

Privacy and Confidentiality Policy

1 PURPOSE

The purpose of this Privacy and Confidentiality Policy is to explain the general processes and procedures relating to Privacy and Confidentiality. This is to ensure Communicare complies with the Australian Privacy Principles (APP) and Privacy and Responsible Information Sharing Act 2024 (PRIS Act) WA.

2 SCOPE

This Privacy and Confidentiality Policy applies to the Director, Lead, Manager, Trainer and Assessors, RTO staff, employees, contractors, subcontractors, service providers, students, volunteers and other relevant stakeholders.

3 DEFINITION

Privacy– is a statement or a legal document that discloses some or all of the ways a party gathers, uses, discloses and manages information.

Confidentiality – is an obligation to ensure information received is not disclosed without consent or permission for an individual. It includes the individuals' right to control their personal information and protection.

PRIS Act – Personal and Responsible Information Sharing Act 2024 (WA)

NCVER – National Vocational Education and Training Regulator Act 2011

4 POLICY

4.1 Policy statement:

This Privacy and Confidentiality Policy implemented by Communicare RTO covers all operations and functions within the organisation.

The objective of this Privacy and Confidentiality Policy is to ensure that a clear privacy foundation and framework is established and maintained by Communicare RTO as an organisation compliant with the relevant Privacy legislation and the Australian Privacy Principles and Privacy and Responsible Information Sharing Act 2024 (PRIS Act) WA.

More on Privacy and Confidentiality information is covered in the Communicare Induction Program.

4.2 Ownership

Personal information is collected, held and shared by Communicare RTO in accordance with this Privacy and Confidentiality Policy.

Communicare RTO retains the right to take reasonable steps to ensure that this Privacy and Confidentiality Policy is properly adhered to.

For every operation or function of Communicare RTO where personal information is collected, the person to whom the application is addressed is responsible for ensuring compliance with this Privacy and Confidentiality Policy.

It is the responsibility of all RTO staff and other relevant stakeholders to ensure that they understand and adhere to this Privacy and Confidentiality Policy implemented by Communicare RTO and that they maintain up-to-date knowledge of changes.

The Privacy and Confidentiality policy should be read and understood. The not 'knowing' will not be an acceptable excuse for non-compliance. The 13 Australian Privacy Principles can be found at the Office of the Australian Information Commissioner's website www.oaic.gov.au.

More information on Privacy and Responsible Information Sharing Act 2024 (Pris Act) WA can be found on [Privacy and Responsible Information Sharing](#)

4.3 Contractual Arrangements

Communicare RTO will ensure that all contractual arrangements with third parties adequately address privacy issues.

Communicare RTO will abide to third parties' privacy requirements for the best interest of the program and external stakeholders.

4.4 Privacy Statements

Communicare RTO will ensure that a copy of this Privacy and Confidentiality Policy is available to all RTO staff, students and other relevant stakeholders.

4.5 Privacy and Responsible Information Sharing

The recent update in legislation '*Privacy and Responsible Information Sharing Act 2024 (PRIS Act)*' in Western Australia.

This legislation protects personal information including sensitive personal information shared across government agencies, researchers and community organisations to be undertaken in a safe and secure manner.

As per the Act, the responsible sharing principles and framework will be utilised in all WA community and public sector.

4.5.1. Collection and handling of personal information

Collection of personal information by Communicare RTO will be reasonable, lawful and not intrusive.

Communicare RTO will be vigilant with collecting and handling of personal information. We must ensure we are being careful and abiding to the laws that legally protects the security and confidentiality of information.

The Commonwealth's Privacy Act 1988 regulates how personal information is handled by an organisation. The Privacy Act 1988 states that "any personal information collected must be kept private and confidential and individuals have the right to:

- have their privacy rights respected
- be assured their personal information will not be passed onto a third person unless it is authorised by law, or they have given their consent
- know what information will be kept and why
- be assured that information will only be used for the purpose it was supplied".

4.5.2 Use and Disclosure

Communicare RTO will only use or disclose information for the purpose for which it was collected unless the person has consented, or the secondary purpose is related to the primary purpose and a person would reasonably expect such use or disclosure, or the use is for direct marketing in specified circumstances, or in circumstances related to public interest such as law enforcement and public or individual health and safety.

Communicare RTO provides data to NCVER as part of RTO reporting requirements. NCVER will collect, hold, use and disclose personal information in accordance with Privacy Act 1988 (Cth) (Privacy Act) and the NVETR Act. NCVER is responsible for collecting, managing, analysing and providing research and statistics to VET regulator.

For more information on the NVETR Act please visit [Privacy policy](#).

4.5.3 Volunteers

Communicare RTO must ensure volunteers are aware of our internal Privacy and Confidentiality Policy that is in place.

During induction, volunteers will be given training or guidance as to what they can and cannot do with information received. If at any point a volunteer is unsure, then they should speak directly to RTO Manager.

4.5.4 External stakeholders

Any external stakeholders handling personal information of students will need to be careful and ensure they are abiding to Australian Privacy Principles (APP) and Privacy and Responsible Information Sharing Act 2024 (PRIS Act) WA.

We cannot provide personal information of clients to third parties. Communicare RTO must abide to the privacy and confidentiality laws provided in the Standards of RTO 2015.

If any confidentiality breaches have been identified. Steps must be taken to ensure escalation process has been followed to deter and manage the current breach. Training should be held to ensure employees recognise, responded and act.

4.6 Complaints and Appeals Policy and Procedure

Any complaints or requests for information regarding privacy must be handled in accordance with the following procedure:

- Contact the RTO Manager.
- The RTO Manager will handle any complaints and explain the procedures involved in the Complaints and Appeals Policy and Procedure.
- Confidentiality: Any complaint will be dealt with in the strictest of confidence.
- Outside Assistance: Whilst we will make every effort to resolve any complaint within the organisation, any person who feels their privacy has been breached has the right to take the complaint to the Office of the Australian Information Commissioner.
- The RTO Manager will either deal with the issue personally or arrange for it to be dealt with by a management representative. The process must commence within two working days from the time the RTO Manager receives the written notification and respond to complaint/s within 14 days.

5 DATA SECURITY

Communicare has policies and procedures in place to ensure information systems are secure and security controls are in place to protect information, documentation and data from being leaked, disseminated or given third-party access.

Communicare has implemented security protocols to ensure information security, human resource security, asset management and access control are monitored. Communicare has processes in place to ensure personal information and documentation are kept safe and secure and only accessible if authorised. Communicare has internal Information Security Awareness training that must be completed by all stakeholders in scope within this document. Communicare RTO will take all reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.

6 RELATED DOCUMENTS/LEGISLATION:

- Commonwealth Parliament of Australia – Privacy Act 1988
- Privacy and Responsible Information Sharing Act 2024 (WA)
- Standards of RTOs 2015
- NCVER's Privacy Policy at www.ncver.edu.au/privacy
- DEWR VET Privacy Notice at www.dewr.gov.au/national-vet-data/vet-privacy-notice

7 RESPONSIBILITIES:

Roles	Responsibilities
Director/Lead	<input type="checkbox"/> Ensure all staff are aware and have read this policy.
RTO Manager	<input type="checkbox"/> Ensure all staff are aware and have read this policy. <input type="checkbox"/> To ensure Privacy and Confidentiality policy is made available to students and other relevant stakeholders.
All staff	<input type="checkbox"/> All staff must ensure they have read and acknowledged this policy.