

# Privacy Policy and Procedure

## 1. Introduction

During its business, The Australian Performing Arts Conservatory (APAC) may collect information from students or persons seeking to enrol with APAC and other individuals who interact with APAC, either electronically or in hard copy format. APAC may also record various communications between individuals and APAC. The following policy and procedure outline APAC's obligations and expectations regarding the management of personal information in accordance with relevant privacy laws.

### 1.1. Purpose

The purpose of this policy is to support APAC's commitment to the protection of the privacy of individuals' personal information, by stating the ways in which APAC may collect, store, use, manage and protect personal information. It also outlines how individuals can access their personal information to correct or update it and how to raise a complaint to APAC regarding the mishandling of personal information.

### 1.2. Scope

This policy and procedure applies to all members of the APAC community who access, use, or deal with personal information, or handle questions or complaints about personal information, in the course of their work or study related activities. Furthermore, this policy and procedure is relevant to any individual who discloses personal information to APAC, whether they are a part of the APAC community or a member of the public.

### 1.3. Principles

APAC is committed to applying best practice to the protection of individual privacy by upholding the Australian Privacy Principles (APPs) as set out in the Privacy Act 1988.

## 2. Policy Statements

### 2.1. Collection and Use

APAC collects personal information that is reasonably necessary for, or directly related to its delivery of the services it offers. This information may be collected either directly or indirectly noting that some of the information being collected may be regarded as 'sensitive' as defined by the Privacy Act.

Where necessary and as required by law, APAC may seek specific consents from an individual to collect, use and disclose the individual's information.

Information collected varies from your basic contact details collected at enquiry through to sensitive details which may be collected during application (as either a student or employee) and/or enrolment.

Personal information collected includes:

Your contact details i.e., your:

- Name
- Gender
- Date of Birth
- Postal Address (can be a postal box number and/or a street address)
- Residential Address
- Social Media Contacts
- Telephone Number/s (mobile and landline)

Identity and Immigration documentation i.e., your:

- Tax File Number (FEE-HELP students only)
- Unique Student Identifier (USI)
- Passport
- Drivers' Licence
- Identity Card
- Visa Details

Your bank account details.

Your educational history inclusive of but not limited to your:

- Current Qualifications
  - Grades
  - Institution/s you studied at
  - Most recent study experiences

Details of your interactions with us, such as:

- Details of enquiries and comments you make in the web pages you visit or when you contact us, by social media, email, telephone or in person;
- Information gathered by the use of 'cookies' in your web browser.

Additionally, for employment and / or enrolment purposes:

- Next of Kin details
- Health information

## **2.2. Access and Amendment of Personal Information**

Individuals have the right (subject to certain exemptions and exclusions) to access documents held by APAC that contain the individual's personal information. The procedures outlined in Section 3 of this policy and procedure include further information about how an individual can access and amend their personal information.

## 2.3. Privacy Complaints

An individual that has concerns about how their personal information is being collected, stored, used, or disclosed may make a complaint to APAC's Privacy Officer (CEO or Delegate). The procedures outlined in Section 3 of this policy and procedure include further information about how an individual can make a privacy complaint and how privacy complaints will be managed.

## 2.4. Privacy Breaches

APAC takes its privacy and cyber-security obligations very seriously. Upon becoming aware of an actual or suspected privacy breach, you must report it as soon as possible to APAC's Privacy Officer (CEO or Delegate). APAC will respond to actual or suspected privacy breaches in a timely fashion in accordance with its policies, procedures and in accordance with relevant privacy laws.

## 2.5. Monitoring, Review and Assurance

APAC's Privacy Officer (CEO or Delegate) will monitor, review and provide assurance on the effectiveness of this policy and the operational procedures in place to implement its principles.

## 2.6. Recording and Reporting

APAC's Privacy Officer (CEO or Delegate) will oversee the reporting obligations to management and government authorities as required under relevant privacy laws. Further information around the recording and reporting of private information at APAC are outlined in Section 3 of this policy and procedure.

## 3. Procedure

### 3.1. Collection, Use and Storage

APAC is registered with TEQSA as an Australian Institute of Higher Education under the Higher Education Standards Framework (Threshold Standards) 2021, and a CRICOS provider under the Education Services for Overseas Students (ESOS) Act 2000. As part of the requirements of these registrations, APAC is required to collect and disclose information in order to meet legislative obligations for reporting to government agencies".

The kinds of personal information and purpose for which it is collected is outline below:

#### 3.1.1. Solicited Information

Contact information such as name, organisation, position, address, telephone, and email are collected for marketing, support services, mandatory reporting and for communicating with stakeholders as a part of day-to-day operations.

