

Privacy Policy

1. Purpose

The purpose of this privacy policy is to:

- clearly communicate the personal information handling practices Mobile Learning Express
- give staff and other individuals a better understanding of the sort of personal information that Mobile Learning Express holds
- enhance the transparency of Mobile Learning Express's operations

2. Authorisation

The Privacy Act 1988 (Privacy Act) is an Australian law that regulates the handling of personal information about individuals. This includes the collection, use, storage and disclosure of personal information. The Privacy Amendment (Enhancing Privacy Protection) Act 2012 introduced many significant changes to the Privacy Act, including 13 Australian Privacy Principles (APPs) that apply to the handling of personal information. As an Australian Government agency, Mobile Learning Express is obliged to comply with the APPs.

2.1 Personal information—definition

Personal information is defined under the Privacy Act as information or an opinion about an identified individual, or an individual who is reasonably identifiable:

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

Some examples of personal information include names, addresses, phone numbers and email addresses.

The definition of personal information only relates to 'natural' persons. It does not extend to other 'legal' persons, such as companies.

2.2 Sensitive information— definition

Under the Privacy Act, sensitive information is defined as:

- (a) information or an opinion about an individual's:
- (i) Racial or ethnic origin
 - (ii) Political opinions
 - (iii) Membership of a political association
 - (iv) Religious beliefs or affiliations
 - (v) Philosophical beliefs
 - (vi) Membership of a professional or trade association
 - (vii) Membership of a trade union
 - (viii) Sexual orientation or practices
 - (ix) Criminal record

that is also personal information; or

- a) Health information about an individual
- b) Genetic information about an individual that is not otherwise health information

- c) Biometric information that is to be used for the purpose of automated biometric verification or biometric identification
- d) Biometric templates.

3. Collection

3.1 Solicited information

Generally, personal information is collected in order for Mobile Learning Express to properly and efficiently carry out its functions. Mobile Learning Express only collects personal information for purposes that are directly related to our functions or activities under the National Vocational Education and Training Regulator Act 2011 (NVR Act), or the Freedom of Information Act 1982 (FOI Act), and only when it is reasonably necessary for or directly related to Mobile Learning Express's functions.

Mobile Learning Express will only collect sensitive information from individuals if the individual consents to the collection, unless:

- the sensitive information is required or authorised by law
- a permitted general situation exists
- a permitted health situation exists
- the sensitive information is required for an enforcement related activity

3.1.1 Information collected from an individual

Mobile Learning Express uses personal information only for the purposes for which it was provided and for directly related purposes (unless otherwise required by or authorised under law). We also collect information in relation to employment services, human resource management, and other corporate service functions. Generally, the purposes for which Mobile Learning Express collects personal information are when an individual:

- submits an application relating to registration, including reconsideration of decisions relating to registration
- submits an online complaint form about a training provider
- submits an email complaint about Mobile Learning Express or an employee
- makes payment for an Mobile Learning Express fee or charge, either via application or over the telephone, or when Mobile Learning Express must refund an amount to an individual
- submits a Freedom of Information (FOI) request via email
- contacts Mobile Learning Express seeking information or advice about Mobile Learning Express's functions, application queries or to lodge a complaint
- is interviewed as part of an audit of a registered training organisation
- provides intelligence information to Mobile Learning Express for audit or investigation
- submits an application for, or commences employment with Mobile Learning Express, or
- as an employee of Mobile Learning Express, submits information to human resources for health records, or for a claim for compensation

An individual may, in some circumstances, such as lodging a complaint, prefer to remain anonymous, or to use a pseudonym, when interacting with Mobile Learning Express. Whilst this is acceptable to Mobile Learning Express, individuals should be aware that if they choose to do this, it may make investigating complaints or providing specific information impracticable, and it may lessen Mobile Learning Express's ability to provide its usual level of service.

Mobile Learning Express generally collects personal information directly from the individual or their authorised representative.

