

PRIVACY POLICY

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Policy Lead	Chief Executive Officer / Principal
Approving Authority	Board of Directors
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Version	2024.1
Relevant legislation or external requirements	<p>National Code of Practice for Providers of Education and Training to Overseas Students 2018 (N: 3.3.6)</p> <p>Higher Education Standards Framework (Threshold Standards) 2021 (HESFs:7.3.1 a-d)</p> <p>Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act)</p> <p>Education Services for Overseas Students Act 2000 (Cth) (ESOS Act)</p> <p>Education Services for Overseas Students Regulations 2019 (Cth) (ESOS Regulations)</p> <p>Health Records and Information Privacy Act 2002 (NSW) (HRIP Act).</p> <p>Health Privacy Principles (HPPs) NSW https://www.ipc.nsw.gov.au/health-privacy-principles-hpps-explained-members-public</p> <p>Privacy Act 1988 (Cth)</p> <p>Privacy Act 1988 Schedule 1 Australian Privacy Principles</p> <p>Privacy Amendment (Enhancing Privacy Protection) Act 2012</p> <p>Privacy and Data Protection Act 2014</p>
Related ASA Documents	<p>Critical Incident Management Plan</p> <p>Critical Incident Policy</p> <p>Cyber Security Framework</p> <p>Cyber Security Procedure</p> <p>Discrimination, Bullying and Harassment Policy and Procedure</p> <p>Fraud Policy and Procedure</p> <p>Information Technology Policy and Procedure</p> <p>Records and Information Management Policy and Procedure</p> <p>Sexual Assault and Sexual Harassment Policy and Procedure</p> <p>Staff Code of Conduct</p> <p>Staff Induction Policy</p> <p>Staff Induction Procedure</p> <p>Student Grievance Policy</p> <p>Student Grievance Procedure</p> <p>Work Health and Safety Policy</p> <p>Work Health and Safety Procedure</p>

1. Purpose

The Australian School of Accounting (**ASA**) commits to its obligations under the *Privacy Act 1988* (revised) and the *Australian Privacy Principles (APPs)*.

This document describes how ASA collects, uses, discloses and handles certain information in compliance with the 13 APPs as required by the applicable Privacy Act.

1. Open and transparent management of personal information
2. Anonymity and pseudonymity

3. Collection of solicited personal information
4. Dealing with unsolicited personal information
5. Notification of the collection of personal information
6. Use or disclosure of personal information
7. Direct marketing
8. Cross-border disclosure of personal information
9. Adoption, use or disclosure of government related identifiers
10. Quality of personal information
11. Security of personal information
12. Access to personal information
13. Correction of personal information

It also details how interested parties may access personal information held by ASA about certain individuals and how they can lodge a complaint if they believe their privacy has been compromised.

2. Scope

This Privacy Policy applies to all personal information collected, used, stored and disclosed by ASA except information:

- in a publication that is available to the public;
- kept in a library, art gallery or museum for reference, study or exhibition purposes;
- which is a public record that is available for public inspection; or
- that is an archive within the meaning of the *Commonwealth Copyright Act 1968*.

3. Principles

ASA is bound by the APPs in Schedule 1 of the *Privacy Act 1988* (Cth). The APPs provide standards, rights and obligations in respect of how personal information is handled from collection, to use, disclosure, storage and access. ASA is required to be in compliance with regulations and laws of all Commonwealth and State jurisdictions in which it operates.

ASA's purpose for collection and storage of personal information includes:

1. providing and administering approved courses, including admission, enrolment, teaching, assessment and payments;
2. student services;
3. student relations;
4. alumni relations;
5. conducting surveys and benchmarking activities;
6. academic scholarly activity;
7. compliance with reporting requirements and administration of applicable laws and regulations of international students including under the *Education Services for Overseas Students Act 2000*, *Migration Act 1958* and the *Migration Regulations 1994*.

8. internal planning; and
9. promoting and marketing the services of ASA.

The personal information collected, held, used and disclosed is for legal obligations and internal ASA purposes. These include:

1. For students: to manage an individual’s admission, enrolment, financial arrangements and payments in relation to the course, health insurance, requirements with regard to English language proficiency, passport, student visa, breaches or suspected breaches of visa conditions; academic progress and performance and information that ASA is obliged by law to collect or report.
2. For employees, visitors and sub-contractors: to administer pay, entitlements, performance, research funding applications, access to ASA facilities and services, visa, immigration and taxation purposes and in relation to work health and safety, or rehabilitation and compensation matters.