Names, addresses, phone numbers, emergency contact details, bank account details and other employment related information is collected from employees for the purpose of managing human resources.

Enquiry information from prospective students including personal contact information is collected directly from individuals who make data requests either by telephone, email, in person or via the APAC website.

APAC may collect, store and report on further information gathered from training and student engagement activities via satisfaction surveys and complaint handling. The Orientation Survey, Mid-Trimester Survey] and End of Trimester Survey are distributed via email with survey responses collected via email. All of these surveys are developed to ensure individual responses are anonymous.

All information that is collected and used, are stored and filed, in house, in a secured manner.

### **3.1.2. Unsolicited Information**

If APAC should receive unsolicited personal information, it will be treated and managed according to the Australian Privacy Principles.

### **3.1.3. Sensitive Information**

This information is collected directly from students using enrolment forms which may be electronic, or paper based and other administrative forms including but not limited to complaint forms, recognition of prior learning applications, requests for refund etc.

Personal information collected by APAC that may be regarded as 'sensitive' under the Privacy Act. We will not collect sensitive information about you without first obtaining your consent.

Provided you consent to the collection of your sensitive information, we will only collect, hold, use and disclose your sensitive information for the following purposes:

- The primary purpose for which it is collected (determined based on the collection and any privacy collection notice provided at the time of collection);
- Secondary purposes that are directly related to the primary purpose for which it was collected, including disclosure to the third parties listed at section 3.1.7 'Third parties';
- As reasonably needed to provide our services to you;
- To contact emergency services, or to speak with your family, partner, or support person where we reasonably believe there is a serious risk to the life, health or safety of you or another person and it is impracticable for us to obtain your consent; and
- If otherwise required or authorised by law.

### 3.1.4. Consent

Consent can be either express or implied depending on the circumstances. APAC will seek consent when:

- collecting Sensitive Information about an individual unless the collection of the information is required or authorised by or under an Australian law or a court/tribunal order.
- the use or disclosure of Personal Information is not directly related to the primary purpose of collection, unless:
  - the individual would reasonably expect APAC to use or disclose the information for the secondary purpose or the use; or
  - the disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order.
- collecting and using Personal Information, such as testimonials or photos of an individual in marketing or advertising materials. Note: consent is only required where the person's identity is clear or can reasonably be ascertained from an image or a video, and in case of testimonials, where the testimonial contains personally identifiable information.
- the use or disclosure of Personal Information is for the purpose of direct marketing unless certain exceptions under the law apply.
- APAC discloses Personal Information about an individual to an Overseas Recipient, unless:
  - the Overseas Recipient of the information is subject to a law that has the effect of protecting the information similar to the APP; and
  - There are mechanisms that the individual can access to take action to enforce that protection of the law; or
  - The disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
  - The disclosure of the information is required or authorised by or under an international agreement relating to information sharing to which Australia is a party; or
  - APAC reasonably believes that the disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body, and the Overseas Recipient is a body that performs functions, or exercises powers, that are similar to those performed or exercised by an enforcement body.

Consent is not required if there is a Permitted General situation, for example, APAC reasonably believes that the collection, use, or disclosure is necessary:

- To lessen or prevent a serious threat to the life, health, or safety of any individual, or to public health or safety.

- Where APAC has reason to suspect that unlawful activity, or misconduct of a serious nature that relates to APAC's functions or activities has been, is being or may be engaged in, the collection, use or disclosure is necessary in order for APAC to take appropriate action in relation to the matter; or
- APAC reasonably believes that the collection, use, or disclosure is reasonably necessary to assist any APP entity, body, or person to locate a person who has been reported as missing.

### **3.1.5. Direct Marketing**

APAC respects an individual's right not to receive marketing material and provides an option within communications and on its website for individuals to unsubscribe from receiving marketing material. APAC conducts its marketing communications and dissemination of service information in accordance with Australian Privacy Principle 7 (Direct marketing), the Spam Act 2003, and the Do Not Call Register Act 2006.

### **3.1.6. Google Analytics and Cookies**

APAC web servers automatically log information such as server address, date and time of visit and web pages accessed. No personal information is recorded. These logs are used for website management and improvement.

Google Analytics is a web service provided by Google Inc. Cookies are used to generate data on website activity and usage. The cookies, which include IP addresses, the pages accessed, and documents downloaded are transmitted to and stored in Google servers in the United States where they are used to compile web-use reports. Google may transfer this information to third parties, where required by law, or for information processing on its behalf. Information on Google's privacy policy can be found on their website: [www.google.com.au](http://www.google.com.au).

