

## PRIVACY POLICY

<b>Policy Code</b>	OPS13
<b>Policy Lead</b>	Chief Executive Officer / Principal
<b>Approving Authority</b>	Board of Directors
<b>Approval date</b>	18 February 2025
<b>Commencement date</b>	06 March 2025
<b>Next Review Date</b>	April 2027
<b>Version</b>	2024.3
<b>Relevant legislation or external requirements</b>	<p>National Code of Practice for Providers of Education and Training to Overseas Students 2018 (N: 3.3.6) 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) Education Services for Overseas Students Act 2000 (Cth) (ESOS Act) Education Services for Overseas Students Regulations 2019 (Cth) (ESOS Regulations) Health Records and Information Privacy Act 2002 (NSW) (HRIP Act). Health Privacy Principals (HPPs) NSW Privacy Act 1988 (Cth) Privacy Act 1988 Schedule 1 Australian Privacy Principles Privacy Amendment (Enhancing Privacy Protection) Act 2012 Privacy and Data Protection Act 2014 Privacy and Personal Information Protection Act 1998 (PIIP Act) NSW Privacy and Other Legislation Amendment Act 2024 Higher Education Support Act 2003 Higher Education Provider Guidelines 2023 Higher Education Administrative Information for Providers</p>
<b>Related ASA Documents</b>	<p>Privacy Procedure Critical Incident Management Plan Critical Incident Policy Cyber Security Framework Cyber Security Procedure Discrimination, Bullying and Harassment Policy and Procedure Fraud Policy Fraud Procedure Information Technology Policy and Procedure Artificial Intelligence Policy and Procedure Records and Information Management Policy and Procedure Sexual Assault and Sexual Harassment Policy and Procedure Staff Code of Conduct Student Code of Conduct Staff Induction Policy Staff Induction Procedure Student Grievance Policy Student Grievance Procedure Work Health and Safety Policy Work Health and Safety Procedure Work Integrated Learning Policy Work Integrated Learning Procedure Governance Charter</p>

## 1. Purpose

The ASA Institute of Higher Education (**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. administering work integrated learning (**WIL**) arrangements;
3. student services;

4. student relations;
5. alumni relations;
6. conducting surveys and benchmarking activities;
7. academic scholarly activity;
8. 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*, *Migration Regulations 1994*, and *Higher Education Support Act 2003*;
9. internal planning; and
10. 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, academic progress and performance, and information that ASA is obliged by law to collect or report; and for onshore international students, student visa details, breaches and/or suspected breaches of visa conditions.
2. For employees, visitors and sub-contractors: to administer pay, entitlements, performance, scholarly activity 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
domestic student	A domestic student is a student who is <ul style="list-style-type: none"> <li>• an Australian citizen or an Australian permanent resident; or</li> <li>• a New Zealand citizen (or dual citizenship holders of either Australia or New Zealand); or</li> <li>• a person entitled to stay in Australia without limitation as to time, including a holder of an Australian permanent humanitarian visa.</li> </ul>
educational partner	An organisation with whom ASA has formal arrangements with for academic activities including: <ul style="list-style-type: none"> <li>• joint, twin, or dual award arrangements</li> <li>• transnational delivery of courses arrangements</li> <li>• licensing or hosting arrangements</li> <li>• collaborative articulation arrangements</li> <li>• third party arrangements.</li> </ul>
generative artificial intelligence (GenAI)	GenAI can understand instructions and produce or deliver meaningful content. It uses the data it was trained on to generate new data that has similar characteristics. Generative AI products are widely available, and they are expected to keep changing and improving quickly. Currently, the most popular generative AI tool is ChatGPT.
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.

