

Policy - Privacy

Purpose

This policy ensures that Lawson College Australia meets its legal and ethical requirements in regard to the collection, storage and disclosure of student information and interactions with external organisations.

Information is collected on the Enrolment Form and during enrolment processes in order for Lawson College Australia to meet its obligations under the Education Services for Overseas Students Act 2000 (ESOS Act) and the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code) to ensure overseas student compliance with visa conditions under Immigration Laws.

Scope

The policy sets out the circumstances in which personal information about the student may be disclosed by the registered provider, the Commonwealth including the Tuition Protection Service (TPS), or state or territory agencies, in accordance with the Privacy Act 1988 [ESOS S 3.3.6] and the National VET Data Policy that outlines data collection and submission requirements for Total VET Activity (TVA).

This Policy applies to all Lawson Australia College staff and students currently enrolled with Lawson College Australia.

Definitions

Australian Privacy Principles (APPs)	The Australian Privacy Principles (or APPs) are the cornerstone of the privacy protection framework in the Privacy Act 1988 (Privacy Act). They apply to any organisation or agency the Privacy Act covers. There are 13 Australian Privacy Principles and they govern standards, rights and obligations around: <ul style="list-style-type: none"> • The collection, use and disclosure of personal information • An organisation or agency's governance and accountability • Integrity and correction of personal information • The rights of individuals to access their personal information Visit: https://www.oaic.gov.au/privacy/australian-privacy-principles/)
Consent	Consent is an explicitly communicated, reversible mutual agreement in which all parties are capable of making a decision.
Data breach	A data breach happens when personal information is accessed or disclosed without authorisation or is lost.
Department of Home Affairs/ DoHA	Departments of Home Affairs brings together Australia's federal law enforcement, national and transport security, criminal justice, emergency management, multicultural affairs and immigration and border-related functions, working together to keep Australia safe. https://www.homeaffairs.gov.au
National VET Data Policy	This Policy brings together requirements for collecting nationally consistent data about VET activity and processes, and for using data in statistical collections and national surveys. For more information, visit: https://docs.education.gov.au/documents/national-vet-data-policy
NCVER	National Centre for Vocational Education Research (NCVER) provides research and statistics on vocational education and training (VET). It is responsible for collecting, managing, analysing, evaluating and communicating research and statistics about VET nationally. NCVER is a not-for-profit company owned by state, territory and Commonwealth ministers responsible for training. For more information, visit: https://www.ncver.edu.au/
Privacy Act 1988	The Privacy Act 1988 (Privacy Act) 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. For more information, visit: https://www.oaic.gov.au/privacy-law/privacy-act/
Privacy Notice and Student Declaration	The Privacy Notice explains how personal information provided by the student may be collected, held, used or disclosed, together with training activity information. It also assists to establish a student's expectations of how their personal information and training data may be handled. The Privacy Notice also makes it clear that the Notice is in addition to any other specific requirements Registered Training Organisations are obligated to provide to their students, for example, under state or territory privacy laws. (https://www.employment.gov.au/privacy-notice)
Registrar	A registrar is an official in an academic institution who handles student records.
Total VET Activity reporting.	Total VET Activity reporting. All RTOs must collect and report 'Total VET Activity' data. This includes full Australian Vocational Education and Training Management Information Statistical Standard (AVETMISS) data, in accordance with the National VET Data Policy.



Tuition Protection Service	The Tuition Protection Service (TPS) is an initiative of the Australian Government to assist international students whose education providers are unable to fully deliver their course of study. The TPS ensures that international students are able to either: <ul style="list-style-type: none"> • complete their studies in another course or with another education provider or • receive a refund of their unspent tuition fees. (https://tps.gov.au/StaticContent/Get/StudentInformation)
Unique Student Identifier (USI)	All students (including international students studying in Australia) doing nationally recognised training need to have a Unique Student Identifier (USI). The USI: <ul style="list-style-type: none"> • Creates a secure online record of your recognised training and qualifications gained in Australia, from all training providers you undertake recognised training with • Will give you access to your training records and transcripts • Can be accessed online, anytime and anywhere • Is free and easy to create • Stays with you for life. (https://www.usi.gov.au/about)

1. Policy

1.1 In collecting your personal information Lawson College Australia will comply with the requirements set out in the Privacy Act 1988, the Privacy Amendment (Private Sector) Act 2001 and the relevant state privacy legislation.

