

# Forsythes Training

## Privacy Policy

## Privacy Policy

Forsythes Training Pty Limited (Forsythes Training) is committed to maintaining the privacy and confidentiality of its personnel and client records.

Forsythes Training complies with the *Privacy Act 1988 including the 13 Australian Privacy Principles (APPs)* as outlined in the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*.

As a component of our risk management practices, Forsythes Training has conducted a privacy review for all operations. Mitigation actions from this risk assessment have been implemented for the management of privacy risks at each stage of the information lifecycle, including collection, use, disclosure, storage, destruction and de-identification. Providing an overall framework for our privacy practices, Forsythes Training has developed and implemented this Privacy Policy.

Forsythes Training manages personal information in an open and transparent way. This is evident in the implementation of practices, procedures and system we outline in this policy, that ensure our compliance with the APPs and any binding registered APP code, and provide suitable procedures for Forsythes Training personnel to be able to deal with related inquiries and complaints that may be received from time to time.

The following sections of this policy outline how we manage personal information.

### Australian Privacy Principle 1 Open and transparent management of personal information

#### ***Purposes for information collection, retention, use and disclosure***

Forsythes Training retains a record of personal information about all individuals with whom we undertake any form of business activity. Forsythes Training must collect, hold, use and disclose information from our clients and stakeholders for a range of purposes, including but not limited to:

- Providing services to clients;
- Managing employee and contractor teams;
- Promoting products and services;
- Conducting internal business functions and activities; and
- Requirements of stakeholders.

As a supplier to government registered training organisation clients, regulated by the Australian Skills Quality Authority, Forsythes Training is required to collect, hold, use and disclose a wide range of personal and sensitive information on clients and their participants enrolled in nationally recognised training programs. This information requirement is outlined in the *National Vocational Education and Training Regulator Act 2011* and associated legislative instruments. In particular, the legislative instruments:

- *Standards for NVR Registered Training Organisations 2012*; and
- *Data Provision Requirements 2012*

It is noted that Forsythes Training is also bound, through its legal contracts with clients, by various State Government Acts requiring similar information collection, use and disclosure

(particularly *Education Act(s)*, *Vocational Education & Training Act(s)* and *Traineeship & Apprenticeships Act(s)* relevant to state jurisdictions of Forsythes Training operations).

It is further noted that, aligned with these legislative requirements, Forsythes Training supports the delivery of services through a range of Commonwealth and State Government funding contract agreement arrangements as well as VET FEE-HELP assistance, which also include various information collection and disclosure requirements.

Individuals are advised that due to these legal requirements, Forsythes Training discloses information held on individuals for valid purposes to a range of entities including:

- Governments (Commonwealth, State or Local);
- Tuition Assurance Scheme managers;
- Australian Apprenticeships Centres;
- Employers (and their representatives),

#### ***Kinds of personal information collected and held***

The following types of personal information are generally collected, depending on the need for service delivery:

- Contact details;
- Employment details;
- Educational background;
- Demographic Information;
- Course progress and achievement information; and
- Financial billing information

The following types of sensitive information may also be collected and held:

- Identity details;
- Employee details & HR information;
- Complaint or issue information;
- Disability status & other individual needs;
- Indigenous status

#### ***How personal information is collected***

Forsythes Training's usual approach to collecting personal information is to collect any required information directly from the individuals concerned. This may include the use of forms (such enrolment forms) and the use of web based systems (such as online enquiry forms or internal student management systems).

Forsythes Training does receive solicited and unsolicited information from third party sources in undertaking service delivery activities. This may include information from such entities as:

- Governments (Commonwealth, State or Local);
- Australian Apprenticeships Centres;
- Employers (and their representatives)

#### ***How personal information is held***

Forsythes Training's usual approach to holding personal information includes robust storage and security measures at all times. Information on collection is:

- As soon as practical converted to electronic means;
- Stored in secure, password protected systems, such as financial system and student management system; and
- Monitored for appropriate authorised use at all times

Only authorised personnel are provided with login information to each system, with system access limited to only those relevant to their specific role. Forsythes Training WiseNet student management system is hosted in a secure cloud based environment, with robust internal security to physical server locations and server systems access. Virus protection, backup procedures and ongoing access monitoring procedures are in place.

