

Privacy Policy

1. Purpose

Nomi College is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (SRTOs 2015). As such, Nomi College is required to comply with Federal law regarding Privacy and confidentiality of employees, clients and contractors.

The purpose of this policy is to outline how Nomi College complies with Privacy Act 1988 and Australian Privacy Principles (APPs).

2. Policy Statement

Nomi College is committed to complying with obligation under Privacy Act 1988, and the associated Australian Privacy Principles (APPs), specifically in the way it collects, uses, secures and discloses personal information. Nomi College is committed to safeguarding any confidential information obtained by the RTO.

Nomi College will ensure :

- It maintains and provides a current Privacy Policy;
- Information gathered for the express purpose of training and assessment matters will not be disclosed to a third party unless prior written consent is provided by the individual concerned, except that required by law;
- The secure storage of all records;
- The confidentiality of all information maintained on records.

3. Policy Principles

3.1 Legislation

- a) Nomi College, although not required to, chooses to abide by the Privacy Act 1988 and associated 13 x Australian Privacy Principles (APPs).
- b) The APPs came into force on 12 March 2014 and set out standards, rights and obligations for the handling, holding, accessing and correction of personal information (including sensitive information).

3.2 Underpinning Principles

- a) *Personal Information* is defined in the Privacy Act 1988 to mean “information or an opinion about an identified individual, or an individual who is reasonably identifiable:
 - i. whether the information or opinion is true or not; and

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- ii. whether the information or opinion is recorded in a material form or not.
- b) *Sensitive Personal Information* is defined in the Privacy Act 1988 to mean “information or an opinion about an individual’s” that is also personal information, such as:
- i. racial or ethnic origin; or
 - ii. political opinions; or
 - iii. membership of a political association; or
 - iv. religious beliefs or affiliations; or
 - v. philosophical beliefs; or
 - vi. membership of a professional or trade association; or
 - vii. membership of a trade union; or
 - viii. sexual orientation or practices; or
 - ix. criminal record.

3.3 PART 1 – Consideration of Personal Information Privacy

- a) Open and Transparent Management of Personal Information.
Nomi College will :
- i. Ensure that personal information is managed in an open and transparent way.
 - ii. Take reasonable steps to implement practices and procedures that will facilitate dealing with enquiries or complaints from individuals regarding compliance with the Australian Privacy Principles (APPs).
 - iii. Ensure that it maintains an up-to-date policy about the management of personal information.
 - iv. Ensure that Nomi College Privacy Policy contains the following information:
 - The kind of information that is collected and held;
 - How the information is collected and held;
 - The purposes for which information is collected, held, used and disclosed;
 - How an individual may access their personal information that is held by Nomi College and seek correction of such information as necessary;
 - How the individual may make a complaint about a breach of the APPs and how Nomi College will deal with such a complaint;
 - Whether Nomi College is likely to disclose personal information to overseas recipients, and if so the countries in which such are likely to be located.
 - v. Provide the Privacy Policy free of charge and in such form as appropriate, and as is reasonable.

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b) Anonymity and pseudonymity

Nomi College will :

- i. Respect that individuals may not wish to identify themselves when making enquiries on Nomi College products and services;
- ii. However, require full personal details as required by law and for identification purposes from clients.

3.4 PART 2 – Collection of Personal Information

a) Nomi College will not collect personal information from you unless that information is necessary for one or more of its functions or activities, or is required by law.

b) Nomi College advises that it is required by law to collect, hold, use and supply personal information, in accordance with the National VET Provider Collection Data Provision Requirements.

c) Nomi College collects the following information about the staff and students; Full name, passport, VISA and work rights, phone number, email, address, residency status and bank details to pay salaries to staff, TFN and superannuation details from staff, ABN details, next of kin information, emergency contact details, health insurance details, medical form submitted by staff or students, police clearance, family doctor details, work experience, CV, academic qualification, verification of academic qualification where required, work reference check from previous and current employers, PD courses completed by staff.

d) Nomi College have the following process for staff and student to make a complaint and appeal;

- i. For Students – student can make a formal complaint by filling the complaint form (form can be collected from the reception of SSO), send us the written complaint or completed appeal form, and a resolution to be given within 10 working day. For more details, you may refer to Complaint and Appeal Policy.
- ii. For Staff – Staff can complaint for any outcome or action by other staff member by submitting the complaint to the general Manager or CEO in writing (for example via email) within 5 working day of the actual event or incident that occur. General Manager or CEO to discuss and give a reasonable solution within 10 working day. If for any reason, the resolution for the complaint may take longer than 10 working day, General Manager to inform the complainant about the delay and expected time for a resolution. All communication must be in writing. Complaints could be about performance, harassment, bullying, discrimination, assault, and any other workplace related concern.

