

Privacy and Confidentiality

Policy

MHCC maintains privacy of information kept by abiding by the Australian Privacy Principles (APPs) as outlined in the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*.

MHCC only collects information that is relevant to providing training services and collects this information directly from the person or through an authorised third party. It is MHCC's responsibility to keep information as accurate, up-to-date and complete as possible. If MHCC receives personal information about a person through an unauthorised party, MHCC must inform the person if it is relevant information or else destroy or de-identify it, if legal to do so.

All personal information held by MHCC remains confidential and protected and must not be used for anything other than the reason it was collected. MHCC does not pass on any personal information to a third party without permission except where records are stored via a third party, such as with electronic records stored on JobReady, as part of day-to-day record keeping. JobReady records are password protected and participant hard copy files are kept in locked cabinets. Where an organisation pays for a participant to study, the participant agrees to have records of their academic progress reported to their employer when they enrol. MHCC only keeps participant information for as long as it is required and then destroys it appropriately. See Document Management, Review, Security and Archiving Policy and Procedure for details.

Participants

MHCC must only use personal information collected from participants for the reasons it was collected. Primarily, MHCC collects information to provide training services and to check if participants are interested in further study. This can include having names on flyers and other marketing tools. When MHCC contacts a participant regarding further study, the participant must be given the option to opt out from marketing emails.

Participants have the right to access or correct information MHCC has about them and can do so by making a formal request. It is MHCC's responsibility to provide this information within a reasonable amount of time and in the format the participant requests it as long as it is reasonable to do so. Access to information is free unless the cost to MHCC to provide it is unreasonable.

MHCC may not provide an individual access where:

- it would pose a serious threat to the life, health or safety of any individual, or to public health or public safety or
- giving access would have an unreasonable impact on the privacy of other individuals or
- giving access would reveal evaluative information generated within the entity in connection with a commercially sensitive decision-making process
- where giving access causes potential danger, is unlawful or is part of a legal proceeding, court/tribunal order or enforcement related activity conducted by an enforcement body

If MHCC is unable to provide requested information to the individual, MHCC will:

- give reasons for this and
- make available information on how to make a complaint

Participants have a right to make a complaint if they believe their privacy has been breached.

If an individual has a general enquiry about MHCC training services, they do not have to give us a name or they can use a pseudonym. It is only when the individual wants to discuss something specific to their records that we need to know who they are.

The following definitions are from the Privacy Act 1988, 18 October 2023

personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- whether the information or opinion is true or not; and
- whether the information or opinion is recorded in a material form or not.

sensitive information means:

- information or an opinion about an individual's:
 - racial or ethnic origin; or
 - political opinions; or
 - membership of a political association; or
 - religious beliefs or affiliations; or
 - philosophical beliefs; or
 - membership of a professional or trade association; or
 - membership of a trade union; or
 - sexual orientation or practices; or
 - criminal record;
 that is also personal information; or
- health information about an individual; or
- genetic information about an individual that is not otherwise health information; or
- biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- biometric templates.

See Appendix 9 Training Privacy and Confidentiality Policy for more details on how MHCC observes the privacy of participants.

Third Party Requests

Where an organisation pays for a participant to study, the participant agrees to have records of their academic progress reported to their employer when they enrol. Participants who are paying for their own studies have not agreed to this and their information is not to be passed on to their organisation without their written permission. Information on whether a participant has had their fees paid by their organisation is documented on their JobReady record declaring "Organisation Funded? - YES" or "Organisation Funded? - NO".

MHCC will disclose information if legally compelled to provide it to agencies, government bodies, courts, tribunals and so on.

Using Individuals' Information for Other Reasons

MHCC will only use personal information (not sensitive information) collected from the participant for direct marketing where MHCC provides the individual information about further study and also provides a simple way of requesting to not receive direct marketing.

MHCC does not on-sell personal information.

Storing Documents Securely

Hardcopy participant files are kept in locked filing cabinets and only accessed by relevant staff. Electronic records are either stored in JobReady where staff have individual passwords or on SharePoint in the secured LD area.

Privacy and Confidentiality Breaches

Where a complaint has been made regarding privacy, the Complaints register, and form are used. Complaint contacts can be found in Appendix 9 Training Privacy and Confidentiality Policy. Where a breach of privacy has been declared or identified, the Privacy Breach Register and form are used. They can be located in the Complaints, Appeals and Privacy breaches folder in the RTO Compliance folder in SharePoint.

