

PO7.1 Privacy Policy

Effective Date: 1 November 2021

Policy Owner: Head of Legal & Compliance

Applies to: All Open Colleges RTOs

1. Purpose

OC appreciates that privacy is important to you. We are committed to handling your personal information in accordance with the Australian Privacy Principles set out in the *Privacy Act 1988* (Cth).

By using OC's websites and platforms, or otherwise providing us with your personal information, you consent to OC collecting, holding, using and disclosing your personal information as described in this Privacy Policy. If we are not able to collect, handle, use and disclose personal information about you as set out in this Privacy Policy, we may not be able to enrol you as a student, provide you with access to our website or platforms or engage with you.

2. Policy

2.1. What personal information do we collect?

In this Privacy Policy, **personal information** has the meaning given to it in the *Privacy Act 1988* (Cth), and includes information or an opinion, whether true or not, about an identified individual or an individual who is reasonably identifiable.

This information is collected where it is required for a legitimate and reasonable purpose and includes (in general):

- The personal information that you give to us e.g. when you submit an enquiry for course information, when you enrol with us (e.g. name, email, USI, demographics, address etc.), make payments, log in to OpenSpace, contact us (through OpenSpace forums, email, telephone or live chat), provide feedback or make a complaint, share content on any OC site or publicly share information about OC on social media. This includes any sensitive data that you have provided to us with your consent including information about visa status, racial or ethnic origin, your health or any disability and LLN proficiency
- Financial information, including credit card information and bank account details
- Data created during your enrolment including assessment records, progress, completion information and graduate status, and any other information collected from you through surveys or quality indicator data
- Data required by law for the purposes of reporting to Commonwealth, State and Territory government agencies for planning, evaluative, administrative and funding purposes
- Data collected from other educational institutions where necessary to verify qualifications and course credits for enrolment and assessment purposes
- Information from organisations where you may be completing work placement for your course
- Calls with OC are monitored and recorded for training, security and compliance purposes. All emails that you send to OC, as well as messages sent via OpenSpace or LiveChat, are recorded in OC's student management systems

2.2. How do we collect and hold personal information?

We generally collect personal information:

- from you directly when you provide information to us;
- from you indirectly through emails, forms, online queries, telephone conversations, Live Chat, and through use of functions on our websites, platforms (like OpenSpace) and social media channels (including personal information that is part of your profile on a social network and that you have made available to us);
- from third parties in some instances e.g. parties who analyse our website traffic, our social media channels which may use cookies. You can use your browser settings to control how your browser deals with cookies; and
- from public sources or from other third parties on your behalf e.g. a reference, academic record from another education institution or from your employer.

2.3. How do we protect personal information?

- We take reasonable steps to protect the security of personal information and use a variety of measures to keep your personal information confidential and secure, including restricting access to your personal information on a need to know basis and following appropriate security standards to protect your data.
- Our employees, contractors and agents are required to respect the confidentiality of personal information and the privacy of individuals and we provide training to our employees on this obligation.
- We take every reasonable step to ensure that your personal information is only processed for the minimum period necessary in connection with: (i) the purposes set out in this Privacy Policy; (ii) any additional purposes notified to you at or before the time of collection of the relevant personal information or commencement of the relevant processing; or (iii) as required or permitted by applicable law; and thereafter, for the duration of any applicable limitation period.
- Once your personal information is no longer required or required to be retained by law, we will de-identify it or destroy or delete it in a secure manner.

2.4. Why do we collect, hold, use and disclose personal information?

OC may use your personal information for the purposes disclosed at the time of collection, or as otherwise set out in this Privacy Policy. We will not use your personal information for any other purpose without first seeking your consent, unless authorised or required by law.

