PRIVACY AND PERSONAL INFORMATION PROCEDURES

Purpose	This procedure has been developed to ensure that MIMT has a strategy in place to comply with the requirements of the Australian Privacy Principles from Schedule 1 of the Privacy Amendment (Enhancing Privacy Protection) Act 2012. In addition, it also addresses provisions relating to Privacy and Personal Information for students and persons applying for VET Student Loans. MIMT supports the concept of privacy and personal Information by providing all staff and students with a working and learning environment which values respects privacy and personal Information.
Reference/s	**VET Student Loans Rules 2016: Part 7** Subdivision D: Information relating to applications for VET Student Loans 85: Processes and procedures for information relating to applications for VET student loans Privacy Amendment (Enhancing Privacy Protection) Act 2012
Responsibility for implementation	The Campus Manager is responsible for implementation of this policy and ensuring that staff and students are made aware of its application
When	Ongoing
Policy/ Process **Australian Privacy Principle 1**	**Australian Privacy Principle 1 – Open and transparent management of personal information** MIMT will only collect personal information by fair and lawful means which is necessary for the functions of MIMT and is committed to ensuring the confidentiality and security of the information provided to us. The personal information supplied by individuals to MIMT will only be used to provide information about study opportunities, course administration, academic information, eligibility requirements for funding purposes and to maintain proper academic records. If an individual chooses not to give MIMT certain information, MIMT may be unable to enrol the individual in a course or supply them with appropriate information. The kinds of personal information that MIMT retains includes: 1. Information about the student's identity including personal details such as the student's name, address, contact details, date of birth and copies of identification (drivers licence, Medicare card etc.) to verify the individuals identity 2. If the student is under 18, information that: (i) One of the signatories to the application is a responsible parent of the student; or (ii) The student has received youth allowance (within the meaning of the *Social Security Act 1991)* on the basis that the student is independent 3. Tax File Numbers (VET Student Loan Applicants) and health or medical information. If the student has applied for, but not been issued with, a tax file number, a certificate from the Commissioner that the student has applied for a tax file number

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	4. Information and documents to establish that the student meets the requirements of section 11 of the Act: citizenship and residency 5. This information is collected on the enrolment form and hard copy documents which are stored in the students personal file located in locked filing cabinets and in MIMTs electronic student management system – VETtrak 6. This information is collected to support compliance requirements under the ASQA, VET Funding Contract and VET Student Loan Rules 7. Individuals have the right to access their personal file anytime throughout their training as per the information provided to the student in the MIMT Student Enrolment Information Handbook and on MIMTs website: www.mimt.edu.au 8. If an individual feels that there has been a breach of their information in accordance with the Australian Privacy Principles, then they are able to lodge a complaint as per the Complaints and Appeals Process located on MIMTs website: www.mimt.edu.au 9. MIMT will not disclose personal information to overseas recipients
Australian Privacy Principle 2	**Australian Privacy Principle 2 – Anonymity and pseudonymity** 1. MIMT is not required to provide the options of anonymity and pseudonymity as MIMT is required and authorised by law to deal with identified individuals for the purpose of enrolling individuals into nationally recognised training programs 2. However, there are some anonymity and pseudonymity options that are available to individuals when they interact with MIMT as follows: a) **Anonymity** – an individual may deal with MIMT after the enrolment stage without providing any personal information or identifiers where possible. MIMT should not be able to identify the individual at the time of the dealing or subsequently. Examples of anonymous dealings include an individual phoning MIMT to enquire generally about the courses or a specific training program b) **Pseudonymity** – an individual may deal with MIMT by using a name, term or descriptor that is different to the persons actual name e.g. the use of an email address which does not contain the persons actual name that a person uses to access student support services without this becoming known to others
Australian Privacy Principle 3	**Australian Privacy Principle 3 – Collection of solicited personal information** 1. MIMT will not collect personal information (other than sensitive information) unless the information is reasonably necessary for one or more of MIMTs functions or activities e.g. information to confirm that an individual is eligible to access to government funding 2. MIMT will only collect sensitive information (e.g. health information) if the individual consents by writing to the sensitive information being collected, unless an exception applies e.g. identifying a disability on the Student Enrolment Form. 3. MIMT will only collect personal information by lawful and fair means, and directly from the individual, unless an exception applies 4. MIMT collects personal information only for the purpose for inclusion in a record. All information collected by MIMT may include information in hard copies, learning management systems (LMS) and student management system (SMS). 5. MIMT may solicit personal information from another organisation, individual or small business provider for the purpose of carrying out business processes e.g. enrolment requirements. This information may be obtained from Job Network providers, Disability Employment Services or from government websites and registers. Examples of solicited information may include:

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	- Information provided by an individual or other party in response to a request - A completed form or application submitted by an individual - A complaint letter sent in response to a general invitation on MIMTs website to individuals to complain to MIMT
Australian Privacy Principle 4	**Australian Privacy Principle 4 – Dealing with unsolicited personal information** 1. 'Unsolicited personal information is personal information received by MIMT that was **not** requested by MIMT 2. In the instance that MIMT receives unsolicited personal information; a decision will be made as to whether or not MIMT could have collected this type of information under APP 3. 3. If MIMT determines that it could not have collected the information and the information is not contained in a Commonwealth record – MIMT will destroy or de-identify the information as soon as practicable e.g. disposal of information in a secured document destructor bin if it is lawful and reasonable to do so 4. If the information is contained in a Commonwealth record, or MIMT could have collected the information under APP 3, or MIMT is not required to destroy or de-identify the information, MIMT may keep the information but must deal with it in accordance with APP 5 - 13 5. As a general rule, personal information provided to MIMT that is considered to be in addition to the solicited information requested, should be destroyed e.g. an individual accidentally attaches their financial records to their enrolment form
Australian Privacy Principle 5	**Australian Privacy Principle 5 – Notification of collection of personal information** 1. MIMT will provide notification to the individual at the time it collects personal information as per the privacy information declaration on the student enrolment form. 2. Individuals will be made aware of certain 'matters' pertaining to the collection of their personal information as follows: - MIMTs identity and contact details - The fact and circumstances of collection - Whether the collection is required or authorized by law - The purposes of collection - The consequences if personal information isn't collected - MIMTs usual disclosures of personal information of the kind collected - Information about MIMTs APP Policy - Whether MIMT is likely to disclose personal information to overseas recipients, and if practicable, the countries where they are located 3. If MIMT collects personal information directly from an individual who completes a form e.g. the enrolment form, the parameters for collection and use of private information is provided to the student in the declaration on the enrolment form.
Australian Privacy Principle 6	**Australian Privacy Principle 6 – Use or disclosure of personal information** 1. MIMT 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;

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	• MIMT believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or of another person; • the disclosure is required or authorised by or under 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 the public revenue. • 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, MIMT shall include in the record containing that information a note of the disclosure. Personal information about students studying with MIMT may be shared with the Australian Government and designated authorities as required by law. 2. MIMT will only disclose personal information for the primary purpose that the information is collected 3. If MIMT wishes to disclose personal information for a secondary purpose (matters not relating to the primary purpose) then consent will be obtained from the individual to do so 4. MIMT is considered to 'hold' personal information as it has possession and control of the record that contains the personal information 5. MIMT 'uses' information where personal information is handled or an activity is undertaken, within MIMT. E.g. Accessing and reading the personal information or searching records that contain personal information 6. MIMT 'discloses' personal information when it permits that information to become known outside of MIMT and releases it from its effective control. The information may be a proactive release or publication or a release in response to a specific request. 7. MIMT collects personal information for the following primary purposes: - Enrolment requirements - To confirm eligibility requirements according to government funding regulations - Training and Assessment - Direct Marketing
Australian Privacy Principle 7	**Australian Privacy Principle 7 – Direct Marketing** 1. MIMT will not use or disclose the personal information that it holds about an individual to a third party for the purpose of direct marketing. 2. MIMT may collect, hold and use personal information (other than sensitive information) about an individual for the purpose of direct marketing only if: - MIMT collected the information from the individual - The individual would reasonably expect MIMT to use or disclose the information for that purpose - MIMT provides a simple way for an individual to request not to receive direct marketing communications - The individual has not made such a request to MIMT 3. Instructions will be provided with all direct marketing activities which will advise the individual how to opt out from receiving any further direct marketing communication
Australian Privacy Principle 8	**Australian Privacy Principle 8 – Cross border disclosure of personal information** 1. MIMT does not have any dealings with overseas recipients and in this case, no disclosure of personal information will be provided to overseas recipients