This means that we will:

- Inform you of the purpose for which the information is collected.
- Only use the personal information that you provide to us in relation to your study with us.
- Ensure your personal information is securely handled and stored.

We will inform you of any organisation and the type of organisation to which we disclose personal information e.g. the Australian Government or the National Centre for Vocational Education Research, as well as the purpose of disclosing this information e.g. for statistical purposes.

1.2 We will not disclose your personal information to another person or organisation unless:

- 1.2.1 We have made you aware that information of that kind is usually passed to that person or organisation.
- 1.2.2 You have given written consent; – We believe that the disclosure is necessary to prevent or lessen a serious and imminent threat to your life or health or that of another person;
- 1.2.3 The disclosure is required or authorised by or under law; or
- 1.2.4 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.

2. Privacy Principles

2.1 In collecting and protecting personal information, Lawson College Australia complies with the requirements set out in the Privacy Act 1988, including Australian Privacy Principles 3 [Collection of solicited personal information] and 5 [Notification of the collection of personal information] and in accordance with the National VET Provider Collection Data Requirements Policy clause 4.4; and the relevant privacy legislation and regulations of the state in which Lawson College Australia operates.

2.2 Personal information, including sensitive information, is collected from individuals in order that Lawson College Australia can carry out its business functions. Lawson College Australia only collects and stores information that is directly related to its business purposes and legal requirements of providing nationally recognised training and assessment.

2.3 Sensitive information is only collected by Lawson College Australia if a permitted general or health situation applies in accordance with the Privacy Act (16A, 16B) such as, if:

- 2.3.1 The collection of the information is required or authorised by, or under, an Australian law or a court/tribunal order.
- 2.3.2 It is unreasonable or impracticable to obtain the individual's consent to the collection, use or disclosure.
- 2.3.3 It genuinely and reasonably believes that:



- The collection, use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety.
- Unlawful activity, or misconduct of a serious nature, that relates to Lawson College Australia's functions or activities has been, is being or may be engaged in, and the collection, use or disclosure is necessary in order for the entity to take appropriate action in relation to the matter.
- The collection, use or disclosure is reasonably necessary to assist any APP entity, body or person to locate a person who has been reported as missing.
- The collection, use or disclosure is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim.

2.4 Lawson College Australia ensures each individual:

- Knows why their information is being collected, how it will be used and who it will be disclosed to.
- Is made aware of any legal requirement for Lawson College Australia to collect the information.
- Is able to access their personal information upon request.
- Does not receive unwanted direct marketing.
- Can ask for personal information that is incorrect to be corrected.
- Can make a complaint about Lawson College Australia if they consider that their personal information has been mishandled.
- Is made aware of any consequences for not providing the information requested. – Whether the information is likely to be disclosed to overseas recipients, and if so, which countries such recipients are likely to be located in.

2.5 Under the Data Provision Requirements 2012, the Privacy Notice at Schedule 1 of the National VET Data Policy sets out privacy information a student needs to know before they enrol with an RTO. The RTO is responsible for providing this Privacy Notice to students [See Section 3 below], usually as part of the enrolment process. Lawson College Australia provides this notice in the Enrolment Form and retains evidence that the student has acknowledged the Privacy Notice and Student Declaration as part of their enrolment process <https://www.employment.gov.au/privacy-notice>

3. Privacy Notice and Student Declaration

3.1 Student information is managed in accordance with the data provision requirements 2012 and Under the *Data Provision Requirements 2012*, Lawson College Australia is required by law to collect personal information about you and to disclose that personal information to the National Centre for Vocational Education Research Ltd (NCVER).

3.2 Your personal information (including the personal information contained on this enrolment form) may be used or disclosed by Lawson College Australia for statistical, administrative, regulatory and research purposes. Lawson College Australia may disclose your personal information for these purposes to

- Commonwealth and State or Territory government departments and authorised agencies; and
- NCVER.

3.3 Personal information that has been disclosed to NCVER may be used or disclosed by NCVER for the following purposes:

- populating authenticated VET transcripts;
- facilitating statistics and research relating to education, including surveys and data linkage;
- pre-populating RTO student enrolment forms;
- understanding how the VET market operates, for policy, workforce planning and consumer information; and
- administering VET, including program administration, regulation, monitoring and evaluation.

