

## POLICY: S6.6

# PRIVACY OF STUDENT INFORMATION AND RECORDS

## 1.0 INTRODUCTION

### 1.1 Context

The Australian Institute of Management Education and Training (AIM) in the course of its business collects personal information and manages this information in accordance with the National Vocational Education and Training Regulator Act (2011), the Australian Vocational Education and Training Information Statistical Standard (AVETMISS), Privacy and Personal Information Protection Act 1998 (NSW), traineeship and apprenticeship contracts, the Health Records and Information Privacy Act 2002 (NSW) and the Privacy Act 1988 (Cth) where applicable.

### 1.2 Purpose

This Policy sets out how AIM generally collects, manages, uses and disposes, and discloses student personal information, and student rights in relation to that personal information.

### 1.3 Scope

This Policy and its Procedure apply to all students of AIM and Third-Party Partners (TPPs). It includes AIM students accessing a VET Student Loan (VSL) at AIM for approved courses.

This policy applies to all academic and non-academic AIM, TPP and volunteers, and members of Boards/Committees, including external members, (collectively referred to as 'staff' in this policy).

### 1.4 Scope Exceptions

This policy does not apply to the privacy of staff information and records. Refer to the Privacy of Staff Information and Records Policy and Procedure.

## 2.0 RESPONSIBILITIES

All those referred to under the Scope of this policy are responsible for complying with the terms of the policy.

## 3.0 POLICY

### 3.1 Principles

1. AIM complies with:
  - a. the Standards for Registered Training Organisations (RTOs) 2015 including the clauses related to compliance and reporting (clauses 8.5 and 8.6) and providing

- requested information to the Australian Skills Quality Authority (ASQA) (clauses 8.1 and 8.2).
- b. the VET Student Loans Act 2016 and VET Student Loans Rules 2016, and NSW Smart and Skilled obligations including the requirements relating to handling student information.
  - c. all relevant Commonwealth, State and Territory legislation and regulatory requirements relevant to its operations, including the Australian Privacy Principles set out in the Privacy Act 1988.
2. AIM is committed to and guided by principles of access, equity, fairness and ethical behaviour.
  3. AIM is committed to ensuring confidentiality and privacy in regard to the personal information of students, with the principle of minimum disclosure applied to all academic and administrative practices where a student's personal information is accessed.
  4. AIM upholds the right of students to know how their personal information is managed, used, stored and disposed of.
  5. AIM collects personal information on students to conduct business and comply with legislation. This includes personal information about:
    - a. students - including name, contact details, social media addresses, photographs, tax file numbers and other government related identifiers, grades and awards, prior studies, and information resulting from AIM processes involving a student (e.g., investigation for assessment appeals or complaints);
    - b. individuals - related to, or associated with, students (e.g., emergency contacts, medical practitioners), including name and contact details;
    - d. prospective students - including name, contact details, awards, prior studies and information resulting from selection and admission processes (e.g., recognition of prior learning).
  6. Personal information of students is used in a number of processes for AIM business operations, including:
    - admission and enrolment;
    - academic progress of students;
    - course and unit administration;
    - student finance administration;
    - provision of student services and student wellbeing;
    - mandatory reporting and disclosure to government departments and
    - discretionary reporting and disclosure to other external bodies.
  7. AIM may also use personal information for purposes such as marketing with consent, satisfaction surveys, and complaint and incident reporting.
  8. AIM may record virtual sessions for students to be able to review or for assessment purposes only.
  9. Use of images of students are only used with consent of each student in the image.

