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Policy Overview

The purpose of this Policy and Procedure is to ensure that the RTO will collect and store information from students, clients and their representatives in accordance with all applicable Legislation.

Legislative Rationale

This policy addresses the requirements specified under Sections 12 and 20 of the Compliance Standards in the Standards *for Registered Training Organisations (RTOs) 2025 and any revised standards thereafter* and Clauses 4.11 and 10 of Schedule 1 and complying with Clauses 10, 11 and 12 of the Skills First 2026 *VET Funding Contract* and the Privacy and Data Protection Act 2014 (Vic), Privacy Act 1988 (Cth), Health Records Act and any applicable code of practice under it.

This Policy and Procedure contributes to compliance with clauses 12.1 – 12.8 of the VET Funding Contract.

The Compliance Manager and or CEO/Principal are ultimately accountable for adherence to this Policy and Procedure.

Definitions

Confidential Information means all confidential or commercially sensitive information of a Party but does not include information that is already in the public domain (other than due to a breach of the Contract).

Contract means the VET Funding Contract and includes all schedules, annexures, attachments, plans and specifications and exhibits to it.

Department means the State of Victoria acting through the Department of Jobs, Skills, Industry and Regions (or its successor or predecessor).

Law means any statute, regulation, by-law, ordinance or subordinate legislation in force from time to time, the common law and equity as applicable from time to time and any applicable industry codes of conduct.

Personal Information means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Skills First Program means the Victorian Government's program for funding individuals' Skills First Entitlement.

Skills First Student means an individual who is eligible for Skills First subsidised training in accordance with the eligibility requirements specified in the Contract and who is enrolled at the Training Provider into such training.

Training Services means all activities undertaken, or required under the Contract to be undertaken, in relation to the delivery of Skills First subsidised training,

AQF certification documentation is the set of official documents that confirms that an AQF qualification or statement of attainment has been issued to an individual.

Record means a written, printed, or electronic document providing evidence that activities have been performed.

Policy

The RTO will collect and store information from students, clients and their representatives in accordance with the:

- Standards for RTOs 2025 and any revised standards thereafter.
- Australian Qualifications Framework Second Edition July 2013
- Privacy Act 1988 (*Commonwealth*)
- Privacy and Data Protection Act 2014 (*Victoria*)
- Health Records Act 2001 (*Victoria*)

- Victorian VET Funding Contract (*Skills First Program)*

The RTO is bound by the information privacy principles in the Privacy and Data Protection Act 2014 (Vic), and any applicable code of practice under it, for any act done or practice engaged in under or in connection with the Contract (Clause 12.5).

Human Rights

Australian human rights legislation protects people involved in the training system. Under this legislation it is unlawful to discriminate or harass people at work, school or in the community, or reveal their personal information, infringe their physical or bodily privacy or communications.

- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Disability Discrimination Act 1992
- Privacy Act 1988

Confidentiality

The RTO will not, without prior written approval of the Department, disclose information regarding the Contract (including details of the Funds paid for any Skills First student) or any Confidential information of the Department or the State, except:

- To the extend required by the Contract
- To the extend required by Law
- To its solicitors, barristers and/or other professional advisors in order to obtain advice in relation to its rights under the Contract, the Training Services or the Funds and provided such advisors are under a duty of confidentiality
- To the extent necessary for the registration or recording of documents where required
- To the extent required in connection with legal proceedings

The Department may disclose or otherwise make available any information relating to the RTO and the Contract as it considers reasonably appropriate to facilitate the proper operation of the Skills First Program. Furthermore, the Department may disclose information regarding any suspected non-compliances by the RTO with the Contract for the purpose of satisfying its obligations. The information referenced above may also be disclosed to the Australian Skills Quality Authority (ASQA) which is responsible for monitoring the RTO's status as a registered training organisation or to another government entity in any jurisdiction that has an interest in the regulation and funding of the VET sector.

The Compliance Manager and or Principal is responsible for ensuring that the RTO will take all steps and make all efforts to assist the Department with complying with any of above-mentioned obligations.

Collecting information

In collecting any personal information for the purposes of the Contract, the RTO will ensure that it has obtained all necessary consents, in accordance will all applicable Laws, for:

- The RTO to collect, use, hold and disclose that personal information, including by disclosing it to the Department as contemplated by the Contract and
- The Department to collect, use, hold and disclose that personal information for purposes of the Contract and its operation and management of the Skills First Program.

The personal information collected from students includes but it not limited to:

- Personal and other information required to meet the AVETMISS data collection and reporting requirements
- Educational achievements and prior learning/working experience
- Information regarding health and disabilities for the purposes of supporting training and assessment
- Emergency contact details

This information is collected via electronic means through the RTO's website or verbally throughout the pre-training review interview. The RTO shall take all reasonable precautions to ensure information regardless of format is protected and remains confidential and will ensure that, except as required under law or the Standards for Registered Training Organisations 2025, information about a student/client is not disclosed to a third party without their written consent.

