

## Policy and Procedure:

## Privacy

### Objective:

The Australian Institute of Fitness ('AIF') is committed to protecting the privacy of personal information. This policy embodies that commitment. This policy and procedure supports the need to collect information and the right of the individual to privacy as well as informs of how AIF maintains secure records of personal information.

### Effective date:

**30 June 2021**

### Definitions:

APPS means Australian Privacy Principles.

ASQA stands for the Australian Skills Quality Authority, which is the national VET Regulator.

NCVER stands for the National Centre for Vocational Education Research.

RTO means Registered Training Organisation, commonly known as a Training Provider or Provider and has the meaning given as defined in the *National Vocational Education and Training Regulator Act 2011*.

VET means Vocational Education and Training.

### Policy:

In the course of its business, AIF collects information from its Students (Warriors or Newbies), either electronically or in hard copy format, including information that personally identifies individuals. AIF also records various communications between individuals and AIF. Accordingly, AIF is subject to the operation of the *Privacy Act 1988* (Cth) (Privacy Act). This policy and procedure explains how AIF handles personal information relating to individuals, so as to ensure meeting its obligations under the Act.

AIF complies with the *Privacy Act 1988* including the 13 Australian Privacy Principles (APPs) as outlined in the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

Personal information will never be collected by unlawful or unfair means. AIF manages personal information in an open and transparent way. This is evident in the implementation of practices, procedures and systems as outlined in this policy and procedure that ensure its compliance with the APPs and any binding registered APP code.

AIF also provides suitable and related procedures for AIF staff to be able to deal with inquiries and complaints that may be received from time to time about privacy matters.

## **Responsibilities and Accountabilities:**

This version of the policy and procedure and any amendments to related documents, have been authorised by AIF's Chief Executive Officer (CEO). The CEO is responsible for ensuring this policy and procedure is implemented at all times across AIF and ensuring that all staff are fully trained in its operation.

AIF's Compliance Officer is also responsible for ensuring this policy and procedure and related documents are maintained and up to date through an annual revision, as well as through any ongoing quality activities including audits and feedback.

In accordance with the AIF Code of Conduct, any breach of this policy is dealt with seriously and may result in disciplinary action including termination of employment, depending on the severity of the breach.

Where Team Members consider that significant departures from the principles of this Policy have occurred, they are obligated to report it immediately to their Line Manager or iExec Team Member. Failure to do so constitutes a breach of this policy and AIF Code of Conduct.

## **Procedure:**

AIF includes the standard Privacy Notice (NCVER issued December 2020) in its application procedure and specifically in its Enrolment Form, in line with legislative requirements which advises applicants/students how their data may be supplied to and used by various departments, agencies and their representatives.

### **Australian Privacy Principle 1 – Open and transparent management of personal information**

#### *Purposes for information collection, retention, use and disclosure*

AIF retains a record of personal information about all individuals with whom it undertakes any form of business activity. AIF collects, holds, uses and discloses information from our applicants/students and stakeholders for a range of purposes, including but not limited to:

- Providing services to clients
- Managing employee and contractors
- Promoting products and services
- Conducting internal business functions and activities
- Requirements of government stakeholders.

As an RTO regulated by ASQA, AIF is required to collect, hold, use and disclose a wide range of personal and sensitive information on participants in nationally recognised qualifications. This information requirement is outlined in the *National Vocational Education and Training Regulator Act 2011* and associated legislative instruments. In particular, the legislative instruments:

- ASQA Standards for Registered Training Organisations (RTOs) 2015, and
- Data Provision Requirements 2012.

It is noted that AIF is also bound by the various State and Territory Acts, requiring similar information collection, use and disclosure against 10 common APPs to the Commonwealth Act.

Individuals are advised that due to these legal requirements, AIF discloses information held on individuals for valid purposes to a range of third party entities including governments both Commonwealth and State) and employers (where relevant). This is undertaken:

- At pre-enrolment, through issuing the Student Handbook
- At application and enrolment, through information made available in the Enrolment Form.

AIF will not disclose information to a person, body or agency (other than the individual concerned) unless:

- The individual concerned is made aware that information of that kind will be passed to that person, body or agency
- The individual concerned has consented to the disclosure in writing
- AIF believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the student or of another person including a child
- The disclosure is required or authorised by or under law, or
- The disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.

#### *Kinds of Personal Information Collected and Held*

The following types of personal information are generally collected, depending on the need for service delivery:

- Contact details
- Employment details
- Educational background
- Demographic information
- Course progress and achievement information
- Medical information
- Financial billing information.

