COR003 Privacy Policy

11th December 2017 (Version Q)

(When printed this document ceases to be controlled, refer to TURSA Intranet for current version).
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Attachment A –
EMP233 Authority for the Release of Client Information

Further Reference

Commonwealth Privacy Act 1988

(A copy of the Commonwealth Privacy Act 1988 is held in the Library at the Lismore TURSA office)


Social Security ( Administration) Act 1999


Social Security ( Administration) ( Public Interest Certificate Guidelines) (DEEWR) Determination 2013


Employment Services Guideline: Privacy Guideline, version 2.1, published on 4 December 2017

(A copy of this Guideline is available under the ‘Servicing Job Seekers with Challenging Behaviours’ section under jobactive on the Intranet)
1.0 PURPOSE

*Tursa Employment & Training* is committed to protecting the privacy of personal information. This policy sets out the way we handle personal information including the use and disclosure of personal information, as well as client rights to access their personal information.

2.0 SCOPE

This policy only applies to our staff, databases and files and does not cover any State, Territory or Australian Government staff, database or file. This policy operates across our employment and training services.

3.0 POLICY

3.1 Personal Information collected by *Tursa Employment & Training*

In order to provide employment, training and assessment services we need to collect personal information upon a client registering for a course/qualification, participation in a project, program or service to be provided by *Tursa Employment & Training*.

*Tursa Employment & Training* will not collect personal information unless this information is necessary for, or directly related to, the organisation’s employment, training and assessment functions.

Sensitive personal information, e.g. racial or ethnic origin, membership of a professional or trade association, membership of a trade union, criminal record, will only be collected with the client’s consent and where it is necessary for, or directly related to, the organisation’s employment, training and assessment functions.

Legislation and contract conditions require that selected information be reported to government departments and/or agencies. These may include:

- Australian Government departments including the Department of Employment, Department of Social Services (DSS), the Department of Human Services (DHS) and Centrelink;
- State Governments including NSW Department of Industry and QLD Department of Education and Training (DET);
- Australian Training Network;
- Australian Vocational Education and Training Management Information Statistical System (AVETMISS); and
- Police and other agencies in circumstances authorised in the Class Public Interest Certificate (PIC) issued by the Secretary of the Department of Employment (see 3.4.1 for details).

*Tursa Employment & Training* does not disclose personal information with overseas recipients.

Information collected may include the following:

- Name;
- Address and Contact details (telephone);
- Date of Birth;
• Gender;
• Country of birth;
• Citizenship;
• Whether Aboriginal or Torres Strait Islander;
• Language spoken at home;
• Disability information;
• Education details;
• Current pay and hours and employer details;
• Barriers to employment, including Police and Child Protection checks when required by law or prescribed;
• Previous qualifications;
• Employment status; and,
• Job seeking efforts.

_Tursa Employment & Training_ only collects personal information by fair and lawful means and not in an unreasonably intrusive manner.

The enrolment form or program contract completed by clients contains a disclaimer outlining why the personal information is collected and how it is used. Clients are required to sign the disclaimer as their agreement to the use of their personal information.

### 3.2 Sources of Personal Information Collected

_Tursa Employment & Training_ collects personal information directly from each client at registration for a course, program or service, or via an automated system of referral from Australian and State Government information sources.

Information collected as a result of people browsing the organisation’s website is used for monitoring and security purposes only. Cookies may be stored on website user’s computer to assist them to use the website. These are not used for any type of tracking purpose outside of the organisation’s website.

### 3.3 Advice provided to clients

At the time _Tursa Employment & Training_ collects personal information we will take all reasonable steps to ensure that clients are made aware of:

(a) _Tursa Employment & Training_’s identity and how to contact us;
(b) The client’s rights with regard to accessing their personal information;
(c) The purpose for which the personal information was collected;
(d) To whom we disclose personal information;
(e) Any law that requires us to collect particular personal information;
(f) The main consequences, if any, for the client if they do not provide all or part of the information we require; and,
(g) The client’s right of access to the Cluster, Site or Programme Manager with respect to Customer Complaints - including Privacy matters of concern; an external Customer Complaints hotline and State/Federal Privacy Commissioners.

