



## PRIVACY POLICY

### PURPOSE:

BIT values and respects student's privacy. The institute collects personal information from students while dealing with course enquiries, admission and enrolment processes. Consequently, BIT has developed this Privacy Policy to ensure compliance with the **Australian Privacy Principles (APP)** which are set out in the Privacy Act 1988 that have recently replaced the National Privacy Principles 12th March 2014 and also to meet its obligations under the ESOS Act and the National Code 2007. A glossary has been provided at the end of the policy to provide more meaning to certain words used herein.

**The Australian Privacy Principles will replace the National Privacy Principles on 12<sup>th</sup> March 2014**

### SCOPE:

This policy applies to all BIT students previously enrolled, currently enrolled and prospective students who supply personal information with regards to course enquires and enrolments.

### APP 1 - OPEN AND TRANSPARENT MANAGEMENT OF PERSONAL INFORMATION

BIT is committed to managing personal information of its students in an open and transparent way and has developed procedures, practices and systems that ensure compliance to Australian Privacy Principles (APP) at all times.

### APP 2- ANONYMITY

BIT respects every student's right to anonymity except in circumstances where it is necessary for students to provide BIT with their identity or in circumstances where required by law.

### APP 3- COLLECTION OF INFORMATION:

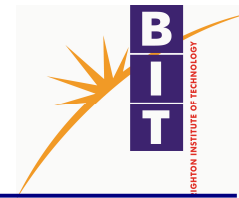
BIT may receive information that is both solicited (asked for) and that is unsolicited (not asked for but provided). Where it is unclear whether the information is solicited or unsolicited personal information, BIT shall err on the side of caution and treat the personal information as unsolicited personal information.

BIT will collect/solicit information by fair and lawful means which are necessary for it to function as an RTO and that enable BIT to deliver efficient and satisfactory service to its students. This information is gathered by way of forms and documents which students are required to fill in/complete during their application and enrolment process. As students progress through their course, BIT seeks feedback information from students by way of student surveys. Finally and importantly, students **MUST** advise the Department of Immigration and Border Protection (DIBP) and the institute every time they change their address. Even if students do not change their address they are still required to confirm their current address. The institute may also seek feedback at other times whenever deemed necessary.

### Type of information collected:

The information Brighton Institute of Technology (BIT) collects falls into the following categories:

- A. Personal information
- B. Sensitive Information



#### A. Personal Information:

We collect personal information necessary for BIT to provide efficient and satisfactory service.

- **student details:** full name, gender, date and country of birth and nationality; and once the student has established an address in Australia, the student's residential address;
- **course details:** the CRICOS course code, agreed starting date and if the student didn't begin the course when expected, the expected completion date, and any termination of the student's enrolment prior to the expected completion date; and any change to the identity or duration of the course;
- the **amount of money** BRIGHTON INSTITUTE (BIT) has received prior to issuing a CoE, and an estimate of the total amount the student will be required to pay to undertake the full course;
- whether the student has **paid for Overseas Student Health Cover** (OSHC) before the course starts;
- whether the student has undertaken a test to determine his or her level of understanding of **English**, the name of the test and the score the student received for the test;
- the **DIBP office where the application for a student visa was made** or is expected to be made; and if the student holds a **student visa**, the number of the visa; and once studying in Australia, the student's local DIBP office;
- if the student was in Australia when he or she became an accepted student, the student's **passport number**;
- any **breaches** of student visa conditions relating to attendance or satisfactory academic performance.

The authority to collect personal information is contained in the Education Services for Overseas Students Act 2000, the Education Services for Overseas Students Regulations 2001 and the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007.

