

WHO – RCC Privacy Policy

Introduction

Riverina Community College (RCC) is committed to meeting its legal requirements and safeguarding the privacy of personal information collected, held, and administered by this organisation. Personal information refers to data that directly or indirectly identifies an individual.

RCC is committed to protecting individual privacy and ensuring the confidentiality of personal information in all areas of operation as a community-based provider of accredited training and lifestyle education and training services.

Commencement

The commencement date of this Policy is 1st March 2024. It replaces all other Privacy Policies, whether written or not.

Scope

In providing services to the community and as a contracted service provider for the State and Commonwealth Governments, RCC's *Privacy Policy* applies to the protection and handling of personal information in accordance with the *Privacy Act 1988*, including the 13 Australian Privacy Principles (APPs), as outlined in the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*.

This policy applies to all employees, agents, and contractors (including temporary contractors) of RCC, collectively referred to herein as 'employees', as well as clients and students. Its scope extends beyond the workplace and encompasses all activities and locations related to RCC functions.

RCC collects a range of information in order to deliver services to our clients and students and to meet our contractual obligations. Personal information is collected as part of employee recruitment, selection and employment. The personal information of students is also collected during their enrolment into an RCC course or qualification. This information will be used solely for the purpose for which it was collected.

This policy recognises that RCC and its employees are obliged to adhere to all relevant legislation.

Application:

This policy applies to all RCC employees and is relevant for personal information relating to RCC clients and students. RCC will:

- collect only information which the organisation requires for its primary functions
- ensure that clients, students or stakeholders are informed as to why RCC collects information and how it is administered
- keep all personal and sensitive information secure, and only disclose such information with the written permission of the client, student, employee or stakeholder
- use and disclose personal information only for RCC's primary functions or a directly related purpose, or for another purpose with the person's consent or as required by law
- store personal information securely, protecting it from unauthorised access
- provide clients, students or stakeholders with access to their own information, and the right to seek its correction in compliance with the *Freedom of Information Act 1982* and
- ensure all new RCC employees agree to and sign off on this policy during their induction as part of their employment.

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Definitions

<i>Personal Information</i>	Personal information is information or an opinion about an identified individual, or an individual who is reasonably identifiable.
<i>Sensitive Information</i>	Information or an opinion about an individual's (including but not limited to): racial or ethnic origins, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record, health or biometric information.
<i>Australian Information Commissioner</i>	An independent adjudicator responsible for ensuring compliance to the privacy legislation. Failure to comply may result in legal action. If a client believes RCC has interfered with their privacy, and have failed to resolve their concerns, they may make a direct complaint to the Information Commissioner at the Office of the Australian Information Commissioner (OAIC) by calling 1300 363 992 or emailing enquiries@oaic.gov.au or visiting the website www.oaic.gov.au .
<i>RCC Privacy Officer</i>	The designated Privacy Officer for RCC is the Operations Manager. All requests for access to information or complaints which are not resolved must be forwarded in writing to the Operations Manager, Riverina Community College, 96 Murray Street, Wagga Wagga, NSW 2650 or by email to info@riverinacc.edu.au .
<i>Notifiable Data Breaches (NDB) scheme</i>	Mandatory obligation to notify the affected individuals and the OAIC if an Eligible Data Breach has occurred (i.e., unauthorised access, disclosure or loss of personal information that is likely to result in serious harm to one or more individuals and the likely risk of serious harm could not be prevented with immediate remedial action). This is included in Part IIIC of the Privacy Act.
<i>Privacy Breach</i>	Privacy breach occurs when personal information is stolen or lost or is collected, used or disclosed without authority.

Implementation of the Policy

In order to be compliant with the Acts, RCC has incorporated the 13 Australian Privacy Principles (APPs) into its processes and practices across all service areas and the human resource and finance functions.

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2. [Anonymity and Pseudonymity](#)
3. [Collection of Solicited Personal Information](#)
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1. AAP – Open and Transparent Management of Personal Information

Purposes for information collection, retention, use and disclosure

RCC retains a record of personal information about all individuals with whom it undertakes any form of business activity. RCC is required to collect, hold, use and disclose a wide range of personal and sensitive information on participants. RCC is bound by various State Government Acts requiring information collection, use and disclosure. These include:

- Education Act(s),
- Vocational Education and Training Act(s) and
- Traineeship and Apprenticeships Act(s) relevant to state jurisdictions of RCC's operations.

Aligned with these legislative requirements, RCC delivers services through a range of Commonwealth and State Government funded contracts including Governments (Commonwealth, State and Local), employment service providers, work with employers (and their representatives), schools and guardians.

