

## Privacy Policy

### 1. Purpose and Scope

The Privacy Policy for Performing Arts Education Pty Ltd, trading as the Australian Performing Arts Conservatory (“APAC” or “the Conservatory”), has been developed in accordance with the *Privacy Act 1988* (the Privacy Act), and the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*, 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.

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

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

This Privacy Policy does not apply to employment records used for employment purposes at APAC, as per the Privacy Act.

### 2. Objectives

All individuals are entitled to protection of their privacy and APAC is committed to the protection of personal information. APAC recognises its obligation under the Privacy Act and will take necessary measures to ensure privacy is protected. All individuals have the right to access their personal information held by APAC in accordance with the Privacy Act.

APAC will ensure that it promotes the privacy principles throughout the Conservatory's community. APAC will monitor privacy compliance and handle any complaints in an appropriate manner.

### 3. Implementation

The overall responsibility for privacy of information for APAC resides with the APAC CEO, with day to day management delegated to the Administration Manager, 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. Students are also responsible for keeping their personal information up to date via the online portal.

## 4. Procedure

### 4.1. Collection of Personal Information

APAC will only collect personal information directly from individuals:

- 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
- where it is reasonable and practicable
- 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) will be advised that APAC will take reasonable steps to ensure that the individual is aware of:

- the purpose for collecting the information
- the types of organisations that APAC may need to disclose such information, including information that may be transferred to overseas entities
- the option to be anonymous or pseudonymous where possible and practicable (noting that this is only possible for general enquiries)
- their rights to access their personal information within reasonable timeframes
- the need for consent to collect health or sensitive information
- contact details for APAC

APAC may collect personal information from members of the public in relation to addressing enquiries from the public. APAC 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 the Conservatory. 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 are able to 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 to be admitted to a course, specific information, including the individual's details are required to appropriately assess the prospective student's application for admission to a course. APAC may not be able to provide its services to individuals if they choose not to provide the requested personal information.

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

- billing, maintaining information technology services, customer service and data storage
- marketing the services of APAC to prospective, current and past students
- planning, monitoring, evaluating and improving service provision, including conducting market research and surveys and assessing customer satisfaction
- otherwise communicating with individuals.

### **Minors and Privacy**

When APAC has knowledge that an individual is under age 18 and is providing personal information, APAC requires the individual to obtain parental/guardian permission and consent to provide this information to us. Once a minor is enrolled, information regarding study, fees or any other relevant information will be provided to parents upon request.

### **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 contacts us on the individual's behalf, contractors who supply services to us, through partner institutions or from a publicly maintained record.

If personal information is provided to APAC about someone else, the individual must ensure that they are entitled to disclose the information to us, and that without us taking any further steps, APAC may collect, use and disclose such information for the purposes described in this Privacy Policy. For example, if an individual is aware of this Policy, the individual must also provide the required consent regarding personal information.

Additionally, APAC may collect personal information from individuals using APAC's website or third parties, and anonymous information for statistical purposes. Collection of this information may be from cookies and measurement tools on APAC's website or from third party analytics. Information may be used to improve the products and services offered by APAC. 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 APAC's website.

Anonymous information may include:

- internet protocol address from which APAC receives the request
- date and time of request
- pages, documents and files accessed
- the address of the resource which provided the link followed, if any, to the APAC website
- the type of browser and, in some cases, the operating system used
- in some cases, data sent to our website from web forms (e.g. search terms)

Links to external websites, including social media sites, are not controlled by APAC and therefore are not accounted for under this Privacy Policy.

APAC 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.

### **Collection of Personal Information from Prospective Employees**

APAC 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 APAC 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).

## **5. Use and Disclosure of Personal Information**

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

Individuals will be able to opt out of receipt of marketing material and other optional communication by contacting APAC on [admin@apac.edu.au](mailto:admin@apac.edu.au) and requesting that direct marketing communications are not sent. APAC will 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 APAC to fulfil its purpose of providing education, and these are not optional.

Personal information is also collected to enable APAC 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 Act. Other circumstances when APAC may disclose personal information are:

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

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

### **Critical Incidents**

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

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

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

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

### **Other Circumstances**

No attempt will be made to identify individual users of the APAC 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, APAC may be required to gather more extensive information than stated above, in cases such as:

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

APAC will only publish 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 APAC website, it will not be possible to control subsequent use and disclosure. Where the APAC website contains external links to other sites, we are not responsible for the privacy practices or the content of such websites.

Under no circumstances will APAC sell or receive payment for licensing or disclosing personal information.

APAC may receive unsolicited information. In such circumstances, APAC will dispose of and de-identify the unsolicited information as soon as practicable.

