

# Personal Information and Privacy (VET)

**Policy**

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## 1. SCOPE

This policy applies to all individuals including all staff (*employees, contractors, industry consultants, guest lecturers*) and all higher education (HE) and all vocational education and training (VET) students whether *domestic or international* directly engaged in the functions and activities of JMC.

## 2. CONTEXT

The *Privacy Act 1988* regulates the way the individual's personal information is handled in Australia.

It allows you to know why your personal information is being collected, how it will be used and who it will be disclosed to. An individual you may look up their rights and other information about the Privacy Act at the website of the Office of the Australian Information Commissioner (OAIC), <https://www.oaic.gov.au/privacy/the-privacy-act>

As a registered training organisation (RTO) and a higher education provider (HEP), JMC collects personal information to process and manage enrolment in a vocational education and training (VET) course or Higher education (HE).

## 3. DEFINITIONS

All definitions are located in the *JMC Glossary*.

## 4. POLICY

JMC complies with the requirements of the Australian Privacy Principles (APP) contained in *Schedule 1* of the Privacy Act covering the collection, use, disclosure, and storage of personal information.

JMC respects an individual's rights to privacy under the Privacy Act and complies with all the Privacy Act's requirements in respect of the collection and management of their personal information.

JMC allows an individual to make written application to receive within a reasonable period, a copy of their personal information held on file, and have it corrected if it is incorrect.

Students may lodge a complaint about a breach of the APP in accordance with the JMC Complaints and Appeals Policy (*refer Student Handbook; JMC website*).

Staff and others may make a written complaint directly to the Campus Manager.

All JMC students and staff are entitled to receive a copy of the Australian Privacy Principles Fact Sheet 17 (January 2014). It is available from Reception, our website, [www.JMC.edu.au](http://www.JMC.edu.au), or the OAIC at <https://www.oaic.gov.au/resources/individuals/privacy-fact-sheets/general/privacy-fact-sheet-17-australian-privacy-principles.pdf>

JMC also complies with the requirements of the National VET Data Policy and provides Schedule 1 to all VET students.

Schedule 1 of the **National VET Data Policy** is attached as Addendum 1 of this policy.

## 5. PROCEDURE

### 5.1 Collection of information

JMC will not collect personal information unless:

- the information is collected for a purpose directly related to the JMC's functions or activities;
- the collection of the information is necessary for, or directly related to that purpose;
- the information is required or authorised by or under an Australian law or a court/tribunal order.

Sensitive information will not be collected about an individual unless the individual consents to the collection of the information.

JMC will take reasonable steps to ensure that:

- the personal information collected is relevant to the JMC's purpose and is up to date, complete and accurate; and
- the collection of the information does not intrude to an unreasonable extent upon the personal affairs of the individual.

### 5.2 Means of Collection

Personal information will only be collected by lawful and fair means.

JMC will collect personal information about an individual only from the individual unless:

- the individual consents to the collection of the information from someone other than the individual;
- the organisation is required or authorised by or under an Australian law, or a court/tribunal, to collect the information from someone other than the individual; and
- it is unreasonable or impracticable to do so.

If JMC receives unsolicited personal information about an individual that is outside the scope of its functions and activities, that information will be destroyed or de-identified as soon as practicable but only if it is lawful and reasonable to do so.

### 5.3 Notification of the collection of personal information

Where personal information is collected for inclusion in a record or in a generally available publication related to the JMC's functions or activities, JMC will take reasonable steps to ensure that, before the information is collected or, if that is not practicable, as soon as practicable after the information is collected, the individual concerned is generally aware of:

- the purpose for which the information is being collected and consequences of non-collection of that information;
- the fact that the collection of the information is authorised or required by, or under law; and
- with whom the information may be shared (*such as the Australian Government or Tuition Assurance Scheme*).

### 5.4 Use or Disclosure

Personal information about an individual that was collected for a particular purpose will not be used or disclosed for another purpose to a person, body, or agency (*Australian or international, 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 use or disclosure;

- JMC 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 individual 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.

AND for international students only:

- the disclosure of the information is required or authorised by or under an international agreement relating to information sharing to which Australia is a party; and
- the disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body or similar.

