



ESA REGISTERED TRAINING ORGANISATION (RTO)

PRIVACY POLICY

JUSTICE AND COMMUNITY SAFETY DIRECTORATE

DOCUMENT INFORMATION

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Approved by:	Wayne Phillips, Assistant Commissioner Corporate
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1. DEFINITION OF TERMS

Term	Definition
Secondary Purpose	Is the use or disclosure of information for a purpose other than that for which it was originally collected
Non-Personal Information	In its most basic form, non-personal data is any set of data which does not contain personally identifiable information
Unique Student Identifier	The Unique Student Identifier is an alpha numeric number assigned to all Vocational Education and Training Students. The number is allocated by the USI Registrar of the Australian Government.

2. ABOUT THIS POLICY

The Emergency Services Agency Registered Training Organisation (ESA RTO) provides specialised training to ESA staff and volunteers, as well as staff from other government agencies. The RTO works collaboratively with the learning and development staff, trainers, and subject matter experts from each of the services. As such the RTO is required to collect personal information about members of the ESA and other supporting agency staff and volunteers who participate in Nationally Recognised Training delivered by the Unit.

This document describes:

- what information is collected and why
- where the information is obtained from
- how the information is stored and protected
- how personal information is disposed when no longer needed

The document also describes what a person should do and who should be contacted at the ESA RTO if the person wants to:

- know what information is held by the Unit about them
- make corrections with their filed information
- make a complaint regarding the handling of personal information

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3. COLLECTING PERSONAL INFORMATION

ESA RTO will only collect the information needed for the function or activity being undertaken.

4. HOW AND WHY PERSONAL INFORMATION IS COLLECTED

ESA RTO collects, holds, uses and discloses personal information for the purposes of achieving its functions and activities.

ESA RTO's functions and activities that have privacy implications are:

- operate an educational institute to foster excellence in study in the field of Fire and Emergency Services;
- providing courses and programs to advance and develop knowledge and skills in the fields of Fire and Emergency Services, including administering Commonwealth funding;
- promoting the development of community awareness and appreciation of technical and further education;
- conferring awards to people who have completed courses;
- consulting and cooperating with other entities in relation to the provision of technical and further education;
- handling freedom of information (FOI) applications and reviews;
- handling privacy complaints; and
- communication with the public, stakeholders and the media including through websites and social media.

ESA RTO will not use personal information for a secondary purpose or disclose personal information to other government agencies, private sector organisations or any other entity or persons without written consent from the student (for reporting and legislative requirements this is already obtained at enrolment), and unless permitted under the *Information Privacy Act 2014*.

Personal information may be retrieved through paper or online forms, letters, and emails, as well as over the telephone. ESA RTO will collect information directly from the student unless it is unreasonable or impractical to do so.

5. TYPES OF INFORMATION COLLECTED

The ESA RTO collects and holds personal information about, current and past students and employees where that information is reasonably necessary for, or directly related to, one or more of its functions or activities. The Unit aims to collect the minimum information that it needs.

The kinds of personal information collected and held may include:

- name, address, and contact details (such as phone and email);
- information about identity (such as date of birth, country of birth, passport details, visa details, drivers' licence, and educational qualifications);
- information about personal circumstances (such as gender, marital status, and occupation);
- evidence of registration with the *Working with Vulnerable People (Background Checking) Act 2011*;

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- ESA RTO may be required to collect personal health information about students. Personal health records are managed in accordance with the *Health Records (Privacy and Access) Act 1997*.
- emergency contact details; and
- photographs, video, and audio recordings gathered during training and assessment conducted by the ESA.

6. NOTICE OF COLLECTION

When the ESA RTO collects personal information from a student or client, reasonable steps will be taken to notify them regarding:

- who the ESA RTO is and how Unit can be contacted
- why the ESA RTO is allowed to collect a student's or client's personal information
- the laws that require the ESA RTO to collect this information (if any)
- how the student or client may be affected if the RTO cannot collect the information, needed
- the details of any organisation with which the RTO normally shares personal information, including overseas entities, and if so, in which countries
- this policy and how personal information is managed, accessed or changed, and how complaints are managed.

7. COLLECTING INFORMATION THROUGH THE ESA'S WEBSITES

When a client visit one of the ESA's websites, some **non-personal** information is automatically collected. This includes information about how anyone has accessed the ESA websites, what was viewed and downloaded.

Personal information is **not** collected automatically from the ESA's websites. Personal information is only collected from an ESA website, if it is provided, for example when an enquiry is lodged via the ESA website's 'ESA Have Your Say' link.

To find out more about the information the ESA RTO collects from the Agency's websites refer to the ACT Government Web Privacy Policy at <https://www.act.gov.au/privacy>

8. USE AND DISCLOSURE OF PERSONAL INFORMATION

As a Registered Training Organisation, ESAT collects personal information to process and manage a student's or client's enrolment in a Vocational Education and Training (VET) course.

