

Name of the Policy	PP27 Company Privacy Policy
Distribution:	All Staff and Students
Entity relating to	Stirling Institute of Australia Pty Ltd trading as Academy of Hypnotic Science Stirling Institute of Counselling Stirling Institute Stirling Institute of Hypnotherapy Stirling Institute of Business Stirling Institute of Children's Services
Reference to HESG:	Vet Funding Contract: 3.2 (b), 9.10 (f), 12
Related Documents:	Audit and Compliance Guidelines PP12 Records Management Policy and Procedure
Statutory References	National Vocational Education and Training Regulator Act 2011 Standards for Registered Training Organisations (RTOs) 2015 :3.6 (d) 8.5
Legislative Context	Victorian Information Privacy Act 2000 Student Identifiers Act 2014 Victorian Health Records Act 2001 Commonwealth Copyright Act 1968 Commonwealth Privacy Act 1988 Victorian Freedom of Information Act 1982 Victorian Public Records Act 1973

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1. Policy

TMG complies with the Privacy Act 1988. Information collected on clients is only used for the purpose of delivery of our services.

2. Purpose

This document outlines Stirling Institute's policy regarding the collection, use, storage, disclosure of and access to personal information of past and present staff, students and other members of Stirling Institute.

3. Scope

This policy applies to personal information collected by Stirling Institute in relation to staff, students, prospective students, individual clients and other individuals.

This policy must be observed by all college staff, consultants, external contractors and students who have access to personal information held by Stirling Institute.

4. Authorisation

The Privacy Act 1988 (Privacy Act) is an Australian law that regulates the handling of personal information about individuals. This includes the collection, use, storage and disclosure of personal information. The Privacy Amendment (Enhancing Privacy Protection) Act 2012 introduced many significant changes to the Privacy Act, including 13 Australian Privacy Principles (APPs) that apply to the handling of personal information. As an Australian Government agency, ASQA is obliged to comply with the APPs.

5. Definitions

Personal Information: Personal information is defined under the Privacy Act as 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.

Some examples of personal information include names, addresses, phone numbers and email addresses. The definition of personal information only relates to 'natural' persons. It does not extend to other 'legal' persons, such as companies.

Sensitive Information: Under the Privacy Act, sensitive information is defined as:

- a. information or an opinion about an individual's:
 - racial or ethnic origin
 - political opinions
 - membership of a political association
 - religious beliefs or affiliations
 - philosophical beliefs
 - membership of a professional or trade association
 - membership of a trade union
 - viii. sexual orientation or practices, or

- criminal record

that is also personal information; or

- health information about an individual
- genetic information about an individual that is not otherwise health information
- biometric information that is to be used for the purpose of automated biometric verification or biometric identification, or
- biometric templates.

LMS: Learning Management System

Learning Management System: Software that allows educational institutions to create and host courses on the Internet

USI: Unique Student Identifier

For the purposes of this document:

The Act refers to the *Higher Education Support Act 2003*

Student/s refers to all persons enrolled or seeking to enrol in a unit of study that meets the course requirements under subclause 45(1) of Schedule 1A of the Act who are, or would be entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the Act.

6. Requirements, Process & Procedures

6.1. Guidelines

- Stirling Institute shall ensure that it manages and monitors all personal information of students, employees and other stakeholders in accordance with the relevant privacy laws, including the Student Identifiers Act 2014, enacted in 2014.
- The collection and use of personal or sensitive information must relate directly to the legitimate purposes of Stirling Institute.
- Individuals must aware of, or informed of, the purposes for which personal information or sensitive information is obtained.
- Stirling Institute will take all reasonable measures to store personal or sensitive information securely.
- Individuals are entitled to have access to their own records, unless prevented by law.
- No third party access to personal and or sensitive information will be granted unless required under law.
- Stirling Institute will ensure that the information it holds is current and update or amend as necessary.
- Stirling Institute will observe the Information Privacy Principles specified in the Information Privacy Act 1988 & the Health Privacy Principles specified in the Health Records Act 2001 (Vic).

- i. Where Stirling Institute applies for a USI on behalf of an individual it will ensure that it has the authorisation of that individual and provide the required USI Privacy Notice as required under the Act.

