



VET STUDENT LOAN POLICIES AND PROCEDURES

Privacy Policy

Purpose

The purpose of this policy is to provide information regarding the collection and handling of information obtained from students by New Futures Training for the purposes of VET Student Loans in line with the Australian Privacy Principles, VET Student Loans Act 2016 and VET Student Loans Rules 2016.

This Policy is available at New Futures Training website under VET Student Loan section:

<http://www.vicsegnewfutures.org.au/new-futures-training/>

Policy

New Futures Training will allow a student to apply for and receive a copy of the VET personal information that New Futures Training holds in relation to that student. Collection of information 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. Personal information will not be collected by unlawful or unfair means.

Policy Details

New Futures Training is committed to protecting the privacy of staff and students through responsible handling of personal information gathered in relation to those people.

In gathering and managing personal information, staff of New Futures Training will abide by the privacy principles and requirements specified in the Information Privacy and Data Protection Act 2014 (Vic.)

In so doing, staff of New Futures Training will:

- Collect only that information necessary to fulfil its functions and activities.
- Advise individuals of the purposes of collection and their rights to access that information.
- Use the information only for the purpose for which it was collected or related secondary purpose/s.
- Disclose it only as required or permitted by law.
- Endeavour to ensure that information is accurate, complete and up-to date.
- Ensure the security of the information and its proper archiving or disposal.
- Be open about the Privacy Policy, about what sorts of personal information New Futures Training holds and what it does with that information.
- By arrangement, enable individuals to access their data and make appropriate corrections.
- Assign and use student and staff numbers only to facilitate efficient management of its business.
- Transmit data across borders only to legitimate recipients and when equivalent safeguards are accorded to the data by the recipient.



- Collect and use sensitive information only in accordance with the law.

Principles

Collection

New Futures Training will collect personal information:

- a. Only if the information is necessary for one or more of its functions or activities;
- b. Wherever possible, collect the information directly from the individual concerned;
- c. Only by lawful and fair means and not in an intrusive way.
- d. Tell people that their information is being collected, why it is being collected and how it is to be used (Privacy statement of enrolment form)

In collecting personal information about an individual, all reasonable steps will be taken to ensure that the individual is aware of:

- a. New Futures Training's full legal entity, TOID and contact details;
- b. The fact that he or she is entitled to access their information;
- c. The purposes for which the information is collected;
- d. To whom (or the types of individuals or organisations to which) New Futures Training is required to disclose the information;
- e. Any law that requires the particular information to be collected; and
- f. The main consequences (if any) for the individual if all or part of the information is not provided.

If it is reasonable and practicable to do so, New Futures Training will collect personal information about an individual only from that individual. However, there will be instances where information needs to be sought for other sources, e.g. references for employment purposes; results data for prospective students, verification of formal qualifications of staff and students etc. In such instances New Futures Training will take reasonable steps to ensure that the individual is or has been made aware of the matters listed in this Policy.

New Futures Training has the following privacy statement:

- a. The Student Privacy Statement (see enrolment form);
- b. If the information to be collected is not covered by one of the above privacy statements, a specific privacy collection statement must be drafted

Data Quality

New Futures Training will take every reasonable step to make sure that the personal information it collects uses or discloses is accurate, complete and up to date.

Data Security

New Futures Training 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 New Futures Training, everything reasonably within the power of New Futures Training will be done to prevent unauthorised use or disclosure of information contained in the record.

New Futures Training will not use the information except for a purpose to which the information is relevant.

New Futures Training will take every reasonable step to:

- a) Protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.
- b) Destroy or permanently de-identify personal information if it is no longer needed for any purpose. Under following relevant regulatory standards and legislations.

Disclosure

Student's personal information may be disclosed to the *Commonwealth and tuition assurance scheme* operators.

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

- the individual concerned is reasonably likely to have been aware that information of that kind is usually passed to that person, body or agency;
- the individual concerned has consented to the disclosure;
- New Futures Training 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;
- 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.

Any disclosure can only be made by authority of the Executive Director.

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, a note of disclosure detailing the information released will be applied to the record.

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.

Access and Correction

If New Futures Training holds personal information about an individual, it will provide the individual with access to the information on request by the individual, except to the extent that:

- Providing access would pose a serious and imminent threat to the life or health of any individual; or
- Providing access would have an unreasonable impact on the privacy of other individuals; or



- The request for access is frivolous or vexatious; or
- The information relates to existing legal proceedings between New Futures Training and the individual, and the information would not be accessible by the process of discovery or subpoena in those proceedings; or
- Providing access would reveal the intentions of New Futures Training in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- Providing access would be unlawful; or
- Denying access is required or authorised by or under law; or
- Providing access would be likely to prejudice an investigation of possible unlawful activity; or
- Providing access would be likely to prejudice:
 - The prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of a law imposing a penalty or sanction; or
 - The enforcement of laws relating to the confiscation of the proceeds of crime; or
 - The protection of public revenue; or
 - The prevention, detection, investigation or remedying of seriously improper conduct; or
 - The preparation for or conduct of, proceedings before any court or tribunal, or implementation of its orders by or on behalf of a law enforcement agency.

If New Futures Training holds personal information about an individual and the individual is able to establish that the information is not accurate, complete and up to date, New Futures Training will immediately correct the information so that it is accurate, complete and up to date.

New Futures Training will provide reasons for denial of access or a refusal to correct personal information.

If an individual requests access to, or the correction of, personal information held by New Futures Training, it will:

- Provide access, or reasons for the denial of access; or
- Correct the personal information, or provide reasons for the refusal to correct the personal information; or
- Provide reasons for the delay in responding to the request for access to or for the correction of personal information as soon as practicable, but no later than fourteen (14) days after receiving the request.

Nothing in these principles applies to the personal information contained in a document which would be subject to the provisions of the Freedom of Information Act 1992 (“FOI Act”).

If a person requires access to such a document then they must make an application under the FOI Act. Access and correction of any errors will then be determined by the FOI Act.

Anonymity

When it is lawful and practicable to do so, New Futures Training will provide an individual with the option of not identifying who they are. However, the nature of the business carried out by New Futures Training means that, generally, it is not possible to provide services to, or interact with, student or staff members in an anonymous way.

Trains- border Information

New Futures Training will only transfer personal information about an individual to someone (other than New Futures Training staff or the individual) who is outside Victoria if:



- a. The recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the Privacy Principles set out in this document; or
- b. The individual consents to the transfer.

Sensitive Information

New Futures Training will not collect sensitive information about an individual unless:

- a. The individual has consented; or
- b. The collection is required under law. Or
- c. The collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

New Futures Training may collect sensitive information about an individual if the information is necessary relevant to government funded targeted welfare or educational services and there is no reasonably practicable alternative to collecting the information; and it is impracticable for New Futures Training to seek the individual's consent to the collection.

Standards and Legislations

- ❖ Privacy Act 1988
- ❖ VET Student Loans Act 2016
- ❖ VET Student Loans Rules 2016
- ❖ Public Records Act 1973
- ❖ Skills First VET Funding Contract
- ❖ QTF Standard 2 (2.6), AQTF Standard 3 (3.4), AQTF Condition 2
- ❖ VRQA 2016 Guidelines for VET providers - Guideline 1(1.3)
- ❖ Privacy and Data Protection Act 2014 (Vic.)