The ESA RTO uses your personal information to enable the Unit to deliver VET courses to its student and clients, to comply its RTO obligations.

9. DECISION NOT TO DISCLOSE PERSONAL INFORMATION

A Unique Student Identifier (USI) is your individual education number for life. The 10-digit number is issued to an applicant by the Student Identifiers Registrar of the Australian Commonwealth Government. A USI is required for all funded training and several other VET related programs, including most delivered by the ESA RTO. The USI registry also gives you an online record of your VET training undertaken in Australia. Exemptions can be granted by the Registrar more information can be found at <https://www.usi.gov.au/students/individual-exemptions>

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If a student or client does not provide the Unique Student Identifier (USI), or personal information that assists the ESA RTO identify them, the Unit cannot accept their enrolment into any VET programs that are delivered by the Unit.

An RTO can only issue a VET qualification or VET statement of attainment to a student who:

- has a USI; or
- has been granted an exemption from the requirement to have a USI.

If a student or client is granted an exemption from having a USI:

- the person will not be able to obtain an authenticated VET transcript (or an extract of a VET transcript) through their USI account, which provides consolidated information about any VET courses, modules or units of competency undertaken since 1 January 2015.
- The person's transcript will not include information on any VET study done while they had the exemption. If the person decides to obtain a USI in the future, they will not be able to provide their transcript to the RTO which would assist with future enrolments and credit transfers.

There is no exemption from the requirement to have a USI if a student or client is applying for financial assistance.

If the student or client wishes to apply for an exemption from having a USI, they can apply for an exemption through the USI registry <https://www.usi.gov.au/students/individual-exemptions>. The student or client will need to outline their reason for why they wish to be exempt from having a USI. The student or client would need to understand the consequences of not having a USI.

ESA Training operate an Enterprise RTO (an RTO that delivers training primarily to their own employees and volunteers). Choosing not to provide a USI and personal information may result in restricted duties for the student or client, as they would not be permitted to be enrolled into programs/qualifications required to meet Work Health and Safety or enterprise agreements.

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10. REFERRING PERSONAL INFORMATION TO ANOTHER ACT GOVERNMENT DIRECTORATE

The ESA RTO is required by law (under the *National Vocational Education and Training Regulator Act 2011 (Cwlth)* (NVETR Act)) to disclose the personal information collected to the National VET Data Collection kept by the National Centre for Vocational Education Research Ltd (NCVER). The NCVER is responsible for collecting, managing, analysing, and communicating research and statistics about the Australian VET sector.

The ESA RTO is also authorised under the NVETR Act to disclose a student's or client's personal information to the relevant state or territory training authority.

The NCVER is authorised to disclose information to the Australian Government's Department of Education, Skills and Employment (DESE), Commonwealth authorities, State and Territory authorities (other than registered training organisations) that deal with matters relating to VET and VET regulators for the purposes of those bodies, including to enable:

- administration of VET, including program administration, regulation, monitoring, and evaluation;
- facilitation of statistics and research relating to education, including surveys and data linkage; and
- understanding how the VET market operates, for policy, workforce planning and consumer information.

The NCVER may also disclose personal information to persons engaged by NCVER to conduct research on NCVER's behalf.

The NCVER does not intend to disclose a student's or client's personal information to any overseas recipients or entities.

For more information about how the NCVER manages personal information please refer to the NCVER's Privacy Policy at www.ncver.edu.au/privacy.

If a student or client would like to seek access to or correct their information, they should contact the ESA RTO in the first instance (refer to the contact details section)

The DESE is authorised by law, including the Privacy Act and the NVETR Act, to collect, use and disclose personal information to fulfil specified functions and activities. For more information about how the DESE manages personal information, please refer to the DESE VET Privacy Notice at <https://www.dese.gov.au/national-vet-data/privacy/vet-privacy-notice>.

The ESA RTO will share personal information with other ACT Government agencies under a one Government model in situations where it is reasonable for the Unit to share such information. This includes:

