# **Privacy Policy**

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| Policy number | GENPO29 | Version | 1.1 |
| Drafted by | Sally Wynd | Approved by Board on | 28/3/2018 |
| Responsible person | Service Manager | Scheduled review date | 28/3/2019 |

**Purpose**

This Policy indicates the minimum standards required to protect the personal information of the management committee, staff, students, clients, stakeholders, volunteers and visitors. Eagles RAPS Inc. aims to protect absolute privacy and quality assurance for all people involved with the organisation.

Eagles RAPS Inc. is committed to following the *Privacy Act 1988*, the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* and the Australian Privacy Principles.

**Scope**

This policy applies to all areas of the organisation, all staff, all students/clients, all governance and all third parties involved with Eagles RAPS Inc.

**Policy**

Eagles RAPS Inc. collects a lot of personal information on its staff, students/clients, volunteers, management committee and other stakeholders. This policy is aimed at ensuring this information is appropriately and effectively protected and that all parties are aware of why we are collecting this information and what we will do with it.

**AUTHORISATION**

SIGNED: Marten Wynd, President/Public Officer 

DATE: 27 March 2018

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| --- | --- | --- | --- |
| Procedures number | GENPR29 | Version | 2.1 |
| Drafted by | Sally Wynd | Approved by Board on | 28/3/2018 |
| Responsible person | Service Manager | Scheduled review date | 28/3/2019 |

**Responsibilities**

* It is the responsibility of the Service Manager to implement this policy and ensure that all staff are aware of it.
* It is the responsibility of the Service Manager to ensure that all trainers, assessors, workers, volunteer and students/clients are fully aware of this policy.
* It is the responsibility of the Service Manager to review this Policy at least on an annual basis.
* It is the responsibility of the Service Manager to monitor the storage of personal information to ensure compliance with the legislative requirements.

**Procedure**

Eagles RAPS Inc.’s Privacy Policy seeks to:

* Ensure that personal information is collected, stored and used in accordance with the *Privacy Act 1988*.
* Ensure that personal information is protected;
* Ensure that only relevant personal information, which is collected to provide services and product, is collected;
* Ensure that all personal information collected is accurate and up-to-date;
* Ensure that consent is obtained to collect sensitive information;
* Ensure that all reasonable steps are taken to make an individual aware of:
  + Why the information is collected;
  + Who might see the information; and
  + Other specified matters.
* Ensure that all personal information is permanently destroyed or de-identified if we no longer need to keep it;
* Ensure that personal information collected for the purpose of continuous improvement is de-identified;
* Ensure that individuals understand that we may be required to provide personal information to designated authorities, including the Australian Government as required by law.

**Terminology**

**Personal Information** means “personal information” as defined in the *Privacy Act 1988*. This may include individual’s name, address, billing information, contact telephone number, email address or photograph.

**Products and services** means any product or service, provided to students/clients, staff or other stakeholders in the normal course of Eagles RAPS Inc.’s functions and activities.

**Approved Third Parties** includes external services where permission has been given by the individual to share certain personal information.

**Breaches of Privacy**

All instances of breach of this policy must be reported to the Service Manager in the first instance. If no resolution is reached, details of the alleged breach will be reported to the President of the Management Committee.

**Discipline for Breach of the Privacy Policy**

Breach of this Policy will result in disciplinary action and/or termination of employment.

Breach of this policy by students will be treated as student misconduct, and investigation and subsequent action will be as per the Student Misconduct Policy. This may result in cancellation of enrolment and exclusion from Eagles RAPS Inc.

**Confidentiality**

Unauthorised disclosure of information held by Eagles RAPS Inc. is prohibited and may result in termination of employment or exclusion from Eagles RAPS Inc. All records and information referencing personal information must be managed in accordance with the Records Management Policy.

**Australian Privacy Principles (APP)**

Australian Privacy Principle 1 – Open and transparent management of personal information

All information collected by Eagles RAPS Inc. is for the purpose of providing a high quality service to all stakeholders.

The kind of information collected and held by Eagles RAPS Inc. on stakeholders may include:

* Full name
* Date of birth
* Contact details
* Educational background

**For students/clients**, this information may be collected through direct discussion, enrolment forms, or when using services and activities provided by Eagles RAPS Inc.

**For staff** this information may be collected when speaking with another staff member or in written/online communications.

**For other stakeholders** this information may be collected when speaking with staff or through written or online communications.

When enrolments into courses or recruitment of staff are carried out, Eagles RAPS Inc. is obligated to collect certain data for government reporting.

This includes who participants are; where they study or work and what they study or their role. This includes:

* Age, sex and other demographic information;
* Indigenous and disability information;
* Geographic location;
* Type of provider;
* Location of training delivery;
* Enrolments in units of competency, as part of a qualification, and modules as part of courses;
* How it was studied;
* How it was funded;
* The results obtained for unit/module;
* Role of Eagles RAPS Inc.;
* Educational background relevant to working at Eagles RAPS Inc.;
* Experience relevant to working at Eagles RAPS Inc.;

Attendance at events or training/education sessions and progress through study is also kept on record.