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Australian Privacy Principle 9	**Australian Privacy Principle 9 – Adoption, use or disclosure of government related identifiers** 1. MIMT will not adopt, use or disclose a government related identifier of an individual as its own identifier unless an exception applies 2. A government related identifier of an individual is defined as an identifier that has been assigned by an agency, State or Territory Authority and examples of identifiers include Medicare number, driver's license number and passport number
Australian Privacy Principle 10	**Australian Privacy Principle 10 – Quality of personal information** 1. MIMT takes reasonable steps to ensure that the personal information it collects is accurate, up to date and complete 2. MIMT takes reasonable steps to ensure that the personal information it uses or discloses is, having regard to the purpose of the use of disclosure, accurate, up to date, complete and relevant
Australian Privacy Principle 11	**Australian Privacy Principle 11 – Security of personal information** 1. MIMT will take reasonable steps to ensure that personal information held is protected from misuse, interference and loss, as well as unauthorized access, modification or disclosure. Personal information kept in the form of a hard copy is stored in locked filing cabinets 2. MIMT will hold documents as stipulated by the Government for the specified duration 3. When MIMT no longer needs personal information for any purpose for which the information may be used or disclosed under the Australian Privacy Principles, then MIMT will take reasonable steps to destroy the information or ensure that the information is de-identified. This requirement applies except where: - The information is part of a Commonwealth record; or - MIMT is required by law or a court/tribunal order to retain the information 4. Information in the form of hard copy will placed in the secured document destructor bin and destroyed
Australian Privacy Principle 12	**Australian Privacy Principle 12 – Access to personal information** 1. Upon request from an individual, MIMT will allow that individual to access and review their file and information contained within 2. Students wishing to access their own records must complete the 'Access to Personal Information Request Form' located on MIMTs website. 3. Once the request has been received, the Campus Manager will contact the student within 5 working days to arrange a suitable time for the individual to come into the office and view their information. 4. The individual will be informed prior to attending the office that they must produce photo identification e.g. driver's license to confirm their identity prior to viewing their file. 5. In the instance that the individual communicates with MIMT via telephone wishing to access details about their personal information, the MIMT staff member must request information from the individual that can be cross checked against records held by MIMT, such a date of birth, address and contact number/s 6. MIMT has the right to make judgment and refuse an individual access to their information based on the following: - MIMT believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health and public safety - Giving access would have an unreasonable impact on the privacy of other individuals - The request for access is frivolous or vexatious

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	- The information relates to existing or anticipated legal proceedings between MIMT and the individual and would not be accessible by the process of discovery in those proceedings - Giving access would reveal the intentions of MIMT in relation to negotiations with the individual in such a way as to prejudice these negotiations - Giving access would be unlawful - Denying access is required or authorized under an Australian law or court/tribunal order - MIMT has reason to suspect that unlawful activity, or misconduct of serious nature, that relates to MIMTs functions or activities has been, is being or may be engaged and giving access would be likely to prejudice the taking of appropriate action in relation to the matter - Giving access would be likely to prejudice one or more enforcement related activities conduct by, or on behalf of, an enforcement body - Giving access would reveal evaluative information generated within MIMT in connection with a commercially sensitive decision-making process 7. If an individual is refused access then a written notice will be provided to the individual explaining the following: - The reasons for the refusal, except to the extent that it would be unreasonable to do so, having regard to the grounds for refusal; - The complaint mechanisms available to the individual; and - Any other matters prescribed by regulations made under the Privacy Act. The reasons for refusal should explain, where applicable: - That MIMT does not hold the requested information; - The ground of refusal — for example, that MIMT is required or authorised by a law referred to in the written notice to refuse access; - That access cannot be given in the manner requested by the individual, and the reason why; or - That the steps necessary to give access in a way that meets the needs of MIMT and the individual under APP 12.5 are not reasonable in the circumstances.
Australian Privacy Principle 13	**Australian Privacy Principle 13 – Correction of personal information** 1. Where applicable, MIMT will take reasonable steps to ensure that the personal information it holds is correct, accurate, up to date, complete, relevant and not misleading, having regard for the purpose to which it is held 2. The requirement to take reasonable steps applies in two circumstances: - Where MIMT is satisfied, independently of any request, that personal information it holds is faulty; or - Where an individual requests MIMT to correct their personal information. 3. MIMT must: - Upon request by an individual whose personal information has been corrected, take reasonable steps to notify another organisation of a correction made to personal information that was previously provided to that other organisation; - Give a written notice to an individual when a correction request is refused, including the reasons for the refusal and the complaint mechanisms available to the individual; - Upon request by an individual whose correction request has been refused, take reasonable steps to associate a statement with the personal information that the individual believes it to be inaccurate, out of-date, incomplete, irrelevant or misleading; - Respond in a timely manner to an individual's request to correct personal information or to associate a statement with the information; and

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	- Not charge an individual for making a request to correct personal information or associate a statement, or for making a correction or associating a statement.
Contact Details	Should you wish to discuss anything further, please contact Nicole Maloni on (03) 9455 – 1926 or via email – nicole.maloni@mimt.edu.au
Publication	These Privacy and Personal Information Procedures will be made available to all students and prospective students by publication on MIMT's website www.mimt.edu.au In order to ensure that students have given their informed consent for their personal information to be disclosed to certain third parties as outlined in this procedure, MIMT will advise students on enrolment about these procedures and where they are located.

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