

POLICY

This privacy policy outlines how Smartlink Training and any of their third party providers who offer a service/s on behalf of Smartlink Training under the third party arrangement agreement will use and manage personal information provided to or collected by us to ensure that we comply with all the relevant compliance and regulatory legislative requirements as per ASQA RTO Standards 2015, the National Vocational Education and Training Regulator Act 2011 and as per the Privacy Act 1998 which includes the Australian Privacy Principles (APPs). Smartlink Training is committed to maintaining the privacy and confidentiality of all RTO students, clients and staff to protect clients rights as per the law.

Smartlink Training is required by law to provide a wide range of personal and sensitive information to multiple government bodies (Commonwealth, State and Local) in an open and transparent way to ensure privacy and confidentiality is maintained and held to the upmost importance, including ASQA, USI, NCVET and the RTO Standards 2015 that we are bound by as an RTO (Registered Training Organisation).

RELEVANT STANDARDS

Clause 3.6—Participate in the Student Identifier scheme

Clause 3.6

The RTO meets the requirements of the Student Identifier scheme, including:

- a) verifying with the Registrar, a Student Identifier provided to it by an individual before using that Student Identifier for any purpose
- b) ensuring that it will not issue AQF certification documentation to an individual without being in receipt of a verified Student Identifier for that individual, unless an exemption applies under the Student Identifiers Act 2014
- c) ensuring that where an exemption described in clause 3.6 (b) applies, it will inform the student prior to either the completion of the enrolment or commencement of training and assessment, whichever occurs first, that the results of the training will not be accessible through the Commonwealth and will not appear on any authenticated VET transcript prepared by the Registrar
- d) ensuring the security of Student Identifiers and all related documentation under its control, including information stored in its student management systems.

Clause 7.5

The RTO provides accurate and current information on its performance and governance consistent with the Data Provision Requirements as updated from time to time

Clause 8.1

The RTO cooperates with the VET Regulator:

- a) by providing accurate and truthful responses to information requests from the VET Regulator relevant to the RTO's registration
- b) in the conduct of audits and the monitoring of its operations
- c) by providing quality/performance indicator data
- d) by providing information about substantial changes to its operations or any event that would significantly affect the RTO's ability to comply with these standards within 90 calendar days of the change occurring
- e) by providing information about significant changes to its ownership within 90 calendar days of the change occurring
- f) in the retention, archiving, retrieval and transfer of records.

Clause 8.2

The RTO ensures that any third party delivering services on its behalf is required under written agreement to cooperate with the VET Regulator:

- a) by providing accurate and factual responses to information requests from the VET Regulator relevant to the delivery of services
- b) in the conduct of audits and the monitoring of its operations

PRIVACY POLICY

PROCEDURE:

Smartlink Training and any of its third party providers who deliver a service/s on behalf of Smartlink Training under the third party arrangement agreement will only collect and report personal information that is required for the purposes of delivering education, training and assessment services, employment or in meeting government reporting requirements and will not disclose anyone's personal information to any other entities unless required by law (law enforcement body).

All information collected is stored securely and only authorised and trained RTO personnel will have access to this information in order to meet compliance and regulatory legislative requirements. Records are kept as per required timeframes that apply example all hard copies of assessment records are kept for current six months after which they are shredded through secure destruction and all other confidential and sensitive paperwork related to student enrolments is scanned stored on the server and all data in the SMS (student management system Powerpro RTO) and FMS (financial management system Zero) is backed up regularly. Records of all statements of attainment issued by from the SMS will be kept for 30 years as per the RTO standards requirement.

We take the confidentiality and privacy of our students, clients and staff very seriously, and will not hesitate to take disciplinary action against any employees that are in breach of this policy.

If any students, clients and or staff consider that their personal information has been mishandled then they can use Smartlink Training's complaints and appeals policy and procedure to discuss the matter.

If any students, clients and or staff wishes to access any of their personal information and or records then they will need to make the request in writing to the CEO.

We may require individuals to verify their identity and specify what information they require. A fee may be charged to cover the cost of verifying the individual's application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the individual will be advised of the likely cost in advance.

Any student who is under the age of 18 years will need approval from a parent/ guardian who will be required to sign, and this information is provided in Smartlink Training's enrolment policy, under 18 years of age policy and procedure, pre-enrolment information student handbook which is available publicly on Smartlink Training's website to download or can be sent to the student if requested by contacting our office.

Information related to privacy and confidentiality, legislation and all relevant privacy statements and notices that are related to enrolment, USI and NCVER are provided to the prospective student prior to enrolment which is included in pre-enrolment information student handbook, enrolment policy and the enrolment form that they must read and acknowledge when completing the enrolment form.

Smartlink Training provides all the relevant USI and NCVER privacy notices and statements website links in its USI policy also available on Smartlink Training's website so that students are aware that they may be contacted to participate in survey by NCVER or by the regulatory departments when conducting audits.

If Smartlink Training intends to use any information example photos, videos take during training to use for marketing or advertising purposes on our website or any other social media platform then we will ensure to inform the students, staff and or clients about their rights as per privacy and confidentiality and that they can "opt out" of it or provide us with written permission as applicable at the time and retain that as evidence.

Smartlink Training may be contacted by other third parties like employers, job service agencies, WHS authorities, medical professionals, law enforcement bodies and may be required to provide personal information to them. In such instances Smartlink Training will ensure that only authorised parties with a valid purpose as required by law are able to access any personal information and where legally possible this information will be given only after confirming consent from the individual, if applicable. In other cases (example; medical emergency) then, consent may be implied.

Smartlink Training will ensure to check and update this policy for any changes that may apply as a part of our continuous improvement process to remain current as per compliance and legislative regulatory requirements.

PRIVACY POLICY

Smartlink Training will be required to provide all records to ASQA to meet our compliance obligation in the event of our RTO ceases to operate.

REFERENCES

- The Privacy Act 1988 - <https://www.legislation.gov.au/Details/C2022C00199>
- Australian Privacy Principles (APPs) <https://www.oaic.gov.au/privacy/australian-privacy-principles/australian-privacy-principles-quick-reference/>
- ASQA - <https://www.asqa.gov.au/>
- National Vocational Education and Training Regulator Act 2011 - <https://www.legislation.gov.au/Details/C2021C00430>
- National Vocational Education and Training Regulator (Data Provision Requirements) Instrument 2020 - <https://www.legislation.gov.au/Details/F2020L01517>
- National VET Data Policy <https://www.dese.gov.au/national-vet-data/resources/national-vet-data-policy>
- USI – Unique Student Identifiers Act 2014 - <https://www.legislation.gov.au/Series/C2014A00036>
- USI Privacy Notice for students - <https://www.usi.gov.au/documents/privacy-notice>
- USI Privacy - <https://www.usi.gov.au/about-us/privacy>
- NCVET Privacy - <https://www.ncver.edu.au/privacy>

EVIDENCE

- Smartlink Training Website
- Pre Enrolment Information student handbook
- Enrolment Policy
- Enrolment form
- Privacy Notices and Statements
- USI Procedure
- Privacy Policy and Procedure
- Smartlink Training RTO policies and procedures