Compliance Related Areas

Standards for Registered Training Organisations (RTOs) 2015

C8.5 The RTO complies with Commonwealth, State and Territory legislation and regulatory requirements relevant to its operations.

C8.6 The RTO ensures its staff and clients are informed of any changes to legislative and regulatory requirements that affect the services delivered

Procedure

All staff are responsible for maintaining privacy around the office.

The **Student Support Team** and **LD Manager** are responsible for responding to complaints about privacy and reports of privacy breaches.

The **LD Manager** and **Compliance Officer** are responsible for updating privacy information within and overseeing the distribution of the Participant, Supervisor and TAA Handbooks, including the website. The Participant and Supervisor's Handbooks are also uploaded onto the MHCC website.

When carrying out daily tasks, **all staff** must:

- print sensitive information about individuals via secure print option
- collect printing of documents as soon as they are printed
- keep filing cabinets locked at all times
- use the recall bin or shredder when personal information is being destroyed
- refuse the save password option on JobReady and other logins that store personal information
- maintain password security by not storing or sharing passwords
- file away participant and staff files and documents immediately after use
- only discuss relevant personal and sensitive information about an individual with relevant staff in order to progress MHCC work and discuss this away from other staff/individuals
- if a third party requests personal information about an individual, for example, if a participant wishes to contact another trainer, the staff member explains that we cannot release the information without permission but can pass their details on

For the purposes of enrolling participants, the **LD admin staff** collect, use, store and where relevant,

disclose the following personal information about participants:

- name/s
- date of birth
- home address/es
- personal contact phone number/s
- details about employment
- demographic information as required by ASQA (this is compulsory for nationally recognised training courses, optional for other courses)
- assessment results
- appeals results
- education and qualifications and
- information about training an individual has undertaken

When maintaining participant documentation, the **LD admin staff** ensure:

- participant documentation in hard copy is filed in a locked cabinet in the LD office
- only staff who need to work on files, as defined by their roles, have access to the cabinets
- if hard copy participant records are being reviewed by a staff member, they are not left on a desk unattended
- electronic records are accessed by relevant admin staff via password access only or via the secure link in SharePoint
- where highly sensitive information is recorded, private file notes are used so only staff who deal directly with the sensitive information can access it
- when electronic records are being reviewed or updated, their record is closed off before leaving the desk
- information kept is accurate, up-to-date and complete
- where a participant has provided information to be updated, this information is updated as soon as is practicable and where not practicable, the following applies:
 - the participant is given reasons for the information not being updated
 - the participant is given information on how to make a complaint
 - where possible, a statement confirming the correction of the personal information is attached to documentation

When an organisation requests information about a participant, the **Compliance Officer** or **LD Manager** can only provide the following information to an employer who is confirmed as paying for the participant's studies:

- study progress, completion and withdrawal including specific units of competency and results to date
- student support required to complete training and/or assessment screening highly sensitive information if not relevant for the organisation to know

For the purpose of RTO reporting, the **Student Support Team, Training Logistics Coordinator, Compliance Officer** or **LD Manager** (or other staff as delegated) can provide the following information:

- statistics where MHCC complies with RTO requirements, attendance, grades and other personal information in a de-identified format
- information related to administrative training services, e.g. sending a trainer a list of course participants or information about their co-trainer
- information in accordance with the requirements of Government agencies if participant is undertaking a traineeship
- information for auditing by the Australian Skills Quality Authority (ASQA)
- course assessment and results or other relevant information in the case of an appeals process
- information required in an emergency

For the purpose of a participant wanting access to their information, the **Student Support Team:**

- asks that the request be provided in writing
- confirms the identity of the person requesting the information via photo ID or other relevant method
- provides access to the information within a reasonable timeframe and where possible, in the manner requested
- provides the information cost free unless it is unreasonable and in that offers to provide access if the individual pays the costs
- provides access to a complete copy of the participant's information unless it is impracticable and in which case, the person can view their original information and file under supervision
- refers the matter to the **Compliance Officer or LD Manager** if the request raises concerns
- declines the request, as directed by the **Compliance Officer or LD Manager** and provides the reasons for why it has been declined and information on how to make a complaint

For the purpose of a participant wanting to update their information, the **Student Support Team:**

- asks that the request be provided in writing
- confirms the identity of the person requesting the information via photo ID or other relevant method
- requests the relevant certified documentation, where relevant
- updates the information
- informs the participant and relevant staff
- issues the updated documentation if relevant

For information on archiving and destroying documentation see Document Management, Review, Security and Archiving Policy and Procedure.

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