

# PRIVACY POLICY

Fluent Education (Datum College Pty Ltd)  
RTO Number 32243



## PURPOSE

Fluent Education adheres to the Privacy Act 1988 (Cth) (Privacy Act), Australian Privacy Principles (APPs) for collecting, storing and disclosing personal information as well as recognising the students' requirements to access timely and accurate information about their participation and progress.

## SCOPE

This Policy is written in accordance with the Australian Privacy Principles (APPs) and is available to anyone seeking information on how Fluent Education manage the personal information that is collected for the purpose of training students in the VET industry.

# POLICY STATEMENT

## INTRODUCTION

We (Fluent Education) are a Registered Training Organisation (RTO 32243) and provide training, educational and related services across Australia. In the course of our business, there are circumstances where we collect personal information. This policy has been developed to ensure that such information is handled appropriately.

We are committed to complying with the Privacy Act in relation to all personal information we collect. Our commitment is demonstrated in this policy. The Privacy Act incorporates the APPs. The APPs set out the way in which personal information must be treated.

### WHO DOES THE PRIVACY POLICY APPLY TO?

This policy applies to any person for whom we currently hold or may in the future collect personal information.

### WHAT INFORMATION DOES THE PRIVACY POLICY APPLY TO?

This policy applies to personal information. In broad terms 'personal information' is information or opinions relating to a particular individual who can be identified.

Information is not personal information where the information cannot be linked to an identifiable individual.

### HOW DO WE MANAGE THE PERSONAL INFORMATION WE COLLECT?

We manage the personal information we collect in numerous ways such as:

- Implementing procedures for identifying and managing privacy risks.
- Implementing security systems for protecting personal information from misuse, interference and loss from unauthorised access, modification or disclosure.
- Providing staff with training on privacy issues.
- Appropriately supervising staff who regularly handle personal information.
- Allowing individuals, the option of not identifying themselves, or using a pseudonym, when dealing with us in particular circumstances.

We will take reasonable steps to destroy or permanently de-identify personal information if that information is no longer needed for the purposes for which we are authorised to use it.

In limited circumstances, it may be possible for you to use a pseudonym or remain anonymous when dealing with us (for example, when making a general enquiry with us). However, if you would like to engage our Services, we will need your personal information in most instances in order to provide the Services to you. If you wish to use a pseudonym or remain anonymous, you should notify us when making your first enquiry.

### WHAT TYPES OF INFORMATION DO WE COLLECT AND HOLD?

#### PERSONAL INFORMATION.

We may collect and hold personal information about you, which may include:

- Sensitive information
- Contact information.
- Financial information.
- Date and place of birth.
- Employment arrangements and history.
- Academic and education history.
- Tax returns and tax file numbers.
- Banking details.
- Any other personal information required to perform the services for you.

#### SENSITIVE INFORMATION.

'Sensitive information' is a subset of personal information and includes personal information that may have serious ramifications for the individual concerned if used inappropriately.

We may collect sensitive information if it is relevant in providing the Services. The sensitive information we collect and hold about you may include any of the following:

- Health information.
- Racial or Ethnic origin.

We will not collect sensitive information without the individual's consent to whom the information relates unless permitted under the Privacy Act.

#### HOW AND WHEN DO WE COLLECT PERSONAL INFORMATION?

Our usual approach to collecting personal information is to collect it directly from you. Fluent Education does not engage in, or condone on our behalf, any cold-calling or unsolicited collection of your information from third party sources.

We might also collect personal information in other ways, which may include:

- From employers.
- Through marketing and business development events.
- From marketing and student recruitment agencies.
- From employment agencies.
- From referrers (websites, training partners, other training organisations, employees, friends).
- From parents and guardians, if students are under the age of eighteen (18).
- From Tuition Assurance Scheme Operators.

#### HOW DO WE HOLD PERSONAL INFORMATION?

Our usual approach to holding personal information includes:

- Physically, at our premises (securely).
- Electronically:
  - On secure online servers.
  - On a private cloud (protected by SSL and hosted in Australia).
  - By a third party data storage provider.

We secure the personal information we hold in numerous ways, including:

- Keeping areas that contain personal information secure.
- Using secure servers to store personal information.
- Using unique usernames, passwords and other protections on systems that can access personal information.
- Regular backup of data processes to prevent loss of personal information.

#### WHY DO WE COLLECT, HOLD, USE OR DISCLOSE PERSONAL INFORMATION?

We take reasonable steps to use and disclose personal information for the primary purpose for which we collect it. The primary purpose for which information is collected varies, depending on the particular service being provided, but is generally to:

- Provide training or educational services for you.
- Assess eligibility for various government funding, assistance and credit transfers.

In the case of potential employees, the primary purpose the information is collected is to assess the individual's suitability for employment.

Personal information may also be used or disclosed by us for secondary purposes that are within your reasonable expectations and that are related to the primary purpose of collection.

For example, we may collect and use your personal information:

- For research purposes (statistical data reporting).
- To provide you with updates and invite you to events.

We may disclose personal information to:

- Government bodies (such as the Australian Taxation Office and state and federal departments of education).
- Registered industry associations or bodies.
- Tuition Assurance Scheme operators/bank guarantee operators.
- Employers and recruiters.
- Other service providers or referral partners in order to provide the Services to you, or to assist our functions or activities (such as your Job Service Advisors, law firms, and affiliate training institutes/providers).
- Our third party technology providers such as our data storage providers.

