

## PRIVACY POLICY

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### 1.0 Purpose

The aim of the policy is to ensure that all activities undertaken in relation to the collection, use, storage and disclosure of personal information from individuals are compliant with state and federal registration and regulations/legislation.

### 2.0 Scope

This policy applies to all students and staff of the Engineering Institute of Technology (EIT) and persons seeking to enrol with EIT.

### 3.0 Objectives

In the course of its business, EIT will collect information from individuals, including but not limited to staff, students or persons seeking to enrol with EIT, either electronically or in hard copy format, including information that personally identifies individual users. EIT may also record various communications between individuals and EIT.

In collecting personal information, EIT will comply with the requirements of Schedule 1A of the Higher Education Support Act 2003, the VET Provider Guidelines, the VET Student Loans Act 2016 and the 13 Australian Privacy Principles (APP) set out in the Privacy Amendment (Enhancing Privacy Protection) Act 2012 which amends the Privacy Act 1988.

### **3.1. Types of Personal Information Collected**

The type of information collected by EIT includes, but is not limited to:

- Names
- Addresses
- Dates of birth
- Proof of identity e.g. passport, drivers' licence etc
- Nationalities
- Visa information
- Contact details
- Educational background
- Qualifications and experience
- Next of kin/emergency contacts
- Health information
- Course enrolment details and changes
- Credit card, bank account and other financial details
- The circumstances of any suspected breach of a student visa condition.
- Data collected from remotely invigilated assessments

The type of information automatically collected by EIT's websites includes, but it not limited to:

- Student computer's hardware
- Student computer's software
- Connection details
- Pages, documents and files accessed

### **3.2. Collection and Use of Personal Information**

EIT will only collect personal information by fair and lawful means such as is necessary for the functions of EIT and is committed to ensuring the confidentiality and security of the information provided.

The means by which such information is collected includes, but is not limited to:

- direct enquiries to EIT made by individuals or their authorised agents
- browsing an EIT affiliated website
- information collected by third parties
- information collected from EIT's website
- applications for enrolment and accompanying personal supporting documents

- information collected via critical incident reporting
- standard forms which students of EIT must complete at orientation and ongoing as required
- resumes forwarded by prospective staff members
- information collected from referees regarding potential employees
- standard employment and financial forms completed by staff upon appointment and ongoing as required.
- remotely invigilated assessments

Collection of such information is not necessarily carried out with the consent of the persons involved. Information will only be collected from the individuals concerned, a nominated education agent engaged by a student to represent him or her or, in the case of a student under the age of 18, a parent or legal guardian.

The personal information supplied by individuals to EIT will only be used to provide information about study opportunities, to enable efficient course administration, to maintain proper academic records and to staff EIT appropriately.

All direct marketing sent to individuals will include an option for the recipient to opt out of receiving marketing material from EIT.

If a prospective student chooses not to give EIT certain information, then EIT may be unable to enrol that person in a course or supply them with appropriate information. For the purpose of enrolling students, conducting teaching and learning activities and staffing EIT, anonymity and pseudonymity are not practicable.

Student consent will be sought to allow EIT to use any data collected for research purposes. This information will be held in accordance with the Australian Privacy Act 1988 (Cth).

### **3.3. Disclosure of Personal Information:**

#### **a) For Educational Related Purposes**

The information that an individual provides may be disclosed to organisations that run courses in conjunction with EIT.

Personal information about students studying at EIT (including domestic and international students) may be shared with the Australian Government and designated authorities, including, but not limited to, the Tuition Protection Scheme, the ESOS Assurance Fund Manager, TEQSA, ASQA, the Department of Education Skills and Employment (DESE), the Department of Home Affairs (DoHA), the Overseas Ombudsman, OSHC, the Australian Tax Office (ATO, and Centrelink. This information includes personal and contact details, course enrolment details and changes, and the circumstance of any suspected breach of a student visa condition.

EIT will not disclose an individual's personal information to another person or organisation unless:

- The individual concerned is reasonably likely to have been aware, or made aware, that information of that kind is usually passed to that person or organisation;
- The individual concerned has given written consent to the disclosure;
- EIT believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life and health of the individual concerned or of another person;
- The disclosure is required or authorised by or under Australian law; or
- The disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of public revenue.

The means whereby individuals are made aware of the types of information collected, the methods of collection and the circumstances under which disclosure of personal information may be necessary include, but are not limited to, publication of the policy on/in:

- EIT website
- EIT application form and acceptance of offer form
- EIT Staff Induction paperwork

EIT will supply the policy in another format to an individual upon request.

Information may be disclosed to overseas recipients such as parents, legal guardians or education agents, either with the consent of the individual concerned, or if EIT believes that the disclosure of information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body. In the case of students under the age of 18, consent to supply personal information to parents or legal guardians is not required.

#### **b) For Purposes of Law Enforcement**

Where personal information is disclosed for the purposes of enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the purpose of the protection of the public revenue, EIT shall include a note of the disclosure in the record containing that information. Any person or organization to whom personal information is disclosed, as described in this procedure, will be required not to use or disclose the information for a purpose other than the purpose for which the information was supplied to them.

**c) Breaches of the Australian Privacy Principles**

The Privacy Amendment (Notifiable Data Breaches) Act 2017 established the Notifiable Data Breaches (NDB) scheme in Australia. Under the NDB, there is an obligation to notify individuals whose personal information is involved in a data breach that is likely to result in serious harm. This notification must include recommendations about steps individuals should take in response to the breach. The Australian Information Commissioner must also be notified of eligible data breaches.

