

# Privacy Policy and Procedure

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## 1 Purpose and scope

This privacy policy and procedure for AIE Institute Limited, trading as AIE Institute, has been developed in accordance with the *Privacy Act 1988 (the Privacy Act)*, which includes the Australian Privacy Principles (APPs). The Australian Privacy Principles regulate the handling of personal information by Australian government agencies and some private sector organisations.

AIE Institute's main purpose is to provide higher education courses and support for those courses. Other associated activities occur to enable AIE Institute to offer its higher education courses. All information collected is for the purpose of the operation of AIE Institute, or where dictated by legislative guidelines.

This privacy policy and procedure applies to the collection, storage, use, disclosure and access to personal information relating to all individuals who have cause to liaise with AIE Institute. Personal and sensitive information may be collected and stored in electronic and/or paper format.

This privacy policy and procedure does not apply to employment records used for employment purposes at AIE Institute, as per the *Privacy Act*.

## 2 Objectives

In Australia, privacy law generally relates to the protection of an individual's personal information. Personal information is information or an opinion about an identified individual, or an individual who is reasonably identifiable.

It is a legislative requirement that client privacy be maintained at all times. AIE Institute respects the privacy of staff and students and strives at all times to ensure that the level of privacy protection achieved through its operations is the highest possible.

All individuals have the right to access their personal information held by AIE Institute in accordance with the *Privacy Act*. AIE Institute monitors privacy compliance and handles any complaints in an appropriate manner.

## 3 Implementation

The overall responsibility for privacy of information for AIE Institute resides with the CEO. Day-to-day management is delegated to the Head of School, who is the first point of contact for privacy matters including general information, requests to access and/or amend personal information, and for internal review and resolution of complaints.

Students and staff are responsible for being aware of and complying with this policy and procedure. Students are also responsible for keeping their personal information up to date via the online portal.

## 4 Procedure

### 4.1 Collection of personal information

AIE Institute only collects personal information directly from individuals:

- a. In circumstances where it is necessary for its main purpose of providing educational products and services, and for the purpose of administering those products and services

- b. Where it is reasonable and practicable
- c. In a fair and transparent manner in keeping with the Australian Privacy Principles.

Individuals (whether directly providing personal information or as an authorised third party) are advised that AIE Institute takes reasonable steps to ensure that the individual is aware of:

- d. The purpose for collecting the information
- e. The types of organisations to which that AIE Institute may need to disclose such information, including information that may be transferred to overseas entities
- f. The option to be anonymous or pseudonymous where possible and practicable (noting that this is only possible for general enquiries)
- g. Their rights to access their personal information within reasonable timeframes
- h. The need for consent to collect health or sensitive information
- i. Contact details for AIE Institute.

AIE Institute may collect personal information from members of the public in relation to addressing enquiries from the public. AIE Institute may collect health and sensitive information, where relevant, from students who enrol in a course of study or from staff in relation to their employment at AIE Institute. Personal information collected may include: names; addresses and contact details; date of birth; educational and work history; academic results; emergency contact details; credit card details; racial or ethnic origins; English language proficiency; healthy or disability (where relevant); professional membership information (where relevant); government related identifiers.

Prospective students can make an anonymous enquiry or use a pseudonym for general enquiries and information relating to courses. However, to enrol in a course or to be assessed for eligibility for course admission, specific information, including the individual's details, are required to appropriately assess the prospective student's application. AIE Institute may not be able to provide its services to individuals if they choose not to provide the requested personal information.

AIE Institute may also collect personal information for ancillary purposes related to the primary purpose of collection, including:

- j. Billing, maintaining information technology services, customer service and data storage
- k. Marketing the services of AIE Institute and its related entities to prospective, current and past students
- l. Planning, monitoring, evaluating and improving service provision, including conducting market research and surveys and assessing customer satisfaction
- m. Otherwise communicating with individuals.

#### **4.1.1 Minors and privacy**

When AIE Institute has knowledge that an individual is under the age of 18 and is providing personal information, AIE Institute requires the individual to obtain their parent's/guardian's permission and consent to provide this information to us. Once a minor is enrolled, information regarding study, fees or any other relevant information is provided to parents upon request.

