

## 1. Purpose Statement

TLC Learning is committed to protecting and maintaining the privacy and confidentiality of its personnel and clients in line with State and Federal Privacy legislation. TLC Learning complies with the Privacy Act 1988 including the ten National Privacy Principles.

The purpose of this privacy policy is to:

- Clearly communicate the personal information handling of TLC Learning
- Give staff and other individuals a better understanding of the sort of personal information that TLC learning holds
- Enhance the transparency of TLC Learning's operations

## 2. Scope

This policy encompasses all TLC Learning's electronic and hard copy versions of personnel and client records. TLC Learning will ensure a secure and effective information management system exists within the RTO to support the processes of communication, data storage, retrieval to enable the privacy and confidentiality of personnel and client records

## 3. Policy Statement

This policy focuses on TLC's Learning commitment to protecting the privacy of its personnel and learners and outlines the various ways in which it ensures this protection.

## 4. Implementation

### 4.1 Roles & responsibilities

#### 4.1a Chief Executive Officer

- Authorization of Privacy and confidentiality policy and all related procedures and documentation

#### 4.1b Chief Quality Officer

- Ensuring systems and processes are in place for compliance with all relevant legislative, regulatory and statutory requirements, professional standards and guidelines

#### 4.1c Chief Operating Officer, Chief Human Resources and Industrial Relations Officer & Chief Financial Officer

- Analyses better practice and audit reports to identify areas for improvement

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- Ensures systems and processes are in place to meet legislative privacy principles
- Ensure comprehensive review processes in place to monitor information management systems
- Contribute to approval of Privacy and Confidentiality procedures for TLC Learning

#### 4.1d Manager – TLC Learning

- Meet legislative requirements regarding ensuring the privacy and confidentiality of personnel and client records
- Maintain current effective documentation systems and administrative processes
- Policy, procedure and related documentation distribution to TLC Learning
- Implementation of Policy and relevant procedures
- Ensuring staff compliance with relevant policies, procedures and protocols through inductions and staff meetings

#### 4.1e Quality and Information Coordinator

- Review of Policy at a minimum of 2 years and/or in alignment with legislative or statutory changes

#### 4.1f All staff

- Keep informed of all relevant and current TLC Privacy and Confidentiality Policies and Procedures
- Attend staff meetings and induction and relevant mandatory training session

#### 4.2 Relevant stakeholders

- 4.2a Learners (including potential learners) clients and external stakeholders involved in TLC Learning

### 5. Definitions

**4.1a Personal information** – personal information is defined under the Privacy Act as information or an opinion about an identified individual, or an individual who is reasonably identifiable:

a) whether the information or opinion is true or not, and

b) whether the information or opinion is recorded in a material form or not

Examples of personal information include names, addresses, phone numbers and email addresses

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The definition of personal information only relates to “natural” persons. It does not extend to other “legal” persons, such as companies

## 4.1b Sensitive information

Under the Privacy Act, sensitive information is defined as:

a) Information or an opinion about an individual’s:

- Racial or ethnic origin
- Political opinions
- Membership of a political association
- Religious beliefs or affiliations
- Philosophical beliefs
- Membership of a professional or trade association
- Membership of a trade union
- Sexual orientation or practices, or
- Criminal records

That is also personal information; or

- Health information about an individual
- Genetic information about an individual that is not otherwise health information

## PROCEDURE

### 1. Related Policy Statement

This policy focuses on TLC’s Learning commitment to protecting the privacy of its personnel and learners and outlines the various ways in which it ensures this protection.

### 2. Procedural steps

#### 2.1 Collection of personal information - Staff

**2.1a** Staff personal information will be collected in accordance with TLC Learning’s HR policies and specific personal information relating to TLC Learning. Specific information may include Personal details, Taxation details, superannuation details, resumes, Certificate of Qualifications, Police and/or Working with Children checks if required

#### 2.2 Collection of personal information – Learners

**2.2a** TLC Learning is required to collect personal information from learners in order to process enrolments and obtain the information required to provide

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suitable training and assessment services. Where applicable, information may also be required to comply with AVETMISS standards as specified by Government regulators (NCVER).

