

Privacy Policy and Procedure

Category	Formalisation of enrolment and written agreement
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Contact Officer	Team Leader Student Service
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Policy Base	<ul style="list-style-type: none"> • ESOS Act 2000 • National Code of Practice for Providers of Education and Training to Overseas Students 2018 (The National Code), Standard 3 • The European Union's (EU) General Data Protection Regulation (GDPR) • Privacy Act 1988 • Privacy Amendment (Enhancing Privacy Protection) Act 2012
Related Documents	<ol style="list-style-type: none"> 1. Letter of Offer 2. Admissions and Enrolment Policy and Procedure 3. Conditions of Enrolment 4. Personal Information Form

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Purpose

These policy and procedure are in place to ensure the collection, use and management of personal information of students and staff at Universal English College (“UEC”), comply with the ESOS Act 2000 and the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code), the Australian Privacy Principles (APPs) contained in the Privacy Act 1988 and the Privacy Amendment (Enhancing Privacy Protection) Act 2012. Additionally, the General Data Protection Regulation (GDPR) is followed in relation to European students and staff members at UEC, who have active residency in a European country under the European Union (EU).

Scope

This document applies to all staff and students at UEC.

Definitions

- **ESOS Act** refers to Education Services for Overseas Students Act 2000 (Cth).
- **National Code** refers to the National Code of Practice for Providers of Education and Training to Overseas Students 2018.
- **Personal Information** defined under the Privacy Act 1988 (Cth) refers to any information or opinion about an individual, or that may reasonably identify an individual.
- **The General Data Protection Regulation (GDPR)** refers to The European Union's (EU) regulation of the collection and use of information about customers. Any business that is established in the EU, supplies goods or services to EU residents in a targeted way, and businesses that monitor the behaviours or activities of EU residents using their personal data, are subject to this regulation.
- **Privacy Act 1988** refers to an Australian law which regulates the handling of personal information about individuals.
- **Australian Privacy Principles (APPs)** are contained in the Privacy Act 1988 and outline the handling, use and management of personal information.
- **Consent defined by the GDPR** refers to any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.
- **Consent as per the Australian Privacy Principles ((s 6(1))** refers to 'express consent or implied consent'. The four key elements of consent include the individual being adequately informed before giving consent, the individual giving consent voluntarily, the consent is current and specific, and the individual has the capacity to understand and communicate their consent.
- **Data portability as per Legalvision** (<https://legalvision.com.au/>) refers to giving a person the right to transmit their personal data to another business without any hindrance from the business they originally provided their data to.

Policy

1. The Type of Information Collected by UEC

The personal information UEC collects may include, but is not limited to, name, address, date of birth, telephone contact details, e-mail contact details, educational qualifications, occupation, CV, work history, salary, tax file number, bank account details, nationality, country of birth, languages spoken, religion, passport number, visa type, test scores, proposed education pathway, academic progress reports, incident reports, class attendance details, library resources accessed, participation in UEC social activities, health problems, dietary requirements, family details, household facilities, interests, opinions on quality of service, photographs, and financial status with UEC.

Information is collected on the Application Form and during the student's enrolment in order to meet our obligations under various NSW and Australian legislations - in this process, it may be disclosed to relevant third parties including but not limited to your family, homestay families, agents, external service providers, further studies institutions, and various employees of the College as required. These include the Privacy Act

1988, the ESOS Act 2000 and the National Code 2018. This is also done to ensure student compliance with the conditions of their visas and their obligations under Australian immigration laws generally. The authority to collect this information is contained in the Privacy Act 1988; Education Services for Overseas Students Act 2000; the Education Services for Overseas Students Regulations 2001; and the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018.

Information collected about the student during enrolment can be provided, in certain circumstances, to the Australian Government and designated authorities, if relevant, the Tuition Assurance Scheme and the ESOS Assurance Fund Manager. In other instances, information collected during your enrolment can be disclosed without your consent where authorised or required by law.

From time to time, Universal English College may be related to other entities (related entities) and this Privacy Policy applies if your personal information is dealt with by those related entities.

Students can request for access to their personal information held in their student files by submitting to the Registrar the Student Request for Access to Own Personal Information form available at Reception.

2. How Personal Information is Collected

- a. UEC collects personal information on forms associated with applications and enrolments, by receiving emails and telephone calls, in face-to-face meetings and interviews, through financial transactions, and through surveillance activities such as email monitoring and the use of CCTV security cameras on UEC premises.
- b. UEC will also collect personal information from other people (for example a medical certificate), or an independent source (such as a telephone directory or online).
- c. UEC will only use the collected information when it is not practical to collect the information directly from students/staff.