e) Nomi College will take reasonable steps at or before the time of collection to ensure that you are aware of:

- i. Who we are and how to contact us;
- ii. How to gain access to your own information;
- iii. The purpose for which the information is being collected;
- iv. Any organisation to which we would normally disclose information of that kind;
- v. Any law that requires the particular information to be collected;
- vi. The main consequences for the individual if all or part of the information is not provided.

f) Nomi College collects information from you in the following ways:

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- i. When you register your interest on line, apply for enrolment, request certain services or products, or otherwise contact or do business with us.
 - ii. Information may be collected from enrolment forms, certified documents, telephone calls, faxes, emails, letters sent by you.
 - iii. Information may be collected from third parties, such as other training providers, regarding confirmation of training and ongoing professional development that you have attended, as permitted by you.
- g) Should Nomi College collect information about you from a third party we will take reasonable steps to ensure that the individual is or has been made aware of the matters listed above except to the extent that making the individual aware of the matters would pose a serious threat to the life or health of any individual.
- h) Nomi College do not disclose the personal information of staff and students to any third party within and outside of Australia, except where the consent has been taken from the staff or students and they have been informed about disclosure of information.

3.5 PART 3 – Dealing with Personal Information

- a) Nomi College will not use or disclose personal or sensitive information for any purpose other than what it was collected for, unless the relevant person has provided written consent to use or disclose that information in circumstances that are different to those for which it was collected.
- The circumstances where an exception may occur are:
- i. Where the use or disclosure of this information is required or authorised by or under an Australian law or a court/tribunal order;
 - ii. The individual would reasonably expect Nomi College to use or disclose the information for the secondary purpose;
 - iii. A permitted health situation exists in relation to the use or disclosure of the information by Nomi College;
 - iv. A permitted general situation exists in relation to the use or disclosure of the information by Nomi College;
 - v. Nomi College 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.
- b) Nomi College collects your personal information so as to:
- i. Process applications;
 - ii. Manage your enrolment;
 - iii. Record and maintain your details;
 - iv. Administering training programs;
 - v. Record and maintain details of your ongoing training and assessment;
 - vi. Provide you with details regarding client services, benefits, and training opportunities;
 - vii. Notify you about upcoming events and opportunities;
 - viii. Gain feedback from you;
 - ix. Communicate with you;
 - x. Report to relevant authorities as required by law.

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c) Direct Marketing

Nomi College:

- i. May use personal information (specifically your name and relevant address details) and information about your preferences for direct marketing (ie the communication channels which you prefer for receiving direct marketing from us and the types of products and services in which you are interested in) so as to let you know about our services and benefits, where we have your consent.
- ii. Provides an opt-out and/or unsubscribe method that is easily accessible for individuals to request not to receive direct marketing communications.

d) Cross Border Disclosure

Nomi College:

- iii. Does not disclose personal information to overseas recipients unless prior written approval is received by the individual who the personal information relates.

e) Adoption, use or disclosure of Government Related identifiers

Nomi College:

- i. Is required by law (*Student Identifier Act*) to collect, maintain and report to relevant Government agencies the individual's Unique Student Identifier (USI) number in accordance with the National VET Provider Collection Data Provision Requirements.
- ii. Will not disclose the Unique Student Identifier (USI) number for any other purpose, including on any Certification documents you receive.
- iii. Must not adopt the Unique Student Identifier (USI) number as its own identifier of the individual.

3.6 PART 4 – Integrity of Personal Information

a) Quality of personal information

Nomi College will take steps, as are reasonable, to ensure that the personal information it:

- i. Collects is accurate, up to date and complete;
- ii. Uses or discloses, is, having regard to the purpose of the use or disclosure, accurate, up to date, complete and relevant.

b) Security of personal information

Nomi College will take steps, as are reasonable in the circumstances to:

- i. Protect the information from misuse, interference and loss as well as unauthorised access, modification or disclosure.
- ii. Destroy the information or to ensure that the information is de-identified.