### 3.4 Use and Disclosure

_Tursa Employment & Training_ staff are bound by a policy that all information is used in accordance with the Commonwealth Privacy Act 1988 incorporating the Australian Privacy Principles. We will endeavour to ensure that the information provided to us remains private
and is used only for the purposes the client has agreed as per completed consent form. For example, refer to Attachment A – EMP233 Authority for the Release of Client Information.

_Tursa Employment & Training_ will not reveal, disclose, sell, distribute, rent, license, share or pass personal information on to a third party, other than those that we have a binding agreement with ensuring that the third party affords the personal information similar levels of protection as we do and that allows us to reasonably perform our employment and training and assessment services.

In order to provide clients with employment, training and assessment services, we are required to disclose personal information to third parties as outlined in 3.1 of this policy -

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**FOR THE PURPOSES OF REPORTING AND CLAIMING PUBLIC FUNDS FOR THE DELIVERY OF EMPLOYMENT SERVICES, TRAINING AND ASSESSMENT SERVICES UNDER CONTRACTS WITH RELEVANT GOVERNMENT DEPARTMENTS AND AGENCIES.**

Further, _Tursa Employment & Training_ may use and disclose personal information to provide employment, training and assessment services specified to the client at the point of collection or for another purpose if:

- The client would reasonably expect us to use or disclose it for that purpose;
- That use and disclosure is related to the purpose specified to the client at the time of collection;
- The use and disclosure is specifically authorised by Australian law or a court/tribunal order;
- There is suspected unlawful activity or serious misconduct related to _Tursa Employment & Training_’s activities and functions; or
- This is authorised under a Public Interest Certificate (PIC.) See 3.4.1 below.

_Tursa Employment & Training_ does not use or disclose personal information for the purposes of direct marketing unrelated products or services.

Clients may be encouraged to provide disability information to prospective employers if relevant to potential employment. _Tursa Employment & Training_ staff cannot disclose this information without client’s consent.

### 3.4.1 Disclosure of Information – Police or other specified agencies requesting job seeker information

Social Security law governs the use and disclosure of protected information. Should a staff member receive a police enquiry for job seeker information (and the job seeker is in receipt of a social security benefit/payment), the information is likely to be considered ‘protected’ and subject to social security law. Certain information can usually only be disclosed under a Public Interest Certificate (PIC).

The Class PIC issued by the Secretary of the Department of Employment authorises site managers and above to disclose protected information only where:

- There is a threat to someone’s life, health or welfare
- An offence or threatened offence occurs on premises occupied by a Provider.
In the case of Threats, the protected information can only be released to:

- Emergency services (including the police); health service Providers; and child protection agencies.
- In the case of Offences on Premises, the protected information can only be released to police officers.

_Tursa Employment & Training_ will obtain a separate PIC from the Department of Employment for situations that are not covered by the Class PIC.

Any requests from police must be in writing and forwarded to the _Operations Co-ordination Unit (OCU)_ for follow up with the Department of Employment.

### 3.4.2 Threats or Incidents that Warrant Police Attention

Where staff are in a site that does have a manager, and they feel imminently threatened or are involved in an incident that warrants police attention, the staff member can call the police to advise there is/has been an incident. (However, they can’t disclose private information like the address etc at this time). Once police attend, then private information such as address and contact details of the instigator can be given to the police by a Site/Cluster Manager and that Site/Cluster Manager would fill out the PIC and send through to OCU.

If a site doesn’t have a manager, but has a serious incident that warrants police intervention, the staff member can call the police to advise there is/has been an incident. They would also contact the relevant _Cluster Manager_, who would go to that site and they would release the information (or obtain contact details of the police to phone them through at a later stage).

### 3.5 Data Quality

_Tursa Employment & Training_ will take reasonable steps to ensure that personal information is accurate, complete and up-to-date. Clients are encouraged to help us keep their personal information accurate, complete and up-to-date by contacting our delivery site or head office and informing us of any changes to details.

### 3.6 Data Security and Storage

_Tursa Employment & Training_ is committed to protecting the privacy of personal information. We ensure that all information is stored in accordance with the Commonwealth Privacy Act 1988 and the Australian Privacy Principles. We take reasonable steps to protect personal information from misuse, loss and from unauthorised access, modification or disclosure. We ensure this by having such security measures as:

- Individual password access to systems and databases;
- Encrypted electronic databases;
- Secured file cabinets.

Archived personal information is stored in secured premises for time periods as specified by legislation, regulations or Government contractual obligations.