3. Disclosure of Personal Information

- a. UEC uses the collected information primarily for the purpose for which it was collected. This is to enable UEC to transact its business activities, to provide students and staff with its services, or to provide information about UEC.
- b. UEC will not disclose personal information without the consent from the student/staff, the parents/legal guardians of underage students, Australian Commonwealth and State agencies, and various other organisations as required by law as per the ESOS Act 2000, Part 8, Section 175.
- c. Requests to access or obtain personal information must be made in writing by the student/staff member or the parents/legal guardian of underage students.
- d. UEC will respond to the request within 10 working days.

4. How the Collected Personal Information is Stored

- a. UEC takes reasonable steps to ensure that all personal information is securely stored and is only accessed by authorised personnel to perform the required duties.
- b. Personal information is stored in G drive on UEC's internal server and the student management system.
- c. Any personal information collected in hard copy will be scanned and stored in the relevant folder in G drive.
- d. Any personal information no longer needed will be destroyed in a secure manner, deleted or de-identified as appropriate.

5. Consent as per the GDPR for European Students/Staff

- a. This policy applies to all European students and staff members who have active residency in a European country under the European Union (EU).
- b. Under the General Data Protection Regulation (The GDPR), UEC will only use the personal information provided by the student, the parents/legal guardian for underage students and staff members with their consent given voluntarily.
- c. UEC will only process the submitted information that an individual 'has given consent to the processing of his or her personal data for one or more specific purposes' as per the GDPR (Article 6(1)(a)).
- d. Before an individual freely gives consent, the individual will also be informed of the right to withdraw consent as per the GDPR (Article 7(3)).
- e. For students under the age of 18 years old, the consent must be given by the student's parents or legal guardian.
- f. Under the GDPR, students and staff members have the right to:
 - a. the removal of his or her personal data;
 - b. data portability; and
 - c. object to the processing of the personal information provided.
- g. For intending students who do not consent to providing their personal information that is required to enrol and maintain their studies at UEC, UEC will not be able to provide its education services as it will be in breach of the ESOS Act 2000 and the National Code 2018 (Standard 3).
- h. For applicants who do not consent to providing the required personal information for employment at UEC, UEC will not be able to offer them a position.

6. Updating Personal Information as per the ESOS Act 2000

- a. UEC will take reasonable steps to ensure any personal data it collects, discloses is up to date and accurate. If the student believes the information UEC holds is not up to date or accurate, they may ask for it to be corrected.
- b. UEC will ensure to confirm the accepted students' records at least every 6 months.
- c. The records will consist of the following information for accepted students:
 - a. the student's current residential address, mobile phone number and email address;
 - b. the student's parents/legal guardian's current residential address, mobile phone number and email address for underage students;
 - c. the student's Welfare Guardian's current residential address, mobile phone number and email address for underage students;

- d. the student’s homestay parents’ current residential address, mobile phone number and email address for underage students; and
- e. Emergency contact details.
- d. UEC will inform students that they are required to provide UEC with their updated contact details, within 7 days of the change. Refer to Admissions and Enrolment Policy and Procedure.
- e. UEC will update the above records in the student management system.
- f. UEC will retain the above records for at least 2 years after the person ceases to be an accepted student at UEC.

7. Complaints

- a. If the student considers there to be a breach of the Privacy Act, the student may direct their concern to the Registrar.
- b. If the student does not consider the response to be satisfactory, they may contact the Australian Privacy Commission at its website www.oaic.gov.au or by telephone on 1300 363 992.

Process

1. Updating Personal Information as per the ESOS Act 2000

STEPS	PROCESS	RESPONSIBILITY
1	Confirm student’s records in June and December each year. Use the <i>Personal Information Form</i> to update the relevant student records.	Team Leader Student Services/ Nominated Delegate
2	Update student records in the Student Management System.	Team Leader Student Services/ Nominated Delegate
3	Retain students’ records for at least 2 years after the person ceases to be an accepted student at UEC.	Team Leader Student Services/ Nominated Delegate

Document Control

These policies and procedure are approved and implemented by UEC. This document will be electronically available to UEC staff in PDF file in the designated folder (in G drive). Any ongoing changes made to this document will be documented as per below.

Version	Authorised By	Description of the change	Approved Date	Effective Date
<i>Version 1</i>	<i>General Manager</i>	<i>Updated the entire Privacy Policy and Procedure as per the National Code 2018</i>	<i>16</i>	<i>1 Oct 2022</i>