

# Privacy Policy and Procedure

This policy relates to Standard for RTOs 2015: 8.5

NJL is committed to protecting employee and client privacy and confidentiality in line with State and Federal Privacy legislation. This policy focuses on NJL's commitment to protecting the privacy of its learners and outlines the various ways in which it ensures this protection. For the purpose of this policy personal information is described as follows: Personal information is information or an opinion that identifies an individual or allows their identity to be readily identified from such information. It includes but is not limited to information such as a person's name, address, financial information, marital status, or billing details.

## **RTO Privacy Amendment Act 2012 (Enhancing Privacy Protection)**

NJL is committed to maintaining the privacy and confidentiality of its personnel and client records. NJL (APPs) as outlined in the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

NJL manages personal information in an open and transparent way. This is evident in the implementation of practices, procedures, and system we outline in this policy, that ensure our compliance with the APPs and any binding registered APP code and provide suitable procedures for NJL personnel to be able to deal with related inquiries and complaints that may be received from time to time.

The following sections of this policy outline how we manage personal information.

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

Purposes for information collection, retention, use and disclosure.

NJL retains a record of personal information about all individuals with whom we undertake any form of business activity. NJL must collect, hold, use, and disclose information from our clients and stakeholders for a range of purposes, including but not limited to:

- Providing services to clients;
- Managing employee and contractor teams;
- Promoting products and services;
- Conducting internal business functions and activities; and
- Requirements of stakeholders.

As a supplier to government registered training organisation clients, regulated by the Australian Skills Quality Authority, NJL is required to collect, hold, use, and disclose a wide range of personal and sensitive information on clients enrolled in nationally recognised training programs. This information requirement is outlined in the National Vocational Education and Training Regulator Act 2011 and associated legislative instruments. In particular, the legislative instruments Standards for NVR Registered Training Organisations 2012; and Data Provision Requirements 2012 and its subsequent amendments.

It is noted that NJL is also bound, through its legal contracts with clients, by various State Government Acts requiring similar information collection, use and disclosure (particularly Education Act(s), Vocational Education & Training Act(s), and Traineeship & Apprenticeships Act(s) relevant to state jurisdictions of NJL operations).

It is further noted that, aligned with these legislative requirements, NJL supports the delivery of services through a range of Commonwealth and State Government funding contract agreement arrangements, which also include various information collection and disclosure requirements.

Individuals are advised that due to these legal requirements, NJL discloses information held on individuals for valid purposes to a range of entities including:

- Governments (Commonwealth, State or Local);
- Australian Apprenticeships Centres;
- Employers (and their representatives), Job Network Providers, Schools, Guardians; and
- Service providers such as background check providers.

### **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; and
- Financial billing information.

The following types of sensitive information may also be collected and held:

- Identity details;
- Employee details & HR information;
- Complaint or issue information;
- Disability status & other individual needs;
- Indigenous status; and
- Background checks (such as National Criminal Checks or Working with Children checks).

Where NJL collects personal information of more vulnerable segment of the community (such as children), additional practices and procedures are also followed.

### **How personal information is collected**

NJL's usual approach to collecting personal information is to collect any required information directly from the individuals concerned. This includes the use of forms, such as registration forms, enrolment forms or service delivery records.

NJL does receive solicited and unsolicited information from third party sources in undertaking service delivery activities. This may include information from such entities as:

- Governments (Commonwealth, State or Local);
- Australian Apprenticeships Centres;
- Employers (and their representatives), Job Network Providers, Schools, Guardians; and
- Service providers such as background check providers.

### **How personal information is held**

NJL's Training's approach to holding personal information always includes robust storage and security measures. Information on collection is:

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

Only authorised personnel are provided with login information to each system, with system access limited to only those relevant to their specific role. NJL ICT systems are hosted in highly secured data centres. NJL has robust access protection with passwords and private keys for authentication. On top

of this, the infrastructure sits behind firewalls and only whitelisted IP addresses are allowed to connect. 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 shredding and destruction services at all NJL sites. Individual information held across systems is linked through a NJL allocated identification number for each individual.

### **Retention and Destruction of Information**

The process by which NJL collects, manages, maintains, and disposes of student, personnel, finance, and other records is outlined in the NJL Student Records and Data Management Policy and Procedures. Specifically, for RTO related records, in the event of NJL ceasing to operate the required personal information on record for individuals undertaking nationally recognised training would be transferred to the Australian Skills Quality Authority, as required by law.

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

If an individual feel that NJL may have breached one of the APPs or a binding registered APP Privacy Complaints Procedure below for further information.

### **Making our APP Privacy Policy available**

NJL provides our APP Privacy Policy available free of charge, with all information being publicly available on our website at [www.njl.org.au](http://www.njl.org.au) or by request to NJL Training managers.

In addition, this APP Privacy Policy is 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.