#### **4.1.2 Personal information from websites or third parties**

Generally, personal information is collected directly from the individual, although there may be times when information is collected from third parties, such as a family member who initiates contact on the individual's behalf; contractors who supply services to AIE Institute; through partner institutions; or from a publicly maintained record.

If personal information is provided to AIE Institute about someone else, the individual must ensure that they are entitled to disclose the information. Without AIE Institute taking any further steps, AIE Institute may collect, use and disclose such information for the purposes described in this privacy policy and

procedure. For example, if an individual is aware of this policy and procedure, the individual must also provide the required consent regarding personal information.

Additionally, AIE Institute may collect personal information from individuals using AIE Institute's website or third parties as per the Website Privacy Statement on <https://aieinstitute.edu.au/>, and anonymous information for statistical purposes. Collection of this information may be from cookies and measurement tools on AIE Institute's website or from third party analytics. Information may be used to improve the products and services offered by AIE Institute. Individuals may be able to alter their computer settings to prevent the use of cookies and measurement tools. However, this may result in less functionality on some aspects of AIE Institute's website.

Anonymous information may include:

- a. Internet protocol address from which AIE Institute receives the request
- b. Date and time of request
- c. Pages, documents and files accessed
- d. The address of the resource which provided the link followed, if any, to the AIE Institute website
- e. The type of browser and, in some cases, the operating system used
- f. In some cases, data sent to our website from web forms (for example, search terms).

Links to external websites, including social media sites, are not controlled by AIE Institute and therefore are not accounted for under this privacy policy and procedure.

AIE Institute may also collect information from other educational providers for the purpose of verifying qualifications that have been awarded, and for completion of units of study towards course credit for the purposes of enrolment.

#### **4.1.3 Collection of personal information from prospective employees**

AIE Institute may collect personal information from prospective employees. For prospective employees this may include: name, address and contact details; educational and work history. Information may also be collected regarding referees and their contact details, which provides consent for AIE Institute to collect personal information from said referees.

Additional information may be collected in the process of hiring staff, such as: date of birth; tax file number; emergency contact details; bank details; superannuation information; passport and visa details; licence details; academic information including qualifications, awards, publications; working with children and police checks (if relevant).

## **4.2 Use and disclosure of personal information**

AIE Institute uses and discloses personal information for the purposes disclosed at the time of collection or as set out in this policy and procedure. Personal information is not disclosed for any other purpose unless consent has been given to AIE Institute or it is required to do so by law.

Individuals can opt out of receipt of marketing material and other optional communication by contacting AIE Institute via email and requesting that direct marketing communications are not sent. AIE Institute does not disclose or externally publish personal information to third parties with a view to allowing them to direct market their products or services without your consent. However, there are some communications that are required for AIE Institute to fulfil its purpose of providing education, and these are not optional.

Personal information is also collected to enable AIE Institute to correspond with students and attend to administrative matters, which may require disclosure to third parties, such as: work-integrated learning; other student services; emergency circumstances; graduation and alumni purposes; benchmarking and quality assurance purposes; compliance with legislative reporting requirements; and other uses as permitted by the privacy laws.

Other circumstances when AIE Institute may disclose personal information are:

- a. If a student transfers to another tertiary institution, AIE Institute may release to that institution information about the student's academic progress at AIE Institute, although normally the student will have consented to this in their application to the new institution.

AIE Institute staff may require access at times to personal information about students. To the extent that the information is private, AIE Institute restricts access to those staff who need the information in order to carry out their responsibilities in the personal and/or academic interests of students.

#### **4.2.1 Third party use and disclosure**

AIE Institute will sometimes require the use and disclosure of personal information to third-party service providers such as cloud services and other information technology-related services to allow us to manage our business functions and activities.

AIE Institute will take reasonable steps to ensure that any third party protects and handles personal information to similar standards as AIE Institute.

#### **4.2.2 Critical Incidents**

There are certain extenuating circumstances under the Privacy Act where AIE Institute may disclose limited personal information to meet or maintain its duty of care responsibilities, such as where:

- a. There is a serious and imminent threat to an individual's life, health or safety
- b. There is a requirement under law, or authorised by law
- c. There is a requirement under an enforcement body.