We will also take reasonable steps to destroy or permanently de-identify personal information if it is no longer required for any purpose and is not required by law to be held for any given period.
3.7 Use of the Internet

Tursa Employment & Training uses a variety of secure technologies to transmit client personal information from our delivery sites to our head office, and vice versa, and also to transmit details to state and territory registering bodies.

All information transmitted by delivery sites to Tursa Employment & Training is encrypted.

The security of data transmitted to state and territory registering bodies is managed by these bodies.

Tursa Employment & Training takes all reasonable steps to protect personal information security when using the Internet but is aware that no transmission of information by email or via a registering body website can be guaranteed secure.

3.8 Access and Correction

Clients are provided with the opportunity to access the personal information we hold on them and to seek to correct that information if they determine that it is incorrect. This can be undertaken by contacting the local delivery site. In some circumstances such as, directions under an Australian law or a court/tribunal order, in cases of serious threat to public or individual health and safety, exceptions to allowing access may be made. These are detailed in the Australian Privacy Principle 12.3.

3.9 Identifiers

Tursa Employment & Training will not adopt as its own identifier an identifier that has been assigned by a government agency.

Where practicable Tursa Employment & Training will not use or disclose an identifier assigned to an individual by a government agency.

3.10 Complaints

Clients have the right to complain if they believe there has been a breach of the Australian Privacy Principles. This complaint can be to the Cluster, Site or Programme Manager on FREECALL 1800 670 914 or to an external Customer Complaints hotline. Tursa Employment & Training staff can provide contact details.

If not satisfied with the response from Tursa Employment & Training, clients may be referred to the Office of the Australian Information Commissioner, phone: 1300 363 992 or on-line: www.oaic.gov.au and go to the section ‘Making a privacy complaint’ under the Privacy tab.

3.11 Availability of the TURSA Privacy Policy

Copies of the Tursa Employment & Training Privacy Policy are available on the organisation’s website and hard copies are available on request from delivery sites.
Attachment A –
AUTHORITY FOR THE RELEASE OF CLIENT INFORMATION

Please be advised that as a client of Tursa Employment & Training, this information is used by us to assist you in (i) securing ongoing employment, work experience and/or education and/or (ii) working through any barriers to employment. Our assistance includes offering placement assistance to employers, and other assistance to support you in obtaining and maintaining your employment and/or education placement.

I, ________________________________ JSID ____________________________

(i) authorise weekly hours of work and gross wage information for a period of up to 12 months from the commencement of any employment, be provided by any employer with whom I gain work for the purpose of updating records and/or providing employment related assistance.

Should I undertake study, I authorise course progress, semester completion, certification and/or transcript details be provided by any Education Provider I undertake study with, to my Employment Provider, TURSA, for a period of up to 12 months from study commencement date for the purpose of updating records and/or providing education related assistance.

(ii) authorise the sharing of pertinent information between TURSA and the following agencies/organisations/medical specialists and others which I may specify from time to time:
_________________________________________________________________________________________________

(iii) authorise TURSA to apply for, verify and record the Unique Student Identifier (USI) as well as share this information with other Registered Training Organisations as part of any enrolment process on my behalf.

Declaration by Participant¹
By signing below, I confirm I have read, understood and agree to the collection, use and disclosure of my sensitive personal information in accordance with this agreement form.

______________________________________ ______________
Participant Signature Date

(Where applicable) Additional declaration by legal guardian or administrator of individual.²
I have been appointed the legal guardian or administrator of the Participant and, as such, I am authorised to sign this declaration for, and on behalf of, the Participant (please tick box). Yes ☐

______________________________ ______________
Name Signature Date

(TURSA Staff member)

Privacy statement
¹ Note: Participants under the age of 18 are permitted to sign this declaration as long as they do not have a guardian or administrator appointed.
² Note: Where the individual has been appointed a guardian or administrator, the guardian or administrator should sign the declaration

Privacy of Information: Tursa Employment & Training staff are bound by a policy that all information is used in accordance with the Commonwealth Privacy Act 1988 (including the Australian Privacy Principles). We will use our best efforts to ensure that the information provided to us remains private and is used only for the purposes of providing employment, training and assessment services. Legislation and Funding conditions require that selected information be reported to Government departments and/or agencies.

