

Policies and Procedures

QMS3: P005 Privacy

Policy details	
Responsible area	General
Endorsed by	Date 14 April 2016
Review date	14 April 2017
Modifications	14.4.16 - Review only

Policy statement
<p>At Linx Institute we are committed to privacy protection and compliance with applicable privacy laws and standards, and will manage personal information in an open and transparent way. We will fulfill our obligations under the Privacy Act of 1988, including the Amendment (Enhancing Privacy Protection) Act 2012, by complying with the Australian Privacy Principles (APPs).</p>

Definitions	
Australian Privacy Principles	Thirteen principles which detail how organisations should collect, update, use, keep secure, or where necessary, disclose and give access to personal information, as well as how complaints should be handled and how, in some circumstances, anonymity can be maintained.
Sensitive information	As defined under the Privacy Act 1988, sensitive information covers a range of information including: <ul style="list-style-type: none"> • racial or ethnic origin • political opinions • membership of a political association • religious beliefs or affiliations • philosophical beliefs • membership of a professional or trade association/union • sexual preference • criminal record • health information
Personal information	As defined under the Privacy Act 1988 information or an opinion about an identified individual, or an individual who is reasonably identifiable: <ul style="list-style-type: none"> • whether the information or opinion is true or not; and • whether the information or opinion is recorded in a material form or not.
Permitted general situation	As described in 16B of the Privacy Act 1988, relates to the collection use and disclose of personal information in cases such as serious threat to life, health, suspected unlawful activity, location of a missing person, exercise of defence.
Permitted health situation	As described in 16B of the Privacy Act 1988, relates to the collection use and disclose of personal information necessary to

Policies and Procedures

	provide a public health service, public health safety.
Government related identifier	Is an identifier of the individual that has been assigned by a government body or a contracted service provider for a government contract.

Policy rules

1. Information Collection

1.1	Information we collect and hold could include name, current and previous address, telephone number(s), driver licence number, bank account details, Tax File Number, date of birth, diversity status, and relevant sensitive (e.g. health) information, as well as details of your trading with us e.g. numbers, financial and business details (suppliers and customers) information.
1.2	Where reasonable and practicable to do so, we will collect personal information about you directly from you.
1.3	<p>In some circumstances, you may provide some information anonymously unless</p> <ul style="list-style-type: none"> we are required or authorised by or under an Australian law, or a court/tribunal order, to deal with individuals who have identified themselves or it is impracticable for us to deal with individuals who have not identified themselves.
1.4	Personal health or business information will not be collected, updated, used, stored or disclosed to another party without written consent.
1.5	We only collect personal information that directly related to students and necessary for that purpose.
1.6	We will only collect information by lawful and fair means, without unwarranted coercion.
1.7	<p>When, or as soon as practicable after, collecting personal information from you, we will take reasonable steps to ensure that you are aware of:</p> <ul style="list-style-type: none"> our identity and contact details how to access the information how to update the information the purpose for which the information is collected the types of entities to which we usually disclose information of that kind, and, where relevant, the countries in which overseas recipients are likely to be located any law that requires the particular information to be collected the main consequences (if any) for the individual if all or part of the information is not provided our privacy policy, which includes how the individual may access their personal information and seek its correction how to complain about a breach of the Australian Privacy Principles.
1.8	If we collect personal information about you from a source other than you, we will take reasonable steps to ensure that you are made aware of the matters listed above, except to the extent that doing so would pose a