4. Definitions

Term	Definition
health information	includes information or an opinion about the health, including an illness, disability or injury (at any time) of an individual that is also personal information.
Health Privacy Principles (HPPs) NSW	<p>The 15 Health Privacy Principles (HPPs) are the key to the Health Records and Information Privacy Act 2002 (NSW) (HRIP Act).</p> <p><i>Collection:</i></p> <ol style="list-style-type: none"> 1 Lawful 2 Relevant 3 Direct 4 Open <p><i>Storage:</i></p> <ol style="list-style-type: none"> 5 Secure <p><i>Access and accuracy:</i></p> <ol style="list-style-type: none"> 6 Transparent 7 Accessible 8 Amendment 9 Accurate <p><i>Use:</i></p> <ol style="list-style-type: none"> 10 Limited <p><i>Disclosure:</i></p> <ol style="list-style-type: none"> 11 Limited <p><i>Identifiers and anonymity:</i></p> <ol style="list-style-type: none"> 12 Not identified 13 Anonymous <p><i>Transferrals and linkage:</i></p> <ol style="list-style-type: none"> 14 Controlled 15 Authorised

Term	Definition
personal information	<p>is information or an opinion (including information or an opinion forming part of a database) about an identified individual, or an individual who is reasonably identifiable, whether true or not, and whether recorded in material form or not. This can include:</p> <ul style="list-style-type: none"> • an individual’s name, signature, address, phone number or date of birth • financial or credit information • government identifiers (eg passport number) • photographs, video or voice recordings • internet protocol (IP) addresses • facial biometrics • location information from a mobile phone
sensitive information	<p>Sensitive information is a type of personal information and includes information about an individual's:</p> <ul style="list-style-type: none"> • Health (including predictive genetic information) • racial or ethnic origin • political opinions • membership of a political association, professional or trade association or trade union • religious beliefs or affiliations • philosophical beliefs • sexual orientation or practices • criminal record • biometric information • biometric templates.
students	<p>Includes enrolled students, students who have been accepted for enrolment but who have not yet commenced.</p>

5. Policy Statement

ASA will collect information by lawful and fair means, which are not unreasonably intrusive, and are reasonably necessary to perform its functions and activities or to comply with the law. ASA will collect personal information through a variety of paper and electronic formats regarding its staff, students, and external clients. In collecting personal information ASA will comply with the requirements of the APPs set out in the Privacy Act 1988 (Cth) as amended by the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

5.1 Collection of Information

ASA will generally collect and may record personal information when an individual:

1. lodges an online enquiry;
2. applies for admission;
3. enrolls in a course;
4. applies for an extension, deferred exam or intermission of studies;
5. applies for employment;
6. attends an interview with ASA;
7. sends ASA an email;
8. completes any forms relating to study or work; and

9. communicates personal information in any other way to ASA in relation to study or work.

ASA will collect personal information directly from an individual and may also collect information legally from third parties, such as a family member who contacts ASA on an individual's behalf, from authorised agents acting on an individual's behalf, through other education providers or a publicly maintained record. Information is only collected from third parties where necessary to verify the information, where an individual has authorised in writing for the third party to act on their behalf, or where ASA is required by law. ASA will obtain an individual's permission to collect information from third parties except in emergency situations or when legally required to do so.

ASA will also collect cookie-derived information such as an IP address when an individual logs into the e-Learning system. This is done to maintain the connection and is not stored. Time and date of access is retained against an individual's e-Learning record and may be used to help manage study and academic progress for an individual.

If an individual refuses to provide relevant and requested personal information, ASA may not be in a position to continue any interaction with the individual.

5.2 Use and Disclosure of Information

ASA will only use or disclose personal information for the primary purpose for which it was obtained or collected, for any related secondary purpose that you would reasonably expect, or with an individual's consent, or as permitted or required by law or as authorised by the APPs.

ASA may use or disclose personal information (other than sensitive information) for direct marketing, but must only do so in accordance with the APPs.

ASA will only disclose health information in accordance with the *Health Privacy Principles*.

Some examples of how ASA uses personal information includes, but may not be limited to:

1. advising individuals about changes and/or matters affecting subject outlines, assessments, attendances, and other matters relating to the direct management and administration of their study;
2. managing and assisting an individual to achieve academic progress;
3. paying wages, superannuation and other employment benefits;
4. helping an individual resolve any issues that might affect their study or work;
5. inviting an individual to participate in non-study/work activities that ASA offers; and
6. inviting an individual to provide feedback on their teaching and learning or work experience.

The following are examples (but not limited to) where ASA discloses personal information for legitimate purposes:

1. acquiring products and services which an individual authorises ASA to purchase for them, such as overseas student health care;
2. offering and providing student support services (such as welfare related services, emergency and health services and complaints and appeals processes);
3. publishing examination and assessment results;
4. releasing academic details to another tertiary institution or tertiary admission centre if an individual applies to transfer their studies;

5. protecting a student or someone else from a serious and imminent threat to their life or health;
6. disclosure that is reasonably necessary for the enforcement of the criminal law; and
7. in the event of an emergency, requiring disclosure to police, hospital or medical personnel.

