

Privacy Policy

1. Policy

The Privacy Act (Cth) 1998 (“Privacy Act”) is intended to establish a comprehensive national scheme for the collection, holding, use, correction, disclosure and transfer of personal information by organisations in the private sector. This gives individuals the right to know what information an organisation holds about them and a right to correct that information if it is wrong.

2. Purpose

This policy is to ensure Spectra complies with the Privacy Act established for the handling of personal information by organisations in the private sector.

3. Responsibility

- 3.1 The CEO is responsible for the control and issue of this policy.
- 3.2 All Managers and Staff is responsible to ensure compliance with the policy

4. Definitions

- 4.1 **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.
- 4.2 **Sensitive information** means:
 - a) information or an opinion about an individual’s:
 - i) racial or ethnic origin; or
 - ii) political opinions; or
 - iii) membership of a political association; or
 - iv) religious beliefs or affiliations; or
 - v) philosophical beliefs; or
 - vi) membership of a professional or trade association; or
 - vii) membership of a trade union; or
 - viii) sexual preferences or practices; or
 - ix) criminal record;that is also personal information; or
 - b) health information about an individual; or
 - c) genetic information about an individual that is not otherwise health information.

4.3 A **permitted general situation** refers to:

- Lessening or preventing a serious threat to life, health or safety;
- Taking appropriate action in relation to the matter;
- Assisting any APP entity, body or person to locate a person who has been reported as missing;
- It is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim;
- It is reasonably necessary for the purposes of a confidential alternative dispute resolution process;
- It is necessary for a diplomatic or consular function or activity;
- It is necessary for certain Defence Force activities outside Australia

5. Guidelines

Spectra will ensure that it complies with the Australian Privacy Principles (APPs) set out by the Privacy Act 1988. The APPs regulate the way Spectra can collect, use, disclose, amend and pass on personal information.

APP 1 — Open and transparent management of personal information

Spectra manage personal information in an open and transparent way and take reasonable steps to implement practices, procedures and systems that will ensure it complies with the APPs and any binding registered APP code, and is able to deal with related inquiries and complaints.

Spectra have clearly expressed and up-to-date policies on its management of personal information and these will continue to be readily available on website. On request from an individual or body, Spectra will take all reasonable steps to provide a copy of Privacy Policy in the particular form requested.

APP 2 — Anonymity and pseudonymity

Whenever it is lawful and practicable, individuals will have the option of not identifying themselves when entering transactions with Spectra.

APP 3 — Collection of solicited personal information

Personal information will only be solicited and collected to the extent necessary by lawful and fair means and not in an unreasonably intrusive way for one or more of Spectra's functions or activities.

At the time of collection (or as soon as practicable afterward) Spectra will take reasonable steps to ensure that the individual is told:

- how he or she may contact Spectra
- that they can access the information;
- why the information is collected;
- the disclosure practices of Spectra;

- any law that requires the particular information to be collected and the consequences (if any) for the individual if the information is not provided; and
- the main consequences (if any) for the individual if all or part of the information is not provided.

This information is located in the participant handbook and on the Spectra website.

APP 4 — Dealing with unsolicited personal information

Spectra Training will review all the unsolicited personal information received and decide whether it could have collected under APP3 or contained in a 'Commonwealth record'. If neither of them applies, Spectra Training will be destroyed or de-identified as soon as practicable if it is lawful and reasonable to do so.

APP 5 — Notification of the collection of personal information

Spectra Training collects personal information about an individual takes reasonable steps either to notify the individual of or to ensure the individual is aware of the following before or at the time of collection:

- Spectra's identity and contact details
- the fact and circumstances of collection
- whether the collection is required or authorised by law
- the purposes of collection
- the consequences if personal information is not collected
- Spectra's usual disclosures of personal information of the kind collected by Spectra
- information about Spectra's Privacy Policy

If this is not practicable, reasonable steps must be taken as soon as practicable after collection.

APP 6 — Use or disclosure of personal information

Spectra will use or disclose personal information for the primary purpose for which it was collected.