Policies and Procedures

	serious threat to the life or health of any individual.
1.9	We inform all managers and staff by way of our Privacy Policy that no personal information or business details are to be given to another party without their consent/and or guidance of the Chief Executive Officer.
1.10	We will inform you of the reason for collecting, using, storing or disclosing such information and of the main consequences (if any) if all or part of the information is not provided.
2. Where do we collect personal information from?	
2.1	Directly from staff when they apply to us for employment as part of our recruitment of employees process, or training services, on an application form.
2.2	From third parties, such as previous employers or organisations you have dealt with in the past and volunteered by you as a reference for the purposes of employment or credit checks prior to the opening of an account with us.
2.3	Directly from applicants seeking enrolment with us.
2.4	From third parties and education agents in relation to enrolment information or information related to training and assessment by partner organisations.
3. Unsolicited information	
3.1	If we receive unsolicited personal information, we will, within a reasonable period after receiving the information, determine whether or not the information could have been collected by lawful and fair means.
3.2	If we determine that we could not have collected the personal information, and the information is not contained in a Commonwealth record, we will, as soon as practicable, but only if it is lawful and reasonable to do so, destroy the information or ensure the information is de-identified.
3.3	If we determine the information could have been collected by lawful and fair means, we will apply the Australian Privacy Principles in relation to the information as if we had collected the information under the Australian Privacy Principles.
4. How we will use information collected?	
4.1	To provide the service(s) you have requested. This may be providing training services and reporting, results payment for work done or invoicing for work completed by one of our employees.
4.2	To manage those services in order to provide the optimum level of service for your individual needs.
4.3	To conduct appropriate credit, police and/or "Working with Children" checks, and pre-employment checks e.g. reference checking or pre-employment medical advice.
4.4	To advise you of other services that we provide, that may be of interest to you.
5. Disclosure	
5.1	Linx Institute will not disclose a Student's personal information to a person, body or agency (other than the individual concerned) unless: <ul style="list-style-type: none"> • you are reasonably likely to have been aware that information of that



Policies and Procedures

	<p>kind is usually passed to that person, body or agency;</p> <ul style="list-style-type: none"> • you have consented to the disclosure; • Linx Institute believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the student or of another person; • the disclosure is required or authorised by or under law; or <p>the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.</p>
5.2	Where personal information is disclosed for the purposes of enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the purpose of the protection of the public revenue, we will include in the record containing that information a note of the disclosure.
5.3	A person, body or agency to whom personal information is disclosed will not use or disclose the information for a purpose other than the purpose for which the information was given to the person.
6. Direct marketing	
6.1	<p>We may use personal information (other than sensitive information) about an individual for the purposes of direct marketing if:</p> <ul style="list-style-type: none"> • we collected the information from the you and you would reasonably expect us to use the information for that purpose or <p>we collected the information from someone other than you and either the you have consented to the use or disclosure of the information for that purpose or it is impracticable to obtain your consent.</p>
6.2	<p>We may use personal contact details for the purposes of direct marketing if:</p> <ul style="list-style-type: none"> • we are a contracted service provider for a Commonwealth contract and • we collected the information for the purpose of meeting (directly or indirectly) an obligation under the contract and • the use is necessary to meet the obligation.
6.3	For any of the above situations, we will provide a simple means by which you may easily request not to receive direct marketing communications from us and we will make all reasonable efforts to ensure no further direct marketing is sent to those contact details.
6.4	We will not disclose personal or sensitive information to any other party through direct marketing.
6.5	<p>If we use personal information about an individual for the purpose of direct marketing by us or to facilitate direct marketing by other organisations you may request us:</p> <ul style="list-style-type: none"> • not to send direct marketing communications • not to use or disclose the information for the purpose of direct marketing by other organisations • to provide its source regarding this information.
6.6	We will make all reasonable efforts to remove your contact and personal details if you communicate this request through the response point to the origin of the direct marketing.
6.7	Where you make a request as above,



Policies and Procedures

	<ul style="list-style-type: none"> • we will not charge you to remove your details from future direct marketing • we will make every reasonable effort to comply within a reasonable period • if the request is to provide the information source, we will notify you of its source unless it is impracticable or unreasonable to do so.
6.8	<p>Any direct marketing we conduct will comply with</p> <ul style="list-style-type: none"> • the Do Not Call Register Act 2006 • the Spam Act 2003 • any other relevant legislation
7. Online advertising and remarketing	
7.1	<p>We use the following features of third party providers for the purpose of promoting our services online:</p> <ul style="list-style-type: none"> • remarketing • interest categories • similar audiences • interest-based advertising • demographic and location targeting
7.2	<p>In conducting the above activity we will not</p> <ul style="list-style-type: none"> • collect personally identifiable information (PII) including, but not limited to, email addresses, telephone numbers, and credit card numbers • use or associate personally identifiable information with remarketing lists, cookies, data feeds, or other anonymous identifiers • use or associate targeting information, such as demographics or location, with any personally identifiable information collected from the ad or its landing page • share any personally identifiable information with Google through our remarketing tag or any product data feeds which might be associated with our Google Ad-words ads • send Google precise location information without obtaining people's consent.
7.3	<p>When creating a remarketing list, we will not use any sensitive information about our site visitors, whether collected directly or associated with a visitor, based on the visitor's profile or behaviour on our site. The content of our ad will not imply knowledge of personally identifiable or sensitive information.</p>
8. Data quality and correction	
8.1	<p>We will take reasonable steps (if any) to ensure that the personal information we collect, use and where appropriate, disclose to others, is accurate, complete, and up to date.</p>
8.2	<p>If you request us to correct the information take such steps (if any) as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up to date, complete, relevant and not misleading.</p>
8.3	<p>When correcting personal information about you that we previously disclosed to another organisation also respondent to the Australian Privacy Principles, and if you request us to do so, we will take reasonable steps to give that notification unless it is impracticable/unlawful to do so.</p>