ASA may disclose personal information to third parties for the purposes set out in this *Privacy Policy*, such as:

- to a provider with whom ASA provides (or intends to provide or have provided) a course to an individual;
- an education agent;
- a person or body who sponsors an individual (if any);
- any person entitled to the information or to any person whom an individual has authorised to disclose their personal information to; or
- Australian Government departments responsible in the monitoring of international students.

ASA may also use and disclose information where required or authorised by law (meaning any Commonwealth, State or Territory law or the common law) or in accordance with the APPs.

5.2.1 Cross-border Disclosure

ASA may also disclose personal information to third party service providers, including across Australian borders or jurisdictions, whom ASA has retained to perform services on its behalf, such as software providers of the Student Management System, the Learning Management System, and video conferencing software for formal academic sessions. When ASA does this, it will only provide the service providers with such information as required to perform those services.

ASA may also disclose an individual's personal information to their nominated overseas education agent. ASA shall comply with the APP in respect of any disclosure of personal information to overseas recipients.

ASA may also use or disclose an individual's personal information if it reasonably believes that such disclosure is necessary.

5.3 Storage and access of information

ASA maintains personal information which may be stored in electronic and/or hardcopy form. ASA will take reasonable precautions to ensure that information is stored securely, is accurate and protected from misuse, loss, unauthorised access, modification or disclosure.

ASA staff are bound by confidentiality on the use of personal information and are required to respect the privacy of individuals and ASA has in place controls to protect personal information including managing access to ASA's premises, security access to ASA's computer networks and other security technology.

ASA may hold information about an individual while they are a student and before and after they are a student. Where information is no longer needed and no longer required to be retained under legislation, ASA will either destroy records containing personal information by reasonably secure means or de-identify the personal information.

Individuals may request access to information that ASA holds about them by submitting a written request with ASA. The request must be made by an individual personally, or by another person that the student has authorised in writing to make that request on their behalf. ASA may permit either inspection, note taking, copying or provide a print out of information, as it considers appropriate. Any request for access to personal information will be dealt within a reasonable period after the request is made and ASA may charge a reasonable fee for the cost of accessing and supplying the requested information. In limited circumstances permitted under APP, ASA may refuse access to your personal records. In those specific cases, an individual will be duly notified of the reason behind ASA's refusal to grant access.

5.4 Data maintenance

ASA takes reasonable steps to confirm the accuracy of information it holds about an individual. From time to time, ASA asks for updated information including that required by legislation. Individuals also have the right under APP to request corrections be made to any of their personal information that ASA maintains if, having regard to the purpose for which it is held, the information is incomplete, irrelevant, incorrect, out-of-date or misleading. ASA is, however, not obliged to update information it holds about an individual after they have ceased their connection with ASA.

5.5 Complaints

Concerned individuals may submit a complaint if they believe that ASA has breached the provisions of the Privacy Act 1988 and/or Australian Privacy Principles. Each breach will need to be dealt with on a case-by-case basis. All complaints and alleged breaches will be investigated by the CEO, or delegate, by sending an email to principal@asahe.edu.au and the complainant will be advised of the results.

6. Relevant HESFs

This Policy and the associated Procedure comply with Higher Education Standards Framework (2021) which specifies that:

Standard 7.3 Information Management [...]

3. Information systems and records are maintained, securely and confidentially as necessary to:
 - a. maintain accurate and up-to-date records of enrolments, progression, completions and award of qualifications
 - b. prevent unauthorised or fraudulent access to private or sensitive information, including information where unauthorised access may compromise academic or research integrity
 - c. document and record responses to formal complaints, allegations of misconduct, breaches of academic or research integrity and critical incidents, and
 - d. demonstrate compliance with the Higher Education Standards Framework.

7. Version Control

This Policy has been reviewed and approved by the Australian School of Accounting Board of Directors as at April 2024 and is reviewed every three years.

The Policy is published and available on the Australian School of Accounting website <https://www.asahe.edu.au/policies-and-forms/>.

Change and Version Control				
Version	Authored by	Brief Description of the changes	Date Approved:	Effective Date:
2024.1	Chief Executive Officer	Updated policy to include HESF references, changes in regulatory compliances. Benchmarked against 10 other Higher Education Providers.	26/04/2024	08/05/2024
Previous version archived. New Policy code and numbering system implemented.				
2.1		Board of Directors approval	04/11/2020	
1.0		Academic Board approval	16/06/2020	