3.1.2 Information collected from a third party

Sometimes personal information is collected from a third party, or a publicly available source, but only if the individual has consented to such collection or would reasonably expect us to collect their personal information in this way. Mobile Learning Express may also collect personal information from a third party for a specific purpose, such as an investigation, or when an Mobile Learning Express is in the process of closing down and Mobile Learning Express collects student information for the purpose of placing affected students with another training provider.

If Mobile Learning Express collects personal information from a third party, A Mobile Learning Express will take reasonable steps to inform affected individuals that their personal information has been collected from a third party as soon as practicable after the collection has taken place. See 4.2 - notifying the individual if information is collected from a third party.

3.2 Unsolicited Information

If Mobile Learning Express receives unsolicited information, it will determine if the information is required to carry out its functions.

If Mobile Learning Express determines that the information is not required, and does not form part of a Commonwealth record, then it will destroy or de-identify the information as soon as practicable.

If Mobile Learning Express determines that the information is required, then the information will be treated as solicited information as per 3.1 Solicited information.

4. Notification

4.1 Notifying the individual at collection

When collecting personal information directly from an individual, Mobile Learning Express will take reasonable steps to notify, or otherwise ensure that the individual is aware:

- that Mobile Learning Express's privacy policy provides information about how to access and seek correction of that personal information, and about how to lodge a complaint about a breach of the APPs
- of whether Mobile Learning Express is likely to disclose an individual's personal information to overseas recipients and, if it is practicable to specify, the countries in which those recipients are likely to be located.

4.2 Notifying the individual if information is collected from a third party

If Mobile Learning Express collects personal information from someone other than the individual, or the individual may not be aware that the organisation has collected the personal information, reasonable steps will be taken to notify the individual, or otherwise ensure that the individual is aware:

- that Mobile Learning Express collects or has collected the information
- of the circumstances of the collection, including
- from whom the information was collected, and
- the law under which Mobile Learning Express collected the information
- to whom Mobile Learning Express may disclose the information, and
- of the consequences of Mobile Learning Express not collecting the information

5. Use and disclosure of personal information

Mobile Learning Express will only use and disclose personal information for the primary purposes for which it was collected unless:

- the individual has consented to the information being used for a secondary use or disclosure
- the individual would reasonably expect Mobile Learning Express to use or disclose the information for the secondary purpose and that purpose is related to the primary purpose, or
- the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order
- a permitted general situation³ exists in relation to the use or disclosure of the information, for example, if Mobile Learning Express believes that the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or
- Mobile Learning Express 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.

Mobile Learning Express will only use sensitive information for a secondary purpose if it is directly related to the primary purpose.

Some personal information provided to Mobile Learning Express through application forms will be published on the national register, training.gov.au, in accordance with section 216 of the NVR Act. The information may also be shared with state and territory government and other Australian Government authorities and ministers, occupational licensing bodies, overseas authorities, and others in accordance with the information sharing provisions contained in the NVR Act or the provisions of the Privacy Act.

5.1 Disclosing personal information overseas

In situations where Mobile Learning Express may disclose personal information overseas, Mobile Learning Express will take reasonable steps to ensure that the overseas entity will comply with the APPs.

5.2 Use of personal information for direct marketing purposes

Mobile Learning Express will only use personal information for direct marketing purposes where it could be reasonably expected that the individual would be aware that Mobile Learning Express would use the information in that way.

6. Data quality

Mobile Learning Express will take reasonable steps to ensure that the personal information we collect is accurate, up to date and complete. These steps include maintaining and updating personal information when we are advised by individuals that their personal information has changed, and at other times as necessary. Mobile Learning Express will also take reasonable steps to ensure the accuracy and completeness of the information prior to any disclosure of the information.

7. Data security

Mobile Learning Express takes steps to protect the personal information we hold against interference, loss, unauthorised access, use, modification or disclosure, and against other misuse.

When no longer required, personal information is destroyed in a secure manner, or deleted in accordance with Mobile Learning Express's Records Management Policy, in compliance with the General Disposal Authority issued by the National Archives of Australia.