The RTO may maintain and use information collected for the purpose of direct marketing future courses, offers, or professional development opportunities to students. Personal information may be collected from various social media platforms for the purpose of marketing courses and obtaining potential leads. The RTO will not sell or allow any third party access to this information, with the exception as outlined above, unless written consent is provided by the student, or unless we have a legal obligation to do so or in an emergency situation where the student/individual may be endangered and not able to provide consent. When personal information is collected via social media marketing or alternative mediums, the RTO will not pass on this information nor unreasonably use it for purposes other than to market courses, offers or professional development opportunities to individuals. If an individual wishes to be removed from such communication from the RTO, they may request this in writing and the RTO will within a reasonable timeframe and as promptly as possible be remove the individuals information from any databases.

With the consent of the student or client, the RTO will also collect information regarding the source of referral to the RTO for marketing purposes. All students have the option to opt out of receiving any marketing and or promotional material from the RTO.

Disclosing information

The RTO is required to provide the Victorian Government with student statistical reports. This data, as provided on enrolment documents, includes but is not limited to name, date of birth, address, email,

phone, age, education level, ethnic background, course fees due and any additional information required either by the VET Funding Contract or that is deemed reasonably necessary for performing business functions. This information, including a copy of students' work to meet the Government Regulation and Registered Training Organisation compliance obligations is required for use in planning, administration, research activities, statistical analysis and program evaluation and reporting. For these and other lawful purposes, the Victorian Government may also disclose information to its consultants, advisors, other government agencies, professional bodies and/or other organisations.

The Education and Training Reform Act 2006 requires the RTO to collect and release students' personal information for a number of purposes including the allocation of a Victorian Student Number and updating personal information on the Victorian Student Register.

The RTO will ensure that during the enrolment process a student is aware of the RTO's privacy policy, in accordance with the Victorian VET Student Statistical Collection Guidelines and other regulatory bodies, which advises students who their data may be supplied to and how it is used. Students are required to consent to the release of their personal data for these purposes and, by enrolling, agree to the RTO disclosing the necessary information.
A standard privacy notice is included in all enrolment forms (Schedule 1, Clause 4.11).

Storing Information

The RTO will utilise several measures to safeguard personal information and keep it secure from misuse, loss or unauthorised use. Student paper files are stored in locked, fireproof cabinets at the Head Office, 401 Canterbury Road, Surrey Hills. Only assessment documentation is kept at the Geelong Campus. Electronic storage of students' personal and enrolment information is via the Student Management System (SMS). The SMS and Google Drive has secure logins, with only authorised delegates having access. The online cloud systems used to store information are located on aXcelerate which adheres to APA legislation and have secure protocols for back-up across numerous regions. aXcelerate is the RTO's Student Management System and is bound to the Australian Privacy Principals (APPs) in how they collect, use, disclose and store personal information. MM College utilises Google Drive to store information for administrative purposes. This is secured by Googles in built security which is designed to detect and block threats to their servers around the world. Google also implements encrypted data chunk processes to ensure more securing data upload to their servers.
Access to personal and sensitive information is limited to staff who have signed the Authorised Delegates for Accessing Confidential Information form (Appendix 5.10.2).
Student identifiers (USI) are verified in aXcelerate before they are used, and a note reading 'USI verified' or 'USI Transcript Verified' is recorded against the student's file. The student identifier is not included on any qualification or statement of attainment (section 12 of the Compliance Standards).
Please also refer to our policy 3.4 Record Keeping for more details on how MM College retains information.

Privacy Breaches

The RTO will cooperate with and provide any assistance requested by the Department in relation to:

- resolving any complaint made to the Department alleging a breach of the PDP Act or the Health Records Act about any personal information collected, used, held or disclosed by the Department that was provided to it by the RTO in connection with the Contract and
- providing access to or amendment of any record of personal information collected, used, held or disclosed in connection with the Contract following a request from an individual made to the Department.

If the RTO becomes aware of any:

- breach of any of its privacy obligations referenced in the Contract
- unauthorised disclosure, use, modification or access, attempted unauthorised disclosure, use, modification or access, or misuse or loss of any personal information collected or held for the purposes of the Contract or
- act or practice of the RTO which causes a failure by the Department to comply with its obligations under the PDP Act or the Health Records Act

then the Compliance Manager and or CEO will notify the Department via the SVTS and cooperate with the Department in any investigation or other steps taken by the Department in response to that matter.

Statement for Social Media/ Marketing Purposes

Statement:

MM College will only use the information you have provided for the purpose of contacting you in relation to your interest in studying with us. Once your information is no longer required it will be deleted or destroyed. Upon enrolling with us your digital and physical information is securely stored at MM College's premises and on our student management system, aXcelerate. aXcelerate uses secure cloud storage.