Generally, we will only collect, hold, use or disclose your personal information as follows:

- to conduct our business;
- to enable us to deliver VET courses to you, and otherwise, as needed, to comply with our obligations as an RTO, either directly or through any third party that we engage to deliver services, or to a work placement provider;
- to communicate with you, manage your enrolment and studies with OC, answer your queries and provide you with communications about OC and our products (including personalised targeted communications);

- to assess your entitlement to, and administer (including reporting) any entitlement to, financial assistance under Commonwealth programs for supporting students such as VET Student Loans (where applicable) or any State or Territory government-based funding programs.
- to verify to third parties to make enquiries of us about a student's completion of a course, or units in a course, subject to your consent having been provided;
- in order to help us comply with the law, to sell or transfer any relevant part of our business, to manage our systems and finances, to conduct investigations and to exercise legal rights;
- for direct marketing purposes, including keeping you informed of new products and services and new developments we consider may be of interest to you, unless you have opted out of these; and
- we may combine your personal information from all sources so that we can understand you better to improve and personalise your experience when dealing with us.

We may also use and/ or disclose your personal information for other purposes which you consent to or which are required or permitted by law. This may include for a secondary purpose that is related to a purpose for which we collected it, and for which you would reasonably expect us to use or disclose your personal information.

2.5. Who do we disclose your personal information to?

We limit the disclosure of your personal information to others. However, there are times when we do need to disclose your personal information for the purpose for which it was collected, and this is generally as follows:

- across the OC group of companies, and our related entities where this is required for our legitimate interests or with your consent;
- to our associated entities where they provide a service to us e.g. access to a learning management platform, which we will then use to deliver VET courses to you (as set out above);
- third parties engaged by us to provide services such as administering our websites, hosting and data storage, applications and services available to you, subject to appropriate protection;
- any party managing direct debit services for us, as well as credit reporting agencies/debt collectors, where permitted by the law;
- The National Centre for Vocational Education Research Ltd (NCVER) as part of our disclosure and reporting obligations (see below);
- relevant public agencies and authorities, if required to do so by law or a legitimate business interest, e.g. to those authorities with responsibility for administering and regulating education and training providers in Australia like Australian Skills Quality Authority (ASQA) or those who oversee funding and/ or financial assistance arrangements; and
- where we are required or authorised to do so by law.

If a third-party contact us on your behalf, we are unable to provide any of your personal information to them unless there is a Third-Party Authority in place from you.

2.6. Disclosure of personal information under the NVETR Act

We are required by law (under the *National Vocational Education and Training Regulator Act 2011* (Cth) (NVETR Act)) to disclose the personal information we collect about you to the National VET Data Collection kept by the National Centre for Vocational Education Research Ltd (NCVER). The NCVER is

responsible for collecting, managing, analysing and communicating research and statistics about the Australian VET sector.

We are also authorised by law (under the NVETR Act) to disclose your personal information to the relevant state or territory training authority.

How the NCVER and other bodies handle your personal information

The NCVER will collect, hold, use and disclose your personal information in accordance with the law, including the Privacy Act and the NVETR Act. Your personal information may be used and disclosed by NCVER for purposes that include populating authenticated VET transcripts; administration of VET; facilitation of statistics and research relating to education, including surveys and data linkage; and understanding the VET market.

The NCVER is authorised to disclose information to the Australian Government Department of Education, Skills and Employment (DESE), Commonwealth authorities, State and Territory authorities (other than registered training organisations) that deal with matters relating to VET and VET regulators for the purposes of those bodies, including to enable:

- administration of VET, including program administration, regulation, monitoring and evaluation
- facilitation of statistics and research relating to education, including surveys and data linkage
- understanding how the VET market operates, for policy, workforce planning and consumer information.

The NCVER may also disclose personal information to persons engaged by NCVER to conduct research on NCVER's behalf.

The NCVER does not intend to disclose your personal information to any overseas recipients.

For more information about how the NCVER will handle your personal information please refer to the NCVER's Privacy Policy at www.ncver.edu.au/privacy. If you would like to seek access to or correct your information, please contact OC in the first instance.

DESE is authorised by law, including the Privacy Act and the NVETR Act, to collect, use and disclose your personal information to fulfil specified functions and activities. For more information about how the DESE will handle your personal information, please refer to the DESE VET Privacy Notice at <https://www.dese.gov.au/national-vet-data/vet-privacy-notice>.