It is possible to disable cookies by adjusting web-browser setting and to opt-out of Google Analytics. Doing so, however, may affect web-site functionality.

### **3.1.7. Third Parties**

APAC may disclose personal information to third party service providers to enable them to provide their services, including and without limitation to:

- Third parties we partner with to provide our Sites, including any third parties whose API(s) is or may be integrated into our sites;
- Our employees, contractors and/or related entities;
- Our existing overseas representatives or business partners (such as universities);
- Courts, tribunals, regulatory authorities, and law enforcement officers, as required by law, in connection with any actual or prospective legal proceedings, or to establish, exercise or defend our legal rights;
- Third parties, including overseas representatives or sub-contractors, who assist us in providing information, products, services, or direct marketing to you;

- Third parties to collect and process data, such as Google Analytics, Facebook, and other relevant analytics/marketing businesses; and
- Any other third parties as required or permitted by law.

### **3.1.8. Minors**

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

## **3.2. Access and Amendment of Personal information**

Individuals may, subject to the exceptions prescribed by the Australian Privacy Principles, request access to and correction of their personal information where this is collected directly by APAC. Staff and Affiliates can ask for access or correction by emailing the Head of Human Resources. Prospective, current, or past students or other individuals can email the Privacy Officer (CEO or Delegate), using the contact details at the end of this policy.

APAC will ask you to verify your identity before you are provided access to your personal information or correct it. Requests for access to or correction of personal information should be made in writing to the Privacy Officer (CEO or Delegate). Requests will be answered within 14 (14) working days.

If we make a correction and we have disclosed the incorrect personal information to others, you can ask us to tell them about the correction. We will do so unless there is a valid reason not to.

APAC does not charge for giving access to or for correcting personal information.

## **3.3. Privacy Complaints**

If you wish to complain to us about how APAC has handled your personal information, please email, or write to the Privacy Officer (CEO or Delegate), using the contact details provide at the end of this document. Please provide details of the date, time and circumstances of the complaint, and a proposal on how best to resolve the complaint.

The Privacy Officer (CEO or Delegate) will normally acknowledge receipt of your complaint within five business days, then complete an investigation and respond to your complaint within 30 days. The Privacy Officer (CEO or Delegate) will determine what (if any action) we should take to resolve the complaint.

If the matter is complex and the investigation will take longer, the Privacy Officer (CEO or Delegate) will write to let you know, with an estimate of when APAC expects to be able to respond. If you are an APAC student studying one of our partner universities' courses your

complaint may be forwarded to the appropriate partner for response. The Privacy Officer (CEO or Delegate) will notify you if this occurs.

### **3.3.1. Escalation**

If you are not satisfied with the way we handle your complaint, you may escalate further to the relevant legislative body.

You can contact the Office of the Australian Information Commissioner (OAIC) as the primary Supervisory Authority.

Contact: +61 1300 363 992 Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au) Website: [www.oaic.gov.au](http://www.oaic.gov.au)

## **3.4. Privacy Breaches**

APAC will notify privacy regulators and affected individuals of privacy breaches in accordance with its legislative obligations. In the case of an Eligible Data Breach, APAC will inform the OAIC and affected individuals in the manner required by the Privacy Act 1988.

## **3.5. Monitoring, Review and Assurance**

APAC endeavours to ensure the personal information it collects and uses or discloses is accurate, up to date, complete and relevant.

APAC routinely updates the information held in its customer relationship management system and the student management system. APAC will also periodically check with stakeholders if their personal contact details have changed via email prompts.

### **3.5.1. Information Security**

Active steps are taken to protect personal information from misuse, unauthorised access, modification or disclosure and interference or loss. Access to the Customer Relationship Management System, Staff Systems and Student Management Systems are protected through user log-on and password and assignment of use access rights.

APAC systems and internal networks are protected from unauthorised access using appropriate technologies and processes to limit access to Personal Information and to prevent unauthorised access, by using measures, such as: user identification, the encryption of data, endpoint protection and different levels of user access.

Most system data transferred over the internet is protected by Secure Socket Level (SSL) protocol. Individuals who do not wish to provide their personal information via online website forms have the option of mailing this information to APAC. The postal address is PO Box 12239 George Street, Brisbane, QLD, 4003.