Tursa Employment & Training will not reveal, disclose, sell, distribute, rent, licence, share or pass personal information on to a third party, other than those with whom we have a binding agreement to ensure the third party affords the personal information similar levels of protection as we do and that allows us to reasonably perform our employment and training services.

You may request to read our full Privacy Policy at any time. - http://www.tursa.com.au

NOTE: The Unique Student Identifier (USI) Privacy Notice is on the following page
Privacy policies and complaints regarding the Unique Student Identifier (USI)

You can find further information on how the Registrar collects, uses and discloses the personal information about you in the Registrar’s Privacy Policy on www.usi.gov.au or by contacting the Registrar via usi@education.gov.au or 13 38 73. The Registrar’s Privacy Policy contains information about how you may access and seek correction of the personal information held about you and how you may make a complaint about a breach of privacy by the Registrar in connection with the USI and how such complaints will be dealt with. You may also make a complaint to the Information Commissioner about an interference with privacy pursuant to the Privacy Act, which includes the following:

- misuse or interference of or unauthorised collection, use, access, modification or disclosure of USIs; and
- a failure by us to destroy personal information collected by you only for the purpose of applying for a USI on your behalf.

USI PRIVACY NOTICE

If you do not already have a Unique Student Identifier (USI) and you want Tursa Employment & Training to apply for a USI on your behalf, Tursa Employment & Training will provide to the Registrar the following items of personal information about you:

- your name, including first or given name(s), middle name(s) and surname or family name as they appear in an identification document;
- your date of birth, as it appears, if shown, in the chosen document of identity;
- your city or town of birth;
- your country of birth;
- your gender; and
- your contact details.

When we apply for a USI on your behalf the Registrar will verify your identity. The Registrar will do so through the Document Verification Service (DVS) managed by the Attorney-General’s Department which is built into the USI online application process if you have documents such as a Medicare card, birth certificate, driver licence, Australian passport, citizenship document, certificate of registration by descent, ImmiCard or Australian entry visa.

If you do not have a document suitable for the DVS and we are authorised to do so by the Registrar we may be able to verify your identity by other means. If you do not have any of the identity documents mentioned above, and we are not authorised by the Registrar to verify your identity by other means, we cannot apply for a USI on your behalf and you should contact the Student Identifiers Registrar.

In accordance with section 11 of the Student Identifiers Act 2014 Cth (SI Act), we will securely destroy personal information which we collect from you solely for the purpose of applying for a USI on your behalf as soon as practicable after the USI application has been made or the information is no longer needed for that purpose, unless we are required by or under any law to retain it.

The personal information about you that we provide to the Registrar, including your identity information, is protected by the Privacy Act 1988 Cth (Privacy Act). The collection, use and disclosure of your USI are protected by the SI Act.

If you ask Tursa Employment & Training to make an application for a student identifier on your behalf, Tursa Employment & Training will have to declare that Tursa Employment & Training has complied with certain terms and conditions to be able to access the online student identifier portal and submit this application, including a declaration that Tursa Employment & Training has given you this privacy notice:

By signing this form you are advised and agree that you understand and consent that the personal information you provide to us in connection with your application for a USI is collected by the Registrar for the purposes of: applying for, verifying and giving a USI;

- resolving problems with a USI; and
- creating authenticated vocational education and training (VET) transcripts;

may be disclosed to:

- Commonwealth and State/Territory government departments and agencies and statutory bodies performing functions relating to VET for:
  - the purposes of administering and auditing Vocational Education and Training (VET), VET Providers and VET programs;
  - education related policy and research purposes; and
  - to assist in determining eligibility for training subsidies;
  - VET Regulators to enable them to perform their VET regulatory functions;
  - VET Admission Bodies for the purposes of administering VET and VET programs;
  - current and former Registered Training Organisations to enable them to deliver VET courses to the individual, meet their reporting obligations under the VET standards and government contracts and assist in determining eligibility for training subsidies;
  - schools for the purposes of delivering VET courses to the individual and reporting on these courses;
  - the National Centre for Vocational Education Research for the purpose of creating authenticated VET transcripts, resolving problems with USIs and for the collection, preparation and auditing of national VET statistics;
  - researchers for education and training related research purposes;
  - any other person or agency that may be authorised or required by law to access the information;
  - any entity contractually engaged by the Student Identifiers Registrar to assist in the performance of his or her functions in the administration of the USI system; and
- will not otherwise be disclosed without your consent unless authorised or required by or under law.