**Complaints**

If an individual believes a breach of the Australian Privacy Principles (APP) has occurred, he or she should contact EIT and/or access the complaints and appeals process by emailing [eit@eit.edu.au](mailto:eit@eit.edu.au) or by writing to:

The CEO  
1031 Wellington Street  
West Perth WA 6005  
Australia

The CEO will carry out an investigation of the complaint in accordance with the procedures outlined in the EIT's Complaints, Grievances and Appeals Policy and the Complaints, Grievances and Appeals Procedure.

If the complainant is not satisfied with the outcome, they may refer the matter to the Office of the Australian Information Commissioner at:

- Website: <http://www.oaic.gov.au/>; or
- Phone: 1300 363 992

**d) Personal Information Collected from Course Enquirers**

EIT will only use personal information about an individual (gathered via an enquiry about a course or enrolment information by the individual concerned) for subsequent direct marketing communications with the individual's consent and only in relation to its normal functions of informing potential students about courses and giving them enrolment information. An individual may request not to receive direct marketing communications from EIT by email, telephone or face to face means.

Information collected for this purpose will not be disclosed to other organizations.

**e) Security of Personal Information**

- ***Collection of information for purpose***

EIT will take all reasonable steps to ensure that any personal information collected is relevant to the purpose for which it was collected, is up to date and complete.

- ***Storage of personal information***

EIT will store securely all records containing personal information and take all reasonable security measures to protect personal information from loss, interference, unauthorised access, misuse, modification or disclosure. This is ensured via storage of records in hard copy form in lockable cabinets as well as by strictly restricting access to electronic records to authorised staff members only.

EIT uses a set of robust and best-practice security mechanisms to protect its information technology infrastructure and electronic records.

- ***Destroying personal information***

If EIT no longer requires personal information for any purpose for which the information may be used or disclosed and the information is not required under Australian law, such steps as are required to destroy or de-identify the information will be taken.

**f) Right to Access and Correct Records**

- ***Individual Rights***

Individuals have the right to access or obtain a copy of the personal information that EIT holds about them. Requests to access or obtain a copy of personal information must be made in writing via email to [eit@eit.edu.au](mailto:eit@eit.edu.au) or sent to:

The HR Manager  
1031 Wellington Street  
West Perth WA 6005  
Australia

If EIT has reason to refuse to give the individual access to their information, the reasons for the decision must be stated in writing and the individual must be given the option of accessing the complaints and appeals mechanism.

Reasons for refusing an individual access to their records include, but are not limited to:

- EIT believes that giving access would pose a serious threat to the life, health or

safety of any individual or to public health or public safety.

- Giving access would have an unreasonable impact on the privacy of other individuals.
- The request for access is frivolous or vexatious.
- The information relates to existing or anticipated legal proceedings between EIT and the individual.
- Giving access would be unlawful.
- Denying access is required or authorised by or under an Australian law.
- Giving access would be likely to prejudice the taking of appropriate action in the matter.
- Giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

- ***Accessing your personal information***

There is no charge for an individual to access personal information that EIT holds about them; however, EIT may charge a fee to make a copy. Individuals will be advised of how they may access or obtain a copy of their personal information and any applicable fees within 10 days of receipt of their written request.

- ***Correction of personal information***

If an individual considers their personal information to be incorrect, incomplete, out of date or misleading, he or she can request that the information be amended. Where a record is found to be inaccurate, a correction will be made.

Where an individual requests that a record be amended because it is inaccurate but the record is found to be accurate, the details of the request for amendment will be noted on the record and the individual will be informed of the outcome of the request in writing.

If the individual requests to associate with the information a statement that the information is inaccurate, out of date, incomplete or misleading, EIT must take reasonable steps to associate the statement in such a way that will be apparent to users of the information.

Where EIT corrects personal information about an individual that the entity previously disclosed to another Australian Privacy Principles (APP) organisation, EIT must take steps to give notification of correction of the information.

## 4.0 Definitions

Please refer to the EIT Glossary that can be found [here](#) for all definitions used in this document.

## 5.0 Related Documents:

- Admissions Policy.HE
- Admissions Policy.VET
- EIT04 Accurate and Accessible Information Policy
- EIT05 Learners are Informed and Protected Policy
- ICT Services and Facilities Use Policy.DS
- Records Management Policy.DS

## 6.0 Related Legislation

The following legislation is relevant to this policy, however not all are mandatory education providers:

- [\*Education Services for Overseas Students Act 2000 \(Cwth.\)\*](#)
- [\*Fair Trading Act 2010 \(WA\)\*](#)
- [\*Freedom of Information Act 1992 \(WA\)\*](#)
- [\*Higher Education Standards Framework \(Threshold Standards\) 2021 \(Cwth.\)\*](#)
- [\*Privacy Act 1988 \(Cwth.\)\*](#)
- [\*Public-Interest Disclosure Act 2003 \(WA\)\*](#)
- [\*Standards for Registered Training Organisations \(RTOs\) 2015 \(Cwth.\)\*](#)
- [\*Tertiary Education Quality and Standards Agency Act 2011 \(Cwth.\)\*](#)
- [\*VET Student Loan Act 2016 \(Cwth.\)\*](#)
- [\*VET Student Loan Rules 2016 \(Cwth.\)\*](#)

## 7.0 Accountabilities

The Governance Board is responsible for review and approval of this policy.

The policy is to be implemented via induction and training of staff and distribution to students and EIT's community via the website and other publications.