Otherwise, we will only disclose personal information to third parties if permitted in writing by you, where it is authorised by law, or will lessen or prevent a serious threat to your life, health, safety or the general public's health, safety and welfare. Where any other organisation has presented a privacy agreement to you, and it has been signed, we will share relevant information as approved by you.

Should a student request for Fluent Education to discuss their information and progress with a nominated person they are required to complete a Privacy Consent Form and email this to [student.support@fluent.edu.au](mailto:student.support@fluent.edu.au)

#### WILL WE DISCLOSE PERSONAL INFORMATION OUTSIDE OF AUSTRALIA?

We generally do not disclose information to overseas recipients apart from storing limited information on a server located in New Zealand.

We take all reasonable steps to ensure that the service provider is committed to privacy and confidentiality obligations that are at least equal to the Australian Privacy Principles.

#### HOW DO YOU MAKE COMPLAINTS, AND ACCESS AND CORRECT YOUR PERSONAL INFORMATION OR CREDIT INFORMATION?

It is important that the information we hold about you is up-to-date. You should contact us if your personal information changes.

#### ACCESS TO INFORMATION AND CORRECTING PERSONAL INFORMATION.

You may request access to the personal information held by us or ask us for your personal information to be corrected by using the contact details in this section.

We will grant you access to your personal information as soon as possible, subject to the request circumstances.

In keeping with our commitment to protect the privacy of personal information, we may not disclose personal information to you without proof of your identity.

We may deny access to personal information if:

- We are unable to verify your identity.
- The request is unreasonable.
- Providing access would have an unreasonable impact on the privacy of another person.
- Providing access would pose a serious and imminent threat to the life or health of any person.
- There are other legal grounds to deny the request.

We may charge a fee for reasonable costs incurred in responding to an access request. The fee (if any) will be disclosed prior to it being levied.

If the personal information we hold is not accurate, complete and up-to-date, we will take reasonable steps to correct it so that it is accurate, complete and up-to-date, where it is appropriate to do so.

#### COMPLAINTS

If you wish to complain about an interference with your privacy, then you must follow the following process:

- The complaint must be firstly made to us in writing, using the contact details in this section. We will have a reasonable time to respond to the complaint.
- In the unlikely event the privacy issue cannot be resolved, you may take your complaint to the Office of the Australian Information Commissioner.

#### WHO TO CONTACT.

A person may make a complaint or request to access or correct personal information about them held by us. Such a request must be made in writing to [student.support@fluent.edu.au](mailto:student.support@fluent.edu.au)

#### DATA BREACH AND RESPONSE

The Privacy Amendment (Notifiable Data Breaches) Act 2017 defines an eligible data breach occurring as:

- There is unauthorised access to, unauthorised disclosure of, or loss of personal information held by an entity; and
- The access, disclosure or loss is likely to result in serious harm to any of the individuals to whom the information relates.

Fluent Education must notify the individual where it is determined an eligible data breach has occurred, or it is directed to do so by the Commissioner.

Serious harm must have regard to the kind of information lost or disclosed, sensitivity of information, whether the information is protected, types of people who have obtained or who could obtain the information and the likelihood or intent of harm resulting from the data breach.

Possible data breach examples related to the College:

- Personal information shared without consent to third parties not specified in this policy.
- Security breach of systems used to store personal information.

Notification of a potential security breach needs to be addressed to [student.support@fluent.edu.au](mailto:student.support@fluent.edu.au) The Notification should include:

- Time and date potential breach occurred.
- Details of data breach – suspected cause, nature of information, extent.
- Personnel involved.
- Who may be impacted.
- Any supporting evidence.

Notification is sent to Quality to record on the Quality Notification Register (QNR) for initial risk assessment, assigning stakeholder and monitoring of outcomes, as per the Quality Notification Procedure.

A risk assessment of the breach and severity must be conducted within thirty (30) days from being notified.

#### RISK ASSESSMENT AND CONTROL.

Consideration must be given to:

- The nature of personal information disclosed or lost.
- The number of individuals that are impacted.
- Who may have access to the information.

- Risk of harm
- Levels of control Fluent Education has to retrieve or control the situation.
- Root cause of breach and the likelihood of reoccurrence.

Controls/Action:

- Identification of stakeholders and implementation of a communication strategy.
- Staff education, training, and disciplinary processes where required.
- Evaluation of policies, procedures and systems.

Where it is determined a breach has occurred, Fluent Education must prepare and issue a statement to affected individuals as soon as practicable that:

- Identity and contact details of Fluent Education, and other entities if involved.
- Description of the eligible data breach it believes has occurred.
- Kinds of information concerned.
- Recommendations the individual should take in response.

#### CHANGES TO THIS POLICY

Fluent Education may update, modify or remove this policy at any time without prior notice. Any changes to the privacy policy will be published on our website.

If you have any comments on the policy, please contact [student.support@fluent.edu.au](mailto:student.support@fluent.edu.au)

#### COMMUNICATION, TRAINING AND RECORDKEEPING

For internal use only - refer to the Communication, Training and Recordkeeping Procedure.

#### REFERENCES/SUPPORTING DOCUMENTS/DEFINITIONS

Australian Privacy Principles. Fluent Education must ensure that they abide by the 13 Australian Privacy Principles:

- 1) Open and transparent management of personal information.
- 2) Anonymity and Pseudonymity.
- 3) Collection of solicited personal information.
- 4) Dealing with unsolicited 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.

#### PERSONAL INFORMATION

The Privacy Act defines personal information 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 is a type of personal information and includes information about:

- An individual's racial or ethnic origin.
- Health information.
- 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.
- Genetic information.
- Biometric information that is to be used for certain purposes.
- Biometric templates.