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- **When the ESA RTO needs to invoice a student or client for goods and services that they have received, or recover any outstanding monies owed by them** to the Territory in relation to the provision of these goods and services, the Unit may provide a student's or client's personal information to Shared Services Finance.
- **When the ESA RTO cannot provide a response to a query, the Unit** will pass the student's or client's name, contact details and their query to the ACT agency that is best able to assist them.
- **When a student or client takes part in a cross-agency program**, such as the Multi-Agency Incident Management Program, the ESA RTO may pass the student's or client's name, contact details and details of their involvement in the program to other ACT, Commonwealth or state government agencies involved.
- **When the ESA RTO requires the assistance of other agencies to provide the student or client with their requirements to undertake an ESA RTO education program**, the Unit will pass their name and contact details to other agencies involved (this is referred to as an "integrated service delivery").
- **When a student or client takes part in surveys or consultations, the ESA RTO** shares information such as their name, occupation and views on the issue(s) in question in the survey with other ACT agencies.
- **If a student or client works for the ESA**, including, as a permanent, contracted or temporary employee (including volunteers), personnel files are kept containing records about all aspects of your employment/engagement. Personal information is shared on a "need to know" basis with Shared Services and travel providers.
- **If a complaint is made by a student or client to ESA Training** about an aspect of the Unit's performance or service delivery, the name, contact details and information about the person's your complaint, with the person's consent, is shared with an external body such as the ACT Ombudsman. This is to allow independent investigation of the complaint.
- **If a Freedom of Information (FOI) request is made**, ESA Training will ensure that the type of information requested will comply with Section 2.2, Schedule 2 of the FOI Act. Information contained in ESA Training's files may be released under FOI to ACT agencies and/or other external parties or persons in compliance with section 38 of the FOI Act where information of relevant third parties may be included.

11. DISCLOSURE TO THE MEDIA

The ESA RTO will only provide the media with a student's or client's personal information when permission has been given to the Unit to do so, where such information is already publicly available, or where a specific exception under the *Information Privacy Act 2014* applies.

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12. EXCEPTIONS

The ESA RTO will only use a student's or client's personal information for the reason it is originally collected for, unless they give the Unit permission to use it for a secondary purpose. The ESA RTO will not share personal information with public or private entities or persons without their express permission.

However, there are exceptions where certain laws may require that the ESA RTO may use or share personal information without the affected person's permission. Some of the exceptions are described below:

- the secondary purpose for using or sharing a student's or client's personal information is connected to the original purpose and the ESA RTO believes that the person reasonably expect the Unit to use the information for that secondary purpose;
- the ESA RTO will only use or share sensitive personal information when the secondary purpose is closely connected to the original purpose and the Unit believes the person would reasonably expect the Unit to use the information for that secondary purpose; and
- the use or sharing of personal information is required or authorised by a law, or court or tribunal order.

13. SHARING INFORMATION WITH SERVICE PROVIDERS

The ESA RTO contracts private service providers to help deliver technical or specialist training.

In some circumstances, it may be necessary for the Unit to share personal information with these service providers to allow them to undertake their work efficiently and effectively.

In such situations, the ESA RTO protects personal information by only entering into contracts with private companies that agree to comply with the Territory's requirements for the protection of personal information.

14. SHARING INFORMATION WITH OVERSEAS RECIPIENTS

The ESA RTO currently has arrangements in place for the routine disclosure of information overseas with ReadyTech Group, who are contracted to operate the ESA RTO Student Management System VETtrak. ReadyTech manages personal information about individuals whose data is processed by or on their behalf using ReadyTech Group's online platforms. For more information on the use of ReadyTech Group's platforms please refer to their privacy policy

http://www.readytech.com.au/assets/Uploads/RDY_Privacy-Policy_16-April-2021.pdf?vid=3

The ESA RTO takes reasonable steps before disclosing any personal information to an overseas entity to ensure that they will treat the personal information with the appropriate care as defined in the *Information Privacy Act 2014*.

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In some cases, the information will already be sufficiently protected under the laws governing privacy in the country where the company is based, and the student or client can apply to that country concerned to enforce these protections if required.

If it is practical and reasonable to do so, the ESA RTO will obtain a student or client's permission to share information with overseas organisations. However, there may be situations where the Unit is unable to do so (for example, when information is shared as part of a law enforcement activity). In this situation, the Unit will take reasonable steps to ensure the overseas recipient complies with the requirements of the *Information Privacy Act 2014*.

15. QUALITY OF PERSONAL INFORMATION

The ESA RTO is required to take reasonable steps to make sure that the personal information collected, and stored is accurate, up to date and complete. The Unit records information in a consistent format and where necessary, check that the information collected is correct. To check that the information is correct, the Unit will consult with the student or client to validate their information with the Unique Student Identifier registry in accordance with Section 14 of the *Student Identifiers Act 2014*.

16. STORAGE AND SECURITY OF PERSONAL INFORMATION

The ESA RTO is required by law to take reasonable steps to ensure that the personal information held is safe and secure.

The measures in place to protect personal information includes:

- making sure the information can only be seen or used by an ESA RTO staff member, if they need the information to undertake do their work in processing an education program or activity.
- ACT Government ICT safety protocols
- secure logins protocols
- control of entry to ESA Training buildings and rooms (only ESAT staff who need to enter the building or room are allowed in)
- logging of activity on the computer network and other ICT equipment
- secure storage of paper files. 7.3 The *Territory Records Act 2002* contains rules that the ESA RTO must follow for the storage, management and protection of the information, records, and data that are hold

The ESA RTO securely destroys records in accordance with the appropriate Record Disposal Schedule and the *Territory Records Act 2002*.