Term	Definition
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"> <li>1 Lawful</li> <li>2 Relevant</li> <li>3 Direct</li> <li>4 Open</li> </ol> <p><i>Storage:</i></p> <ol style="list-style-type: none"> <li>5 Secure</li> </ol> <p><i>Access and accuracy:</i></p> <ol style="list-style-type: none"> <li>6 Transparent</li> <li>7 Accessible</li> <li>8 Amendment</li> <li>9 Accurate</li> </ol> <p><i>Use:</i></p> <ol style="list-style-type: none"> <li>10 Limited</li> </ol> <p><i>Disclosure:</i></p> <ol style="list-style-type: none"> <li>11 Limited</li> </ol> <p><i>Identifiers and anonymity:</i></p> <ol style="list-style-type: none"> <li>12 Not identified</li> <li>13 Anonymous</li> </ol> <p><i>Transferrals and linkage:</i></p> <ol style="list-style-type: none"> <li>14 Controlled</li> <li>15 Authorised</li> </ol>
international student	An international student is a student who is not classified as a domestic student. An international student requires a student visa to enter Australia and stay onshore.
offshore	Offshore refers to residing outside of Australia during all of their course of study.
onshore	Onshore refers to residing in Australia during part or all of their course of study.
personal information	<p>Personal information 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"> <li>• an individual's name, signature, address, phone number or date of birth</li> <li>• financial or credit information</li> <li>• government identifiers (e.g. passport number)</li> <li>• photographs, video or voice recordings</li> <li>• internet protocol (IP) addresses</li> <li>• facial biometrics</li> <li>• location information from a mobile phone</li> </ul>

Term	Definition
sensitive information	Sensitive information is a type of personal information and includes information about an individual's: <ul style="list-style-type: none"> <li>• Health (including predictive genetic information)</li> <li>• racial or ethnic origin</li> <li>• political opinions</li> <li>• membership of a political association, professional or trade association or trade union</li> <li>• religious beliefs or affiliations</li> <li>• philosophical beliefs</li> <li>• sexual orientation or practices</li> <li>• criminal record</li> <li>• biometric information</li> <li>• biometric templates.</li> </ul>
students	Includes enrolled students, students who have been accepted for enrolment but who have not yet commenced.

## 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*.

ASA students may be provided with personal, academic, and commercial information belonging to others by fellow students or businesses during course-related activities, governance meetings, or placement opportunities. Students are expected to adhere to this *Privacy Policy* and the *Privacy Procedure* and to follow conduct codes relevant to their role.

ASA's educational partners or WIL host organisations may provide information to, or receive information from, ASA as part of the arrangement. Information may be provided via limited role-based access or through tailored communication after appropriate induction. All information collection and disclosure will be reasonably tailored to the purpose of the arrangements, conducted with respect for privacy, and in accordance with relevant legal and regulatory requirements.

### 5.1 Collection of Information

ASA collects information in order to provide relevant information about work or study that an individual may be interested in. 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. enrolls in a WIL unit;
5. applies for an extension, deferred assessment, or intermission of studies;
6. applies for employment;
7. attends an interview with ASA;

8. sends ASA an email;
9. completes any forms relating to study or work; and
10. communicates personal information in any other way to ASA in relation to study or work.

ASA may collect personal information directly from an individual and may also collect information legally from third parties, where individuals would reasonably expect or where individuals have consented to share their personal information. This may include situations such as a family member who contacts ASA on an individual's behalf, authorised agents acting on the individual's behalf, information from other education providers, or publicly maintained records. ASA may collect information where necessary for verification.

ASA collects cookie-derived information, including IP addresses, timestamps, and accessed media, when individuals log into ASA systems. This data is collected to establish and maintain secure system connections. The records are associated with an individual's user information and may be utilised to support the management of their study and academic progress.

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

### 5.2.1 ASA and Staff

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 include, 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;
- educational partners;
- host organisations with which ASA has WIL arrangements;
- 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; or
- Australian Government departments or agencies which are responsible for the monitoring of students or ASA.

ASA ensures that any personal information provided to or by the host organisation for **WIL** arrangements is handled in compliance with this Policy. The host organisation may provide ASA with relevant data, and ASA may share necessary information with the host, but all data collection and disclosure will be confined to what is essential for managing the learning arrangement. This includes, but is not limited to, internship placement, student progression, safety, student wellbeing and other relevant information.

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.

### 5.2.2 Students

ASA students may be provided with personal, academic, and commercial information belonging to others by fellow students or businesses through activities including, but not limited to, collaborating in academic activities, participating in Student Representative Committee (**SRC**), and performing duties as directed in WIL units.

Students must uphold the privacy and confidentiality of others' personal, academic, and commercial information. Students are expected to adhere to the *Privacy Policy* and the *Privacy Procedure*, and comply with all relevant codes of conduct.

