

## Compliance Focus

**ASQA Standards:** Clauses 7.5

## Policy Overview

The purpose of this policy and procedure is to outline how Learning Sphere will approach compliance with the Privacy Act 1988 (Commonwealth). It describes how we collect, manage, use, disclose, protect, and dispose of personal information in accordance with the Australian Privacy Principles (APPs) outlined in Schedule 1 of the Privacy Amendment Act 2012.

This policy applies to all learners, current, previous and future regardless of enrolment or funding status. All staff are to adhere to this policy and where needed the General Manager will provide guidance and advice to all staff on the policy.

We will practice a high standard of compliance in maintaining the privacy of others in all aspects of our business operations and will comply with Federal law (Privacy Act and APP's) regarding privacy and confidentiality of employees, learners and contractors.

## Policy

Learning Sphere will ensure:

- That we maintain a freely available Privacy Policy that can be accessed via our website
- Information gathered for training and assessment matters will not be disclosed to a third party unless prior written consent is provided by the individual concerned, *except* as required by law
- The secure storage and confidentiality of all records
- That personal information is managed in an open and transparent way
- Take reasonable steps to implement practices and procedures that will facilitate dealing with enquiries or complaints from individuals regarding compliance with the APPs
- That we respect those individuals that may not wish to identify themselves when making enquiries

## Definitions

Under the Privacy Act 1988, personal and sensitive information is defined as:

### Personal information

Information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- whether the information or opinion is true or not; and
- whether the information or opinion is recorded in a material form or not.

### Sensitive information

Includes information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record that is also personal information, health information about an individual, genetic information about an individual that is not otherwise health information, biometric information that is to be used for the purposes of automated biometric verification, biometric identification and biometric templates.



## Commitment

- Implementation and compliance with all applicable privacy legislation including the Privacy and Data Protection Act and Data Provision Requirements
- All information in this policy complies with the 13 APPs as outlined in the Privacy Act
- Collecting, usage, storing and accessing personal information for legitimate reasons only
- Informing individuals, the purpose for which personal information is collected and who is informed
- Personal information is only used for the purpose it was collected
- Provide Privacy Statements that set out the parameters of what personal information is collected
- Take reasonable measures to ensure Privacy information is up to date and complete
- Take reasonable business measures to ensure personal information is secure from unauthorised access and disclosure
- An Individual can access personal record and have a copy of personal information provided the information does not identify any others
- Will not adopt, use, or disclose a government related identifier of an individual

## Australian Privacy Principles (APP)

Learning Sphere collects personal information about an individual to fulfil an obligation under AVETMISS standards, State, or independent funding body requirements and to undertake normal business activity (such as correspondence, meet legal obligations or respond in an emergency). All information that is gathered is provided by the individual concerned and can only be accessed by nominated or authorised staff members. This information cannot be made available to any other organisation or individuals except where:

- The individual would reasonably expect the APP entity to use or disclose the information related to the primary purpose of training
- The disclosure of the information is required or authorised by Australian law, court order, or a permitted health situation
- The APP entity reasonably believes disclosure of personal information is necessary for enforcement related activities by an enforcement body

Typically, these organisations will be:

- Government departments such as Australian Skills Quality Authority (ASQA), State Funding Departments, The Australian Taxation Office, Centrelink, and Job Network Agencies
- To an employer or organisation sponsoring a learner's study
- To the parent or authorised representative of learners who is a minor (under 18)
- Other tertiary educational institutions for results, course completion or certificate verification to facilitate an application to that institution

All staff are to be aware of their responsibilities and how the APP are applied in daily duties. The APP cover the collection, usage, disclosure, and storage of personal information and allow individuals to access their personal information, and have it corrected if needed. The 13 APPs are listed below and summarised:

No.	Title	Explanation
APP1	Open and transparent management of personal information	Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.
APP2	Anonymity and pseudonymity	Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.
APP3	Collection of solicited personal information	Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information.
APP4	Dealing with unsolicited personal information	Outlines how APP entities must deal with unsolicited personal information.
APP5	Notification of the collection of personal information	Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.
APP6	Use or disclosure of personal information	Outlines the circumstances in which an APP entity may use or disclose personal information that it holds.
APP7	Direct marketing	An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.
APP8	Cross-border disclosure of personal information	Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas.
APP9	Adoption, use or disclosure of government related identifiers	Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier or use or disclose a government related identifier of an individual.
APP10	Quality of personal information	An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.
APP11	Security of personal information	An APP entity must take reasonable steps to protect personal information it holds from misuse, interference, and loss, and from unauthorised access, modification, or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.
APP12	Access to personal information	Outlines an APP entity's obligations when an individual requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.
APP13	Correction of personal information	Outlines an APP entity's obligations in relation to correcting the personal information it holds about individuals.

Taken from: [Australian Privacy Principles | OAIC](#)

# Privacy Policy

## Complying with the Australian Privacy Principles

Further information about how Learning Sphere complies with each APP requirement is located within the “Complying with the APP” processes document.

## Responsible Officer

The responsible officer for the implementation of this Policy is the CEO/General Manager

## Publishing details

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