Destruction of paper based records occurs as soon as practicable in every matter, through the use of secure shredding and destruction services at Forsythes Training.

Individual information held across systems will be linked through the unique student identifier.

### **Retention and Destruction of Information**

Forsythes Training undertakes secure destruction of personal information records as soon as possible after required use and storage periods have ended.

### **Accessing and seeking correction of personal information**

Forsythes Training confirms all individuals have a right to request access to their personal information held and to request its correction at any time. In order to request access to personal records, individuals are to make contact with:

Forsythes Training Privacy Officer on 02 49 690690 or email:

[compliance@forythestraining.com.au](mailto:compliance@forythestraining.com.au).

A number of third parties, other than the individual, may request access to an individual's personal information. Such third parties may include employers, Australian Apprenticeships Centres, Governments (Commonwealth, State or Local) and various other stakeholders. In all cases where access is requested, Forsythes Training will ensure that:

- Parties requesting access to personal information are robustly identified and vetted;
- Where legally possible, the individual to whom the information relates will be contacted to confirm consent (if consent not previously provided for the matter); and
- Only appropriately authorised parties, for valid purposes, will be provided access to the information.

### **Complaints about a breach of the APPs or a binding registered APP code**

If an individual feels that Forsythes Training may have breached one of the APPs in relation to that individual they may lodge a complaint using Forsythes Training's grievance handling procedures which enables students and prospective students to lodge grievances of a non-academic nature, including grievances about handling of personal information and access to personal records.

### **Likely overseas disclosures**

Forsythes Training confirms that individuals' personal information is not disclosed to overseas recipients.

### **Making our Privacy Policy available**

Forsythes Training provides our Privacy Policy free of charge from our website:

<http://www.forythestraining.com.au/studentresources.aspx>

In addition, this Privacy Policy is available for distribution free of charge on request, as soon as possible after the request is received, including in any particular format requested by the individual as is reasonably practical.

If, in the unlikely event the Privacy Policy is not able to be provided in a particular format requested by an individual, we will explain the circumstances around this issue with the requester and seek to ensure that another appropriate method is provided.

### **Review and Update of this Privacy Policy**

Forsythes Training reviews this Privacy Policy:

- On an ongoing basis, as suggestions or issues are raised and addressed, or as government required changes are identified;
- Through our internal audit processes on at least an annual basis; and
- As a component of each and every complaint investigation process where the complaint is related to a privacy matter

Where this policy is updated, changes to the policy are widely communicated to stakeholders through internal personnel communications, meetings, training and documentation, and externally through publishing of the policy on Forsythes Training website and other relevant documentation for clients.

## **Australian Privacy Principle 2 Anonymity and pseudonymity**

Forsythes Training provides individuals with the option of not identifying themselves, or of using a pseudonym, when dealing with us in relation to a particular matter, whenever practical. This includes providing options for anonymous dealings in cases of general course enquiries or other situations in which an individuals' information is not required to complete a request.

Individuals may deal with us by using a name, term or descriptor that is different to the individual's actual name wherever possible. This includes using generic email addresses that does not contain an individual's actual name or generic user names when individuals may access a public component of our website or enquiry forms.

Forsythes Training only stores and links pseudonyms to individual personal information in cases where this is required for service delivery (such as system login information) or once the individual's consent has been received.

Individuals are advised of their opportunity to deal anonymously or by pseudonym with us where these options are possible.

### **Requiring identification**

Forsythes Training must require and confirm identification however in supporting our clients' service delivery to individuals for nationally recognised course programs. It is a Condition of Registration for our client RTOs under the National Vocational Education and Training Regulator Act 2011 that we identify individuals and their specific individual needs on commencement of service delivery, and collect and disclose Australian Vocational Education and Training Management of Information Statistical Standard (AVETMISS) data on all individuals enrolled in nationally recognised training programs. Other legal requirements, as noted earlier in this policy, also require considerable identification arrangements. There are also other occasions also within our service delivery where an individual may not have the option of dealing anonymously or by pseudonym, as identification is practically required for us to effectively support an individual's request or need.

### **Australian Privacy Principle 3 Collection of solicited personal information**

Forsythes Training only collects personal information that is reasonably necessary for our business activities.