Spectra will use personal information for another purpose (secondary purpose) if:

- the individual has consented; or
- the secondary purpose is related to the primary purpose and the individual would reasonably expect Spectra to use or disclose the information for the secondary purpose. If the personal information is sensitive information, the secondary purpose must be directly related to the primary purpose of collection; or
- the use or disclosure is required or authorised by or under law or a court/tribunal order; or
- a permitted general situation exists in relation to the secondary purpose; or
- a permitted health situation exists in relation to the secondary purpose such as:
 - conducting research; compiling or analysing statistics; management, funding or monitoring of a health service; or
 - necessary to prevent a serious threat to the life, health or safety of a genetic relative; or
 - disclosure to a responsible person for the individual; or

- Spectra reasonably believes that the use or disclosure is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of an enforcement body. Any personal information used or disclosed for this purpose, must be recorded in writing.

APP 7 — Direct marketing

Direct marketing involves the use or disclosure of personal information to communicate directly with an individual to promote goods and services.

Spectra will use or disclose personal information it holds for the purpose of direct marketing only if:

- it is impracticable to seek the individual's consent before the particular use; and
- the individual has not made a request to Spectra not to receive direct marketing; and
- in each direct marketing communication with the individual, Spectra notifies the individual that they may elect not to receive any further direct marketing communications; and
- each written direct marketing communication with the individual by Spectra sets out Spectra's business address, telephone number and email address at which Spectra can be contacted directly.

There is no charge for implementing an individual's request to Spectra not to receive direct marketing.

Spectra will, on request, provide its source for an individual's personal information, unless it is impracticable or unreasonable to do so.

APP 8 — Cross-border disclosure of personal information

Spectra Training will not transfer personal information or data outside Australia unless:

- the transfer is necessary for the performance of a contract between the individual concerned and Spectra Training, or for the implementation of pre-contractual measures taken in response to the individual's request; or
- the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual concerned between Spectra Training and a third party; or
- Spectra Training reasonably believes that the recipient of the information is subject to a substantially similar law, binding scheme or contract which effectively upholds and complies the APPs; or
- the individual concerned has been expressly informed and consents to the transfer; or
- disclosing personal information to an overseas recipient as required or authorised by law; or
- disclosing personal information to an overseas recipient where a permitted general situation exists; or
- Disclosing personal information to an overseas recipient as required or authorised under an international agreement relating to information sharing; or
- Disclosing personal information to an overseas recipient for an enforcement related activity.

Spectra Training has taken reasonable steps to ensure that the information which it has transferred will not be held, used or disclosed by the recipient of the information breach the APPs.

APP 9 — Adoption, use or disclosure of government related identifiers

An identifier is a number, letter or symbol, or a combination of any or all of those things, that is used to identify the individual or to verify the identity of the individual. An individual's name or ABN is not an identifier.

A government related identifier is an identifier that has been assigned by an agency, a State or Territory authority, an agent of an agency or authority, or a contracted service provider for a Commonwealth or State contract.

Where an identifier, including a government related identifier, is personal information, it will be handled in accordance with the APPs.

Spectra Training will not adopt as its own identifier a government related. Examples are an individual's medicare card number or tax file number. Spectra Training will not use or disclose a government related identifier assigned to an individual unless:

- where it is reasonably necessary to verify the identity of the individual; or
- where it is reasonably necessary to fulfil obligations to an agency or a State or Territory authority; or
- as required or authorised by or under an Australian law or a court/tribunal order; or
- where a permitted general situation exists; or
- to an enforcement body for enforcement related activities; or
- as prescribed by regulations

APP 10 — Quality of personal information

Spectra will take reasonable steps to ensure that personal information it collects, uses or discloses is accurate, up to date, complete and relevant.

APP 11 — Security of personal information

Spectra will take reasonable steps to protect personal information it holds from misuse, interference and loss, as well as unauthorised access, modification or disclosure.

Spectra will also take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose for which the information may be used or disclosed unless:

- the personal information is part of a Commonwealth record, or
- required by law or a court/tribunal order to retain the personal information.