The following types of sensitive information will be collected and held:

- Identity details
- Employee details and HR information
- Complaint or issue information
- Identify with a disability or other individual needs
- Identify from an Aboriginal or Torres Strait Islander background.

#### *How Personal Information is Collected*

AIF's usual approach to collecting personal information is to collect any required information directly from the individuals concerned. This may include the use of forms (such as its Enrolment Form) and the use of web-based systems (such as internal operating systems).

Individual information held across systems is linked through an AIF allocated identification number for each individual.

AIF's usual approach to holding personal information includes robust storage and security measures at all times. Information on collection is:

- As soon as practical converted to electronic means
- Stored in secure, password protected systems, such as in AIF's financial system and aXcelerate, AIF's student management system
- Monitored for appropriate authorised use at all times.

Only authorised personnel are provided with login information/user permissions to each system, with system access limited to only those relevant to their specific role. AIF's ICT systems are hosted internally with robust internal security to physical server locations and server systems access. Virus protection, backup procedures and ongoing access monitoring procedures are in place.

Destruction of paper-based records occurs as soon as practicable in every matter, through the use of secure external shredding and destruction services through ShredX, in accordance with the timelines outlined in the Student Records Management policy and procedure.

#### *Retention and Destruction of Information*

AIF retains and destroys documents according to the legislative requirements. Specifically, for our RTO records, in the event of AIF ceasing to operate, the required personal information on record for individuals undertaking nationally recognised training would be transferred to ASQA, as required by law.

In addition, student documentation that is out of the timeframes required for retention (refer to the Student Records Management policy and procedure) are disposed of securely through shredding of all documents, but only on approval by the Head of Finance.

#### *Accessing and seeking correction of personal information*

AIF confirms all individuals have a right to request access to their personal information held and to request its correction at any time. In order to request access to personal records, individuals are required to email the AIF Privacy Officer (details below) specifying what information they are seeking to access. In accordance with AIF's Student Records Management policy and procedure, no student file or information will be permitted to be taken off-site unless required by law.

In all cases where access is requested by a third party, AIF will ensure that:

- Parties requesting access to personal information are robustly identified and vetted

- Where legally possible, the individual to whom the information relates will be contacted to confirm consent (if consent not previously provided for the matter)
- Only appropriately authorised parties, for valid purposes, will be provided access to the information.

#### *Complaints about a breach of the APPs or a binding registered APP code*

If any individual feels that AIF may have breached one of the APPs, they are encouraged to lodge a formal complaint through submitting a formal complaint through AIF's website complaints' portal:

<https://fitness.edu.au/submit-a-complaint/>

#### *Likely Overseas Disclosures*

AIF confirms that individuals' personal information is unlikely to be disclosed to overseas recipients, for internal business activity purposes.

#### *Making our Privacy Policy and Procedure available*

AIF provides this Privacy policy and procedure free of charge, with all information being publicly available from AIF's website: [www.aif.edu.au](http://www.aif.edu.au). This website information is designed to be accessible as per web publishing accessibility guidelines, to ensure access is available to individuals with special needs (such as an individual with vision impairment).

In addition, a summary of this Privacy policy and procedure is:

- Included within AIF's Student Handbook (in summary form with a reference to the website for access to the full policy and procedure)
- Noted within the text or instructions at all information collection points (such as informing individuals during a telephone call of how the policy and procedure may be accessed, in cases where information collection is occurring)
- Available for distribution free of charge on request, as soon as possible after the request is received, including in any particular format requested by the individual as is reasonably practical.

The NCVET issued Privacy Notice is provided to all applicants and enrolling students by AIF's Career Team as part of the application and enrolment process, who also ensure that the individual has read and understands this Notice, as confirmed through signing their Enrolment Form.

If, in the unlikely event that this Privacy policy and procedure is not able to be provided in a particular format requested by an individual, AIF will explain the circumstances around this issue with the requester and seek to ensure that another appropriate method is provided.

#### *Review and Update of this Privacy Policy and Procedure*

AIF reviews this Privacy policy and procedure:

- On an ongoing basis as suggestions or issues are raised and addressed, or as Government required changes are identified
- Through our internal audit processes on at least an annual basis

- As a part of any external audit of our operations that may be conducted by various government agencies as a part of our registration as an RTO or in normal business activities
- As a component of each and every complaint investigation process where the complaint is related to a privacy matter.

Where this policy and procedure is updated, changes are communicated to staff through the internal Quality Bulletin, meetings, training and documentation, such as the Team Handbook and externally through publishing of the updated policy on AIF's website and other relevant documentation, such as our Student Handbook.