When collecting personal information, Eagles RAPS Inc. will take reasonable care to inform the individual of the following:

* How the individual may obtain access to their personal information;
* Purposes for which the information was collected;
* To whom the personal information is disclosed;
* Consequences if the individual does not provide all of their personal information requested.

Where situations may be photographed, permission must be granted before they can be included in the photograph or video.

A**ustralian Privacy Principle 2 – Anonymity and pseudonymity**

The provision of personal information is voluntary, and as such potential and current stakeholders may choose to remain anonymous or use a pseudonym.

Eagles RAPS Inc. will give individuals the option of not identifying themselves when it is lawful and practicable to do so.

Eagles RAPS Inc., however may not be able to offer appropriate products and services which a stakeholder may request without the required and correct personal information.

**Australian Privacy Principle 3 – Collection of solicited personal information**

* All information collected by Eagles RAPS Inc. is for the purpose of providing a high quality service.
* Only the personal information required to provide services and products is collected;
* The collection of information is conducted in a lawful and fair manner and in a way that is not unreasonably intrusive;
* Eagles RAPS Inc. does not actively collect information which is “sensitive” but may collect “sensitive” information by consent if it is volunteered.

Sensitive information

Under the *Privacy Act 1988*, “sensitive information” is defined as: “information that is protected against unwarranted disclosure” and is information that can be used on its own or with other information to identify, contact or locate a single person, or to identify an individual in context.

Eagles RAPS Inc. collects minimal data classified as sensitive information. All sensitive information is collected and stored in compliance with other personal information as it relates to the Australian Privacy Principles.

**Australian Privacy Principle 4 – Dealing with unsolicited information**

If Eagles RAPS Inc. receives personal information that it did not solicit, it will determine whether the information could have been collected under the Australian Privacy Principle 3.

If it is determined that the information gathered could have been obtained through normal solicited means, then the information must be managed as per Australian Privacy Principle 3.

Where Eagles RAPS Inc. determines that it could not have collected the personal information it will, as soon as practicable but only if it is lawful and reasonable to do so, destroy the information to ensure that the information is de-identified.

**Australian Privacy Principle 5 – Notification of the collection of personal information**

At or before the time or, if that is not practicable, as soon as practicable after, Eagles RAPS Inc. collects personal information about an individual, it must take such steps (if any) as are reasonable in the circumstances to inform the individual of the following:

* The identification of the RTO and its contact details;
* If Eagles RAPS Inc. collects or has collected the personal information from someone other than the individual and the circumstances of that collection;
* If the collection of the personal information is required or authorised by or under an Australian law or a court/tribunal order – the fact that the collection is so required or authorised (including the name of the Australian law, or details of the court/tribunal order, that requires or authorises the collection);
* Purposes for which the personal information is collected;
* Consequences (if any) if the individual does not provide all of their personal information requested;
* To whom any personal information will be disclosed;
* How to access this policy to ensure they are aware of their right to access their information, where and how that information is stored, how to complain if a person feels their privacy has been breached and if and to whom the information may go overseas.

**Australian Privacy Principle 6 – Use or disclosure of personal information**

The following guidelines apply for use and disclosure of information:

* The ‘primary’ purpose for collection of data is always made clear;
* Consent for secondary purposes may be obtained at the same time of gathering information for the primary purpose or by future call/contact.

Personal information may be used for secondary purposes, which include direct marketing, follow-up, relationship development and promotion of Eagles RAPS Inc. and journal publication.

If the information is used for secondary purposes, the secondary purpose must relate to the primary purpose of collection, and if the personal information is sensitive information, directly relate to the primary purpose of collection; and

* The individual would reasonably expect the organisation to use or disclose the information for the secondary purpose; or
* The individual has consented to the use or disclosure; or
* If the information is not sensitive information and the use of the information is for the secondary purpose of direct marketing:
  + It is impracticable for Eagles RAPS Inc. to seek the individual’s consent before that particular use;
  + The individual has not made a request to the organisation not to receive direct marketing communications (opt out); and
  + Eagles RAPS Inc. procedures and guidelines on direct marketing are complied with.

**Australian Privacy Principle 7 – Direct Marketing**

As outlined under Privacy Principle 6, Eagles RAPS Inc. may use the personal information it gathers to direct market. This secondary use of information is made clear to each individual; the individual would therefore reasonably expect this contact and ‘opt out’ or unsubscribe opportunities are simple should they wish to opt out of this service at no charge to the individual.