## 6. Reporting to Government Agencies

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

- 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 or VET Student Loans
- the Tertiary Education Quality Standards Agency (TEQSA) on information relating to staff qualifications and professional development; student data on performance, progression and satisfaction levels
- the Australian Taxation Office in relation to FEE-HELP or VET Student Loans, where students may defer fee payment through the taxation system
- Centrelink relating to enrolment information on domestic students accessing Centrelink benefits
- Australian Council for Private Education and Training for administration of the Australian Student Tuition Assurance Scheme
- Austudy relating to enrolment information for domestic students accessing benefits

The authority to collect this information is contained in the *Higher Education Support Act 2003*, the *Tertiary Education Quality and Standards Agency Act 2011*, the *VET Student Loans Act 2016*, the *National Vocational Education and Training Regulator Act 2011*; the *Social Security (Administration) Act 1999* and *Student Assistance Act 1973*. Information collected about you can be provided, in certain circumstances, to the Australian Government and designated authorities and, if relevant, any tuition assurance or protection scheme.

APAC will not disclose Commonwealth or State government identifiers nor will it use those identifiers as its own identifiers.

## 7. Transfer of Personal Information Outside of Australia

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

If APAC has cause to transfer personal information outside of Australia; it will do so in keeping with the Privacy Act. APAC will ensure that the recipient is subject to a binding agreement that is similar to the

Australian Privacy Principles, and take reasonable steps to ensure recipients do not breach the APPs. APAC will seek consent where possible, prior to transferring personal information outside of Australia. However, APAC 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 APAC, APAC will not disclose personal information about students to other students, to people outside of APAC (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 APAC in writing.

## **8. Security and Quality of Personal Information**

APAC 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, APAC excludes any liability in contract, tort or otherwise for any security breach.

APAC 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.

APAC 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.

APAC will take 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 kept up to date via the online student portal. Students can contact the Administration Manager by emailing [admin@apac.edu.au](mailto:admin@apac.edu.au) or by calling (07) 3229 6929, 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 will be arranged whereby the student will be shown any information requested on the complete student file and all notes the APAC has on record, if requested.

All staff can access their personal information and/or request correction of information held by APAC, by making an appointment with the CEO at reception or by emailing [admin@apac.edu.au](mailto:admin@apac.edu.au). A meeting will be arranged whereby the staff member will be shown any information requested on the complete personnel file and all notes APAC has on record.

Requests to remove personal information may contravene applicable legislation and therefore may not be permitted. APAC will also endeavour to answer any questions that individuals may have.

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

## **9. Right to access and correct records**

Individuals have the right to access or obtain a copy of the personal information that APAC holds about them. Requests to access or obtain a copy of personal information must be made in writing. There is no charge for an individual to access personal information that APAC holds about them; however APAC may charge a fee to make a copy. Individuals will be advised of how they may access or obtain a copy of their personal information and any applicable fees within 10 days of receiving their written request. Where it is reasonable to do so, access to the information will be provided in the manner requested by the individual.

If an individual considers their personal information to be incorrect, incomplete, out of date or misleading, they can request that the information be amended. Where a record is found to be inaccurate, a correction will be made as soon as practical. Where an individual requests that a record be amended because it is inaccurate but the record is found to be accurate, the details of the request for amendment will be noted on the record. There is no charge for making a request to correct personal information.

Written requests for access to, to obtain a copy of, or correct personal information held by APAC should be sent to the Administration Manager at [admin@apac.edu.au](mailto:admin@apac.edu.au).

## **10. 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 by emailing [complaints@apac.edu.au](mailto:complaints@apac.edu.au). 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/> or
- Phone: 1300 363 992

## **11. Important Policies**

APAC provides policies of importance to a student's study on its website: [www.apac.edu.au](http://www.apac.edu.au), including the Privacy Policy. Students are strongly recommended to view APAC's policies located on the website.



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

## 12. Definitions

- **Centrelink:** Is an Australian Government Statutory Agency, assisting people to become self-sufficient and supporting those in need.
- **Personal Information:** 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/>.
- **The Privacy Act 1988** (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:** 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.

## 13. Revision History

Approval Authority	Contact Person	Revision Due Date	Revision Date	Approved Date	Version No.	Revision Description
Board of Directors	Chair	01/02/21			1	New document
Board of Directors	Chair		15/02/2019	26/02/2019	1.1	FEE-HELP Application Changes
<b>DRAFTING DETAILS</b>						
	Created On		Revision Date		Draft No.	Revision Description
	13/12/18				V0.01	Preparation of new document