

THE RTO VSL PRIVACY AND INFORMATION HANDLING PROCEDURES

1. PURPOSE AND SCOPE

- 1.1. The purpose of this Policy is to outline the principles and framework for privacy and information handling procedures at The College for students accessing a VET Student Loan (VSL).
- 1.2. The College is subject to and must comply with the [Privacy and Personal Information Protection Act 1998](#) (NSW) (PPIPA) and the [Health Records and Information Privacy Act 2002](#) (NSW) (HRIPA) when it collects, holds, uses and/or discloses an individual's personal information and health information.
- 1.3. The College must also comply with other legislation when it deals with personal information, such as the [Privacy Act 1988](#) (Cth), [Telecommunications \(Interception and Access\) Act 1979](#) (Cth), [Government Information \(Public Access\) Act 2009](#) (NSW), [Criminal Records Act 1991](#) (NSW), [Workplace Surveillance Act 2005](#) (NSW), [State Records Act 1998](#) (NSW) and the [Data Sharing \(Government Sector\) Act 2015](#) (NSW).
- 1.4. This Policy sets out The College's commitment to protecting personal and health information and provides [Western Sydney University's Privacy Management Plan](#) which is made in accordance with section 33 of the PPIPA.
- 1.5. The Policy applies to all of The College's employees, students, contractors, affiliates, volunteers, associates and members of the public.
- 1.6. This Policy should be read in conjunction with Western Sydney University's Privacy Policy and Management Plan.

2. DEFINITIONS

- 2.1. For the purposes of this Policy, and associated Procedures, the following definitions apply:
 - 2.1.1. ASQA – Australian Skills Quality Authority, the national VET regulator for RTOs.
 - 2.1.2. RTO – Registered Training Organisation.
 - 2.1.3. VET – Vocational Education and Training.
 - 2.1.4. The Board – Western Sydney University Enterprises Board.
 - 2.1.5. VSL-VET Student Loan – a loan provided by the Commonwealth Government to eligible students to contribute to tuition fees in vocational education. The loan becomes a VETSL debt that is repayable.
 - 2.1.6. VETSL Debt – a debt owed to the Commonwealth by VSL loan debtors.
 - 2.1.7. ECAF – Electronic Commonwealth Assistance Form that initiates enrolment and loan approval.

- 2.1.8. The College – Western Sydney University Enterprises Pty Limited trading as Western Sydney University The College.
- 2.1.9. The University – Western Sydney University.
- 2.1.10. The Department – Commonwealth Department of Employment and Workplace Relations (DEWR).
- 2.1.11. The Secretary – The Secretary of the Department of Employment and Workplace Relations.

2.2. Western Sydney University Privacy Policy Definitions

2.3. The following definitions apply for the purposes of this policy:

- 2.3.1. Health information has the same meaning as in the [Health Records and Information Privacy Act 2002](#) (NSW), that is:
- 2.3.2. Personal information that is information or an opinion about:
 - 2.3.2.1. the physical or mental health or a disability (at any time) of an individual;
or
 - 2.3.2.2. an individual's express wishes about the future provision of health services to him or her; or
 - 2.3.2.3. a health service provided, or to be provided, to an individual; or
 - 2.3.2.4. other personal information collected to provide, or in providing, a health service; or
 - 2.3.2.5. other personal information about an individual collected in connection with the donation, or intended donation, of an individual's body parts, organs or body substances; or
 - 2.3.2.6. other personal information that is genetic information about an individual arising from a health service provided to the individual in a form that is or could be predictive of the health (at any time) of the individual or of a genetic relative of the individual, or healthcare identifiers (section 6 HRIPA).
- 2.3.3. Health Privacy Principles means the principles set out in Schedule 1 of the [Health Records and Information Privacy Act 2002](#) (NSW).
- 2.3.4. Information Protection Principles means the principles set out in Part 2 Division 1 of the [Privacy and Personal Information Protection Act 1998](#) (NSW).
- 2.3.5. Personal information has the same meaning as in the [Privacy and Personal Information Protection Act 1998](#) (NSW), that is: "... information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion".

- 2.3.6. Personal information includes such things as an individual's fingerprints, retina prints, body samples or genetic characteristics (section 4 PPIPA).
- 2.3.7. Plan means the Privacy Management Plan implemented pursuant to this Policy and pursuant to s.33 of the PPIPA.

