

## 1. Purpose

The purpose of this policy is to outline how NextGen Skills complies with the Privacy Act 1988 and Australian Privacy Principles (APPs) in regards to the privacy and confidentiality of employees, clients and contractors.

## 2. Policy Statement

NextGen Skills complies with the Privacy Act 1988, and the associated Australian Privacy Principles (APPs), specifically in the way it collects, uses, secures and discloses personal information. NextGen Skills is committed to safeguarding any confidential information obtained by the RTO.

NextGen Skills will ensure:

- It maintains and provides a current Privacy Policy;
- Information gathered for the express purpose of training and assessment matters will not be disclosed to a third party unless prior written consent is provided by the individual concerned, except that required by law;
- The secure storage of all records;
- The confidentiality of all information maintained on records.

## 3. Policy Principles

### 3.1 Legislation

- a) NextGen Skills abides by the Privacy Act 1988 and associated 13 x Australian Privacy Principles (APPs).
- b) The APPs set out standards, rights and obligations for the handling, holding, accessing and correction of personal information (including sensitive information).

### 3.2 Underpinning Principles

- a) *Personal Information* is defined in the Privacy Act 1988 to mean “information or an opinion about an identified individual, or an individual who is reasonably identifiable:
  - i. whether the information or opinion is true or not; and
  - ii. whether the information or opinion is recorded in a material form or not.
- b) *Sensitive Information* is defined in the Privacy Act 1988 to mean “information or an opinion about an individual’s”:
  - i. racial or ethnic origin; or
  - ii. political opinions; or
  - iii. membership of a political association; or
  - iv. religious beliefs or affiliations; or
  - v. philosophical beliefs; or
  - vi. membership of a professional or trade association; or
  - vii. membership of a trade union; or
  - viii. sexual orientation or practices; or
  - ix. criminal record.

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## 3.3 PART 1 – Consideration of Personal Information

### a) NextGen Skills will:

- i. manage personal information in an open and transparent way.
- ii. follow policies and procedures that will facilitate dealing with enquiries or complaints from individuals regarding compliance with the Australian Privacy Principles (APPs).
- iii. maintain an up-to-date **Client Information Policy**.
- iv. ensure this Privacy Policy is available on the NextGen Skills website, free of charge and in such form as appropriate, and as is reasonable.
- v. respect that individuals may not wish to identify themselves when making enquiries on NextGen Skills products and services, however, require full personal details as required by law and for identification purposes from clients.

## 3.4 PART 2 – Collection of Personal Information

### a) NextGen Skills will not collect personal information from you unless that information is necessary for one or more of its functions or activities, or is required by law. An example of the type of information held by NextGen Skills are:

- i. Name
- ii. Date of birth
- iii. Gender
- iv. Contact details
- v. Government identifiers
- vi. Ethnicity
- vii. Australian citizenship/Residency details
- viii. Disability
- ix. Medical conditions
- x. Prior education through the Unique Student Identifier (USI) or through academic transcripts
- xi. Visa and immigration details
- xii. Employment info

### b) NextGen Skills advises that it is required by law to collect, hold, use and supply personal information, in accordance with the National VET Provider Collection Data Provision Requirements. Information is stored:

- i. Online (Analytics)
- ii. Student Management System (SMS)
- iii. Accounting software
- iv. Server
- v. Emails – Exchange Server

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- c) NextGen Skills provides the following information on the NextGen Skills website and in the Client Handbook:
- Who we are and how to contact us;
  - How to gain access to your own information;
  - The purpose for which the information is being collected;
  - Any organisation to which we would normally disclose information of that kind;
  - Any law that requires the particular information to be collected;
  - The main consequences for the individual if all or part of the information is not provided.
- d) NextGen Skills collects information from you in the following ways:
- When you register your interest on line, apply for enrolment, request certain services or products, or otherwise contact or do business with us.
  - Information may be collected from enrolment forms, certified documents, telephone calls, faxes, emails, online enquiries and letters sent by you.
  - Information may be collected from third parties, such as other training providers, regarding confirmation of training and ongoing professional development that you have attended, as permitted by you.
  - Information about previous qualifications/units of competency through a client: Unique Student Identifier (USI), (where permission is given), so as to accurately apply credit transfers and work out appropriate training.
- e) Should NextGen Skills collect information about you from a third party we will take reasonable steps to ensure that the individual is or has been made aware of the matters listed above except to the extent that making the individual aware of the matters would pose a serious threat to the life or health of any individual.

