

PRIVACY AND DATA PROTECTION POLICY

1. Policy Purpose and Intent

Moorabbin Aviation Services Pty Ltd (MAS) is committed to protecting the privacy of all its staff and clients. The Privacy Act 1988 (Cth) (Privacy Act) is the principal piece of legislation providing protection of personal and sensitive information in the federal public sector and in the private sector. Collection of personal information by MAS is in accordance with the Privacy Act and the Australian Privacy Principles (APPs).

MAS ensures that its staff undertake training so that they are aware of the requirements of privacy and data collection.

Our privacy policy is made publicly available and all staff must ensure compliance with applicable privacy laws.

The CEO is responsible to ensure compliance with this Privacy and Data Protection Policy and to ensure any privacy issues are addressed. Anyone who becomes aware that a person has not complied with this policy should immediately notify the CEO.

2. Policy Scope

This policy aims to clarify how MAS will adhere to the APPs and outlines the types and means by which personal information is collected, used and disclosed by MAS.

The Privacy Act allows a person to:

- know why their personal information is being collected, how it will be used and who it will be disclosed to
- have the option of not identifying themselves, or of using a pseudonym in certain circumstances (this does not include information which is mandatory for a student's enrolment or for the course completion and issue of certification)
- ask for access to their personal information (including health information or credit report)
- stop receiving unwanted direct marketing
- ask for their personal information to be corrected
- make a complaint about an entity covered by the Privacy Act, if they think they have mishandled their personal information.

3. Definitions

Personal information is defined in The Privacy Act as information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual, or an individual who is reasonably identifiable. Common examples are an individual's name, signature, address, telephone number, date of birth, medical records, bank account details and commentary or opinion about a person.

Sensitive information means information about an individual's racial/ethnic origin, political opinion, membership of political associations, religious beliefs or affiliations, philosophical beliefs, sexual orientation or practices, criminal records.

AVETMISS - the Australian Vocational Education and Training Management Information Statistical System. It is a national data standard which ensures the consistency and

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accuracy of vocational education and training (VET) information and covers the national VET data collections:

NCVER – National Centre for Vocational and Educational Research is a not-for-profit company owned by the Commonwealth and state and territory ministers responsible for vocational education and training. The NCVER is responsible for collecting, managing, analysing and communicating research and statistics about the Australian VET sector.

DESE – The Department of Education, Skills and Employment. The department is authorised by law to collect, use and disclose personal information to fulfil specified functions and activities.

VET – Vocational Education and Training

USI – Unique Student Identifier is a Commonwealth Government individual student number retained for life.

CASA – Civil Aviation Safety Authority, a Commonwealth government body which regulates Australian aviation safety, issues pilot licences, registers aircraft and oversees safety.

4. Why we collect personal information

MAS is required to obtain and retain personal information from students enrolling in our courses in order to comply with our obligations as a training provider. This includes the processing and management of students' enrolments in their course with us.

Where applicable, information may be collected from a parent or guardian of a student under the age of 18.

5. How we use and disclose personal information

MAS takes every precaution to ensure that the information provided to us remains private and is used only for the purposes agreed to. We take reasonable steps to ensure that our data is accurate, complete and up-to-date.

We are required by law (under the National Vocational Education and Training Regulator Act 2011 (Cth) (NVETR Act) to disclose the personal information we collect about students to the National VET Data Collection kept by NCVER.

We are also authorised by law (under the NVETR Act) to disclose students' personal information to the relevant state or territory training authority.

MAS is required to declare that data submitted to NCVER is accurate and complete.

We may also be required to provide personal information to CASA who manage information provided to them under their privacy policy.

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6. Collection and quality of personal information

Personal information is gathered in the process of enrolling students. Information is provided about the purposes for which we are collecting the information. The information collected will be used for the primary purpose for which it was collected and consent is obtained for its use and/or disclosure.

We will only collect personal information by fair and lawful means and not in an unreasonably intrusive manner.

Information is collected in hardcopy and by electronic submission.

Students agree to the collection and use of this information as it is essential for their enrolment to be processed.

We only collect information about a person from a third party when the person is informed about the collection.

We will not collect personal information unless it is necessary for one or more of the functions or services which we provide.

7. Disclosure or use of personal information

Commercially sensitive information obtained will not be disclosed to other clients or third parties without written permission.

We will not reveal, disclose, sell, distribute, rent, license, share or pass personal information on to a third party, without written consent.

We will not use personal information for the purpose of direct marketing unless:

- written consent has been collected from the individual;
- the individual would reasonably expect MAS to use the information for that purpose;
- the individual has not made a request for no direct marketing from MAS. *Note:* MAS provides an opt-out method that is easily accessible for individuals to request not to receive direct marketing communications from MAS.

8. Exception to Disclosure

We may disclose personal information in the event of an imminent threat of a person's serious illness or death, or public safety or where the disclosure is authorised or required under Australian law or a court/tribunal order.

Where a student has an exemption from submitting data compliant with AVETMISS for the National VET Provider Collection, that student's training activity will not appear on the Authenticated VET Transcript unless the student provides their USI.

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9. Storage and disposal of personal information

- Personal information is stored in secured locked areas and on secure servers with restricted access as a safeguard against loss, misuse, unauthorised access, modification or disclosure. All reasonable precautions are taken when using e-technology.
- Archiving and disposal is in accordance with appropriate secure recordkeeping standards.
- Individual password access is required to our systems and databases
- We will destroy or de-identify personal information that is no longer required to be retained for the purposes for which it was obtained.