**Australian Privacy Principle 2 – Anonymity and pseudonymity**

AIF provides individuals with the option of not identifying themselves, or of using a pseudonym, when dealing with us in relation to a particular matter, whenever practical. This includes providing options for anonymous dealings in cases of general course enquiries or other situations in which an individuals' information is not required to complete a request.

Individuals may deal with AIF by using a name, term or descriptor that is different to the individual's actual name wherever possible. This includes using generic email addresses that do not contain an individual's actual name, or generic usernames when individuals may access a public component of our website or Enrolment Form.

AIF only stores and links pseudonyms to individual personal information in cases where this is required for service delivery (such as system login information) or once the individual's consent has been received.

Individuals are advised of their opportunity to deal anonymously or by pseudonym with us where these options are possible through publishing this policy and procedure on AIF's website.

*Requiring Identification*

AIF always requires and verifies identification when an individual confirms interest in enrolling in a nationally recognised course program (refer to the Application and Enrolment policy and procedure).

AIF is authorised by Australian law to deal only with individuals who have appropriately identified themselves. That is, it is a Condition of Registration for all RTOs under the *National Vocational Education and Training Regulator Act 2011* that AIF identifies individuals and their specific individual needs on commencement of service delivery and collect and disclose Australian Vocational Education and Training Management of Information Statistical Standard (AVETMISS) data on all individuals enrolled in nationally recognised qualifications.

There are also other occasions within our service delivery where an individual may not have the option of dealing anonymously or by pseudonym, as identification is practically required for AIF to effectively support an individual's request or need. This includes lodgement of a complaint or appeal.

### **Australian Privacy Principle 3 — Collection of solicited personal information**

AIF only collects personal information that is reasonably necessary for our business activities and in line with the various Acts of legislation.

AIF only collects sensitive information in cases where the individual consents to the sensitive information being collected and in writing, except in cases where AIF is required to collect this information by law, such as outlined earlier in this policy and procedure.

All information is collected only by lawful and fair means.

AIF only collects solicited information directly from the individual concerned unless it is unreasonable or impracticable for the personal information to only be collected in this manner.

### **Australian Privacy Principle 4 – Dealing with unsolicited personal information**

AIF may from time to time receive unsolicited personal information. Where this occurs it promptly reviews the information to decide whether or not it could have collected the information for the purpose of its business activities. Where this is the case, AIF may hold, use and disclose the information appropriately as per the practices outlined in this Policy and Procedure.

Where AIF could not have collected this information (by law or for a valid business purpose), it immediately destroys or de-identifies the information (unless it would be unlawful to do so).

### **Australian Privacy Principle 5 – Notification of the collection of personal information**

Whenever AIF collects personal information about an individual, it takes reasonable steps to notify the individual of the details of the information collection or otherwise ensure the individual is aware of those matters. This notification occurs at or before the time of collection, or as soon as practicable afterwards.

Notifications to individuals on data collection include:

- AIF identity and contact details, including the position title, telephone number and email address of a contact who handles enquiries and requests relating to privacy matters
- The facts and circumstances of collection such as the date, time, place and method of collection, and whether the information was collected from a third party, including the name of that party
- If the collection is required or authorised by law, including the name of the Australian law or other legal agreement requiring the collection
- The purpose of collection, including any primary and secondary purposes
- The consequences for the individual if all or some personal information is not collected
- Other organisations or persons to which the information is usually disclosed, including naming those parties

- Whether it is likely to disclose the personal information to overseas recipients, and if so, the names of the recipients and the countries in which such recipients are located
- A link to this Privacy policy and procedure on the website or explain how it may be accessed
- Written acceptance, as evidenced by signing of the AIF Privacy Notice as part of the Enrolment Form
- Advice that this Privacy policy and procedure contains information about how the individual may access and seek correction of the personal information held by us, and how to complain about a breach of the APPs, or any registered APP code, and how AIF will deal with such a complaint.

Personal information disclosed to the NCVET may be used or disclosed for the following purposes:

- Issuing a VET Statement of Attainment or VET Qualification, and populating authenticated VET transcripts
- Facilitating statistics and research relating to education, including surveys
- Understanding how the VET market operates, for policy, workforce planning and consumer information
- Administering VET, including program administration, regulation, monitoring and evaluation.

#### *Collection from Third Parties*

Where AIF collects personal information from another organisation, it:

- Confirms whether the other organisation has provided the relevant notice above to the individual or
- Confirms whether the individual was otherwise aware of these details at the time of collection
- If this has not occurred, it will undertake this notice to ensure the individual is fully informed of the information collection.