If, in the unlikely event the APP Privacy Policy is not able to be provided in a particular format requested by an individual, we 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 APP Privacy Policy**

NJL reviews this APP Privacy Policy:

- On an ongoing basis, as suggestions or issues are raised and addressed or as government required changes are identified;
- Through our internal audit; and
- As a component of each and every complaint investigation process where the complaint is related to a privacy matter.

Where this policy is updated, changes to the policy are widely communicated to stakeholders through internal personnel communications, meetings, training, and documentation, and externally through publishing of the policy on NJL website and other relevant documentation for clients.

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

NJL 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 us 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 does not contain an individual's actual name, or generic usernames when individuals may access a public component of our website or enquiry forms.

NJL 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.

### **Requiring identification**

NJL must confirm identification however in supporting our clients' service delivery to individuals for nationally recognised course programs. It is a Condition of Registration under the National Vocational Education and Training Regulator Act 2011 that we identify 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 training programs. Other legal requirements, as noted earlier in this policy, also require considerable identification arrangements.

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

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

NJL only collects personal information that is reasonably necessary for our business activities.

We only collect sensitive information in cases where the individual consents to the sensitive information being collected, except in cases where we are required to collect this information by law, such as outlined earlier in this policy.

All information we collect is collected only by lawful and fair means.

We only collect 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**

NJL may from time to time receive unsolicited personal information. Where this occurs, we promptly review the information to decide whether or not we could have collected the information for the purpose of our business activities. Where this is the case, we may hold, use, and disclose the information appropriately as per the practices outlined in this policy.

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

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

Whenever NJL collects personal information about an individual, we take 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.

Our notifications to individuals on data collection include:

- National Joblink's 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 we are 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 APP Privacy Policy on our website or explain how it may be accessed; and
- Advice that this APP Privacy Policy 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 we will deal with such a complaint.

Where possible, we ensure that the individual confirms their understanding of these details through signed declarations or in person through questioning.

### **Collection from third parties**

Where National Joblink collects personal information from another organisation, we:

- Confirm whether the other organisation has provided the relevant notice above to the individual; or
- Whether the individual was otherwise aware of these details at the time of collection; and
- If this has not occurred, we 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**

National Joblink 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.

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

If NJL uses or discloses personal information in accordance with an 'enforcement related activity' we 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 we were required to disclose the information.

## **Australian Privacy Principle 7 – Direct marketing**

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

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

NJL does not disclose personal information about an individual to any overseas recipient.

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

NJL 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 or Territory authority; or
- As prescribed by regulations.

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

NJL takes reasonable steps to ensure that the personal information it collects is accurate, up-to-date, and complete. We also take reasonable steps to ensure that the personal information we use or disclose is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete, and relevant. This is particularly important where:

- When we initially collect the personal information; and
- When we use or disclose personal information.

We take steps to ensure personal information is factually correct. In cases of an opinion, we 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;
- Providing individuals with a simple means to review and update their information on an on-going basis through our online portal;
- Reminding individuals to update their personal information at critical service delivery points (such as completion) when we 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; and
- Checking that a third party, from whom personal information is collected, has implemented appropriate data quality practices, procedures, and systems.

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

### **How personal information is held**

The RTO will take all reasonable steps to maintain the privacy and security of personal information.

Information stored electronically is kept on a secure server and access is restricted to authorised employees. This server is regularly backed up and kept in a secure location.

Paper-based documents containing personal information are in a locked filing cabinet and held within a secure area within the RTO premises.

Where documents are required to be transferred to another location, personal information is transported securely in an envelope, folder, or document bag.

Reasonable steps will be taken to destroy or permanently dis-identify personal information when it is no longer required for any purpose.

Learner information will be kept electronically for 30 years.

Destruction of paper-based records when this occurs is through the use of secure document destruction services at all National Joblink sites.

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

Where National Joblink holds personal information about an individual, we provide that individual access to the information on their request. In processing requests, we:

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 14 calendar days, when notifying our refusal to give access, including providing reasons for refusal in writing, and the complaint mechanisms available to the individual; or
- Within 30 calendar days, by giving access to the personal information that is requested in the manner in which it was requested.
- Provide information access free of charge.
- In order to request access to personal records, individuals are to complete the required documentation and forward to:

National Joblink Administration Officer

1300 136 496

enquiries@njl.org.au

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

National Joblink takes reasonable steps to correct personal information we hold, to ensure it is accurate, up-to-date, complete, relevant, and not misleading, having regard to the purpose for which it is held.

### **Individual Requests**

On an individual's request, we:

- Correct personal information held; and
- Notify any third parties of corrections made to personal information if this information was previously provided to these parties.
- In cases where we refuse to update personal information, we:

- Give 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, take 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;
- Respond within 14 calendar days to these requests; and
- Complete all actions free of charge