**Australian Privacy Principle 8 – Cross-border disclosure of personal information**

Eagles RAPS Inc. will only transfer personal information about an individual to someone (other than within the organisation or the individual) who is in a foreign country if:

* The organisation reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the National Privacy Principles; or
* The individual consents to the transfer; or
* The transfer is necessary for the performance of a contract between the individual and the organisation, or for the implementation of pre-contractual measures taken in response to the individual’s request; or
* The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the organisation and a third party; or
* All of the following apply:
  + The transfer is for the benefit of the individual;
  + It is impracticable to obtain the consent of the individual to that transfer;
  + If it were practicable to obtain such consent, the individual would be likely give it; and
  + Eagles RAPS Inc. has taken reasonable steps to ensure that the information, which is transferred, will not be held, used or disclosed by the recipient of the information inconsistently with the Australian Privacy Principles.

**Australian Privacy Principle 9 – Adoption, use or disclosure of government related identifiers**

Eagles RAPS Inc. does not adopt or disclose any government related identifier of an individual as its own identifier of the individual unless the adoption of the government related identifier is required or authorised by or under an Australian law or a court/tribunal order; if:

* The identifier is prescribed by the regulations; and
* The organisation is prescribed by the regulations, or is included in a class of organisations prescribed by the regulations; and
* The adoption, use or disclosure occurs in the circumstances prescribed by the regulations.

In this Privacy Policy, Identifier includes a number assigned by an organisation to an individual to identify uniquely the individual for the purposes of the organisation’s operations. However, an individual’s name or ABN (as defined under Section 30 of the Australian Business Number Act 1999) is not an identifier.

Eagles RAPS Inc. does not employ as an identifier for an individual any identifier that has been assigned by:

* An agency; or
* An agent of agency acting in its capacity as agent.

**Australian Privacy Principle 10 – Quality of personal information**

Eagles RAPS Inc. will take all reasonable steps to ensure that the personal information it collects, uses or discloses is, having regard to the purpose of the use or disclosure, is accurate, up to date and complete.

Procedures undertaken to ensure data quality include:

* Regular training of all relevant stakeholders in use of the online options to update personal information.
* Verification of personal information during contact.
* Audit of any undeliverable email or mail (including relevant contact and updating).

**Australian Privacy Principle 11 – Security of personal information**

Eagles RAPS Inc. has implemented the following security safeguard and procedures to ensure individuals’ personal information are restricted from:

* Misuse
* Loss; or
* Unauthorised access, modification or disclosure.

All data is stored in either secure hard copy format in locked cabinets with limited and registered access, or electronically where access is restricted and password protected. Security safeguards presently in place include:

* Network access classes defined on a per user basis, with access level based on a ’need to know’ basis.
* General ledger access specified.
* Ability to lock-out all users.
* Confidential documents are stored nightly in a lockable area.
* Data is archived securely.
* Unique individual passwords for students and staff.

All records must be kept securely and confidential information must be safeguarded. Records must be kept to avoid fire, flood, termites or any other pests and be available when requirement by statutory authorities. A backup of all records must be kept.

All records are retained as per the Eagles RAPS Inc.’s Records Retention and Disposal Schedule and personal information is destroyed on expiry under that schedule.

**Australian Privacy Principle 12 – Access to personal information**

Eagles RAPS Inc. understands that open communication with individuals in relation to access to personal information is necessary to gain trust and to build a relationship.

In relation to Eagles RAPS Inc.’s Privacy Policy, giving access means that on request, and if none of the APP exceptions apply, Eagles RAPS Inc. must give an individual access to information it holds about the individual that falls within the definition of personal information. This includes information it has collected from third parties and information it has received unsolicited and added to its records.

According to Eagles RAPS Inc.’s Privacy Policy when individuals request information:

* They are not required to provide a reason
* All official requests for information must be in writing
* An identity check is undertaken
* Information is checked to ensure no information should be withheld (according to the Privacy Act 1988). Where access to certain details is to be withheld, reasons for this decision will be provided to the individual.
* Once the personal information is prepared and cleared for access, the information can be provided in the form most appropriate to the situation. This will take into account the intention expressed by the individual in his or her original request, and the de-identification of personal information relating to other parties where necessary.

The total time for processing a request for access to information should take no longer than 28 days from the time a request is received.

**Australian Privacy Principle 13 – Correction of personal information (Review and access)**

Where Eagles RAPS Inc. holds personal information about an individual and finds that, having regard to a purpose for which the information is held, the information is inaccurate, out of date, incomplete, irrelevant or misleading; Eagles RAPS Inc. will take reasonable steps to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up to date, complete, relevant and not misleading.

**Queries**

Any Privacy-related queries (including requests for access to information) should be addressed to:

The Service Manager

PO Box 458

Doonside NSW 2767

Email: sally@eaglesrpas.org

**Related Documents**

* Student Misconduct Policy
* Records Management Policy
* Australian Privacy Principles
* *Privacy Act 1988*

**AUTHORISATION**

SIGNED: Marten Wynd, President/Public Officer 

DATE: 27 March 2018

**Revision History**

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| **Revision** | **Date** | **Description of Modifications** |
| 1 | 28/2/22 | Only minor grammatical errors corrected. |
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