#### **Australian Privacy Principle 6 – Use or disclosure of personal information**

AIF only uses or discloses personal information it holds about an individual for the particular primary purposes for which the information was collected, or secondary purposes in cases where:

- An individual consented to a secondary use or disclosure
- An individual would reasonably expect the secondary use or disclosure, and that is directly related to the primary purpose of collection, or
- Using or disclosing the information is required or authorised by law.

As part of AIF's application and enrolment processes, AIF ensures all in-bounding students authorise the disclosure of their personal information to a third party through completion of a Student Consent to Disclosure of Personal Information Form wherever such a disclosure is not within the scope of this policy and procedure. This may include information such as health or attendance, for example, to an employment service agency. This is organised by a Career Team member and placed on the student's file.

#### *Use of Personal images and testimonials*

AIF uses case studies and student experiences as part of its promotional activities. Wherever a student's image or comment is intended to be used, AIF will always request the approval of the individual, evidenced through their consent on the Enrolment Form.

Wherever a staff member or employer's image or comment is intended to be used, AIF will always request the approval of the individual, evidenced through their consent on the relevant Image and Testimonial Consent Form (staff or employer).

*Requirement to make a written note of use or disclosure for this secondary purpose*

If AIF uses or discloses personal information in accordance with an 'enforcement related activity', it will make a written note of the use or disclosure, including the following details:

- The date of the use or disclosure
- Details of the personal information that was used or disclosed
- The enforcement body conducting the enforcement related activity
- If the organisation used the information, how the information was used by the organisation
- The basis for our reasonable belief that AIF is required to disclose the information.

**Australian Privacy Principle 7 – Direct marketing**

AIF does not use or disclose the personal information that it holds about an individual for the purpose of direct marketing, unless:

- The personal information has been collected directly from an individual, and the individual would reasonably expect their personal information to be used for the purpose of direct marketing, or
- The personal information has been collected from a third party, or from the individual directly, but the individual does not have a reasonable expectation that their personal information will be used for the purpose of direct marketing
- AIF provides a simple method for the individual to request not to receive direct marketing communications (also known as 'opting out') on its Enrolment Form.

On each of its direct marketing communications should they be used, AIF will always provide a prominent statement that the individual may request to opt out of future communications and how to do so.

An individual may also request AIF at any stage not to use or disclose their personal information for the purpose of direct marketing. AIF complies with any request by an individual promptly and undertakes any required actions for free.

AIF also, on request, notifies an individual of our source of their personal information used or disclosed for the purpose of direct marketing unless it is unreasonable or impracticable to do so.

**Australian Privacy Principle 8 – Cross-border disclosure of personal information**

AIF will rarely find itself in this situation however before it discloses personal information about an individual to any overseas recipient, it undertakes to take reasonable steps to ensure that the recipient does not breach any privacy matters in relation to that information.

**Australian Privacy Principle 9 – Adoption, use or disclosure of government related identifiers**

AIF does not adopt, use or disclose a government related identifier related to an individual except:

- In situations required by Australian law or other legal requirements
- Where reasonably necessary to verify the identity of the individual
- Where reasonably necessary to fulfil obligations to an agency or a State authority, or
- As prescribed by regulations.

### **Australian Privacy Principle 10 – Quality of personal information**

AIF takes reasonable steps to ensure that the personal information it collects is accurate, up-to-date and complete. It also takes reasonable steps to ensure that the personal information used or disclosed is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant. This is particularly important:

- When it initially collects the personal information
- When it uses or discloses personal information.

AIF takes steps to ensure personal information is factually correct. In cases of an opinion, it will ensure information takes into account competing facts and views and makes an informed assessment, providing it is clear this is an opinion. Information is confirmed up-to-date at the point in time to which the personal information relates. Quality measures in place supporting these requirements include:

- Internal practices, procedures and systems to audit, monitor, identify and correct poor quality personal information (including training staff in these practices, procedures and systems)
- Protocols that ensure personal information is collected and recorded in a consistent format, from a primary information source when possible
- Ensuring updated or new personal information is promptly added to relevant existing records
- Reminding individuals to update their personal information at critical service delivery points (such as completion) when staff engage with the individual
- Contacting individuals to verify the quality of personal information where appropriate when it is about to be used or disclosed, particularly if there has been a lengthy period since collection
- Checking that a third party, from whom personal information is collected (such as employers), has implemented appropriate data quality practices, procedures and systems.

### **Australian Privacy Principle 11 – Security of personal information**

AIF takes active measures to consider whether it is able to retain personal information it holds, and also to ensure the security of personal information held. This includes reasonable steps to protect the information from misuse, interference and loss, as well as unauthorised access, modification or disclosure.