Personal information shared by fellow students should not be disclosed without their explicit consent, except in situations where disclosure is required by law, such as when requested by law enforcement authorities. Maliciously releasing personal information online, commonly known as doxing, is now outlawed and introduced as a new criminal offence under the *Privacy and Other Legislation Amendment Act 2024*.

Students involved in WIL programs will receive induction/onboarding or training based on the policies of the host organisations. Students are required to maintain privacy and confidentiality both during and after the program.

As part of their roles, SRC members may come into contact with personal or sensitive information of individuals, or with commercial information. They must comply with this Policy and the related

*Privacy Procedure.* In all situations, including any SRC meetings, governance meetings, governance reports, and consultations with fellow students, SRC members must uphold privacy and confidentiality principles.

When writing reports or discussing consultations, SRC members should generalise information to maintain privacy. If an SRC member needs to present more specific information to fulfil their role, they should anonymise or de-identify such information to minimise the risk to privacy. SRC members may disclose an individual's personal or sensitive information when they have obtained that person's explicit written consent.

### 5.2.3 WIL Host Organisations

The WIL organisations must comply with this Policy and Procedure, particularly regarding collection and disclosure of students' personal information and sensitive information. The WIL host organisations should also provide the necessary induction to students on placement. Further information is available in the *Work Integrated Learning Policy* and associated procedure.

### 5.2.4 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.

It is stated in the Letter of Offer (**LoO**) that ASA may disclose students' personal information without consent where required by law, and may use or disclose information for ASA's specified primary purposes, as reasonably expected by students.

In Transnational Education (**TNE**) arrangements, personal data will only be collected and disclosed to the extent necessary for cooperating with offshore educational partners, including student enrolment, course information and other relevant data. The data sharing will be limited to what is essential for the effective administration and management of TNE arrangements.

## 5.3 Storage and access of information

ASA maintains records of personal information which may be stored in electronic and/or hardcopy forms. 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 must maintain confidentiality of personal information and are required to respect the privacy of individuals. ASA has in place controls to protect personal information including managing access to ASA's premises, security access to ASA's computer networks, role-based limitations on access, and other security technology.

ASA may hold information about an individual before, during, and after their time as 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 to 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 providing a printout of information, as it considers appropriate. Any request for access to personal information will be dealt with 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.

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.

#### 5.4 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 Generative AI and Privacy Issues

ASA is embracing the capabilities of Generative AI (**Gen AI**) as a tool to streamline administrative, academic, and overall work capacities.

By incorporating this tool into ASA's enterprise systems, ASA must acknowledge potential issues and mitigate Gen AI risks to privacy.

Generative AI's unique capabilities raise concerns regarding the usage and distribution of potentially sensitive personal information, in many cases sold and distributed by data brokers. In addition to potentially sharing specific pieces of data, Gen AI tools can draw connections, or inferences, some of which may be inaccurate.

As such, ASA staff are only to use Gen AI which is a part of the enterprise arrangements within the email and communication systems. ASA does not use Gen AI for Automated Decision Making (**ADM**).

#### 5.6 Complaints

Concerned individuals may submit a complaint if they believe that ASA has breached the provisions of the *Privacy Act 1988* and/or the *Australian Privacy Principles*.

Each breach will be dealt with on a case-by-case basis. All complaints and alleged breaches should be made to the CEO, or delegate, by sending an email to [principal@asahe.edu.au](mailto: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 demonstrate compliance with the Higher Education Standards Framework.

## 7. Version Control

This Policy has been reviewed and approved by the ASA Board of Directors as at February 2025 and is reviewed every three years.

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

<b>Change and Version Control</b>				
<b>Version</b>	<b>Authored by</b>	<b>Brief Description of the changes</b>	<b>Date Approved:</b>	<b>Effective Date:</b>
2025.1	Director Quality and Compliance	Detail added regarding work integrated learning and transnational education.	18/02/2025	06/03/2025
2024.2	Academic Dean	Minor addition of content. Major detail added about the usage of AI, and certain risks it poses relative to staff and enterprise information. Updated formatting for change in trading name.	27/06/2024	01/07/2024
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	