

47 Confidentiality and Privacy Policy and Procedure

Policy Number:	MILCOM 47	
Version Number:	V3.0	
Legal Name:	MILCOM Communications Pty Ltd T/A MILCOM Institute	
Status:	ENDORSED	
Approved by:	Chief Operating Officer (COO)	
Owner:	National Compliance Manager	
Related legislation/applicable section of legislation:	SRTOs 2015	Standard 1 (Clause 1.7) Standard 5 (Clause 5.1)
	2018-19 Standard VET Funding Contract Skills First Program	MILCOM Institute ensures adherence to the 2018 Standard VET Funding Contract Skills First Program, CANS, Ministerial directions and all 2018 Guidelines.
	Vocational Education and Training (VET) Pre-qualified Supplier (PQS) Agreement	MILCOM Institute ensures adherence to the Vocational Education and Training (VET) Pre-qualified Supplier (PQS) Agreement Guidelines.
	VIC/QLD/NSW/SA/WA/TAS/NT/ACT	Fee for Services Guidelines
	ESOS/NCP	National Code Part D Standard 5.1c
	Other applicable legislation, regulations and guidelines	<ul style="list-style-type: none"> • National Vocational Education and Training Regulator Act 2011 • Standards for NVR Registered Training Organisations 2011 • Vocational education and training (VET) legislation • Standards for VET Accredited Courses 2012 • Data Provision Requirements 2012 • VET Data Policy • Skills Australia Act 2008 • Department of Education and the Department of Employment • Training and Tertiary Education Act 2003 • Vocational and Training Act 2005 and Vocational Education and Training (Commonwealth Powers) Act 2010 - NSW • Vocational Education, Training and Employment Act & Regulation 2000 - QLD

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		<ul style="list-style-type: none"> • Victorian Guidelines for VET - Providers (Victoria) • Education and Training Reform Amendment (Skills) Act 2010 • Privacy Act 1988 (Commonwealth) • Privacy and Data Protection Act 2014 • Racial Discrimination Act 1975 • Sex Discrimination Act 1984 • Disability Discrimination Act 1992 • the Further Education and Training Act 2014 (FET Act) • the Further Education and Training Regulation 2014 • Apprenticeship/ Traineeship policy and procedures which support the FET Act • the Vocational Education and Training Pre-Qualified Suppliers (VET PQS) Agreement • the User Choice 2016–17 Policy • the User Choice Pre-Qualified Supplier 2016–17 Policy. • Certificate 3 Guarantee Program Policy 2016–17 • Higher Level Skills Program Policy 2016–17
<p>Contract and Compliance requirements:</p>	<ul style="list-style-type: none"> • http://www.asqa.gov.au/users-guide-to-the-standards-for-registered-training-organisations-2015/users-guide-to-the-standards-for-registered-training-organisations-2015.html • http://www.education.vic.gov.au/training/providers/rto/Pages/serviceagree.aspx • http://www.vrqa.vic.gov.au/Pages/default.aspx?Redirect=1 • http://www.vetab.nsw.gov.au/ • www.training.qld.gov.au/registration 	

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1. Title and policy number

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2. Purpose

The purpose of this policy and procedure is to clearly communicate the personal information handling practices by MILCOM Institute.

This document describes the policy of MILCOM Communications Pty Ltd T/A MILCOM Institute on how MILCOM collects, uses, discloses and otherwise handles “personal information” and “sensitive information” (collectively “information”) about students, prospective students and former students. It also details how a student may access personal information held by MILCOM about the student and how the student can lodge a complaint if he/she believes the privacy of the personal information has been breached.

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.

The information is collected by MILCOM Institute for purposes that are directly related to the requirement under the National Vocational Education and Training Regulator Act 2011 (NVR Act), the Education Services for Overseas Students Act 2000 (ESOS Act), or the Freedom of Information Act 1982 (FOI Act), and only when it is reasonably necessary for or directly related to ASQA’s requirements.