AIF destroys or de-identifies personal information held once the information is no longer needed for any purpose for which the information may be legally used or disclosed.

Access to AIF offices and work areas is limited to our staff only - visitors to our premises are authorised by relevant personnel and are accompanied at all times.

With regard to any information in a paper based form, AIF maintains storage of records in an appropriately secure place to which only authorised individuals have access.

Annual staff training is conducted with AIF staff on privacy issues, and how the APPs apply to our practices, procedures and systems. Information is also included in our staff induction practices, through the Team Member Handbook and confirmed through the Staff Induction Checklist.

AIF conducts ongoing internal audits (at least annually and as needed) of the adequacy and currency of security and access practices, procedures and systems implemented, as organised and implemented by AIF's Compliance Officer.

#### **Australian Privacy Principle 12 – Access to personal information**

Where AIF holds personal information about an individual, AIF provides that individual access to the information on their request. In processing requests, AIF will:

- Ensure through confirmation of identity that the request is made by the individual concerned, or by another person who is authorised to make a request on their behalf
- Respond to a request for access within 5 calendar days and when notifying our refusal to give access, including providing reasons for refusal in writing, and the complaint mechanisms available to the individual
- Provide information access free of charge.

#### **Australian Privacy Principle 13 – Correction of personal information**

AIF takes reasonable steps to correct personal information it holds, to ensure it is accurate, up-to-date, complete, relevant and not misleading, having regard to the purpose for which it is held. Students are advised of the importance of ensuring that AIF has current information about each individual, through the Student Handbook and as part of the enrolment process by AIF's Careers Team.

##### *Individual Requests*

On an individual's written request (via completion and submission of a Change in Student Details Form), AIF:

- Corrects personal information held
- Notifies any third parties of corrections made to personal information if this information was previously provided to these parties.

In cases where AIF refuses to update personal information, AIF:

- Gives a written notice to the individual, including the reasons for the refusal and the complaint mechanisms available to the individual
- Upon request by the individual whose correction request has been refused, takes reasonable steps to associate a statement with the personal information that the individual believes it to be inaccurate, out-of-date, incomplete, irrelevant or misleading
- Responds within 5 calendar days to these requests
- Completes all actions free of charge.

#### **Correcting at AIF's Initiative**

AIF takes reasonable steps to correct personal information which it holds in cases where it is satisfied that the personal information held is inaccurate, out-of-date, incomplete, irrelevant or misleading (that is, the information is faulty).

This awareness may occur through collection of updated information, in notification from third parties or through other means.

**Links to other Websites**

This AIF Privacy policy and procedure does not apply to external links, social media or non-AIF web pages. Such third party websites may collect student, staff and other AIF stakeholder personal information.

AIF does not accept responsibility for any content contained on external websites.

**How to Contact Us about Privacy Matters**

AIF's Privacy Officer is the Head of Compliance & Training, who is available by email: [katekraschnefski@fitness.edu.au](mailto:katekraschnefski@fitness.edu.au) or phone: 1300 668 938 between 9.00am – 5.00pm Monday to Friday.

**Publication:**

This policy and procedure is made available to Warriors, and persons seeking to enrol with AIF by publication on AIF's website ([www.fitness.edu.au](http://www.fitness.edu.au)). Alternatively, a copy of this policy may be requested by contacting AIF directly. To ensure that individuals have given their informed consent for their personal information to be disclosed to certain third parties as outlined in this procedure, AIF advises in-bounding students (Newbies) on enrolment about this policy and procedure and where it is located, including its summary available in the Student Handbook.

**Related documents:**

- Privacy Notice
- Enrolment Form
- Staff Image and Testimonial Consent Form
- Employer Image and Testimonial Consent Form
- Student Consent to Disclosure of Personal Information
- Student Handbook
- Team Member Handbook
- Enrolment Form
- Change in Personal Details Form

**Associated Policies and Procedures:**

- Access and Equity policy and procedure
- USI policy and procedure
- Commitment to Meeting all Legislative and Regulatory Requirements policy and procedure
- Complaints and Appeals policy and procedure
- Student Records Management policy and procedure

**Amendments:**

| <b>Version</b> | <b>Date</b> | <b>Descriptor</b>   |
|----------------|-------------|---|
| V7             | 30 June 21  | Further details about how AIF addresses each APP, links to other websites and AIF's Privacy Officer |
|                |             |   |
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**Authorised by:**

**Title:** Head of Compliance and Training  
**Date Authorised:** 30 June 2021