- 2.2b** TLC Learning is required to collect personal information from learners in order to create a USI which will be linked to the national VET collection as per TLC Learning's **USI Policy**. This personal information, once collected will be discarded by the RTO when no longer required.
- 2.2c** TLC Learning is required to collect and retain personal information in order to collect or create a Victorian Student ID for learners under the age of 25. This personal information once collected will be discarded by the RTO when no longer required.
- 2.2d** Information collected includes general personal details and may include details of any disability or health issue that may affect the learner's ability to undertake training and/or assessment activities.
- 2.2e** TLC Learning will only collect personal information that is required for the purposes of employment or education, or in meeting both Federal and State Government reporting requirements.
- 2.2f** TLC Learning collects all personal information in writing from a personal details form, or an enrolment form and/or other forms required by TLC Learning which required the learner to provide personal details or directly from the person whom the information is about. (Where applicable information may be collected from the parent or guardian of a learner under the age of 18).
- 2.2g** Learners must advise TLC Learning of any changes to personal details. Learners are to advise of any changes by completing the Changes to Learner Details form. The Student Management system will be updated to reflect changes to personal details. Learner's changes to details are kept confidential and are filed in the Learner's file

## 2.3 Use and disclosure of personal information – staff

- 2.3a** TLC Learning uses personal information of its staff for the purposes of meeting employment requirements of TLC Learning.
- 2.3b** Personal information will not be used in any other way than those outlines in this policy, and any other ways that might be reasonably expected.

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## 2.4 Use and disclosure of personal information – learners

- 2.4a** TLC Learning uses personal information of its learners for the purposes of meeting VET requirements for the awarding of national qualifications, and to comply with reporting requirements where relevant as specified by Government regulators.
- 2.4b** Personal information as collected through the enrolment form or through other means will be passed onto Government regulators as per legal data collection requirements. This personal information may also be accessed for the purposes of an audit by Australian Skills and Quality Authority (ASQA).
- 2.4c** Personal information will not be used in any other way than those outlines in this policy, and any other ways that might be reasonably expected.

## 2.5 Access to personal information

- 2.5a** Staff and Learners are allowed to access to their personal files upon written request. Learners will be advised in writing by the Manager when they can access their files.
- 2.5b** Staff and Learners may access their files by submitting a ***Request to Access Records Form*** to the Manager – TLC Learning

## 2.6 Storage and security of personal information

- 2.6a** TLC Learning will take all reasonable steps to maintain the privacy and security of personal information
- 2.6b** Information stored electronically is kept on a secure server and access is restricted to authorized employees. The server is regularly backed up and kept in a secure location
- 2.6c** Paper based documents containing personal information are in a locked filing cabinet and held within a secure area within the RTO premises
- 2.6d** Where documents are required to be transferred to another location, personal information is transported securely in an envelope, folder or document bag
- 2.6e** Learner files are not permitted to be taken off site by staff and/or trainers/workplace assessors

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**2.6f** Reasonable steps will be taken to destroy or permanently de-identify personal information when it is no longer required for any purpose by placing in secure bins for shredding

**2.6g** Non active files are archived at a secure location for 7 years and electronic records are archived for 30 years

## **2.7 Confidential Information**

**2.7a** TLC Learning will make all reasonable efforts to protect confidential information received from clients or partner organizations during the course of business operations. This information will not be disclosed without the prior consent of the client or partner organization

## **2.8 Notification of Privacy arrangements**

**2.8a** Learners and Clients will be advised:

- Of TLC Learning's Privacy Policy via the website [www.tlclearning.edu.au](http://www.tlclearning.edu.au) and the Student Handbook
- Of TLC Learning's Privacy Statement Via the Student Handbook and Induction.
- Of TLC Learning's Privacy Declarations and consent forms via the enrolment process and Learner's Information handbook and Induction
- Consent to collect and create USI information via the consent form at induction and the Learner's Information Handbook

**2.8b** Learners will be required to read, acknowledge and understand the Privacy Notice outlined on the enrolment form by signing the declaration on the enrolment form.

**2.8c** Learners will be required to read, acknowledge, understand and consent to the RTO gathering personal information which will be used for the purposes of creating a USI by signing the Learners identifiers Registrars' Privacy Notice

## **2.9 Privacy Statement**

**2.9a** TLC Learning's Privacy Statement identifies the way in which personal information is handled – refer to Appendix A, the Learner Information Handbook and the website [www.tlclearning.com.au](http://www.tlclearning.com.au)

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## 2.10 Complaints

**2.10a** Learners who wish to make a complaint about a privacy matter are to refer to TLC Learning's ***Complaints and Appeals Policy*** and document their complaint on TLC Learning's ***Complaint Form*** and submit it to the Manager – TLC Learning. The complaint will be investigated as per TLC Learning's ***Complaints and Appeals Policy***.