Types of personal information collected and held

The following types of personal information are generally collected, dependant on the service being provided or delivered, and may include:

- contact details
- employment details
- educational background
- demographic information
- course progress and achievement information
- financial information.

Other sensitive information may also be collected and held including:

- identity details
- employee details
- complaints
- disability and/or other individual needs
- indigenous status
- background checks (such as National Criminal Checks or Working with Children Checks).

How personal information is collected

RCC's usual approach to collecting personal information is direct collection from the individual concerned and may include:

- the use of forms (such as registration forms, expressions of interest, enrolment forms or service delivery records)
- the use of web-based systems (such as online enquiry forms, web portals or internal operating systems).

Individual consent is gained prior to the collection of information.

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RCC does receive solicited and unsolicited information from third party sources in undertaking service delivery activities. This may include:

- information from such entities as Governments (Commonwealth, State or Local)
- Australian Apprenticeships Support Network
- employers (and their representatives)
- employment services providers, schools, guardians and
- service providers such as credit agencies and background check providers (Office of Children's Guardian and NSW Police).

How personal information is held

RCC's approach to holding personal information includes robust storage and security measures at all times. Information is stored in secure locations, with security access to offices and storage facilities or is converted and stored electronically in password protected systems.

IT systems are hosted both internally and externally with rigorous security to physical server locations and server systems access. Virus protection, backup procedures and ongoing access monitoring procedures are in place for internal systems.

Only authorised staff are provided with login information to each system, with system access limited to systems relevant to each staff member's specific role in RCC.

Retention and destruction of information

RCC maintains a *Record Retention Schedule* with documented periods for which personal information records are kept. This is based on legal and contractual requirements for document retention.

Accessing and seeking correction of personal information

All individuals have a right to request access to their personal information held and to request its correction at any time. Corrections and access to personal records should be completed in writing and an RCC representative should confirm the identity of the individual by asking security questions.

If requesting access to personal information the individual is required to complete and submit RCC's *Request for Access to Individual Records Form* available on the web site or from RCC Reception.

If requesting a correction or updating of personal information the individual can complete and submit RCC's *Request for Amendment to Personal Information Form* available on the website or from RCC Reception.

Complaints about a breach of the APPs

If an individual believes RCC may have breached one of the APPs they should refer to the *RCC Compliant Policy and Procedures* which is referred to at the end of this document.

Likely overseas disclosures

Before RCC discloses personal information about an individual to an overseas recipient, RCC will undertake reasonable steps to ensure that the disclosure will not breach privacy requirements and obtain the written consent of the individual concerned. Information may be provided to an overseas parent company or organisation in cases where the individual's training is being paid by the employer.

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Availability and review of the RCC Privacy Policy

The *RCC Privacy Policy* is:

- available on the RCC website
- included in:
 - *RCC Student Handbook*
 - employee inductions
 - student enrolments
 - student inductions and
 - relevant RCC policies and procedures.
- The review of the *RCC Privacy Policy* is undertaken:
 - on an ongoing basis
 - as part of RCC continuous improvement process
 - as a result of Government or legislative changes
 - as part of the RCC internal audit process and any external audit
 - as a result of a complaint regarding privacy matter.
- If changes are made to the RCC Privacy Policy changes are communicated through:
 - publications
 - documentation
 - training
 - meetings and/or internal communications.

2. APP – Anonymity and Pseudonymity

RCC recognises that individuals may wish to participate in RCC courses, programs or other activities anonymously, however in most cases they will need to provide details such as name and address or USI in order to access RCC courses or programs. An individual's participation in RCC courses or programs should not be disclosed to a third party other than those identified under APP1. RCC employees must be mindful of all communications with individuals including details provided in telephone messages, direct mail and email.

RCC provides individuals with the option of not identifying themselves, or of using a pseudonym. This includes providing options for anonymous dealings in cases of:

- general course enquiries or
- other situations in which an individual's information is not required to complete a request.

Individuals may deal with RCC by using a name, term or descriptor that is different to the individual's actual name wherever possible. This includes using generic email addresses that do not contain an individual's actual name or generic usernames when individuals may access a public component of our website or enquiry forms.

RCC only stores and links pseudonyms to individual personal information in cases where this is required for service delivery (such as system login information) or once the individual's consent has been received.

Requiring identification

RCC requires and must confirm identification in service delivery to individuals for its courses or programs. RCC is authorised by Australian law to deal only with individuals who have appropriately identified themselves. There are also other occasions in RCC service delivery where an individual may not have the option of dealing anonymously or by pseudonym, as identification is required for practical reasons for RCC to effectively support an individual's request or need.