Disclosure of such information is carried out as necessary to prevent or lessen a serious and/or imminent threat or, for example, when AIE Institute has been unable to contact a student for an unreasonable period. In this situation, the disclosure of information is approved by the CEO.

If an individual is alleged to have committed an offence, AIE Institute may be requested to assist the police or other authorized persons by providing personal information about that individual for enforcement of the law.

#### **4.2.3 Other circumstances**

No attempt will be made to identify individual users of the AIE Institute website except in the unlikely event of an investigation or legal proceedings, or where otherwise permitted to do so under the *Privacy Act*. In such circumstances, AIE Institute may be required to gather more extensive information than stated above, in cases such as:

- a. Unauthorised attempts to access files other than those published on our websites
- b. Unauthorised tampering or interference with files published on our websites
- c. Unauthorised attempts by other websites to index the contents of our websites
- d. Attempts to intercept messages of other users of our websites
- e. Communications which are defamatory, abusive, vilify individuals or groups or give rise to a suspicion that an offence is being committed
- f. Attempts to otherwise compromise the security of the AIE Institute web server, breach the laws of the Commonwealth or a state or territory of Australia, or interfere with the use of the AIE Institute website by other users.

AIE Institute only publishes personal information on its website where the individual has consented to personal information being collected and disclosed for that particular purpose. Individuals should be aware that personal information may be indexed by search engines, and that it may be copied and used by any web user. Once personal information is published on the AIE Institute website, it is impossible to control

subsequent use and disclosure. Where the AIE Institute website contains external links to other sites, AIE Institute is not responsible for the privacy practices or the content of such websites.

AIE Institute will never sell or receive payment for licensing or disclosing personal information.

AIE Institute may receive unsolicited information. In such circumstances, AIE Institute disposes of and de-identifies the unsolicited information as soon as practicable.

### 4.3 Reporting to government agencies

AIE Institute is required to collect and disclose information obtained from a student's admission and enrolment at AIE Institute in order to meet obligations under a range of legislative requirements for reporting to government agencies. This may include reporting to:

- g. Government agencies on statistical information about student enrolment, educational background, country of birth; where a student has requested financial assistance with tuition fees, such as FEE-HELP; reporting requirements related to students on student visas
- h. The Tertiary Education Quality Standards Agency (TEQSA) on information relating to staff qualifications and professional development; student data on performance, progression and satisfaction levels
- i. The Overseas Student Ombudsman, where an overseas student lodges an appeal against a decision of AIE Institute, where AIE Institute will be required to respond with personal information relating to the student's case
- j. The Australian Taxation Office in relation to FEE-HELP, where students may defer fee payment through the taxation system
- k. Centrelink, relating to enrolment information on domestic students accessing Centrelink benefits
- l. OSHC, where international students opt to pay their Overseas Student Health Cover through AIE Institute
- m. Tuition Protection Service Director, regarding tuition assurance for international students
- n. Australian Council for Private Education and Training, for administration of the Australian Student Tuition Assurance Scheme
- o. Austudy, relating to enrolment information for domestic students accessing benefits.

The authority to collect this information is contained in the *Education Services for Overseas Students Act 2000*, the *Education Services for Overseas Students Regulations 2019*, the *National Code of Practice for Providers of Education and Training to Overseas Students 2018*, the *Higher Education Support Act 2003*, the *Tertiary Education Quality and Standards Agency Act 2011*, the *Social Security (Administration) Act 1999* and the *Student Assistance Act 1973*. Personal information can be provided, in certain circumstances, to the Australian Government and designated authorities and, if relevant, the Tuition Assurance Scheme and the Tuition Protection Service Director.

AIE Institute does not disclose Commonwealth or State government identifiers nor does it use those identifiers as its own identifiers.

### 4.4 Transfer of personal information outside of Australia

AIE Institute may retain other companies/contractors to provide services, including entities located outside Australia, who need to have access to personal information to perform their obligations. AIE Institute may also use a cloud-based service to store and process personal information.

If AIE Institute has cause to transfer personal information outside of Australia, it does so according to the *Privacy Act*. AIE Institute ensures that the recipient is subject to a binding agreement that is similar to the Australian Privacy Principles and takes reasonable steps to ensure recipients do not breach the APPs. AIE Institute seeks consent where possible, prior to transferring personal information outside of Australia.