#### B. Sensitive Information

BIT shall not collect information about a student that is of a sensitive nature unless

- a. The student consents to collection of such information and the information is reasonably necessary for one or more of BIT's functions or activities.
- b. The collection of information is required or authorised by or under an Australian law or a court/tribunal order
- c. A permitted general situation exists in relation to the collection of the information by BIT
- d. A permitted health situation exists in relation to the collection of the information by BIT

BIT acknowledges that inappropriate handling of sensitive information can have adverse consequences for a student or those associated with the student. Moreover, mishandling of sensitive information may also cause humiliation or embarrassment or undermine a student's dignity. Therefore at BIT we generally afford a higher level of privacy protection to *Sensitive information* than other personal information.

#### APP 4 - DEALING WITH UNSOLICITED PERSONAL INFORMATION

If BIT receives any unsolicited information it shall, within a 14 days of receiving the information, determine whether or not it could have collected the information had it solicited the information and if it is determined that BIT could not have collected the information and the information is not contained in the Commonwealth records, BIT will destroy the information or **de-identify** it as soon as practicable, if it is reasonable and lawful to do so.

#### APP 5 - NOTIFICATION OF COLLECTED INFORMATION:

Before, after or at the time of collecting the personal information, BIT shall notify students of the following matters:

- BIT' identity as an RTO and its address and contact details.
- If BIT has collected information that is not from the student but from some other source, the reason behind doing so.



- If collection of information is required or authorised by or under an Australian law or a court/tribunal order
- The purpose for collecting the information
- Consequences if any, for the student if some or all information is not collected.
- Bodies to which the personal information is disclosed
- Ways to access the privacy policy
- How to obtain copies of your personal information
- Access to complaints and appeals in case of breach of this policy
- Likelihood of disclosing personal information to overseas recipients
- If disclosing to overseas recipients, which countries and the name of recipients

#### **APP 6 - USE OR DISCLOSURE OF PERSONAL INFORMATION**

BIT shall only use the information for the primary purpose (original reason for collecting information) it was collected and not use or disclose information for a secondary purpose (any other purpose than the primary purpose) unless consented to by the student. BIT shall at all times make a written note of the use and disclosure.

The primary purpose of collecting personal information during the enquiry, admission and enrolment process is to allow the staff of BIT to provide students with information about study opportunities, program administration and academic information, to maintain proper academic records, develop effective training and assessment programs and to enable students to either RPL their qualification, or enrol and obtain a qualification.

Personal information about international students studying at BIT may be shared with the Australian Government, Victorian Government and designated authorities and, if relevant, the Tuition Protection Scheme and the ESOS Assurance Fund Manager for the purposes of:

- promoting compliance with the ESOS Act and the National Code;
- assisting with the regulation of providers;
- promoting compliance with the conditions of a particular student visa or visas, or of student visas generally; or
- facilitating the monitoring and control of immigration.

In other instances, the information collected can be disclosed without a student's consent where authorised or required by law. **(CRICOS National Code 2007, Standard 3.1d)**

#### **APP 7 - DIRECT MARKETING**

BIT may use or disclose personal information (other than sensitive information) for the purpose of direct marketing if:

- BIT collected information from a student and he/she expects BIT to use it for that purpose
- Student consented to the use and disclosure of the information or it is impracticable to obtain the consent.

#### **APP 8 - CROSS BORDER DISCLOSURE:**

BIT shall not transfer personal information about its students to any overseas student, company or organisation unless required to do so under relevant legislation and government directive and with the notification being provided to the student concerned.

In cases where required by law, BIT will take reasonable steps to ensure that the overseas recipient does not breach the Australian Privacy Principles (other than Australian Privacy Principle 1) in relation to the information before BIT discloses personal information about a student to the overseas recipient.



#### **APP 9 - ADOPTION, USE OR DISCLOSURE OF GOVT RELATED IDENTIFIER**

BIT shall not adopt, use or disclose any government related identifiers as its own identifiers unless an exception applies.

An identifier is a number, letter or symbol, or a combination of any or all of those things, that is used to identify the student or to verify the identity of the student. A government related identifier is an identifier that has been assigned by an agency, a State or Territory authority, an agent of an agency or authority, or a contracted service provider for a Commonwealth or State contract.