We only collect sensitive information in cases where the individual consents to the sensitive information being collected, except in cases where we are required to collect this information by law, such as outlined earlier in this policy.

All information we collect is collected only by lawful and fair means.

We only collect solicited information directly from the individual concerned, unless it is unreasonable or impracticable for the personal information to only be collected in this manner.

### **Australian Privacy Principle 4 Dealing with unsolicited personal information**

Forsythes Training may from time to time receive unsolicited personal information. Where this occurs we promptly review the information to decide whether or not we could have collected the information for the purpose of our business activities. Where this is the case, we may hold, use and disclose the information appropriately as per the practices outlined in this policy.

Where we could not have collected this information (by law or for a valid business purpose) we immediately destroy or de-identify the information (unless it would be unlawful to do so).

### **Australian Privacy Principle 5 Notification of the collection of personal information**

Whenever Forsythes Training collects personal information about an individual, we take reasonable steps to notify the individual of the details of the information collection or otherwise ensure the individual is aware of those matters. This notification occurs at or before the time of collection, or as soon as practicable afterwards.

Our notifications to individuals on data collection include:

- Forsythes Training identity and contact details, including the position title, telephone number and email address of a contact who handles enquiries and requests relating to privacy matters;
- The facts and circumstances of collection such as the date, time, place and method of collection, and whether the information was collected from a third party, including the name of that party;
- If the collection is required or authorised by law, including the name of the Australian law or other legal agreement requiring the collection;
- The purpose of collection, including any primary and secondary purposes;
- The consequences for the individual if all or some personal information is not collected;
- Other organisations or persons to which the information is usually disclosed, including naming those parties;
- A link to this APP Privacy Policy on our website or explain how it may be accessed; and
- Advice that this APP Privacy Policy contains information about how the individual may access and seek correction of the personal information held by us; and how to complain about a breach of the APPs, or any registered APP code, and how we will deal with such a complaint.

Where possible, we ensure that the individual confirms their understanding of these details, such as through signed declarations or in person through questioning.

### **Collection from third parties**

Where Forsythes Training collects personal information from another organisation, we:

- Confirm whether the other organisation has provided the relevant notice above to the individual; or
- Whether the individual was otherwise aware of these details at the time of collection; and
- If this has not occurred, we will undertake this notice to ensure the individual is fully informed of the information collection.

## **Australian Privacy Principle 6 Use or disclosure of personal information**

Forsythes Training only uses or discloses personal information it holds about an individual for the particular primary purposes for which the information was collected, or secondary purposes in cases where:

- An individual consented to a secondary use or disclosure;
- An individual would reasonably expect the secondary use or disclosure, and that is directly related to the primary purpose of collection; or
- Using or disclosing the information is required or authorised by law

### **Requirement to make a written note of use or disclosure for this secondary purpose**

If Forsythes Training uses or discloses personal information in accordance with an 'enforcement related activity' we will make a written note of the use or disclosure, including the following details:

- The date of the use or disclosure;
- Details of the personal information that was used or disclosed;
- The enforcement body conducting the enforcement related activity;
- If the organisation used the information, how the information was used by the organisation;
- The basis for our reasonable belief that we were required to disclose the information.

## **Australian Privacy Principle 7 Direct marketing**

Forsythes Training does not use or disclose the personal information that it holds about an individual for the purpose of direct marketing, unless:

- The personal information has been collected directly from an individual, and the individual would reasonably expect their personal information to be used for the purpose of direct marketing; or
- The personal information has been collected from a third party, or from the individual directly, but the individual does not have a reasonable expectation that their personal information will be used for the purpose of direct marketing; and
- We provide a simple method for the individual to request not to receive direct marketing communications (also known as 'opting out').

On each of our direct marketing communications, Forsythes Training provides a prominent statement that the individual may request to opt out of future communications, and how to do so.

An individual may also request us at any stage not to use or disclose their personal information for the purpose of direct marketing, or to facilitate direct marketing by other organisations. We comply with any request by an individual promptly and undertake any required actions for free.

We also, on request, notify an individual of our source of their personal information used or disclosed for the purpose of direct marketing unless it is unreasonable or impracticable to do so.

