



PRIVACY POLICY

Purpose

The purpose of the current Privacy Policy is to establish a framework for how the AILC will comply with the *Privacy Act 1988* (Commonwealth) and subsequently the thirteen Australian Privacy Principles (APPs) outlined in Schedule 1 of the Privacy Amendment (Enhancing Privacy Protection) Act 2012, the National VET Data Policy 2018 and the Data Provision 2012 requirements.

This policy has been designed to communicate the personal information handling practices of the AILC to both employees and students, and to enhance the transparency of the AILCs operations in the type of personal information the AILC collects and stores from our learners.

Definitions

Personal Information is defined as information or an opinion about an identified individual, or an individual who is reasonably identifiable regardless of

- i. Whether the information or opinion is accurate and
- ii. Whether the information or opinion is recorded in material (electronic or otherwise) form or not.

Sensitive Information is defined by the *Privacy Act* as information or an opinion about an individual's racial or ethnic origin, political expressions, membership of political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional trade or association, membership of a trade union, sexual orientation or practices or criminal records. As defined by the *Privacy Act 1988*, sensitive information is additionally: health information about an individual, genetic information that is not otherwise classified as health information and biometric information and templates.

Solicited Information is personal information received by an APP entity where the APP entity has taken active steps to collect the information and may not involve direct communication between the entity and an individual. An entity 'solicits' personal information if the entity requests another entity to provide the personal information, or to provide a kind of information in which personal information is included.

Scope

This Privacy Policy applies to personal and sensitive information collected by the AILC. The AILC's Privacy Policy provides a clear overview of how the AILC handle collected personal information in accordance with the *Privacy Act 1988*.

CEO

The CEO is ultimately responsible for the management of personal information within the agency. The CEO has authorised this policy. The CEO promotes compliance with this policy and delegates responsibility for the operational planning and running of personal information management to the Operations Manager.

Management

Senior executive officers/managers are responsible for the visible support of, and adherence to, this Privacy Policy by promoting a culture of compliant handling of personal information. The Operations Manager is responsible for ensuring personal information is collected, stored and accessed in accordance with regulatory requirements, the National Data Policy and the current Privacy Policy.

Legislation

This policy has been designed in accordance with the *Privacy Act 1988* and the National VET Data Policy 2018 that prescribes and mandates the way organisations collect, manage, use, secure, disclose and dispose of personal and sensitive information.

The Privacy Amendment (Enhancing Privacy Protection) Act 2012 introduced significant changes to the Privacy Act, including 13 APPs that apply to the handling of personal information. As an Australian Not-for-profit organisation, the AILC is obliged to comply with the *Privacy Act 1988* and subsequently, the 13 APPs.

Policy

The AILC's Privacy Policy covers the treatment of personal information or personally identifiable information that may be collected or submitted when using the AILC website or its services.

This policy only applies to AILC databases and files and does not cover any State, Territory or Commonwealth Government database or file that is not under AILC supervisory control. You are advised to contact the relevant government agency for a copy of the relevant Privacy Policy.

AILC personal information handling practices

Collection

The AILC collects personal information to properly and efficiently carry out its services. The AILC will only collect personal information for purposes that are directly applicable to the AILC's functions and services to provide you, as the client, with access to training and associated services.

The AILC collect personal information in writing with your consent via the completion of a relevant form. Whilst you have the right to refuse to provide personal data, if you choose to do so, unfortunately the AILC may not be able to:

- i. Provide the service or product that has been requested
- ii. Enter into a business relationship with you

The AILC will only collect personal information that is required for the purposes of employment or education, or in meeting government reporting requirements. Personal information that is collected will only be used for the specific purposes that were initially stated on collection.

The AILC will additionally collect personal information from you via the use of the AILC website. Information about who has accessed the AILC website may be collected, however the objective of this collection is to identify overall use patterns and does not attempt to identify individual users. In line with this, cookies may be collected. Cookies do not contain identifiable information. You may, at any time, disable or refuse to accept cookies by changing settings on your web browser. Please be advised if you do turn off cookies, some functionality of the AILC website may be lost.

The AILC has a unique client base, in that many of our Indigenous clients are based in remote locations and contact with them is managed through employer or community-based groups. In these instances, AILC may solicit personal information indirectly from these parties.

If the AILC receives personal information that was not requested (unsolicited) from a party other than yourself, the AILC will make a determination on whether the information needs to be retained in order to provide our services to you as previously explained, or whether the information can lawfully be destroyed or de-identified.

Types of personal information collected

The type of information the AILC collects is classified by current legislation as personal and sensitive. The AILC will collect personal information including names, organisation, position, address, telephone and email details, employment and educational histories, referee reports, date of birth and marital status.

The Privacy Notice at Schedule 1 of the National VET Data Policy sets out privacy information a learner needs to know before they enrol with the AILC. The AILC is responsible for providing this Privacy Notice to learners, usually as part of the enrolment process.