3.7 PART 5 – Access to, and correction of, Personal Information

~~a) Nomi College provides all clients with electronic access to their own personal records, where the individual can update and maintain their own personal information.~~

b) In some circumstances, Nomi College may not permit access to individuals for their personal information. If this is ever the case, Nomi College will provide full details for the legal reasons for this decision. These may include that Nomi College believes :

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- i. That giving access to the information would pose a serious threat to the life, health or safety of the individual, or to public health or public safety; or
 - ii. Giving access would have an unreasonable impact on the privacy of other individuals; or
 - iii. The request for access is frivolous or vexatious; or
 - iv. The information relates to existing or anticipated legal proceedings between Nomi College and the individual, and would not be accessible by the process of discovery in those proceedings; or
 - v. Giving access would reveal the intentions of Nomi College in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
 - vi. Giving access would be unlawful; or
 - vii. Denying access is required or authorised by or under an Australian law or a court/tribunal order; or
 - viii. Both of the following apply:
 - Nomi College has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to Nomi College functions or activities has been, is being or may be engaged in;
 - Giving access would be likely to prejudice the taking of appropriate action in relation to the matters or
 - ix. Giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
 - x. Giving access would reveal evaluative information generated within Nomi College in connection with a commercially sensitive decision-making process.
- c) When dealing with requests for access to personal information, Nomi College will:
- i. Respond to request for access within 30 days of the request, if from an individual, and within a reasonable time, if the request is from an organisation; and
 - ii. Provide access to the information in the manner requested, if it is reasonable and practicable to do so.
- d) Nomi College does not charge a fee for access to personal information. The exception is re-prints of certification documentation previously supplied.
- e) With regard to the correction of personal information held:
- i. should Nomi College be satisfied that information is inaccurate, out of date, incomplete, irrelevant or misleading, Nomi College will take such steps as reasonable to correct the 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.
 - ii. Should Nomi College refuse to correct information, Nomi College will give written notice to the individual that sets out:
 - The reason for refusal
 - The mechanisms available to complain about the refusal; and
 - Any other matter prescribed by the regulations.

4. Nomi College Responsibilities

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CEO of the Nomi college ensures that all employees are made aware of this policy and its underpinning legislative requirements, and comply with this policy at all times.

CEO of the Nomi College ensures that all clients have access to and awareness of this policy.

5. Records Management

All personal information and records are maintained in accordance with Records Management Policy. (See Records Management Policy)

6. Monitoring and Improvement

All practices for Privacy are monitored by the compliance officer of the college and areas for improvement identified and acted upon. (See Continuous Improvement Policy)

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Privacy Procedures

Clients Obtaining Access to Own Records

Client's have access to their own records through their person login into the Student Management System (SMS).

STEP 1 – Application to access own records – Paper-based/ documentation

No.	Who	Actions
1.1	Client	a) Client advises in writing they wish to view their own records “Paper-based” (i.e. Client file) kept by Nomi College.
1.2	Admin	a) Communicate with client confirming their needs. b) Confirm identify of the client. c) Arrange a date / time for the client to attend and view their records.

STEP 2 – Accessing own records

No.	Who	Actions
2.1	Client	a) Client arrives to view their own “Client file”.
2.2	Admin	a) Verify identification of client. b) Retrieve client file. c) Provide private access for client to view their own records under supervision.
2.3	Client	a) Client views to view their own “Client file”. b) Client is not permitted to remove any documentation from their own file, however may request a copy of the documentation.
2.4	Admin	a) Return client file to filing system.

Privacy Procedures

Client Allowing Access of their Records to a third party

Client's have access to their own records through their person login into the Student Management System (SMS).

STEP 1 – Application by a client for a third party to access client records / information

No.	Who	Actions
1.1	Client	a) Client completes “ Privacy Disclosure Form ” and submits to admin, allowing a third party to access the clients own records/ information.
1.2	Admin	a) Communicate with client confirming their needs. b) Confirm identify of the client. c) Confirm identify of the third party. d) Arrange a date / time for the third party to attend and view the records, or discuss personal details of the client. e) May need to communicate with Third party to arrange date and time. f) Note on the client records, both SMS and Client file, that a third party has authority to view records. g) Place “ Privacy Disclosure Form ” on client file.

STEP 2 – Accessing Client records by a Third party

No.	Who	Actions
2.1	Third party	a) Third party arrives to view the Client records “Client file”, or calls to receive client specific information.
2.2	Admin	a) Verify identification of Third party. b) Retrieve client file. c) Provide private access for Third party to view the records under supervision, or provide personal information as permitted and written on the “ Privacy Disclosure Form ”.
2.3	Third party	a) Third party views the “Client file”. b) Third party is not permitted to remove any documentation from the client file, however may request a copy of the documentation if this has been the instruction given by the client on the “ Privacy Disclosure Form ”.
2.4	Admin	a) Returns client file to filing system.