6.2. Collection of Information

- a. Personal information will not be collected unless:
 - the information is collected for a purpose directly related to Students; and
 - The collection of the information is necessary for or directly related to that purpose.
- b. Stirling Institute may collect personal information directly from individuals either through personal interaction or print or electronic mediums including Stirling Institute 's website, Learning Management System (LMS) forms, surveys and correspondences.
- c. Stirling Institute will not collect sensitive information about an individual without the explicit consent of the individual or unless required under law. Health information may be collected if found necessary to prevent or lessen a serious and imminent threat to the life or health of any individual.
- d. USI: As the USI is a requirement for local/domestic students to enroll in and obtain competency records/AQF documentation, Stirling Institute shall provide the prospective and enrolling students about the process to register/apply for a USI on its website, handbooks, and during orientation. Where Stirling Institute applies for a USI on behalf of an individual it will ensure that it has the authorisation of that individual and provide the required USI Privacy Notice as required under the Act.
- e. Stirling Institute may also collect personal information about an individual indirectly from education agents, employment agencies, past employers and commonwealth and state agencies. Personal information will not be collected by unlawful or unfair means.
- f. Where personal information is collected for inclusion in a record or in a generally available publication Stirling Institute Australia Pty Ltd 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:
 - the purpose for which the information is being collected;
 - 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
 - With whom the information may be shared (such as the Australian Government or Tuition Assurance Scheme). Full details relevant to this are available on the student enrolment form.
- g. Where Stirling Institute Australia Pty Ltd solicits and collects personal information for inclusion in a record or in a generally available publication it will take reasonable steps to ensure that:

- the information collected is relevant to that purpose and is up to date and complete; and
- The collection of the information does not intrude to an unreasonable extent upon the personal affairs of the Student.

6.3. Use of Information

Stirling Institute will use the information for the primary purpose for which it is collected. Stirling Institute may also use the information it holds for statistical purpose including research, analysis of trends and reports without compromising or disclosing identify of any individuals except as outlined in “Disclosure of Information” below.

6.4. Disclosure of Information

- a. Stirling Institute will not without the prior consent of an individual disclose personal or sensitive information about that individual for a purpose other than the primary purpose of collection except in any of the following situations; Stirling Institute reasonably believes that the use or disclosure is necessary to lessen or prevent either of the following:
 - A serious and imminent threat to an individual’s life, health, safety or welfare
 - A serious threat to public health, public safety or public welfare
 - Stirling Institute has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities
 - The use or disclosure is required or authorised by or under law
 - The prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of a law imposing a penalty or sanction
 - The prevention, detection, investigation or remedying of seriously improper conduct
 - The preparation for, or conduct of, proceedings before any court or tribunal
 - The information is request or sought by Australian law and enforcement agencies
- b. Information held by Stirling Institute can be provided, in certain circumstances, to the Australian Government and designated authorities and, if relevant, the Tuition Assurance Scheme. This information may include personal and contact details, course enrolment details, and the circumstances of any breach of a student visa condition.
- c. 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.
- d. A person, body or agency to whom personal information is disclosed will not use or disclose the information for a purpose other than the purpose for which the information was given to the person, body or agency.

6.5. Publication

This *Personal Information* will be made available to Students enrolled with Stirling Institute Australia Pty Ltd through publication on the website (<http://www.sia.edu.au>) and in the student handbook.

This *Procedures Relating to Personal Information* was agreed to and ratified by Stirling Institute Australia Pty Ltd.'s Board of Directors on 28th September 2015.

6.6. Access, Storage and Security of Information

- a. All the information will be stored in secured locations either on college's protected computer systems or locked cabinets. In addition, Stirling Institute will take all reasonable steps to protect the personal and sensitive information it holds.
- b. Stirling Institute Australia Pty Ltd will ensure:
 - 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; and
 - 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.
 - reasonable steps will be taken to destroy any personal or sensitive information if it is no longer needed for any purpose.
- c. Stirling Institute Australia Pty Ltd will maintain a record setting out:
 - the nature of the records of personal information kept by or on behalf of the record-keeper;
 - the purpose for which each type of record is kept;
 - the classes of individuals about whom records are kept;
 - the period for which each type of record is kept;
 - 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
 - The steps that should be taken by persons wishing to obtain access to that information.
- d. Stirling Institute Australia Pty Ltd 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.
- e. Only the staffs and members of organisation authorised by the Chief Executive Office of Stirling Institute will have access to the stored information for the specific purpose for which the access is required. Individuals may request access to their personal or sensitive information held by Stirling Institute by contacting the Chief Executive Office. The Chief Executive Office has the right to refuse the access to the information if;

- Providing access would have an unreasonable impact on the privacy of other individuals
- The request for access is frivolous or vexatious
- Providing access would be unlawful and/or compromise any ongoing or pending investigations or legal proceedings
- Any law and enforcement agency has request Stirling Institute not to provide the access

7. Responsibility

The Chief Executive Officer is responsible for implementation and administration of this policy.

All Stirling Institute staff, consultants, external contractors and students who have access to personal information held by Stirling Institute have the responsibility to observe this policy.

Any complaints or breaches in relation to this policy should be reported to the Chief Executive Officer in person or by email to: info@sia.edu.au

8. Review Date

12 months from the date of this version, or as required.

9. Major Version History

Version Number	Date	Reason for change	Prepared By	Approved By
		New template, Mapping to SRTOs 2015		CEO