## **Australian Privacy Principle 8**

### **Cross-border disclosure of personal information**

Forsythes Training does not disclose personal information about an individual to any overseas recipient.

## **Australian Privacy Principle 9**

### **Adoption, use or disclosure of government related identifiers**

Forsythes Training does not adopt, use or disclose a government related identifier related to an individual except:

- In situations required by Australian law or other legal requirements;
- Where reasonably necessary to verify the identity of the individual;
- Where reasonably necessary to fulfil obligations to an agency or a State or Territory authority; or
- As prescribed by regulations.

## **Australian Privacy Principle 10**

### **Quality of personal information**

Forsythes Training takes reasonable steps to ensure that the personal information it collects is accurate, up-to-date and complete. We also take reasonable steps to ensure that the personal information we use or disclose is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant. This is particularly important:

- When we initially collect the personal information; and
- When we use or disclose personal information

We take steps to ensure personal information is factually correct. In cases of an opinion, we ensure information takes into account competing facts and views and makes an informed assessment, providing it is clear this is an opinion. Information is confirmed up-to-date at the point in time to which the personal information relates.

Quality measures in place supporting these requirements include:

- Internal practices, procedures and systems to audit, monitor, identify and correct poor quality personal information (including training staff in these practices, procedures and systems);

- Protocols that ensure personal information is collected and recorded in a consistent format, from a primary information source when possible;
- Ensuring updated or new personal information is promptly added to relevant existing records;
- Providing individuals with a simple means to review and update their information on an on-going basis and when the need arises.
- Contacting individuals to verify the quality of personal information where appropriate when it is about to be used or disclosed, particularly if there has been a lengthy period since collection; and
- Checking that a third party, from whom personal information is collected, has implemented appropriate data quality practices, procedures and systems.

## **Australian Privacy Principle 11 Security of personal information**

Forsythes Training takes active measures to consider whether we are able to retain personal information we hold, and also to ensure the security of personal information we hold. This includes reasonable steps to protect the information from misuse, interference and loss, as well as unauthorised access, modification or disclosure.

We destroy or de-identify personal information held once the information is no longer needed for any purpose for which the information may be legally used or disclosed.

Access to Forsythes Training offices and work areas is limited to our personnel only - visitors to our premises must only be in the training rooms or lunchroom.

With regard to any information in a paper based form, we maintain storage of records in an appropriately secure place to which only authorised individuals have access.

Regular staff training and information bulletins are conducted with Forsythes Training personnel on privacy issues, and how the APPs apply to our practices, procedures and systems. Training is also included in our personnel induction practices.

We conduct ongoing internal audits (at least annually and as needed) of the adequacy and currency of security and access practices, procedures and systems implemented.

## **Australian Privacy Principle 12 Access to personal information**

Where Forsythes Training holds personal information about an individual, we provide that individual access to the information on their request. In processing requests, we:

- Ensure through confirmation of identity that the request is made by the individual concerned, or by another person who is authorised to make a request on their behalf;
- Respond to a request for access:
  - Within 14 calendar days, when notifying our refusal to give access, including providing reasons for refusal in writing, and the complaint mechanisms available to the individual; or
  - Within 30 calendar days, by giving access to the personal information that is requested in the manner in which it was requested
- Provide information access free of charge

## Australian Privacy Principle 13 Correction of personal information

Forsythes Training takes reasonable steps to correct personal information we hold, to ensure it is accurate, up-to-date, complete, relevant and not misleading, having regard to the purpose for which it is held.

### Individual Requests

On an individual's request, we:

- Correct personal information held; and
- Notify any third parties of corrections made to personal information, if this information was previously provided to these parties

In cases where we refuse to update personal information, we:

- Give a written notice to the individual, including the reasons for the refusal and the complaint mechanisms available to the individual;
- Upon request by the 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 within 14 calendar days to these requests; and
- Complete all actions free of charge.

### Correcting at Forsythes Training

We take reasonable steps to correct personal information we hold in cases where we are satisfied that the personal information held is inaccurate, out-of-date, incomplete, irrelevant or misleading (that is, the information is faulty). This awareness may occur through collection of updated information, in notification from third parties or through other means.