



Policy on Privacy and Management of Personal Information

Purpose

The purpose of this privacy policy is to:

- clearly communicate how SMA manages personal information;
- provide students, members, staff and other individuals with an understanding of the sort of personal information that SMA holds; and,
- enhance the transparency of SMA operations.

Principles

The Privacy Act 1988 ("Privacy Act") is an Australian law that regulates the handling of personal information about individuals. This includes the collection, use, storage and disclosure of personal information. The Privacy Amendment (Enhancing Privacy Protection) Act 2012 introduced many significant changes to the Privacy Act, including 13 Australian Privacy Principles (APPs) that apply to the handling of personal information. As a Recognised Training Organisation (RTO) reporting to the Australian Skills Quality Authority (ASQA) SMA is obliged to comply with the APPs for all personal information it collects from students undertaking training and courses with SMA.

Personal Information - Definition

Personal information is defined under the Privacy Act as information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not, and
- (b) whether the information or opinion is recorded in a material form or not.

Some examples of personal information which SMA collect may include names, addresses, phone numbers, email addresses, date of birth, and other information that may identify an individual.

Sensitive Information - Definition

Under the Privacy Act, sensitive information which SMA may come in contact with is defined as information or an opinion about an individual: some examples of this include: racial or ethnic origin; religious beliefs or affiliations; or, sexual orientation or practices.

Collection of Information

Generally, personal information is collected from students, members or staff at the time of enrolment into a course or program, application or renewal of membership,

or application for employment. This is collected in order for SMA to properly and efficiently carry out its functions. SMA only collects personal information for purposes that are directly related to our functions or activities under the National Vocational Education and Training Regulator Act 2011 (NVR Act), or the Freedom of Information Act 1982 (FOI Act), and only when it is reasonably necessary for or directly related to SMA functions.

Information from Individuals

SMA uses personal information only for the purposes for which it was provided. Generally, the purposes for which SMA collects personal information are when an individual:

- submits an application relating to registration of membership with SMA;
- submits a complaint about SMA services or an employee, as outlined in the SMA complaint policy;
- submits a registration for a course, seminar or conference which SMA is running;
- requests a refund, as outlined in the SMA refund policy;
- submits a Freedom of Information (FOI) request via email to view their student records; or
- submits an application for, or commences employment with SMA.

An individual may, in some circumstances, such as lodging a complaint, prefer to remain anonymous, or to use an alias, when interacting with SMA. Whilst this is acceptable to SMA, individuals should be aware that if they choose to do this, it may make investigating complaints or providing specific information impracticable, and it may lessen SMA's ability to provide its usual level of service.

SMA generally collects personal information directly from the individual or their authorised representative.

Information collected from a third party or industry partner

Sometimes personal information is collected from a third party, or a publicly available source, but only if the individual has consented to such collection, or would reasonably expect us to collect their personal information in this way.

A third party or industry partner may include any school, university, sporting club or group which is registering individuals into a training course or a membership on their behalf. If SMA collects personal information from a third party, SMA will take reasonable steps to inform affected individuals that their personal information has been collected from a third party as soon as practicable after the collection has taken place.

Employee Records

Employee records include records relating to the engagement, training, disciplining, resignation, termination, terms of conditions of contract details, performance or conduct, remuneration, union membership, health information and financial affairs.

Whilst employee records are not subject to the principles set out above, SMA will not use employee records for commercial purposes that are unrelated to the employment context nor will such records be utilised for commercial purposes.

Notification

When collecting personal information directly from an individual, SMA will take reasonable steps to ensure that the individual is aware of SMA policies which they have in place to protect individuals right and how to lodge a complaint.

If SMA collects personal information from someone other than the individual, or the individual may not be aware that the organisation has provided their personal information to SMA, reasonable steps will be taken to notify the individual, or otherwise ensure that the individual is aware. SMA will use the following methods to provide this notification:

- Email to the individual about the service which SMA has collected the information for; or
- Phone call to follow up with the individual about the service for which the information was collected for.

Use and Disclosure

SMA will only use and disclose personal information for the primary purposes for which it was collected unless:

- the individual has consented to the information being used for a secondary use or disclosure;
- the individual would reasonably expect SMA to use or disclose the information for the secondary purpose and that purpose is related to the primary purpose; or
- the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- SMA reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

SMA will only use sensitive information for a secondary purpose if it is directly related to the primary purpose. Some personal information provided to SMA through course registration and feedback forms will be published on the national training register, <http://training.gov.au>, in accordance with section 216 of the NVR Act. The information may also be shared with state and territory government and other Australian Government authorities and ministers, occupational licensing bodies, overseas authorities, and others in accordance with the information sharing provisions contained in the NVR Act or the provisions of the Privacy Act.

Trans Border Data Flows

SMA will transfer personal Information to someone who is in a foreign country only in accordance with this privacy policy. SMA will take reasonable steps to ensure that the overseas entity will comply with the APPs.

Data Quality

SMA will take reasonable steps to ensure that the personal information we collect is accurate, up to date and complete. These steps include maintaining and updating personal information when we are advised by individuals that their personal information has changed, and at other times as necessary. SMA will also take reasonable steps to ensure the accuracy and completeness of the information prior to any disclosure of the information.

Data Security

SMA takes steps to protect the personal information we hold against interference, loss, unauthorised access, use, modification or disclosure, and against other misuse. When no longer required, personal information is destroyed in a secure manner. SMA will take reasonable steps to destroy or permanently de-identify that Personal Information.

Accessing Information

Where SMA holds Personal Information about an individual, it will provide the individual with access to that information on request by the individual in accordance with the relevant Privacy Principle. Whilst SMA may adopt its own identifier of an individual, it will do so only in accordance with the relevant Privacy Principle.

Personal information relating to a national recognised training course will be held in paper format for 1 year and electronic format for 30 years. This includes all completed student assessment items for each student from the date on which the judgement of competence for the student was made.

Individuals requesting access to their personal information held by SMA will be required to provide information to SMA to verify their identity. Any individual should expect that SMA is likely to require full and complete disclosure of name, address, contact telephone numbers, postal address and email address and may ask for other information which it has available to verify the individual claim to receive access to any information.

SMA will provide a response to any request for access or correction to personal information once identification of the person requesting the information is verified. This will generally be within 20 working days of the application for information. If refusing the request, SMA will provide a written statement of reasons for the refusal and remind the individual of the available complaint mechanisms, which are outlined in SMA Complaints policy and can be found on the SMA website.

For clarity purposes, SMA will take reasonable steps to associate a statement with the personal information that it refuses to correct.

Individuals will not be charged for requests for access or correction to their personal information. Members of the public should direct their requests to the relevant State Manager in which you reside.

Complaints

If a member of the public wishes to lodge a complaint with SMA about how privacy and/or personal information, or if they feel SMA has breached the APPs, they can contact the SMA Chief Executive Officer via email smanat@sma.org.au.