Tasmanian Students

The Office of Tasmanian Assessment, Standards & Certification (TASC) requires OC to disclose student data to them in addition to the data that we provide to NCVER. For more information on how TASC will handle your personal information, please refer to the TASC Personal Information Protection notice at <https://www.tas.gov.au/stds/pip.htm>

2.7. Website use, cookies and links

- OC will not collect any personal information from visitors to its websites except where visitors provide their personal information to us. Information provided through OC's websites will be collected, held, used and disclosed in accordance with this Privacy Policy.
- OC's websites use cookies. OC also directly, and through third-party services (including Google Analytics), collects and processes non-personal information provided to us by your browser (e.g. IP address, the website you came from, device type, time of access etc.) when you visit our website to undertake demographic analysis of visitors to our website and to display

advertisements on third-party websites. You can use your browser settings to control how your browser deals with cookies.

- OC may provide links to other websites operated by third parties. We make no representations or warranties in relation to the privacy practices of any third-party website and we are not responsible for any content on those websites. Access to such websites is governed by their own terms of use (including privacy policies).

2.8. Transferring personal information outside of Australia

We may disclose or process your personal information outside of the country in which you are based for the purposes set out in this Privacy Policy. When we disclose or transfer your personal information to other countries, we take reasonable steps to ensure that applicable laws are being followed.

2.9. How can you access and correct your personal information?

- If you share personal information with us, you have a right to (i) request access (i.e. to ask us what data we have about you, and obtain a copy), (ii) ask for changes to be made or (iii) to have the data deleted. This can be done by contacting us at privacy@opencolleges.edu.au.
- There is no charge for you to access your personal information that we hold however we may charge a fee to make a copy or if we need to compile information for you. We will notify you in response to a request if there will be fee payable.
- We may refuse access to information requested by you in certain circumstances, including if the information contains information about another person, the request relates to anticipated or existing legal proceedings, giving access would be unlawful, or for any other reason permitted by law.

2.10. Opting out of marketing communications

You can also opt-out of marketing communications at any time by clicking on the “unsubscribe” link provided in each email/SMS you might receive; or changing preferences by contacting Student Support on studentsupport@opencolleges.edu.au or info@ocschoolofhealth.edu.au (if you’re enrolled on campus with Open Colleges School of Health). Please note that you are not able to opt-out of emails/ SMS which are required as part of your enrolment or studies with OC.

2.11. Employee records

OC will collect certain personal information from individuals who make an enquiry about, or apply for a position with OC. The collection, use, and disclosure of this personal information will be governed by the principles of this Privacy Policy.

The Privacy Policy does not apply to employee records held by OC relating to any employees or former employees of OC.

2.12. Updates to this Privacy Policy

We may need to change this Privacy Policy as laws, business and technology changes. We encourage you to regularly review this Privacy Policy to make sure you are up to date with how OC is using your personal information. The most current version is always available on our website.

3. Contacting Us & Complaints

If you have any questions about privacy-related issues or which to complaint about a breach of your privacy or the handling of your personal information by OC, please contact our Privacy Officer at privacy@opencolleges.edu.au. We will consider and respond to your complaint within a reasonable period.

If we are unable to satisfactorily resolve your concerns about the handling of your personal information, then you can contact the Office of the Australian Information Commissioner (OAIC) on 1300 363 992 or enquiries@oaic.gov.au.

4. Related Legislation

- Standards for RTOs 2015
- *National Vocational Education and Training Regulator Act 2011* (Cth)
- *Privacy Act 1988* (Cth)

Version control

Policy Category	Corporate Policy				
Review Date	1/11/2024				
Version Control Changes					
Version	Authored By	Approved By	Description of Changes	Date Approved	Effective Date
1.0	Head of Legal & Compliance	Chief Financial Officer	Replacement of existing policy, new policy numbering	23 April 2021	1 May 2021
2.0	Head of Legal & Compliance	Head of Legal & Compliance	Updated to expanded disclosure associated entities	25 October 2021	1 November 2021