3.4 You may receive a student survey which may be administered by a government department or NCVER employee, agent, third party contractor or other authorised agencies. Please note you may opt out of the survey at the time of being contacted. NCVER will collect, hold, use and disclose your personal information in accordance with the Privacy Act 1988 (Cth), the National VET Data Policy and NCVER policies and protocols (including those published on NCVER's website at www.ncver.edu.au).

For more information about NCVER's Privacy Policy go to <https://www.ncver.edu.au/privacy>.

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3.5 The types of personal information collected include:

- 3.6.1 Personal and contact details
- 3.6.2 Employment information, where relevant
- 3.6.3 Academic history
- 3.6.4 Background information collected for statistical purposes about prior education, schooling, place of birth, disabilities and so on
- 3.6.5 Training, participation and assessment information
- 3.6.6 Fees and payment information
- 3.6.7 Information required for the issuance of a USI for international students:
- 3.6.8 Current course information including CRICOS code, agreed starting date, expected completion date if the student did not start on the agreed date
- 3.6.9 Information about any terminations for change to identity and duration of the course
- 3.6.10 English language proficiency including the name of the test and the score received
- 3.6.11 Visa information, including the DHA office where the visa application was made and current local DoHA office
- 3.6.7 Passport information including whether the student was in Australia when they became an accepted student.

4. Unique Student Identifiers(USI)

- 4.1 All students participating in nationally recognised training are required to have a Unique Student Identifier (USI) and provide it to Lawson College Australia upon enrolment. Alternatively, Lawson College Australia can apply for a USI on behalf of an individual.
- 4.2 The Student Identifiers Act 2014 authorises the Australian Government's Student Identifiers Registrar to collect information about USI applicants. When Lawson College Australia applies for a USI on behalf of a student who has authorised us to do so, we need to collect personal information about the student which will be passed on to the Student Identifiers Registrar. This will include:
 - name, including first or given name(s), middle name(s) and surname or family name
 - date of birth – city or town of birth
 - country of birth
 - gender
 - contact details, so the Student Identifiers Registrar can provide individuals with their USI and explain how to activate their USI account.
- 4.3 In order to create a USI on behalf of a student, Lawson College Australia will be required to verify the identity of the individual by receiving a copy of an accepted identification document. This document will only be used for the purposes of generating the USI and confirming the identity of the individual with the Registrar. Once the USI has been generated and validated, the identity documents used or collected for this purpose will be securely destroyed.
- 4.4 The information provided by an individual in connection with their application for a USI:
 - is collected by the Registrar as authorised by the Student Identifiers Act 2014.
 - is collected by the Registrar for the purposes of:
 - applying for, verifying and giving a USI
 - resolving problems with a USI
 - creating authenticated vocational education and training (VET) transcripts
- 4.5 May be disclosed to:
 - 4.5.1 Commonwealth and State/Territory government departments and agencies and statutory bodies performing functions relating to VET for:
 - the purposes of administering and auditing VET, VET providers and VET programs
 - education related policy and research purposes
 - to assist in determining eligibility for training subsidies
 - 4.5.2 VET Regulators to enable them to perform their VET regulatory functions
 - 4.5.3 VET Admission Bodies for the purposes of administering VET and VET programs
 - 4.5.4 Current and former Registered Training Organisations to enable them to deliver VET courses to the individual, meet

- their reporting obligations under the VET standards and government contracts and assist in determining eligibility for training subsidies
- 4.5.5 Schools for the purposes of delivering VET courses to the individual and reporting on these courses
 - 4.5.6 The National Centre for Vocational Education Research for the purpose of creating authenticated VET transcripts, resolving problems with USIs and for the collection, preparation and auditing of national VET statistics
 - 4.5.7 Researchers for education and training related research purposes
 - 4.5.8 Any other person or agency that may be authorised or required by law to access the information.
 - 4.5.9 Any entity contractually engaged by the Student Identifiers Registrar to assist in the performance of his or her functions in the administration of the USI system
 - 4.5.10 Will not otherwise be disclosed without the student's consent unless authorised or required by or under law
- 4.6 The consequences to the student of not providing the Registrar with some or all of their personal information are that the Registrar will not be able to issue the student with a USI, and therefore Lawson College Australia will be unable to issue a qualification or statement of attainment.