As mentioned previously, the AILC will only collect personal information where it is reasonably necessary for AILC functions or services to you.

The types of sensitive information the AILC may collect from you include:

- ‘Disability’ and ‘long-term impairment status’, ‘Indigenous status’, ‘language spoken at home’, ‘proficiency in spoken English’, ‘country of birth’ (implies ethnic/racial origin). This information is specified in NCVET statistical data elements and is collected for national data reporting requirements.
- ‘Dietary requirements’ (health-related) are collected for event catering purposes only.
- Biographical information, which may contain information on ‘affiliations’ and ‘membership of a professional or trade association’ are obtained from key note speakers for event marketing purposes and for training consultants involved with service delivery for the AILC.

- ‘Health and work injury information’ relating to the impact for yourself as a client using AILC services and our ability to provide a service to you without breaching a Duty of Care.

No sensitive information will be collected without your explicit consent.

Use and disclosure of personal information

The AILC will endeavour to ensure that your personal information remains confidential and secure and is only used for the primary purposes for which it was collected. Personal information will only be used for secondary purposes in instances you would reasonably expect, or where we have advised you.

The AILC will not disclose, reveal, sell, share or pass your information onto a third party, without your express permission. The AILC does not sell its mailing lists to third parties for marketing purposes.

In some instances, the AILC will need to provide personal information to third party entities.

For example, the AILC is bound by government regulators to collect personal data for mandatory statistical reporting. Third party entities that the AILC may provide personal information to include:

- Australian Skills Quality Authority (ASQA)
- The Department of Education and Training
- The Department of Social Services
- Department of the Prime Minister and Cabinet
- The National Centre for Vocational Education Research (NCVER)
- The Australian Taxation Office

The AILC will only pass on personal information to third parties to comply with Federal or State based legislation for the purpose of operation or Commonwealth contractual obligations.

If required to do so, the AILC may disclose personal information to law enforcement authorities as required or authorised under an Australian law or a court/tribunal order or where it is reasonable to do so if there has been a threat to life. AILC may disclose personal information if a criminal act or unlawful activity has been committed. In the presence of a permitted health condition or emergency that requires medical care, the AILC may additionally disclose personal information.

Direct Marketing

The AILC does not sell its mailing lists to third parties for marketing purposes and will not use your information for purposes of direct marketing unless you express permission for this to occur.

The AILC may use client testimonials on its’ website but will not identify you by name unless you have given prior permission.

Periodically, the AILC will send out newsletters and corporate event information to existing and previous clients and to businesses aligned with the AILC. If you do not wish to receive AILC newsletters and event information, please contact the AILC on (02) 6251 5770.

Government related identifiers

AILC does not adopt or disclose a government related identifier of an individual as its own identifier, unless AILC is authorised by law and prescribed by regulations to do so.

In the course of providing services as an RTO, the AILC may use a government related identifier. For example, the AILC uses contracted training staff who operate as sole traders and thus an Australian Business Number (ABN) will be collected for the purpose of contracting services.

Additionally, the AILC may collect government related identifiers, including Medicare number, Passport details or a Drivers licence in order to fulfil our obligations under Federal Law.

Data Quality

The AILC will take reasonable precautions to ensure that personal information collected is accurate, up to date, complete and relevant. If your contact details have changed, please call the AILC on (02) 6251 5770 to provide updated personal information.

Data Security

Personal information is held at the AILC in both electronic and paper format. Specifically, personal information is retained:

- For a period of time in hard copy archive, secured on site in a locked archive room.
- Periodically on AILC's systems and databases which are secured with individual user account passwords and user access privileges.
- On hard copy backup drives which are retained in the event of system failure or loss. All backup copies of these drives are held securely off site.
- AILC has adopted a clear desk policy at close of business for documents containing personal information.
- Paper documents containing personal information are disposed of in secure waste bins for destruction.

AILC will retain personal information for as long as required to do so to conduct business activities in line with Commonwealth legislation or other legal requirements. This may include the retention of some personal information for up to 30 years (for more information please see the AILC's Records and Information Management Policy).

As soon as personal information, or components of it, are no longer required, and it is lawful to do so, the AILC will take reasonable actions to destroy and/or de-identify information.

Complaints

If you wish to lodge a complaint about how the AILC handles personal information or if you believe a breach of the Privacy Act or National VET Data Policy has occurred, you can direct a complaint in writing to the AILC's CEO at enquiries@ailc.org.au. The AILC will endeavour to

respond within ten business days of receiving the complaint. If the AILC does not respond within this timeframe, please contact the Compliance Manager at Complaine@ailc.org.au.

Review

AILC's Privacy Policy came into effect on 14th October 2016 and will be revised and updated annually or as further legislative amendments occur.

Authorisation

The AILCs Privacy Policy has been approved by the Chief Executive Officer of the Australian Indigenous Leadership Centre.