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3. APP - Collection of Solicited Personal Information

Personal information is collected with the consent of the individual, in a lawful manner and without undue coercion or intrusiveness. At the time of collection RCC employees will inform the individual of the following:

- their rights to access their personal information
- the purpose of the collection of this information
- third parties to whom RCC may disclose their personal information
- potential consequences of not providing all or part of their personal information.

RCC will only collect sensitive information if the individual provides consent to do so, the information is required or authorised by law, the information is required to prevent or lessen a serious and imminent threat to the life or health of an individual or the information is necessary in relation to a legal claim.

RCC only collects personal information that is reasonably necessary for its business activities and service delivery.

All information RCC collects is collected only by lawful and fair means. RCC only collects solicited information directly from the individual concerned, unless it is unreasonable or impracticable for the personal information to only be collected in this manner.

4. APP – Dealing with Unsolicited Person Information

RCC may at times receive information that is unsolicited. Where this occurs RCC will review the information to decide if the information would have been collected for a business activity. If it is decided that the information could be used for a business activity this information may be held, used and disclosed. the information. If the information could not have been collected for valid business purposes the information will be destroyed.

5. APP – Notification of the Collection of Personal Information

Wherever RCC collects personal information reasonable steps are taken to notify the individual. Notification occurs at or before the time of collection of information, or soon as practicable. Where possible RCC will confirm the individual's understanding of the collection and use of person information.

6. APP – Use or Disclosure of Personal Information

Information collected will only be used, or disclosed, for the primary purpose for which it was collected. RCC will inform the client of its primary purpose before using this information. RCC employees will not sell, disclose or distribute personal information to any third party other than where contractually obliged to do so (e.g. Government Departments and agencies such as Department Education Skills Employment, Department of Social Services, Training Services NSW, Centrelink and NSW Fair Trading).

The only exceptions to these disclosure rules relate to the release of personal information due to public interest requirements such as law enforcement and public or individual health and safety.

If RCC uses or discloses personal information in accordance with an 'enforcement related activity' RCC will make a written note of the use or disclosure, including the following details:

- the date of the use or disclosure.
- details of the personal information that was used or disclosed.
- the enforcement body conducting the enforcement related activity.

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- if the organisation used the information, how the information was used by the organisation; and
- the basis for RCC's reasonable belief that it was required to disclose the information.

7. APP – Direct Marketing

RCC does not use or disclose the personal information that it holds about an individual for the purpose of direct marketing, unless:

- the personal information has been collected directly from an individual, and the individual would reasonably expect their personal information to be used for the purpose of direct marketing; or
- the personal information has been collected from a third party, or from the individual directly, but the individual has provided permission for their personal information to be used for the purpose of direct marketing.

An individual may also at any stage request RCC not to use or disclose their personal information for the purpose of direct marketing, or to facilitate direct marketing by other organisations. RCC complies with any request by an individual and undertakes any required actions for free. RCC also, on request, notifies an individual of the source of their personal information used or disclosed for the purpose of direct marketing unless it is unreasonable or impractical to do so.

8. APP - Cross-Border Disclosure of Personal Information

RCC employees must not disclose an individual's personal information to a recipient in a foreign country. Should such a request be made it must be forwarded to the Privacy Officer, Operations Manager, RCC. This applies to clients, students, employees or stakeholders.

RCC does not disclose personal information about an individual to any overseas recipient.

9. APP - Adoption, Use or Disclosure of Government Related Identifiers

RCC will not adopt its own identifier for an individual. RCC does not adopt, use or disclose a government related identifier related to an individual except:

- in situations required by Australian law or other legal requirements.
- where reasonably necessary to verify the identity of the individual.
- where reasonably necessary to fulfil obligations to an agency or a State or Territory authority; or
- as prescribed by regulations.

10. APP – Quality of Personal Information

Wherever possible, information will be collected directly from the client or employee via application forms, face-to-face interviews or on the telephone. RCC employees will take reasonable steps to ensure personal information collected, used or disclosed, is accurate, complete and up to date. This is particularly important when:

- initially collecting the personal information; and
- using or disclosing personal information.

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RCC takes steps to ensure personal information is factually correct. In cases of an opinion, RCC ensures information takes into account competing facts and views and makes an informed assessment, providing it is clear this is an opinion. Information is confirmed up to date at the point in time to which the personal information relates.