However, AIE Institute is not responsible for a failure of the overseas recipient to comply with Australian privacy laws.

Other than to confirm that individuals are, or have been, a student at AIE Institute, AIE Institute does not disclose personal information about students to other students, to people outside of AIE Institute (other than in accordance with any legal or academic obligations) or to staff who have no need of access to the information, unless the student has given consent to AIE Institute in writing.

#### 4.5 Security and quality of personal information

AIE Institute takes reasonable steps to ensure that personal information is protected against loss, unauthorised access, use, modification or disclosure, other misuse, as required by law and generally accepted industry standards. However, to the extent permitted by law, AIE Institute excludes any liability in contract, tort or otherwise for any security breach.

AIE Institute complies with the Notifiable Data Breaches (NDB) scheme in the event of a data breach that is likely to result in serious harm to any individuals whose personal information is involved in the breach. Further information is available from the [Office of the Australian Information Commissioner](#).

AIE Institute takes all reasonable steps to destroy or de-identify hard copies of personal information that is no longer required, and that destruction of personal information is undertaken by secure means, as required by the *Privacy Act*.

AIE Institute uses password protection and other measures to protect personal information, and software programs to monitor network traffic and identify unauthorised attempts to upload or change information, or otherwise cause damage.

AIE Institute takes reasonable steps, as required by the *Privacy Act*, to ensure that personal information is accurate, complete and up to date.

Students can assist with keeping personal information up to date by ensuring their personal information is updated via the online student portal. Students can contact the Head of School to request access to other personal information and/or to request correction of information not held on the online system. For security reasons, requests to view other information not held on the online system must be in writing. A meeting is arranged whereby the student is shown any information requested on the complete student file and all notes the AIE Institute has on record.

All staff can access their personal information and/or request correction of information held by AIE Institute via an appointment with the CEO. A meeting is arranged and the staff member is shown any information requested on the complete personnel file and all notes AIE Institute has on record.

Requests to remove personal information may contravene applicable legislation and therefore may not be permitted. AIE Institute endeavours to answer any questions that individuals may have.

Unauthorised attempts to access or tamper with information held by AIE Institute may lead to the gathering of more extensive information than usual, and possible legal action.

#### 4.6 Complaints and grievances

If an individual believes that their personal information has not been dealt with in accordance with the *Privacy Act*, they may lodge a complaint. The complaint should be lodged with the CEO in the first instance for resolution. All complaints must be made in writing within the timeframe specified in the relevant grievance policy.

If the complainant is not satisfied with the outcome, they may refer the matter to the Office of the Australian Information Commissioner at:

**Website:** <http://www.oaic.gov.au/>      **Phone:** 1300 363 992

## 5 Definitions

**Centrelink** is an Australian Government Statutory Agency, assisting people to become self-sufficient and supporting those in need.

**Personal Information** is information or an opinion (including information or an opinion forming part of a database) that is recorded in any form and whether true or not about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. Personal information includes sensitive information. For the purposes of the *Privacy Act 1988* (Cth) the personal information does not have to be in a recorded form. For further information visit the Office of the Australian Information Commissioner website, <http://www.oaic.gov.au/>.

**Privacy Act 1988 (the Privacy Act)** is an Australian law which regulates the handling of personal information about individuals. This includes the collection, use, storage and disclosure of personal information, and access to and correction of that information.

**Sensitive Information** is personal information or an opinion about an individual's: racial or ethnic origin; political opinions and memberships; religion; sexual preference; criminal record; professional memberships including trade unions.

## 6 Related documents

AIE Institute provides policies and procedures of importance to a student's term of study on its website, including this privacy policy and procedure and the Website Privacy Statement. Students are strongly recommended to view AIE Institute's policies located on the website.

All staff are provided with this policy and procedure at induction. All staff are informed of any changes to this policy and procedure via the staff intranet and/or email.

## 7 Review

Three years from commencement.

## 8 Accountabilities

The Board of Directors is responsible for review and approval of this policy and procedure.

The policy is to be implemented via induction and training of staff and distribution to students and AIE Institute's higher education community via the website and other publications.