The following are given as examples of government related identifiers:

- Medicare numbers
- Centrelink Reference numbers
- driver licence numbers issued by State and Territory authorities
- Australian passport numbers.

Where an identifier is personal information, it must be handled in accordance with the APP.

#### **APP 10 - QUALITY OF PERSONAL INFORMATION**

Handling poor quality personal information can have significant privacy impacts for students studying at BIT.

Therefore at BIT, we take reasonable steps to ensure the quality of personal information is accurate, up-to-date and complete and relevant at two distinct points in the information handling cycle. The first is at the time the information is collected. The second is at the time the information is used or disclosed. Regular reviews, at other times, also assist in ensuring the information is accurate, up-to-date, complete and relevant at the time it is used or disclosed.

#### **BIT has adopted the following practices to maintain the quality of personal information:**

- Use of computerised student information management system- **PowerPro** at BIT, records student information from the very first day the student is enrolled.
- Use of similar application forms- whether student applies online or at BIT office, ensures personal information is collected and recorded in a consistent format.
- All forms and documents are thoroughly checked and verified by the staff receiving the forms to ensure all information provided is current, relevant, up-to-date, accurate and complete.
- 'Change of personal details' form available on **BIT website [www.bit.edu.au](http://www.bit.edu.au)** and also available at BIT reception provides students with a simple means to review and update their personal information on an on-going basis.
- Constant reminders to students by trainers and staff to update their personal information each time they engage with the students.
- Contacting the students to verify the quality of personal information when it is used or disclosed, particularly if there has been a lengthy period since collection.

#### **APP 11- SECURITY OF PERSONAL INFORMATION**

BIT shall take reasonable steps to protect personal information it holds from misuse, interference and loss as well as unauthorised access, alteration or disclosure. Information shall be destroyed or identifiers removed when it is no longer needed for either the primary or approved secondary purpose or the required retention period set by Commonwealth and State legislation has elapsed. BIT shall take reasonable steps to ensure the security of physical files, computers, networks and communications are maintained at all times.



#### **APP 12 - ACCESS TO PERSONAL RECORDS**

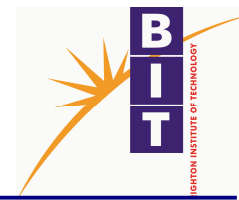
Students have the right to access or obtain a copy of the personal information that Brighton Institute of Technology holds about them. Requests to access or obtain a copy of personal information must be made in writing using the "Student Request Form" available at reception or at the BIT website [www.bit.edu.au](http://www.bit.edu.au).

There is no charge for a student to access personal information that BIT holds about them; however BIT may charge a fee to make a copy. Students will be advised of how they may access or obtain a copy of their personal information and any applicable fees within 14 days of receiving their written request.

Also refer to *Student's Access to records policy*.

#### **APP 13 - CORRECTION OF PERSONAL RECORDS**

- If BIT feels that a student's personal information held is inaccurate, incomplete, out of date, irrelevant or misleading OR if a student requests BIT to correct some of his/her personal information, BIT shall take reasonable steps to correct and amend the information, as the case may be.
- Where corrections to personal information have been made and disclosures to a third party were made in the past, and the student has requested notification to the third party of the corrected information, BIT shall take reasonable steps to notify them, as far as it is lawful and practicable to do so.
- Where a student requests that a record be amended because it is inaccurate but BIT finds that record is accurate, BIT shall refuse to correct the personal information and give the student a written notice stating the reasons for refusal and advising mechanisms to avail BIT's complaints and appeals process. If the student is still not satisfied with the outcome of BIT's complaints and appeals process, he/she can complain to the Information Commissioner under s 36 of the Privacy Act.