5. Storage and use of information

- 5.1 Lawson College Australia will store all records containing personal information securely and take all reasonable security measures to protect the information collected from unauthorised access, misuse or disclosure. Personal information will be stored in paper-based files that are kept in a secure location and electronically in a secure environment to which only authorised staff have access.
- 5.2 The personal information held about individuals will only be used by Lawson College Australia to enable efficient student administration, report data to provide information about training opportunities, issue statements of attainment and qualifications to eligible students, and to maintain accurate and detailed records of student course participation, progress and outcomes. Information about international students may also be shared to promote compliance with the conditions of student visas and the monitoring and control of visas.
- 5.3 Lawson College Australia may use the personal information provided by an individual to market other internal products and services to them. An individual may opt out of being contacted for marketing purposes at any time by contacting our office. Information will not be passed onto any third-party marketing companies without the prior written consent of the individual.
- 5.4 Retention and Disposal of records – detailed in Lawson College Australia Policy – Record Management and Access.

6. Disclosure of information

- 6.1 Lawson College Australia will not disclose an individual's personal information to another person or organisation unless:
 - 6.1.1 They are aware that information of that kind is usually passed to that person or organisation.
 - 6.1.2 The individual has given written consent.
 - 6.1.3 Lawson College Australia believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious threat to the life or health of the individual concerned or another person.
 - 6.1.4 The disclosure is required or authorised by, or under, law.
 - 6.1.5 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 public revenue.
- 6.2 Any person or organisation to which information is disclosed is not permitted to use or disclose the information for a purpose other than for which the information was supplied to them.
- 6.3 Personal information may be used or disclosed by Lawson College Australia for statistical, regulatory and research purposes.

Lawson College Australia may disclose personal information for these purposes to third parties, including:

- Commonwealth and State or Territory government departments and authorised agencies; such as the Australian Skills Quality Authority (ASQA), Department of Education and Training (DET), the Department of Home Affairs (DHA) and the Tuition Protection Service (TPS).
- NCVET
- Organisations conducting student surveys
- Researchers.

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

- 6.4.1 Issuing a VET Statement of Attainment or VET Qualification, and populating Authenticated VET Transcripts
- 6.4.2 Facilitating statistics and research relating to education, including surveys
- 6.4.3 pre-populating RTO student enrolment forms;
- 6.4.4 Understanding how the VET market operates, for policy, workforce planning and consumer information.
- 6.4.5 Administering VET, including program administration, regulation, monitoring and evaluation.

6.5 In the event of a data breach which involves personal information likely to result in serious harm Lawson College Australia will notify the individual/s involved and follow procedures as per The Privacy Amendment (Notifiable Data Breaches) Act 2017 for organisations covered under the Privacy Act 1988 (Cth). See also Lawson College Australia's Policy – Critical Incident.

7. Access to and correction of records

- 7.1 Individuals have the right to access or obtain a copy of the information that Lawson College Australia holds about them including personal details, contact details and information relating to course participation, progress and AQF certification and statements of attainment issued.
- 7.2 Requests to access or obtain a copy of the records held about an individual must be made by contacting Student office. The individual must prove their identity to be able to access their records.
- 7.3 There is no charge for an individual to access the records that Lawson College Australia holds about them; however, there may be a charge for any copies made. Arrangements will be made within 10 days for the individual to access their records.

8. Complaints about privacy:

- 8.1 Any individual wishing to make a complaint or appeal about the way information has been handled within Lawson College Australia can do so by following Lawson College Australia's Policy -Complaints and Appeals.
<http://lawsoncollege.edu.au/international-student-policies/>

Document History and Version Control Table

Version Number	Date approved	Approved by	Type of change	Extent
V 2.0	11/04/2019	CEO	Major	<ul style="list-style-type: none"> ● Minimum mandatory content added to the policy as per National VET Data Policy ● Policy reformatted
V 3.0	30/09/2019	QACC (Quality & Compliance Committee)	Major	<ul style="list-style-type: none"> ● Additions to definitions ● Added Section 5.4 and 6.5