MILCOM Communications Pty Ltd T/A MILCOM Institute must not disclose (or permit the disclosure of) information regarding this VET Funding Contract (including details of the Funds being provided by the Department in respect of any Eligible Individual) or any Confidential Information of the Department, the Department or the State except the exceptions provided in the Clause 12.1 of the contract

MILCOM Institute acknowledges that the Department at its discretion may disclose any and all information relating to the RTO and this VET Funding Contract including course and qualification details, government subsidised fee information, details of the Funds paid, details of any non-compliance by the RTO with this VET Funding Contract, any action taken by the Department under this VET Funding Contract, and findings and outcomes of any audits or reviews undertaken pursuant to this VET Funding Contract;

MILCOM Institute includes a standard privacy notice in all enrolment forms, in accordance with the Victorian VET Student Statistical Collection Guidelines, which advises students how their data may be supplied to and used.

This policy outlines and addresses the key principles of Department of Education and Training (DET) HESG contract guidelines.

3. Scope

This policy applies to all MILCOM staff.

4. Policy Principles

Australian Privacy Principles

MILCOM is bound by the Australian Privacy Principles (APPs) in Schedule 1 of the Privacy Act 1988 (Cth) (see http://www.austlii.edu.au/au/legis/cth/consol_act/pa1988108/). The APPs provide standards, rights and obligations in respect of how personal information is handled from collection, to use, disclosure, storage and access.

For 2018-19 Standard VET Funding Contract

As per the Clause 13:

13.1 The Training Provider must not, without the prior written approval of the Department, disclose (or permit the disclosure of) information regarding this VET Funding Contract (including details of the Funds being provided by the Department in respect of any individual) or any Confidential Information of the Department or the State, except:

- a) to the extent required under this VET Funding Contract;
- b) to the extent required by Law;
- c) to its solicitors, barristers and/or other professional advisors in order to obtain advice in relation to its rights under this VET Funding Contract, the Training Services or the Funds and provided such advisors are under a duty of confidentiality;
- d) to the extent necessary for the registration or recording of documents where required; and/or
- e) to the extent required in connection with legal proceedings, and then only to the extent strictly necessary for that purpose.

13.2 The Training Provider acknowledges and agrees that:

a) the Department may disclose or otherwise make available (whether to the public generally or to any particular person or group of persons) any and all information relating to the Training Provider and this VET Funding Contract (including Confidential Information of the Training Provider), including:

- i) course and qualification details;
- ii) government subsidised fee information;
- iii) details of the Funds paid;
- iv) the contents of any surveys in which the Training Provider participates pursuant to Clause 4.5(j)(ii) or any employer surveys;
- v) any information that the Training Provider is required to publish on its website or otherwise make publicly available under this VET Funding Contract;
- vi) details of any non-compliance by the Training Provider with this VET Funding Contract;
- vii) any action taken by the Department under this VET Funding Contract; and
- viii) findings and outcomes of any audits or reviews undertaken pursuant to this VET Funding Contract, as it considers reasonably appropriate to facilitate the proper operation of the Skills First Program, including as contemplated by Clause 12.3 of Schedule 1;

b) the Department may disclose information referred to in paragraph (a), and any information regarding any suspected non-compliance by the Training Provider with this VET Funding Contract, for the purpose of satisfying its obligations under:

- i) the Freedom of Information Act 1982 (Vic);
- ii) the Ombudsman Act 1973 (Vic); or
- iii) the Audit Act 1994 (Vic); or
- iv) the requirements of Parliamentary accountability or a Minister's obligations to fulfil their duties of office; and

c) the Department may disclose information referred to in paragraph (a) or paragraph (b) to the counterparty to any Other VET Funding Arrangement, any regulator who has responsibility for issuing or

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monitoring compliance with the applicable registration referred to in Clause 4.1(a), or other government entity in any jurisdiction that has an interest in the regulation and funding of the VET sector.

13.3 The Training Provider must take all steps and make all efforts to assist the Department in complying with any of the obligations referred to in Clause 13.2(b).

13.4 The Training Provider acknowledges that it will be bound by the Information Privacy Principles and any applicable Code of Practice with respect to any act done or practice engaged in by the Training Provider under or in connection with this VET Funding Contract in the same way and to the same extent as the Department would have been bound had it been directly done or engaged in by the Department.