### 3.5 PART 3 – Handling Personal Information

- a) NextGen Skills will not use or disclose personal or sensitive information for any purpose other than the primary purpose, unless the relevant person has provided written consent to use or disclose that information in circumstances that are different to those for which it was collected. The circumstances where an exception may occur are:
- Where the use or disclosure of this information is required or authorised by or under an Australian law or a court/tribunal order;
  - The individual would reasonable expect NextGen Skills to use or disclose the information for the secondary purpose;
  - A permitted health situation exists in relation to the use or disclosure of the information by NextGen Skills;
  - A permitted general situation exists in relation to the use or disclosure of the information by NextGen Skills;
  - NextGen Skills reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

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- b) NextGen Skills collects your personal information so as to:
- i. Process applications;
  - ii. Manage your enrolment;
  - iii. Record and maintain your details;
  - iv. Administering training programs;
  - v. Record and maintain details of your ongoing training and assessment;
  - vi. Provide you with details regarding client services, benefits, and training opportunities;
  - vii. Notify you about upcoming events and opportunities;
  - viii. Gain feedback from you;
  - ix. Communicate with you;
  - x. Report to relevant authorities as required by law.
- c) Direct Marketing. NextGen Skills:
- i. May use personal information (specifically your name and relevant address details) and information about your preferences for direct marketing (i.e. the communication channels which you prefer for receiving direct marketing from us and the types of products and services in which you are interested in) so as to let you know about our services and benefits, where we have your consent.
  - ii. Provides an opt-out and/or unsubscribe method that is easily accessible for individuals to request not to receive direct marketing communications.
- d) Cross Border Disclosure. NextGen Skills does not disclose personal information to overseas recipients unless prior written approval is received by the individual who the personal information relates.
- e) Adoption, use or disclosure of Government Related identifiers. NextGen Skills:
- i. Is required by law (***Student Identifier Act***) to collect, maintain and report to relevant Government agencies the individual's Unique Student Identifier (USI) number in accordance with the National VET Provider Collection Data Provision Requirements.
  - ii. Will not disclose the Unique Student Identifier (USI) number for any other purpose, including on any Certification documents you receive.
  - iii. Must not adopt the Unique Student Identifier (USI) number as its own identifier of the individual.

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## 3.6 PART 4 – Integrity of Personal Information

- a) Quality of personal information. NextGen Skills will take steps, as are reasonable, to ensure that the personal information it:
- Collects is accurate, up to date and complete;
  - Uses or discloses, is having regard to the purpose of the use or disclosure, is accurate, up to date, complete and relevant.
- b) Security of personal information. NextGen Skills will take steps, as are reasonable in the circumstances to:
- Protect the information from misuse, interference and loss as well as unauthorised access, modification or disclosure.
  - Destroy the information or to ensure that the information is de-identified.
- c) The client may make a complaint about a breach of the APPs to NextGen Skills Reception on (08) 9471 6600 or email [admin@nextgenskills.com.au](mailto:admin@nextgenskills.com.au). (Refer to the Complaints Policy and Procedure, available on NextGen Skills website.

## 3.7 PART 5 – Access to, and correction of Personal Information

- a) NextGen Skills provides all clients with access to their own personal records, and requests that the individual notify NextGen Skills Reception on (08) 9471 6600 or email [admin@nextgenskills.com.au](mailto:admin@nextgenskills.com.au) to update and maintain their personal information.
- b) In some circumstances, NextGen Skills may not permit access to individuals for their personal information. If this is ever the case, NextGen Skills will provide full details for the legal reasons for this decision. These may include that NextGen Skills believes:
- That giving access to the information would pose a serious threat to the life, health or safety of the individual, or to public health or public safety; or
  - Giving 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 or anticipated legal proceedings between NextGen Skills and the individual, and would not be accessible by the process of discovery in those proceedings; or
  - Giving access would reveal the intentions of NextGen Skills in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
  - Giving access would be unlawful; or
  - Denying access is required or authorised by or under an Australian law or a court/tribunal order; or
  - Both of the following apply:
    - NextGen Skills has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to NextGen Skills functions or activities has been, is being or may be engaged in;

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- Giving access would be likely to prejudice the taking of appropriate action in relation to the matters; or
  - ix. Giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
  - x. Giving access would reveal evaluative information generated within NextGen Skills in connection with a commercially sensitive decision-making process.
- c) When dealing with requests for access to personal information, NextGen Skills will:
- i. Respond to request for access within 30 days of the request, if from an individual, and within a reasonable time, if the request is from an organisation; and
  - ii. Provide access to the information in the manner requested, if it is reasonable and practicable to do so.
- d) NextGen Skills does not charge a fee for access to personal information. The exception is re-prints of certification documentation previously supplied.
- e) With regard to the correction of personal information held:
- i. should NextGen Skills be satisfied that information is inaccurate, out of date, incomplete, irrelevant or misleading, NextGen Skills will take such steps as reasonable to correct the information to ensure that, having regard to the purpose for which it is held, the information is accurate, up-to-date, complete, relevant and not misleading.
  - ii. Should NextGen Skills refuse to correct information, NextGen Skills will give written notice to the individual that sets out:
    - The reason for refusal
    - The mechanisms available to complain about the refusal; and
    - Any other matter prescribed by the regulations.

#### 4. NextGen Skills Responsibilities

The NextGen Skills Training Manager ensures that all employees are made aware of this policy and its underpinning legislative requirements, and comply with this policy at all times.

The NextGen Skills Training Manager ensures that all clients have access to and awareness of this policy.

#### 5. Records Management

All personal information and records are maintained in accordance with the **Records Management Policy**.

#### 6. Monitoring and Improvement

The NextGen Skills Training Manager monitors all Privacy practices and any areas for improvement are identified and acted upon. (See **Continuous Improvement Policy**)

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