Policies and Procedures

8.4	<p>We will give you a written notice if we refuse to correct the personal information, as requested, setting out</p> <ul style="list-style-type: none"> • the reasons for the refusal except to the extent that it would be unreasonable to do so • the mechanisms available to complain about the refusal and any other matter prescribed by the regulations.
8.5	<p>If we disagree with you about whether the information is inaccurate, incomplete, out of date, irrelevant or misleading, and you ask us to associate with the information a statement that the information is inaccurate, incomplete, out of date, irrelevant or misleading, we will take reasonable steps to associate the statement in such a way that will make the statement apparent to users of the information.</p>
9. Data security	
9.1	<p>We will take reasonable steps to ensure the information we hold is protected from misuse, interference and loss as well as from unauthorised access, modification or disclosure. Limited access will be given to authorised personnel only, and only where we believe they reasonably need to come into contact with that information to provide products or services to you or in order to do their jobs.</p>
9.2	<p>We will have physical, electronic, and procedural safeguards in place that comply with federal regulations to protect personal and business information about you.</p>
9.3	<p>We store information securely electronically or in paper files secured in locked cabinets.</p>
9.4	<p>We will take reasonable steps to destroy or permanently de-identify personal information if it is no longer required, is not contained in a Commonwealth record, and we are not required by or under an Australian law, or a court/tribunal order, to retain the information.</p>
10. Openness	
10.1	<p>This Privacy Policy sets out our policy on management of personal information and is available to anyone who asks for it. It can also be accessed via our website.</p>
10.2	<p>If you request a copy of our Privacy Policy in a particular form, we will take such steps as are reasonable to provide a copy in that form.</p>
10.3	<p>On request we will take reasonable steps to let a person know, generally, what sort of personal information we hold, for what purposes, and how we collects, holds, use, update and disclose that information about a person.</p>
11. Your rights to access your personal information	
11.1	<p>You have the right to access any information we hold about you, subject to some restrictions listed in Federal Government legislation, For example:</p> <ul style="list-style-type: none"> • if providing access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety • if providing access would have an unreasonable impact upon the privacy of other individuals • the request for access is frivolous or vexatious



Policies and Procedures

	<ul style="list-style-type: none"> • the information relates to existing or anticipated legal proceedings between you and us, and would not be accessible by the process of discovery in those proceedings • providing access would reveal our intentions in relation to negotiations with you in such a way as to prejudice those negotiations • providing access would be unlawful • denying access is required or authorised by or under an Australian law or a court/tribunal order • We have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, is being, or may be engaged in and • providing access would be likely to prejudice the taking of appropriate action in the matter • providing access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body • providing access would reveal evaluative information generated within Linx Institute in connection with a commercially sensitive decision-making process. In this case we may give you an explanation for the commercially sensitive decision rather than direct access to the information.
11.2	If we are not required to provide you with access to the information because of one or more of above stated reasons, we will, where reasonable in the circumstances, give access in a way that meets the needs of both parties, including through the use of a mutually agreed intermediary.
11.3	If you consider your personal information to be incorrect, incomplete, out of date or misleading, you can request that the information be amended. Where a record is found to be inaccurate, a correction will be made.
11.4	You are able to access your own records by requesting in writing to the General Manager at Linx Institute. There is no charge for you to access personal information that we hold about you; however we may charge a fee to make a copy.
12. Government related identifiers	
12.1	<p>We will not adopt a government related identifier of an individual as our own identifier for you unless:</p> <ul style="list-style-type: none"> • required or authorised by or under an Australian Law or a court/tribunal order or • the identifier is prescribed by the regulations and • we are prescribed by the regulations, or are included in a class of organisations prescribed by the regulations and • the adoption, use or disclosure occurs in the circumstances prescribed by the regulations. • related activities conducted by, or on behalf of, and enforcement body.
12.2	<p>We will not use or disclose a government related identifier of an individual unless:</p> <ul style="list-style-type: none"> • the use or disclosure of the identifier is reasonably necessary to verify the identity of the individual for the purposes of our activities or functions or



