 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.

Personal information will only be shared when a formal agreement exists in relation to information or data sharing between parties and in circumstances permitted under the Privacy and data Protection Act (VIC).

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### 5.11 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

Staff members will be required to provide information such as:

- Tax File Number (failure to do so will incur tax to be deducted at the highest marginal rate)
- VIT Registration Number or Working with Children Check
- National and International Police Check (as required)
- Superannuation Fund details (if not provided the staff member will automatically default to Wyndham CEC's nominated superannuation fund)
- Emergency contact details

### 5.12 How can you access and correct your personal information?

You 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 you a fee to cover costs in providing the information to you.

Requests for access to, or correction of personal information should be made in writing and addressed to the Privacy Officer as indicated on page 2. Requests will be answered within 14 business days.

There may be instances where we cannot grant you access to the personal information we hold. 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.

If you believe that the personal information we hold about you is incorrect, incomplete or inaccurate, then you may request us to amend it. We will consider if the information requires amendment. If we do not agree that there are grounds for amendment then we will add a note to the personal information stating that you disagree with it.



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### **6. 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 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.

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

### **7. 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 2 and provide details of the incident so that we can investigate it.

We will respond to you within 14 days.

You can also contact the Privacy Officer listed above (P. 3)

### **8. Do we disclose your personal information to anyone outside of Australia?**

As indicated on pages 3 and 4 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 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.

### **9. Information retention and disposal**

Personal information is held in either electronic or hard copy form.

Information collected for the purposes of enrolment in programs and services is held in our student management system, VETtrak or aXcelerate.

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Wyndham CEC maintains databases for the following purposes:

- a medical register of students who require duty of care
- a Certificate Register
- a legal register for students under 18 with custody or other legal orders
- reporting Settlement Services data to the Department of Social Services

Personal staff and volunteer information is held in a HR management database (Access Database).

Back-up copies of all electronic files held in Wyndham CEC's systems are kept in the event of 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 we are 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.

### **10. Security**

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

Wyndham CEC's systems and networks are protected from unauthorised access. Access to databases and management systems are protected through user log-in and password and assignment of user access rights.

As our website is linked to the Internet, and the Internet is inherently insecure, we cannot provide any assurance regarding the security of transmission of information you communicate to us 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.

Wyndham CEC's premises and server room are fully secured. Wyndham CEC has locked work stations when working with personal information. Hard copy files and documents are locked in secured filing cabinets and rooms and, shredded from locked and confidential bins when destroyed.

### **11. Links**

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

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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.

#### **12. Contacting us**

If you have any questions about this privacy policy, any concerns or a complaint regarding the treatment of your privacy or a possible breach of your 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 your requests or complaints confidentially. Our staff will contact you within a reasonable time after receipt of your complaint to discuss your concerns and outline options regarding how they may be solved. We will aim to ensure that your complaint is resolved in a timely and appropriate manner.

#### **13. Changes to our Privacy Policy**

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

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### **Procedures/ Collected information**

#### **Staff, Board of Governance and Volunteers**

The following information will be collected and held in your staff (or equivalent) file:

- Verified copies of qualifications and evidence of a Working with Children Check / VIT registration/ National Criminal Records Check (NCRC). Wyndham CEC needs to maintain copies of these documents in your staff file in order to meet compliance requirements. In signing this agreement, you agree to us keeping a copy of these documents.
- Personal and health information collected in relation to your employment is retained as part of your employment record. It may be used for any purpose related to your employment with Wyndham CEC, including training, occupational health and safety, discipline, performance assessment, promotion, remuneration, employment related travel, resignation and retirement. It may also be used in any dispute that arises in relation to your employment.
- Wyndham CEC may disclose personal and health information in your employment record to persons authorised by you. It may also disclose personal information to superannuation, taxation and insurance related organisations, and to organisations that provide services to you or to Wyndham CEC in relation to Wyndham CEC's employment of you. In the event of a dispute that arises in relation to your employment, it may disclose the information to its advocates or legal representatives.
- There may be delays or interruptions to employment related processes, such as promotion or payment of salary if Wyndham CEC does not have the information it requires.

All staff, Board of Governance members and volunteers will be issued with privacy information, including a privacy agreement, at the commencement of their employment or involvement with Wyndham Community and Education Centre Inc.

A Privacy Agreement must be signed and a copy of this signed agreement will be kept in the file of all staff, Board members and volunteers.

All staff members are bound by commonwealth and state privacy legislation depending on which program they are working in. Staff are required to follow this policy and procedure at all times.

Staff inducting new employees 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.

#### **Child safe recruitment processes**

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Victoria's Child Safe Standards have impacted on Wyndham CEC's recruitment practices in order to help create a safer environment for students and children under-18 accessing programs or services.

In addition to a Working with Children Check, Wyndham CEC is required to verify the identity of the individual and conduct a background check, verify professional or other qualifications relevant to the job, conduct an examination of the applicant's history of child-connected work, check residency status with the Department of Immigration (if applicable) and ensure proper reference checks are completed (Child Safe Standard 4). Wyndham CEC is aware of its responsibility to also comply with the Australian Privacy Principles (APP) under the *Privacy Act 1988(Cth)*.

The above due diligence will be in accord with the APPs. Information collected and staff members who see it in the course of this recruitment will be clearly relevant to the position that the candidate is applying for and searches or referee checks will only be done for short listed candidates who are offered the position subject to safety screening processes.

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### **Students / Clients**

All students enrolling in a 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.

All enrolling students agree to the Privacy Statement when they sign the enrolment form.

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 are informed of their right to access information we hold about them and the process for doing so at the enrolment interview.

If a client does not wish to provide information they have the right to refuse, although this may restrict the activities they can participate in and we 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.

A client or staff member who feels that a breach of privacy has occurred may register a formal complaint with the Commissioner for Privacy and Data Protection.

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**Privacy Agreement for Staff and Volunteers**

Please read the above information and this agreement carefully. If you agree with the terms of this policy and procedure, sign and return the agreement to the CEO or Service Unit Manager before commencing employment or volunteer services.

I, \_\_\_\_\_ (Name) understand that:

I have a duty not to disclose information relating to the affairs of employees, clients or Board members of the Wyndham Community and Education Centre Inc. that has been acquired in the provision of customer services, except as necessary to relevant staff or the CEO. This duty also applies both before and after my employment or volunteer services at Wyndham Community and Education Centre Inc.

I have a duty not to allow any unauthorised and/or unintentional access to systems, security information or participant information stored in any computer or on file in the course of providing customer services for Wyndham Community and Education Centre Inc.

In signing this document I agree to Wyndham Community and Education Centre Inc. keeping a copy of my qualifications and evidence of a valid Working with Children Check, VIT registration, National Criminal Records Check and International Police Check (if applicable) in my staff file for compliance and legal purposes.

I consent to Wyndham CEC keeping a copy of my tax File Number, ABN number, bank details and any other necessary information for business purposes.

Staff member's signature: \_\_\_\_\_

Date: \_\_\_\_\_

CEO or delegate's signature: \_\_\_\_\_