8. Access and correction

8.1 Access and correction under the Privacy Act

Unless Mobile Learning Express is authorised to refuse access to information under the FOI Act or any applicable provisions of any law of the Commonwealth, Mobile Learning Express will grant an

individual's request for access to the personal information that Mobile Learning Express holds about them.

Individuals may also request that Mobile Learning Express correct any personal information about the individual that Mobile Learning Express holds. Mobile Learning Express will only update the information if it is satisfied the information it holds is incorrect. If Mobile Learning Express is satisfied that an individual's personal information is incorrect, Mobile Learning Express will take reasonable steps to correct that information to ensure that it is accurate, up-to-date, complete, relevant and not misleading.

Mobile Learning Express will provide a response to any request for access or correction to personal information within 30 days. If refusing the request, Mobile Learning Express will provide a written statement of reasons for the refusal and remind the individual of the available complaint mechanisms, which are outlined below in 9 Complaints. For clarity purposes, Mobile Learning Express will also take reasonable steps to associate a statement with the personal information that it refuses to correct.

Individuals will not be charged for requests for access or correction to their personal information.

Members of the public should direct their requests to Mobile Learning Express's Privacy Contact Officer. Mobile Learning Express staff should direct their requests to the Manager, Human Resources.

8.2 Access, amendment or annotation under the FOI Act

Individuals may also make a request to Mobile Learning Express for access, amendment or annotation to their personal information under the FOI Act. Mobile Learning Express will respond to these requests in accordance with the FOI Act. If unsatisfied with the response received from Mobile Learning Express, an individual may seek an internal review of the FOI decision from Mobile Learning Express. An individual may also request that the Australian Information Commissioner review Mobile Learning Express's decision.

In accordance with the Freedom of Information (Charges) Regulations 1982, Mobile Learning Express does not charge for request for, or access to personal information.

9. Complaints

If a member of the public wishes to lodge a complaint about how Mobile Learning Express handles personal information, or if they feel Mobile Learning Express has breached the APPs, they can contact Mobile Learning Express to discuss the matter. If an employee of Mobile Learning Express wishes to lodge a complaint about how Mobile Learning Express handles personal information, or if they feel Mobile Learning Express has breached the APPs, they can contact the Chief Executive Officer or their representative.

10. Privacy Contact Officer

10.1 Members of the public

If you have any questions or complaints about privacy, confidentiality or access to your personal information, and are a student or prospective student, please contact Mobile Learning Express

10.2 Mobile Learning Express employees

If you have any questions or complaints about privacy, confidentiality or access to your personal information, and are Mobile Learning Express employee, please contact the designated officer.

11. Documents

Confidentiality Agreement (Document 61)

Privacy Notice

Under the *Data Provision Requirements 2012*, Mobile Learning Express is required to collect personal information about you and to disclose that personal information to the National Centre for Vocational Education Research Ltd (NCVER).

Your personal information (including the personal information contained on this enrolment form), may be used or disclosed by Mobile Learning Express for statistical, administrative, regulatory and research purposes. Mobile Learning Express may disclose your personal information for these purposes to:

- Commonwealth and State or Territory government departments and authorised agencies; and NCVER.
- Personal information that has been disclosed to NCVER may be used or disclosed by NCVER for the following purposes:
 - populating authenticated VET transcripts;
 - facilitating statistics and research relating to education, including surveys and data linkage;
 - pre-populating RTO student enrolment forms;
 - understanding how the VET market operates, for policy, workforce planning and consumer information; and
 - administering VET, including program administration, regulation, monitoring and evaluation.

You may receive a student survey which may be administered by a government department or NCVER employee, agent or third-party contractor or other authorised agencies. Please note you may opt out of the survey at the time of being contacted.

NCVER will collect, hold, use and disclose your personal information in accordance with the *Privacy Act 1988* (Cth), the National VET Data Policy and all NCVER policies and protocols (including those published on NCVER's website at www.ncver.edu.au).

Please note: This Privacy Notice is to be given to students in addition to the RTO's standard Privacy Notice.