13.5 The Training Provider must include a standard privacy notice in all enrolment forms, in accordance with the Victorian VET Student Statistical Collection Guidelines, which advises Eligible Individuals how their data may be supplied to and used by the Department and Commonwealth VET Student Loan agencies.

13.6 The Training Provider must, in collecting any Personal Information for the purposes of this VET Funding Contract, ensure that it has obtained all necessary consents for:

a) the Training Provider to collect, use, hold and disclose that Personal Information, including by disclosing it to the Department as contemplated by this VET Funding Contract (including by way of the submission of reports under Clause 12 of Schedule 1, for the purposes of complying with Record disclosure obligations under Clause 10 and in the course of any audit, review or investigation under Clause 11); and

b) the Department to collect, use, hold and disclose that Personal Information for the purposes of this VET Funding Contract and its operation and management of the Skills First Program,

in accordance with all applicable Laws, including the PDP Act, the Health Records Act and (if applicable to the Training Provider) the Privacy Act 1988 (Cth).

13.7 The Training Provider must cooperate with, and provide any assistance requested by, the Department in relation to:

a) resolving any complaint made to the Department alleging a breach of the PDP Act or the Health Records Act in relation to any Personal Information collected, used, held or disclosed by the Department that was provided to it by the Training Provider in connection with this VET Funding Contract; and

b) providing access to or amendment of any record of Personal Information collected, used, held or disclosed in connection with this VET Funding Contract following a request from an individual made to the Department.

5. Collection of Information

What kind of information MILCOM collects and why?

MILCOM collects personal information for:

- providing and administering approved courses, including admission, enrolment, training, assessment and payments;
- student services;
- conducting surveys;
- compliance with reporting requirements and administration of government programs;
- compliance with reporting requirements and administration of applicable laws and regulations of international students including under the Education Services for Overseas Students Act 2000, Migration Act 1958 and the Migration Regulations 1994.
- internal planning; and
- marketing the services of MILCOM and the promotion of MILCOM.

The personal information typically includes (but is not limited to): your name, age, gender, place of birth, nationality, contact details in Australia and other prescribed details; information about your course, financial arrangements and payments in relation to the course, health insurance, English language proficiency, passport, student visa, breach or suspected breach of visa conditions and academic progress and performance, and, information that MILCOM is obliged by law to collect or report.

How MILCOM collects information?

MILCOM generally collects information about the student directly from the student (e.g. forms filled out by the student, both paper and on-line or from meetings and interviews with the student). MILCOM maintains records on each student which may include data on attendance, reports and competency records. MILCOM will take reasonable steps to let the student know, generally, what personal information it holds. MILCOM will seek the consent of the student before collecting sensitive information unless collection is otherwise authorized or required by law.

Use and disclosure of information

MILCOM will only use or disclose personal information for the primary purpose for which it was collected. MILCOM may use or disclose personal information (other than sensitive information) for the purpose of MILCOM direct marketing.

6. Protection of information

MILCOM holds personal information which may be stored in electronic and/or hardcopy form. MILCOM takes reasonable precautions to ensure that information is stored securely, is accurate and protected from misuse, loss, unauthorized access, modification or disclosure. MILCOM staff are bound by confidentiality on the use of personal information and are required to respect the privacy of individuals.

7. Monitoring, evaluation and review

COO must monitor, evaluate and review this policy and relevant procedures on an ongoing basis and suggest appropriate changes to the Compliance and Quality Assurance Department for approval.

8. Definitions and abbreviations

Term	Meaning
Personal information	is information or an opinion (including information or an opinion forming part of a database) about an identified individual, or an individual who is reasonably identifiable, whether true or not, and whether recorded in material form or not.
Sensitive information	includes information or an opinion about an individual's racial or ethnic origin, or criminal record, that is also personal information; and, health information about an individual.

9. Revision record

Date	Version Number	Revision description/ Nature of change (change/reasons for change/comments)
January 2016	1.0	Policy reviewed
May 2017	2.0	New format and policy reviewed
October 2017	2.1	Reviewed with addition of new management staff
Jan 2018	3.0	Revised as per ASQA SRTO Users Guide Version 2 Nov 2017