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17. ACCESSING PERSONAL INFORMATION

ESA RTO staff and students may update or amend their personal information online at any time. ESA RTO staff can assist with this if required. A person has the right to request access to their personal information held by the Unit, and to request that their personal information be corrected. This is provided for under the *Information Privacy Act 2014* and the *Freedom of Information Act 2016*.

Access to personal information is available to view by a student or client via the ESA RTO Student portal. Access may not be given where the ESA RTO is required or authorised by law to refuse access, such as, under an exception in the *Freedom of Information Act 2016*, as outlined in Chapter 12 Section 12.9 of the *Territory Privacy Principles*

The ESA RTO does not charge any fees for making the request or providing access to personal information or correcting personal information.

The ESA RTO will respond to a request for access to, or correction of, personal information within 30 days, and if the request is refused it will give written notice of its reasons for refusal, and state what further steps the person can take after the refusal.

You also have the right under the *Freedom of Information Act 2016* to request access to any of the documents that the Unit may hold. Further information on the Unit's freedom of information arrangements, including how a person can apply for access, can be found on the JACS website <https://justice.act.gov.au/about-us/freedom-information>

Requests to access personal information should be submitted to:

Assistant Director, Training Management Systems, ESA Training
Ph: (02) 6207 8721
Email: ELMS@act.gov.au
Post: GPO Box 158, Canberra ACT 2601

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18. HOW TO MAKE A COMPLAINT

The ESA RTO's Complaint Management process is available in the Unit's Operating Policy located on the ESA Website at <https://esa.act.gov.au/about-esa-emergency-services/registered-training-organisation-rto/rto-information>

Complaints about the handling of personal information should be made in writing to the Senior Director, ESA Training (contact details are located in the section below).

The ESA RTO can assist in lodging complaints if required. The Unit can also be contacted directly if a hardcopy of the Operating Policy is required.

The ESA RTO will consider any complaint and endeavour to resolve it in a timely manner. The Unit may contact the complainant to obtain further information.

The ESA RTO will acknowledge receipt of any complaints within five working days or receipt, and we will respond to the complaint within 21 working days.

If the complainant is not satisfied with the ESA RTO's response, the complainant may ask for a review by a senior ESAT officer or make a formal privacy complaint to the Office of the Australian Information Commissioner (OAIC).

The OAIC is an independent body that can assess a person's complaint and decide whether the ESA RTO's actions were not in accordance with Information Privacy Act. If a person's complaint is upheld by the OAIC, the person may be able to seek remedy in the ACT Magistrates Court. Information on how to make a complaint to the OAIC is available at www.oaic.gov.au or by contacting 1300 363 992.

19. ENQUIRIES

Enquiries about this policy can be directed to: All inquiries regarding the ESA RTO Privacy Policy should be made to the Senior Director, ESA Training:

Telephone number: (02) 6207 8721

Email address: ESA_Training@act.gov.au

Postal Address: GPO Box 158, Canberra ACT 2600

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DETAILS

Document Properties	Approval Details
Policy Name:	ESA Registered Training Organisation (RTO) Privacy Policy
Policy Number:	
Custodian:	Executive Branch Manager, People Culture and Training
Policy Advisor:	Assistant Director Quality and Curriculum ESA Training
Responsible Branch:	ESA Training
Stakeholders:	All ESA Staff and Volunteers, and external members participating in training delivered by the ESA RTO

Document/Legislation
References:

- [Privacy Act 1988 \(Cwlth\)](#)
- [Territory Records Act 2002](#)
- [Freedom of Information Act 2016](#)
- [National Vocational Education and Training Regulator Act 2011 \(Cwlth\)](#)
- [Student Identifiers Act 2014](#)
- [Information Privacy Act 2014](#)
- [Territory Privacy Principles](#)
- [Standards for Registered Training Organisations 2015](#)
- [Department of Education, Skills and Employment Privacy Policy](#)
- [National Centre for Vocational Education Research Privacy Policy](#)
- [National VET Data Policy 2020](#)
- [Australian Skills Quality Authority Privacy Policy](#)
- [ReadyTech Group Privacy Policy](#)
- [eCreators by Open LMS Privacy Policy](#)
- [Government Web Privacy Principles](#)

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AMENDMENT HISTORY

Version	Issue Date	Amendment Details	Author (Position)
0.1	20/08/2021	New document for comment	B. Ribbons
0.2	21/02/2022	Draft	Director, Governance and Coordination
0.3		Final for approval	B. Ribbons
1.3	12/05/2022	Approved version	W. Phillips