APP 12 — Access to personal information

Where Spectra holds personal information about an individual, it will provide the individual with access to the information on request after verifying identity of the individual concerned, except to the extent that:

- a) giving access would pose a serious threat to the life, health or safety of any individual or to public health or public safety; or

- b) giving access would have an unreasonable impact on the privacy of other individuals; or
- c) the request for access is frivolous or vexatious; or
- d) the information requested relates to an existing or anticipated legal proceeding; or
- e) giving access would prejudice negotiations between Spectra and the individual; or
- f) giving access would be unlawful; or
- g) denying access is required or authorised by law or a court/tribunal order; or
- h) giving access would likely prejudice the taking of appropriate action in relation to suspected unlawful activity or serious misconduct; or
- i) giving access would be likely to prejudice an enforcement related activity conducted by, or on behalf of, an enforcement body; or
- j) Giving access would reveal evaluative information in connection with a commercially sensitive decision-making process

Spectra will respond by giving access to the personal information, or by notifying its refusal to give access within 30 calendar days from the day the request is received unless it's impracticable to do so.

Where Spectra is not required to provide the individual with access to the information for any reason set out previously, Spectra will, if reasonable, consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.

If Spectra levies charges for providing access to personal information, those charges:

- will not be excessive; and
- will not apply to lodging a request for access.

APP 13 — Correction of personal information

Spectra will take reasonable steps to correct personal information to ensure that, having regard to the purpose for which it is held, it is accurate, up-to-date, complete, relevant and not misleading where:

- it is Spectra is satisfied the personal information is inaccurate, out-of-date, incomplete, irrelevant or misleading; or
- the individual requests Spectra to correct the personal information

Spectra will also follow the minimum procedural requirements in relation to correcting personal information, including when Spectra must:

- a) take reasonable steps to notify other organisations of a correction
- b) give written notice to the individual which includes reasons and available complaint mechanisms if correction is refused
- c) take reasonable steps to associate a statement with personal information if refuses to correct

Spectra will respond to a request for correction or to associate a statement within 30 calendar days from the day the request is received unless it's impracticable to do so.

Spectra will not charge an individual for making a request, correcting personal information or associating a statement.

EXEMPTION

There is an exemption in the Privacy Act regarding information relating to a current or former employee. The Privacy Act does not apply to an act done or practice engaged in by Spectra Training in relation to:

- A current or former employment relationship between Spectra Training and the individual; and
- An employee record held by Spectra Training relating to the individual (includes personal information relating to the employment relationship and may include information, such as recruitment/termination information, terms and conditions of employment, health and banking details).

This exemption does not apply to applicants who are unsuccessful in securing a role at Spectra Training. In those cases, Spectra Training will take all the necessary steps to ensure proper collection, use, storage, disclosure of and access to information in accordance with the Privacy Act and other applicable laws.

6. Procedures

Process - Access to a participants' file and/or information from that file.

- 6.1 All requests for access to a participant's personal file are forwarded to the Business Support team.
- 6.2 The Business Support officer seeks identification to verify that the person seeking access is the participant that is requesting details of their own file. 100 points of identification is required, points must be calculated in accordance with the 'Proof of Identity – Documents Required' below.
- 6.3 The Business Support officer sights the originals as proof of identification and retrieve the file and/or copy of document requested.
- 6.4 The Business Support officer put a file note on the participant file of the date and details of the file accessed and/or the copy of the document requested.

Proof of Identity – Documents Required:

Primary Documents – 70 Points (only one of the following may be claimed):

1. Birth certificate
2. Birth card issued by a Registry of Births, Deaths and Marriages
3. Citizenship certificate
4. Current passport
5. Expired passport which has not been cancelled and was current within the preceding 2 years
6. Other document of identity having the same characteristics as a passport, including diplomatic documents and some documents issued to refugees.

Secondary Documents:

1. 40 Points:

- a. Document issued by Authorised Deposit-Taking Institutions (ADI's), banks, building societies, credit unions or registered corporations. Signatory is a known customer of at least 12 months standing.
- b. Written reference from one of the following institutions, verifying name of signatory and signed by both referee and signatory. Signatory must be known for at least 12 months.
 - i. Another financial body certifying that the signatory is a known customer.
 - ii. Another customer who has been verified as a signatory by the cash dealer.
- c. Any of the following, which must contain a photograph and a name. Additional documents from this category are awarded 25 points.
 - i. Driver license issued by an Australian State or Territory Government.
 - ii. License or permit issued under a law of the Commonwealth, a State or Territory Government (eg a boat license).
 - iii. Identification card issued to a public employee.
 - iv. Identification card issued by the Commonwealth, a State or Territory Government as evidence of a person's entitlement to a financial benefit.
 - v. An identification card issued to a student/trainee at a tertiary education institute.