## 3. Responsibilities

### 3.1 Chief Executive Officer

- Specific tasks or responsibilities of this person

### 3.2 General Manager

- Specific tasks or responsibilities of this person

### 3.3 Manager – TLC Learning

**3.3a** Ensures that TLC learning takes all reasonable steps to maintain the privacy and security of personal information

**3.3b** Provide staff and learners with information about TLC Learning's Privacy Policy, Privacy declarations and Statements and collection of USIs through Learner Information Handbooks, Inductions, access to the website

**3.3c** Collects personal information from Learners in order to:

- Process enrolments
- Generate USIs on behalf of Learners who have given their consent for TLC Learning to do so
- Comply with AVETMISS standards as specified by government regulators
- Create a Victorian Student Number for learners under the age of 25
- Meet Federal and State government reporting requirements
- Provide appropriate training and assessment services
- Make this information available to VET regulators during re-registration audits

**3.3d** Deals with any breaches to staff and learner privacy and confidentiality.

**3.3e** Deals with any complaints in regards to TLC Learning's Privacy procedures as per TLC Learning's ***Complaints and Appeals Policy***

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## 3.4 Staff

- 3.4a** To follow and adhere to TLC Learning's Privacy Policy and seek advice from the Manager – TLC Learning if unsure of any privacy issues relating to themselves and/or learners and clients

## 3.5 Learners

- 3.5a** Learners will be required to read, acknowledge and understand the Privacy Notice outlined on the enrolment form by signing the declaration on the enrolment form.
- 3.5b** Learners will be required to read, acknowledge, understand and consent to the RTO gathering personal information which will be used for the purposes of creating a USI by signing the Learners identifiers Registrars' Privacy Notice.
- 3.5c** Attend induction session prior to commencing their course where the Manager – TLC Learning will outline the Privacy Policy in regards to the collection of their personal information

## 4. Definitions and Abbreviations

- 4.1** Personal Information personal information is defined under the Privacy Act as information or an opinion about an identified individual, or an individual who is reasonably identifiable:

**a)** whether the information or opinion is true or not, and

**b)** whether the information or opinion is recorded in a material form or not

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## 4.2 Sensitive information

Under the Privacy Act, sensitive information is defined as:

**b)** Information or an opinion about an individual's:

- Racial or ethnic origin
- Political opinions
- Membership of a political association

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- Religious beliefs or affiliations
- Philosophical beliefs
- Membership of a professional or trade association
- Membership of a trade union
- Sexual orientation or practices, or
- Criminal records

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- Health information about an individual
- Genetic information about an individual that is not otherwise health information

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## APPENDIX A

### TLC Learning Privacy Statement

TLC Learning is committed to protecting the privacy of your personal information. This statement explains how we handle your personal information.

Where we use the words 'we' and 'us' in this document, it means TLC Learning.

#### Your Personal Information

In order to provide you with training and associated services we may need to collect personal information such as your name, address, employment history, job seeker identification number, qualifications, driver's license, police check, etc.

If you decline to provide your personal information, TLC Learning may not be able to:

- Provide the product of service you requested, or
- Enter into a business partnership/relationship with you.

#### Collection of personal information

Where practicable, we will endeavor to collect personal information directly from you.

Where services are provided on behalf of a Commonwealth and/or State Government, we may collect personal information from such Government departments and agencies, this includes collecting information to enable us to create a Unique Student Identifier on your behalf, and TLC Learning will obtain your written consent before undertaking this process.

For Victorian students under the age of 25 we will collect information from you which will allow us to obtain your Victorian Student Number (VSN) a requirement by the Victorian State Government.

We may also need to collect personal information from other third parties with or without your direct involvement or consent, such as an employer. However, this will not include sensitive information.

#### Use and disclosure

Every effort will be taken by us to ensure that the information you provide remains private and is used only for the purposes you agree to.

We will only disclose personal information to a third party where one or more of the following apply:

- You have given consent (verbal or written)
- It is authorized or required by law, or necessary for enforcement of law

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- It will protect the rights, property or personal safety of another person
- The assets and operations of the RTO business are transferred

## Access to personal information

You can access the personal information we hold on you, except when Government legislation requires or authorizes the refusal of access.

To access your personal information you will need to complete a Request to Access Records Form and describe the information you wish to view and submit it to the Manager – TLC Learning. You will also be required to provide proof of identification.

## Storage & Security

We will take reasonable steps to maintain the privacy and security of personal information. We ensure this by having security measures such as:

- Storing electronic information on a secure server with restricted access
- Storing paper-based documents securely on our premises

We will take reasonable steps to destroy or permanently de-identify personal information when it is no longer required for any purpose

## Resolving privacy concerns

If you wish to raise a concern about a privacy matter, please refer to Complaints and Appeals Policy and complete a Complaint/Appeals form and send it to the Manager – TLC Learning to investigate.

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