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, JMC shall include in the record containing that information a note of the disclosure.

Should a student need to be contacted by an JMC staff member regarding their course assessments/ projects/ productions, some of which occur off-site, the student's contact number or email will be issued accordingly.

During production periods, students may require each other's contact details to coordinate meetings, external shoots, and general collaboration. In such circumstances, WhatsApp, and teams are coordinated.

For phone or email groups, JMC may be required to distribute the mobile and email contacts amongst the group members for this purpose.

The student is provided with the opportunity to state any objection to such disclosures when completing the Student Handbook declaration.

### **5.5 Unique Student Identifier (USI) for VET students**

Since 1 January 2015, all students undertaking nationally recognised Vocational Education Training (VET) in Australia need to have a Unique Student Identifier (USI), a reference number made up of numbers and letters.

The USI creates a secure online training record that an individual can access anytime and anywhere, for life. It is linked to the *National Vocational Education and Training (VET) Data Collection*, and this means that a VET student's nationally recognised training and qualifications gained anywhere in Australia, from different training organisations, will be kept all together.

All prospective VET students, both domestic and international, must create a free USI at <http://www.usi.gov.au/Pages/default.aspx> and include their USI on the JMC Enrolment Form. An individual VET student also needs to provide JMC with a screenshot/photo of their USI to confirm its accuracy for our data entry. The JMC enrolment process cannot be finalised without the prospective student's verified USI.

Under law, JMC cannot create a qualification testamur/record of results or a statement of attainment for a student without their authentic, verified USI. For privacy, JMC will destroy an individual's USI verification (screenshot/photo) by deleting electronic copies and shredding paper versions within 40 days of their course completion.

### **5.6 Marketing**

Personal information about an individual (past graduate or present or potential student/ staff member) may not be used or disclosed for the purpose of marketing JMC unless:

- the JMC has collected the information from the individual; and
- the individual would reasonably expect the JMC to use or disclose the information for that purpose; and
- the individual has been provided with the option of objecting to participating in, or receiving, marketing communications and the student has not objected; or
- the individual has given express permission to JMC for the purposes of marketing.

### **5.7 Security and storage of personal information**

JMC will ensure:

- that the record is protected, by such security safeguards as it is reasonable in the circumstances to take, against misuse, interference, and loss, against unauthorised access, modification, or disclosure, and against destruction or de-identification; and
- that if it is necessary for the record to be given to a person in connection with the provision of a service to the provider, everything reasonably within the power of the provider will be done to prevent unauthorised use or disclosure of information contained in the record.

JMC will maintain a record setting out:

- the nature of the records of personal information kept by or on behalf of the record-keeper;
- the purpose for which each type of record is kept;
- the classes of individuals about whom records are kept;
- the period for which each type of record is kept;
- who is entitled to have access to personal information contained in the records and the conditions under which they are entitled to have that access; and
- the steps that should be taken to obtain access to that information.

## **6. PRIVACY NOTICE – VET STUDENTS**

The VET privacy notice shown at addendum 1 is provided to all enrolling / enrolled VET students by including it on the JMC website and in the JMC Student Handbook.

## **7. RELATED DOCUMENTS**

- 7.1 JMC Glossary
- 7.2 Personal Information and Privacy Policy
- 7.3 Privacy Notice - VET students\_Schedule 1 of the National VET Data Policy\_Addendum 1 of this policy (VET)
- 7.5 VET Data Use Statement (VET)

## **8. RELEVANT LEGISLATION**

- 8.1. Privacy Act 1988 (Cth)
- 8.2. Standards for Registered Training Organisations (RTOs) 2015
- 8.3. Education Services for Overseas Students (ESOS) Act 2000 (Cth)
- 8.4. ESOS National Code 2018
- 8.5. National VET Data Policy, December 2020
- 8.6. National Vocational Education and Training Regulator Act 2011 (NVETR Act)

## **9. POSITIONS RESPONSIBLE**

- 9.1. Campus Manager
- 9.2. Head/s of Department
- 9.3. Head of Student Services & Admin
- 9.4. Student Admissions
- 9.5. Administration

## 10. APPROVAL INFORMATION

<b>Approval Authority</b>	Quality Education and Risk Committee (QERC)
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