### **3.5.2. Transferring Data**

Data may be transferred across jurisdictions for the purpose of conducting APAC business. If we do transfer your personal data across an international border, we have

procedures in place to ensure your data receives the same protection as if it were being processed inside your country of residence. For further information on the transfer of your personal data you can contact the Privacy Officer (CEO or Delegate).

### **3.5.3. Anonymity and Pseudonymity**

For most of its functions and activities APAC needs Personal Information from identifiable individuals to perform its operations, e.g., to deliver educational services, to conduct educational assessments, or to handle an inquiry or complaint etc. Where practicable, an individual can choose not to identify themselves or to use a pseudonym. For example, if an individual calls APAC to make a simple enquiry, they are not required to provide their name and contact details unless this information is needed to provide a response.

## **3.6. Recording and Reporting**

APAC does not disclose personal information other than for the purpose for which it was collected, or an individual has consented to a secondary purpose, or an individual would reasonably expect this (such as receiving communications about upcoming events), or if required by law.

Personal information collected by APAC may be shared with the Commonwealth government in accordance with Commonwealth contractual obligations. In these circumstances APAC will take reasonable steps to inform and seek consent from the individuals concerned and take all reasonable steps to ensure that the recipient handles the personal information according to the APPs.

All information records are managed in accordance with the Records Management Policy and Procedure and relevant regulatory obligations and legislation.

### **3.6.1. Storage and Disposal**

Where APAC engages Service Providers either in or outside Australia to store Personal Information, APAC will seek assurance in its contracts with the Service Providers that they will comply with applicable privacy and data protection law.

APAC will securely destroy or de-identify Personal Information it holds once the Personal Information is no longer needed for any purpose for which the information was collected. This requirement does not apply where the Personal Information is contained in a Commonwealth or state record (for the purposes of records retention laws) or where APAC is otherwise required by law to retain the information (refer to Records Management Policy and Procedure).

## **4. Responsibilities**

This policy and procedure is to be implemented via induction and training of staff and distribution to students and APAC's Higher Education community via the website and other publications.

#### **4.1. APAC Community**

All members of the APAC Community are responsible for handling personal information in accordance with this policy and procedure and notifying APAC's Privacy Office or ITS of actual or suspected privacy breaches as soon as possible.

#### **4.2. Heads of Disciplines and Managers**

In addition to the responsibilities set out in Section 4.1, Heads of Disciplines and Managers are responsible for:

- reviewing personal information holdings and taking steps to ensure that any personal information held within the Organisational Unit is protected from unauthorised access, modification, use or disclosure; and
- assisting and supporting the investigation of any privacy complaints and/or breaches of this policy and procedure.

#### **4.3. Privacy Officer (CEO or Delegate)**

APAC's Privacy Officer (CEO or Delegate) is responsible for:

- providing advice and leadership in relation to privacy compliance across APAC;
- receiving, processing and responding to privacy complaints and requests to access or amend APAC documents containing an individual's personal information;
- reporting to Quality and Risk Management Committee regarding any reported or ongoing privacy breaches;
- where applicable, reporting privacy breaches to the relevant Information Commissioner or privacy regulator;
- providing advice to units on notifying individuals affected by privacy breaches; and
- liaising with Human Resources and Student Services to provide sufficient training opportunities and awareness-raising materials to enable APAC staff and students to meet their obligations under this policy.

### **5. Relevant Documents**

- APAC Marketing Information and Practices Policy and Procedure
- APAC Records Management Policy and Procedure
- Australian Privacy Principles
- Do Not Call Register Act 2006
- Education Services for Overseas Students (ESOS) Act 2000
- Higher Education Standards Framework (Threshold Standards) 2021
- Spam Act 2003
- The Privacy Act 1988

## 6. Definitions

- **Australian Privacy Principles** refers to the 13 Privacy Principles set out in Schedule 1 of the Privacy Act.
- **Australian Privacy Principles (APPs)** - 1988, which outline how APP entities must handle, use, and manage personal information.
- **APAC Community** includes staff, students, board members, committee members, volunteers, contractors, consultants, and any other individuals engaged in providing services to APAC.
- **Business Partner** is a person who is part of a business partnership, collaboration, or similar arrangement with APAC.
- **Express Consent** means consent given explicitly, either orally or in writing. This could include a handwritten signature, an oral statement, or use of an electronic medium or voice signature to signify agreement.
- **Implied Consent** arises where consent may reasonably be inferred in the circumstances from the conduct of the individual and the APP entity.
- **“We”, “us”, or “our”** means The Australian Performing Arts Conservatory (APAC).
- **“You”, “your”, and “yours”** refers to the owner of the personal information.

### Version Control and Document Owner

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