3. POLICY STATEMENT

- 3.1. This Privacy Policy is a requirement under Part 7, Division 1, Subdivision L of the VET Student Loans Rules. This policy must be made available to prospective VSL applicants prior to enrolment where a VET Student Loan is to be used to contribute towards the tuition fees of a VSL approved course/qualification. This policy assures that:

3.2. Handling Information

- 3.3. The College has processes and procedures for handling information.
- 3.4. The processes and procedures:
 - 3.4.1. provide for the management of students' personal information in accordance with the Australian Privacy Principles;
 - 3.4.2. provide for students to access their personal information;
 - 3.4.3. provide for students to have incorrect personal information corrected; and
 - 3.4.4. provide accurate information about the use and disclosure of personal information collected by the provider, including that the information may be disclosed to the Commonwealth and the VSL Tuition Protection Director.
- 3.5. This Privacy Policy aligns to, and is equivalent to the [Western Sydney University's Privacy Policy](#). The policy has been adapted to meet VSL requirements. This policy addresses requirements under the [Privacy Act 1988](#) (Cwth).
- 3.6. The College is committed to respecting the privacy of individuals, creating a privacy culture and promoting fair and compliant information handling practices in its educational, research, engagement, and administrative procedures and activities.
- 3.7. The College will meet its statutory requirements under the [Privacy and Personal Information Protection Act 1998](#) and the [Health Records and Information Privacy Act 2002](#).
- 3.8. All College staff must comply with and implement the Information Protection Principles, Health Information Principles, this Policy and the [University's Privacy Management Plan](#), and ensure staff under their supervision, or students under their direction, are made aware of their obligations under these principles, the Policy and the plan.

4. PROCEDURES

- 4.1. The [University's Privacy Management Plan](#) sets out how the University complies with the Information Protection Principles and Health Privacy Principles.
- 4.2. The Plan also contains information on how to make a complaint about an alleged breach of privacy, and how to seek internal review of that decision.
- 4.3. The University's Privacy Officer, together with the Office of General Counsel, will keep the Plan current.
- 4.4. Staff, students and affiliates are to report any breach of the Plan to the Privacy Officer, including any instances of accidental collection, misuse, disclosure or destruction of personal or health information.
- 4.5. The Privacy Officer, or the relevant University unit responsible for the release of personal or health information as set out in the Plan, will respond promptly to applications for access to personal information.
- 4.6. Staff must undertake a risk analysis for any new activities or projects that deal with collection, use or disclosure of personal or health information in order to assess whether these have the potential to impact on individual privacy and, if so, how these will be managed in accordance with the Plan.
- 4.7. The University provides privacy education and training to staff to promote awareness of and compliance with this Policy and the Plan.
- 4.8. Contracted third parties must comply with any privacy obligations specified in their contracts with the University and with any directions the University provides in relation to information they have access to or manage on the University's behalf.

5. GUIDELINES AND REFERENCES

- 5.1. The Information Protection Principles are set out and explained in the Information and Privacy Commission's Fact Sheet: [Information Protection Principles \(IPPs\) - PPIP Act](#).
- 5.2. The Health Privacy Principles are set out and explained in the Information and Privacy Commission's Fact Sheet: [Health Privacy Principles \(HPPS\) - HRIP Act](#).
- 5.3. Information about privacy issues at the University can be obtained via the [University's Privacy website](#).
- 5.4. Related documents are listed on the Associated Information page.
- 5.5. Visit the [Information and Privacy Commission website](#) for more information.
- 5.6. VET Student Loans Manual for Providers – Version 5.2 December 2022

5.7. Related Legislation/Policies/Procedures

- 5.8. [VET Student Loans Act 2016](#)
- 5.9. [VET Student Loans \(Approved Course Provider Application Fee\) Determination 2017](#)

- 5.10. [VET Student Loans \(Charges\) Act 2016](#)
- 5.11. [VET Student Loans \(Charges\) Regulations 2017](#)
- 5.12. [VET Student Loans \(Courses and Loan Caps\) Determination 2016](#)
- 5.13. [VET Student Loans \(External Dispute Resolution Scheme\) Specification 2017](#)
- 5.14. [VET Student Loans Rules 2016](#)
- 5.15. [VET Student Loans \(VSL Tuition Protection Levy\) Act 2020](#)
- 5.16. [VET Student Loans \(VSL Tuition Protection Levy\) \(Administrative Fee\) Determination 2020](#)
- 5.17. VET Student Loans Manual for Providers Version 5.2 December 2022
- 5.18. National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (National Code 2007)
- 5.19. Standards for Registered Training Organisations (RTOs) 2015
- 5.20. The College policies including:
 - 5.20.1. The RTO Admissions Policy and Procedure
 - 5.20.2. The RTO Assessment Policy and Procedure
 - 5.20.3. The RTO Student Complaints and Appeals Procedure
 - 5.20.4. The RTO Fees and Refunds Policy and Procedure
 - 5.20.5. The RTO Student Support Policy and Procedure
 - 5.20.6. The RTO Recognition of Prior Learning and Credit Transfer Policy and Procedure
 - 5.20.7. The College Staff Complaint Handling and Resolution Policy
 - 5.20.8. Western Sydney University's Student Code of Conduct

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STATUS AND DETAILS

Status	UNDER REVIEW		
Version	1		
Effective Date	9 February 2023		
Review Date	9 May 2023		
Approval Policy	The College Senior Management Team		
Governing Authority	Western Sydney University Enterprises Board		
Endorsed by	The RTO Committee		
Unit Responsible	The College Registered Training Organisation		
Enquiries Contact	The College RTO E: rto@westernsydney.edu.au		
Available On	SharePoint	<input type="checkbox"/>	Website <input checked="" type="checkbox"/>

Summary of Changes from Previous Version