Quality measures in place supporting these requirements include:

- internal practices, procedures and processes to audit, monitor, identify and correct poor quality personal information (including training employees in these practices, procedures and processes).
- protocols that ensure personal information is collected and recorded in a consistent format, from a primary information source when possible.
- ensuring updated or new personal information is promptly added to relevant existing records.
- reminding individuals to update their personal information at critical service delivery points (such as completion) when engaging with the individual.
- contacting individuals to verify the quality of personal information where appropriate when it is about to be used or disclosed, particularly if there has been a lengthy period since collection.

11. APP - Security of Personal Information

RCC will ensure security of information through data access restrictions, employee training, lockable filing cabinets, secure office areas, and clearly documented archiving and record destruction procedures. All RCC employees will observe a “clear screen and clean desk” approach.

Key security actions include:

- only retaining secured personal information were contractually required to do so.
- limiting access to personal information so it cannot be misused, interfered with or lost.
- immediately reporting a data breach (Eligible Data Breach) to the Operations Manager for follow up and/or action.
- destroying or de-identifying information no longer required.
- limiting access to employee only areas with any visitors being authorised and accompanied on the premises by an employee.
- storing all paper-based records in a secure location with limited/authorised access.
- ongoing training and inductions for employees on privacy issues and applications of the APPs to RCC practices, processes and systems.
- internal audits to test adequacy and currency of security and access practices, procedures and systems.

12. APP – Access to Personal Information

Where RCC holds personal information about an individual, RCC will provide that individual access to the information on request. To request access to personal records, individuals should apply in writing, using the *Request for Access to Individual Records Form* available on the website or from RCC Reception.

On receipt of a request to access personal information RCC will:

- confirm the identity and authority of the individual making the request including any third party.
- respond to the request for access by:
 - giving access to the personal information that is requested in the manner in which it was requested or

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- notifying refusal to give access including reasons for refusal in writing and the complaint mechanisms available to the individual or third party.
- respond to and process requests within 30 days and provide any access given free of charge.

13. APP – Correction of Personal Information

RCC takes reasonable steps to correct personal information it holds, to ensure it is accurate, up-to-date, complete, relevant and not misleading, having regard to the purpose for which it is held.

Individual Requests

Upon a request from an individual (in writing), RCC will:

- identify the individual concern and confirm their identity
- search the records that RCC possesses or controls to assess whether the requested personal information is contained in those records
- correct personal information held; and
- notify any third parties of corrections made to personal information, if this information was previously provided to these parties.

In cases where RCC refuses to update personal information, RCC will:

- give a written notice to the individual, including the reasons for the refusal and the complaint mechanisms available to the individual.
- take reasonable steps to associate a 'statement with the personal information that the individual believes it to be inaccurate, out-of-date, incomplete, irrelevant or misleading.'
- respond within 30 calendar days to these requests: and
- complete all actions free of charge.

If the identity of the individual cannot be confirmed, or there is another valid reason why RCC is unable to update the personal information, refusal to update records will be:

- provided to the requester in writing,
- free of charge, and
- within 30 calendar days.

Notification will include the reasons for the refusal and the complaint mechanisms available to the individual.

Upon request by the individual whose correction request has been refused, RCC will also:

- take reasonable steps to associate a 'statement' with the personal information that the individual believes it to be accurate, out-of-date, incomplete, irrelevant or misleading
- apply a free of charge to the statement to all personal information relevant across RCC systems within 30 calendar days of receipt of the statement requested.

Privacy Complaints Procedure

If an individual believes RCC had breached its obligations in the handling, use or disclosure of their personal information, they may make a complaint. Individuals are encouraged to discuss their concerns with the RCC Operations Manager (RCC Privacy Officer) in the first instance, before making a complaint.

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Individuals are to refer to the *RCC Complaints Policy and Procedures* if they choose to make a complaint.

If the individual is not satisfied with the outcome of the complaint they may escalate their complaint directly to the Australian Privacy Commissioner for investigation by contacting:

Office of the Australian Commissioner (OAIC)

www.oaic.gov.au

Phone: 1300 363 992

When investigating the complaint, the OAIC will initially attempt to conciliate the complaint, before exercising other complaint resolution powers.

Related Documents

The *RCC Privacy Policy*, along with related procedures, ensures compliance with relevant legislation and regulations, including but not limited to:

- National Vocational Education and Training Regulator Act 2011 (Cth.)
- Standards for Registered Training Organisations (RTOs) 2015 (Cth.)
- Smart and Skilled Operational Guidelines 2024
- *Privacy Act 1988*
- *Freedom of Information Act 1982*
- RCC Complaints Policy and Procedures
- RCC Customer Protection Policy

Variations This policy is subject to periodic review to ensure its ongoing relevance, effectiveness, and alignment with legislative and regulatory requirements.