10. The confidentiality clauses in this Policy and the Privacy of Student Information and Records Procedure may be over-ridden by legal or legislated obligations of disclosure -
11. AIM is required by legislation to provide student personal information to government departments as follows:
  - a. regular administrative reporting to the Australian or State/ Territory government department that manages education and student support funding and programs; and
  - b. verification of eligibility of a student for Centrelink support.
12. AIM releases personal information about students in some other circumstances, and this includes:
  - a. the police, if there is a court order in place, or the student is considered to be at risk, or the student is causing risk to others at AIM or TPP's and cannot be managed except by the police.
  - b. the courts, in a civil action;
  - c. other education providers for assessment of eligibility for admission and/or recognition of prior learning; and
  - d. external student appeal agencies/ombudsman.
  - e. Commonwealth government and the VSL Tuition Protection Service, where the student has accessed VSL.
13. AIM does not release student personal information to external people, bodies or agencies including parents, spouses or other relatives or friends of the student, or to staff who have no need of the information, unless:
  - a. the student has given written permission to do so; or
  - b. AIM is required by law to do so; or
  - c. there is an immediate threat to life of the individual student or others.
14. AIM does not collect sensitive information - see Definitions - unless required to by law or the student has given their consent.
15. AIM protects student records from misuse, loss, disclosure and unauthorised access and confidentially disposes of student records as required by law.
16. Students may view and edit their personal records as outlined in the Privacy of Student Information and Records Procedure.
17. AIM respects an individual's right not to receive marketing material and provides an option within communications and on its website for individuals to unsubscribe from receiving marketing material. AIM conducts its marketing communications and dissemination of service information in accordance with Australian Privacy Principle 7 (Direct marketing), the Spam Act 2003 (in respect of electronic communications), and the Do Not Call Register Act 2006. It is not, however, AIM's practice to 'cold call' for the purpose of marketing its products and services.
18. Student complaints and concerns related to this Policy are managed in accordance with the *Complaints and Appeals Policy*.

## 4.0 DEFINITIONS

- **Australian Privacy Principles** - govern standards, rights and obligations around:
  - i. the [collection, use and disclosure](#) of [personal information](#)
  - ii. an organisation or agency's governance and accountability
  - iii. integrity and [correction](#) of personal information
  - iv. the rights of individuals to [access](#) their personal information.
- **Health Information** is defined in section 6 of the Health Records and Information Privacy Act 2002 (NSW).
- **Personal information** is defined in section 4 of the Privacy and Personal Information Protection Act 1998 (NSW), section 5 of the Health Records and Information Privacy Act 2002 (NSW) and section 6 of the Privacy Act 1988 (Cth).
- **Sensitive information:** information about an individual's racial or ethnic origin, political opinion(s), membership of a political association, religious beliefs or affiliations, physical or mental health status, disability, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, or criminal record.

## 5.0 REFERENCES AND ASSOCIATED INFORMATION

- Privacy of Student Information and Records Procedure
- Australian Privacy Principles (2014)
- Health Records and Information Privacy Act 2002(NSW)
- National Privacy and Personal Information protection Act NSW (1998)
- National Vocational Education and Training Regulator Act (2011)
- The Australian Vocational Education and Training Information Statistical Standard (AVETMISS),
- Privacy Act 1988 (Cth)
- Privacy Amendment (Enhancing Privacy Protection) Act 2012 (s6(1))
- Staff Code of Conduct
- Student Code of Conduct
- VET Student Loans Act 2016 and VET Student Loans Rules 2016

## 6.0 POLICY OWNERSHIP

Policy Owner	Executive Director AIM
Status	Reviewed on July 2022
Approval Authority	Chief Executive Officer
Date of Approval	20 September 2022
Effective Date	26 September 2022
Implementation Owner	Registrar
Maintenance Owner	VET Compliance and Operations Manager
Review Due	11 August 2025
Content Enquiries	Registrar- Sertan Can Email: <a href="mailto:scan@scentia.com.au">scan@scentia.com.au</a>

## 7.0 AMENDMENTS

Version	Amendment Approval (Date)	Amendment Made By (Position)	Amendment Details
S6.5	20 September 2022	VET Compliance and Operations Manager	Policy updated in accordance with revised Scenia governance approach
S6.6	4 October 2023	VET Compliance and Operations Manager	Addition of information related to VET Student Loans (VSL)