**GLOSSARY**

TERMS USED	MEANING
<b>Solicited personal information</b>	Information that has been asked for or requested by BIT by way of forms, applications, feedbacks, surveys etc
<b>Unsolicited personal information</b>	Any information provided to BIT that is additional to the information that has been requested by BIT Ex. if a student completes an application form provided by an entity but attaches health records that have not been requested by BIT, these will be treated as unsolicited personal information
<b>Sensitive information</b>	It is a subset of personal information and is defined as: <ul style="list-style-type: none"> <li>• information or an opinion (that is also personal information) about a student's                             <ul style="list-style-type: none"> <li>▪ racial or ethnic origin</li> <li>▪ political opinions</li> <li>▪ membership of a political association</li> <li>▪ religious beliefs or affiliations</li> <li>▪ philosophical beliefs</li> <li>▪ membership of a professional or trade association</li> <li>▪ membership of a trade union</li> <li>▪ sexual preferences or practices, or</li> <li>▪ criminal record</li> </ul> </li> <li>• health information about a student</li> <li>• genetic information (that is not otherwise health information)</li> <li>• biometric information that is to be used for the purpose of automated biometric verification or biometric identification, or</li> <li>• biometric templates</li> </ul>
<b>Health information</b>	<ul style="list-style-type: none"> <li>• information or an opinion, that is also personal information, about:                             <ul style="list-style-type: none"> <li>▪ the health or a disability (at any time) of a student, or</li> <li>▪ a student's expressed wishes about the future provision of health services to him or her, or</li> <li>▪ a health service provided, or to be provided, to a student, or</li> </ul> </li> <li>• other personal information collected to provide, or in providing, a health service, or</li> <li>• other personal information about a student collected in connection with the donation, or intended donation, by the student of their body parts, organs or body substances, or</li> <li>• genetic information about a student in a form that is, or could be, predictive of the health of the student or a genetic relative of the student</li> </ul>
<b>Key elements of consent</b>	<ul style="list-style-type: none"> <li>• the student is adequately informed before giving consent</li> <li>• the student gives consent voluntarily</li> <li>• the consent is current and specific, and</li> <li>• the student has the capacity to understand and communicate their consent</li> </ul>
<b>Seven permitted general situations</b> listed in s 16A of the APP:	<ul style="list-style-type: none"> <li>• lessening or preventing a serious threat to the life, health or safety of any student, or to public health or safety</li> <li>• taking appropriate action in relation to suspected unlawful activity or serious misconduct</li> <li>• locating a person reported as missing</li> <li>• asserting a legal or equitable claim</li> <li>• conducting an alternative dispute resolution process</li> <li>• performing diplomatic or consular functions – this permitted general situation only applies to agencies</li> <li>• conducting specified Defence Force activities – this permitted general situation applies only to Defence forces.</li> </ul>



<p><b>Five permitted health situations</b>          listed in s 16B of APP:</p>	<ul style="list-style-type: none"> <li>• the collection of health information to provide a health service.</li> <li>• the collection of health information for certain research and other purposes.</li> <li>• the use or disclosure of health information for certain research and other purposes.</li> <li>• the use or disclosure of genetic information.</li> <li>• the disclosure of health information for a secondary purpose to a responsible person for a student.</li> </ul>
<p><b>De-identification</b></p>	<p>Involves removing or altering information that identifies a student or is reasonably likely to do so. Generally, de-identification includes two steps:</p> <ul style="list-style-type: none"> <li>• removing personal identifiers, such as a student's name, address, date of birth or other identifying information, and</li> <li>• removing or altering other information that may allow a student to be identified, For example, because of a rare characteristic of the student, or a combination of unique or remarkable characteristics that enables identification.</li> </ul>
<p><b>Overseas recipient</b></p>	<p>A person who receives personal information from BIT and :</p> <ul style="list-style-type: none"> <li>(a) who is not in Australia or an external Territory; and</li> <li>(b) who is not any associate of BIT</li> <li>(c) who is not the student herself/himself to whom the information relates to</li> </ul>