Policies and Procedures

<ul style="list-style-type: none"> • the use or disclosure of the identifier is reasonably necessary to fulfil our obligations to a government agency of State or Territory authority or • the use or disclosure of the identifier is required or authorised by or under an Australian law or a court/tribunal order or • a permitted general situation exists in relation to the use or disclosure of the identifier or • we reasonably believe that the use or disclosure of the identifier is reasonably necessary for one or more enforcement.
<p>13. Anonymity</p>
<p>13.1 Wherever it is lawful and practicable, you will have the option of not identifying yourself, or of using a pseudonym, when dealing with us, except:</p> <ul style="list-style-type: none"> • when we are required or authorised by or under an Australian law, or a court/tribunal order, to deal with individuals who have identified themselves or • it is impracticable for us to deal with individuals who have not identified themselves or who have used a pseudonym.
<p>14. Cross-Border Disclosure Of Personal Information</p>
<p>14.1 We will only transfer personal information about you to someone (other than within our organisation or to you) who is an overseas recipient if:</p> <ul style="list-style-type: none"> • We have taken reasonable steps to ensure that the overseas recipient does not breach the Australian Privacy Principles in relation to the information or • We reasonably believe that the recipient of the information is subject to a law or binding scheme that has the effect of protecting the information in a way that is substantially similar to the Australian Privacy Principles, and • there are mechanisms that you can access to take action to enforce that protection of the law or binding scheme or • if we will expressly inform you that if you consent to the disclosure of the information, we will not take steps to ensure that the overseas recipient does not breach the Australian Privacy Principles in relation to the information AND in the light of this you still give consent to the disclosure of information • the disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order or • a permitted general situation exists in relation to our disclosure of the information • 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 • we reasonably believe 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 recipient is a body that performs the functions, or exercises powers, that are similar to those performed or exercised by an enforcement body.
<p>15. Sensitive Information</p>
<p>15.1</p> <ul style="list-style-type: none"> • We will not collect sensitive information about you unless: • you have consented to the collection of the information and



Policies and Procedures

	<ul style="list-style-type: none"> • the information is reasonably necessary for one of more of our functions or activities and • the information relates solely to individuals who have regular contact with us in connection with our activities or • the collection of the information is required or authorised by or under an Australian law or a court/tribunal order or • a permitted general situation exists in relation to the collection of the information or • a permitted health situation exists in relation to the collection of the information.
16. Requests For Information	
16.1	We will not disclose any personal information without first establishing the identity of the person requesting the information.
16.2	If access to personal information we hold is required, a written request specifying the information sought may be made. Two sources of acceptable documentation must be sighted before any personal information will be provided.
16.3	Access to personal information will be provided within 10 business days of receiving a request. If this cannot be complied with we will advise within the 10-day period when access will be provided.
16.4	The nature and the timing of access will be mutually agreed.
16.5	We will not charge a fee for lodging a request for access.
16.6	<p>If we refused access due to subclause, we will provide written notice to you which sets out:</p> <ul style="list-style-type: none"> • the reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so • the mechanisms available to complain about the refusal, and • any other matter prescribed by the regulations.
17. Complaints	
17.1	You can lodge a complaint about our management or handling of personal information through our Complaints procedure.
17.2	The complaint should be made in writing, specifying the personal information involved and the contact or process at Linx Institute that is the subject of the complaint.
17.3	If our response does not resolve your complaint, you have the option of making a complaint through the Office of the Australian Information Commissioner (OAIC).