2. 35 Points:

- a. Name and address of signatory verified from any of the following:
 - i. A document held by the cash dealer giving security over the signatory's property.
 - ii. A mortgage or other instrument of security held by another financial body.
- b. Must have name and address on:
 - i. A document held by a cash dealer giving security over your property.
 - ii. A mortgage or other instrument of security held by a financial body.
 - iii. Local government (council) land tax or rates notice.
 - iv. Document from your current employer or previous employer within the last 2 years.
 - v. Land Titles Office record.
 - vi. Document from the Credit Reference Association of Australia.

3. 25 Points:

- a. Must have name and signature on:
 - i. Marriage Certificate (for maiden name only).
 - ii. Credit Card.
 - iii. Foreign Driver License.
 - iv. Medicare Card (signature not required on Medicare Card).
 - v. Membership to a Registered Club.
 - vi. RACV/NRMA or equivalent membership.
 - vii. EFTPOS Card.
- b. Must have name and address on:
 - i. Electoral roll compiled by the Australian Electoral Commission and available for public scrutiny.
 - ii. Records of a public utility – phone, water, gas or electricity bill.

- iii. Records or a financial institution.
 - iv. A record held under a law other than a law relating to land titles.
 - v. Lease/rent agreement.
 - vi. Rent receipt from a licensed real estate agent.
- c. Must have name and date of birth on:
- i. Record of primary, secondary or tertiary educational institution attended by the applicant within the last 10 years.
 - ii. Record of professional or trade association of which the applicant is a member.

Process – Information requested from a participant in regards to their Training Program:

- 6.5 Requests for information regarding the status of a participant’s progress of their training program may be received via phone, fax, mail, email, or in person.
- 6.6 The request may include:
- a. Status of assessment submitted to trainers
 - b. Outstanding Assessments, commenced units not completed
 - c. List of Units completed, Credit Transferred, RPL’d
 - d. Other information contained in our Student Management System.
- 6.7 The request will be conveyed to either the Operations Manager, or directly to a Trainer/Assessor or Business Services Officer.
- 6.8 The Business Services Officer will take all reasonable steps to establish identification including:
- a. Verify participant’s details from personal data contained in VETtrak, such as Date of Birth, mobile phone number, email address, residential address, and year completed secondary school etc.
 - b. Request the information by email and confirm email address is the same as contained in VETtrak
 - c. Request the information by Fax/Letter signed by the participant, the signature is checked against records in the participant files
- 6.9 All information will be supplied by email where possible, otherwise by fax, letter or verbally over the phone as appropriate.
- 6.10 In all cases, a record of the request is logged as an event in VETtrak and all documentation received or supplied will be filed in the Trainees File

Procedure for making a complaint

- 6.11 A person may make a complaint if they feel their personal information has been handled inappropriately by a private sector organisation in breach of Spectra Training’s privacy obligations under the Privacy Act.

Refer to the Complaints and Appeals Policy and Procedure.

7. Related Documents

QR106_S Complaints and Appeals Policy & Procedure

TR007_S Appeals Policy & Procedure

AR001_S Records Management Policy & Procedure

8. Review

8.1 12 months from release date or as required.

Amendment Schedule

8.2 This table detailing any “Corrected” (new release date) or “Changed” (new edition number) made to the controlled document between review dates.

Date	Modification	Detail	By
24/07/2012	Changed	Process to conform with Privacy Act	QA Manager
09/08/2013	Corrected	Changed to Spectra brand	Compliance Team
18/08/2015	Corrected	Update to reflect new standards for RTO 2015 and change role titles	Operations Manager
13/02/2017	Corrected	Update to reflect current position titles	General Manager – Educational Support
31/01/2018	Corrected	Simplified the sections: <ul style="list-style-type: none">• Remove ‘Related Standards’ and record them in R009 Controlled Document Register• Include ‘Authority’ into ‘Responsibility’• Include ‘Amendment Schedule’ into ‘Review’• Merged ‘Associated Work Instruction’ into ‘Related Documents’ Updated to Australian Privacy Principles (APPs) Removed the reference to Participant access to own records policy and combined the contents in this policy and procedure	Quality and Compliance Officer
Click here to enter a date.			