10. Cross-Border Disclosure of Personal Information

MAS will not disclose personal information about any person to an overseas recipient, other than a member/authorised representative of our own organisation, without the consent of the person concerned. Information communicated through its website and social media sites are disseminated to overseas locations and all information communicated by these means is subject to this Privacy Policy and any legal instrument that we are required to abide by.

11. How the NCVET, DESE and other bodies handle your personal information

VET Data Use Statement:

The NCVET will collect, hold, use and disclose your personal information in accordance with the law, including the *Privacy Act 1988* (Cth) (Privacy Act) and the NVET Act. Your personal information may be used and disclosed by NCVET for purposes that include populating authenticated VET transcripts; administration of VET; facilitation of statistics and research relating to education, including surveys and data linkage; and understanding the VET market.

The NCVET is authorised to disclose information to the Australian Government Department of Education, Skills and Employment (DESE), Commonwealth authorities, State and Territory authorities (other than registered training organisations) that deal with matters relating to VET and VET regulators for the purposes of those bodies, including to enable:

- administration of VET, including program administration, regulation, monitoring and evaluation
- facilitation of statistics and research relating to education, including surveys and data linkage
- understanding how the VET market operates, for policy, workforce planning and consumer information.

The NCVET may also disclose personal information to persons engaged by NCVET to conduct research on NCVET's behalf.

The NCVET does not intend to disclose your personal information to any overseas recipients.

For more information about how the NCVET will handle your personal information please refer to the NCVET's Privacy Policy at www.ncvet.edu.au/privacy.

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DESE is authorised by law, including the Privacy Act and the NVETR Act, to collect, use and disclose your personal information to fulfil specified functions and activities. For more information about how the DESE will handle your personal information, please refer to the DESE VET Privacy Notice at <https://www.dese.gov.au/national-vet-data/vet-privacy-notice>. MAS can provide students with a hard copy of the DESE VET Privacy Notice if they are unable to access the Department's website.

If you would like to seek access to or correct information held by the NCVET or DESE, in the first instance, please contact MAS.

NCVER Surveys

You may receive a student survey run by a government department or an NCVET employee, or an NCVET agent, third-party contractor or another authorised agency. Please note you may opt out of the survey at the time of being contacted.

12. Adoption, Use or Disclosure of Government Related Identifiers

MAS must not use or disclose a government related identifier of an individual unless it is in the circumstances described in this policy.

MAS must not adopt a 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 Australian law or a court/tribunal order; or
- the identifier is prescribed by the regulations and the adoption, use or disclosure occurs in the circumstances prescribed by the regulations.

Such government identifiers would include (but are not limited to):

- RTO Identification Numbers;
- Application Numbers;
- USI (Unique Student Identifier)
- Legal Records and Case numbers.

13. Access to and correction of personal information

Clients and students are provided access to the information that is held about them, and they are encouraged to help us keep their personal information accurate, complete and up-to-date by contacting and informing us of any changes to details.

To enquire about the personal information, we hold or to access this information, persons can contact our office. We will take all reasonable steps to verify the authenticity of persons who requests access to their records. The staff member receiving these requests will ask three questions of the applicant to verify their authenticity. Access will be provided within a reasonable period and in the manner requested if it is reasonable and practicable to do so.

MAS will not charge a person to access their information in order for the person to ensure their information is accurate, complete and not misleading and/or where the person requests MAS to correct the information. Requests to correct information must be completed within a reasonable period after the request is made at no charge.

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MAS may charge for giving access to data or records which is not considered personal or sensitive information. Example of this may be request by an ex-student to a transcript of their course outcomes. The charge for such access will be provided up front and will only cover the cost of accessing and providing the information, photocopying and printing, as well as postage if required.

In the event that MAS refuses access to an individual's personal information, MAS must give reasons for the refusal in writing, including the reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so.

14. Contact information

At any time you may contact MAS to

- request access to your personal information
- correct your personal information
- make a complaint about how your personal information has been handled
- ask a question about this Privacy Notice

External Referrals

Office of the Australian Information Commissioner

Website: <https://www.oaic.gov.au/privacy-law/>

Email: enquiries@oaic.gov.au

Phone: 1300 363 992

Legislation	Link
<i>National Vocational Education and Training Regulator Act 2011</i>	www.legislation.gov.au/Series/C2011A00012
<i>National Vocational Education and Training Regulator (Data Provision Requirements) Instrument 2020</i>	www.legislation.gov.au/Series/F2013L00160
<i>Standards for Registered Training Organisations (RTOs) 2015</i>	www.legislation.gov.au/Series/F2014L01377
<i>Student Identifiers Act 2014</i>	www.legislation.gov.au/Series/C2014A00036
<i>Student Identifiers Regulation 2014</i>	www.legislation.gov.au/Series/F2014L01204
<i>Student Identifiers (Exemptions) Instrument 2018</i>	www.legislation.gov.au/Series/F2018L01447
<i>Privacy Act (1988)</i>	www.legislation.gov.au/Series/C2004A03712
<i>Australian Privacy Principles</i>	www.oaic.gov.au/agencies-and-organisations/guides/app-quick-reference-tool
<i>Education and Training Reform Act 2006 (Vic)</i>	www.legislation.vic.gov.au/in-force/acts/education-and-training-reform-act-2006/080
<i>AQTF Essential Conditions and Standards for Continuing Registration (Vic)</i>	www.vrqa.vic.gov.au/Documents/VETEssecondstandrdscont.pdf
<i>Victorian Registration and Qualifications Authority Guidelines for VET Providers</i>	www.vrqa.vic.gov.au/registration/Pages/vetqualitydef.aspx