

# MHCC Training Privacy Policy for Participants

On 12 March 2014, the Australian Privacy Principles (APPs) replaced the National Privacy Principles and Information Privacy Principles.

The Board and staff of Mental Health Coordinating Council (MHCC) recognise the importance of protecting the privacy of individuals and are committed to maintaining privacy of records held. MHCC will uphold and abide by the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*. More information on the Privacy Act and amendments can be found at <http://www.oaic.gov.au/privacy/privacy-act/the-privacy-act>

## Training Privacy and Confidentiality Policy Summarised

MHCC only collects information that is relevant to providing training services and collects this information directly from the person or through someone they have given permission to provide it. It is MHCC's responsibility to keep information as accurate, up-to-date and complete as possible and we have policies and procedures in place to ensure this. If MHCC receives personal information about a person through an unauthorised party, we inform the person if it is relevant information or else we destroy or de-identify it, as long as it is legal to do so.

All personal information held by MHCC remains confidential and protected, and is only used for the reason it was collected. MHCC will not pass on any personal information to a third party without permission. MHCC stores electronic records securely through Jobready, an Australian-based student record management system provider and hard copy files are kept in locked cabinets. We only keep your information for as long as it is required and then destroy it so no one else can access it.

MHCC only uses personal information collected from you for the reasons it was collected. Primarily, we collect it to provide you training services and to check if you are interested in further study. When we contact you regarding further study, you are given the option to opt out from further contact about other courses.

You have the right to access or correct the information we have about you and can do so by making a formal request. It is our responsibility to provide this information to you in a reasonable amount of time and in the format you request as long as it is reasonable for us to provide it in this way. Our contact details are at the end of this document. If at any time you believe your privacy has been breached, you have a right to make a complaint through us or through the Office of the Australian Information Commissioner whose details can also be found at the end of this document.

If you have a general enquiry about MHCC training services, you don't have to give us a name or you can use a different name if you don't want us to know who you are. It is only when you want to discuss your studies or information we have about you that we need to know who you are.

For more detail on how MHCC addresses the Australian Privacy Principles, please read the next section.

## The following definitions are from the Privacy Act 1988, 1 July 2013

*Personal information* means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

*Sensitive information* means:

- (a) information or an opinion about an individual's:
  - (i) racial or ethnic origin; or
  - (ii) political opinions; or
  - (iii) membership of a political association; or
  - (iv) religious beliefs or affiliations; or
  - (v) philosophical beliefs; or

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- (vi) membership of a professional or trade association; or
- (vii) membership of a trade union; or
- (viii) sexual preferences or practices; or
- (ix) criminal record;  
that is also personal information; or
- (b) health information about an individual; or
- (c) genetic information about an individual that is not otherwise health information.

## How MHCC addresses the Australian Privacy Principles

### Part 1 — Consideration of personal information privacy

#### Australian Privacy Principle (APP) 1 — open and transparent management of personal information

MHCC must take reasonable steps to ensure it complies with the Australian Privacy Principles (APP) through its policies and through being open and transparent about the management of personal information. This includes processes around inquiries and complaints from individuals. A copy of this Policy can be found on the MHCC website.

In order to deliver training services, it is necessary for MHCC to obtain information from various individuals including training participants. MHCC will only collect personal information necessary to provide training services and collects it primarily through the enrolment process and follow up after enrolment. This information is electronically stored in a secure student management system and hard copies kept in locked cabinets.

For the purposes of training, it is necessary for MHCC to collect, use, store and, where relevant, disclose the following personal information:

- 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
- support needs are only used, stored and where relevant, disclosed when the information is given by the participant

Personal information will only be used or disclosed for the following direct, and directly related purposes:

- providing training and subsequent assessment including student support
- providing administrative services relating to training, e.g. sending a trainer a list of course participants
- recording student information into the student management system, which is stored with JobReady, an external provider
- in accordance with the requirements of Government agencies if participant is undertaking a traineeship or a funded place
- auditing by the Australian Skills Quality Authority (ASQA)
- an appeals process as it pertains to course assessment
- contacting the individual within the context of, and regarding their training;

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- in an emergency
- personal information will only be otherwise disclosed with the written consent of the individual or the person's Parents, Guardian or Attorney acting under Power of Attorney and
- as authorised or permitted by law

MHCC will not disclose personal information to other parties other than have been agreed to by the individual. 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 will provide the following information to an authorised third party:

- Course attendance: On request MHCC will advise the organisation of participant attendance or absenteeism where a participant is enrolled to complete a course
- Completion of assessment/s and results: The organisation will be provided with a report of participant progress periodically including specific units of competency currently being completed and results to date
- Student support: If a participant has advised MHCC they require assistance to complete training and or assessment, MHCC may provide this information to a delegated third party to ensure appropriate support is provided in all training and assessment events
- For the purposes of statistics where MHCC complies with RTO requirements, attendance, grades and other personal information collected as listed above, is disclosed in a de-identified format
- For the purpose of funding reporting and traineeships where this information is required

Individuals may access personal information kept about them by requesting this information in writing.

If an individual believes MHCC has breached the APP, they can follow the MHCC complaints process found in the Participant Handbook, by contacting MHCC (see contact details at the end of this document) or by contacting the Privacy Commissioner (see contact details at the end of this document). The Participant Handbook is available on the MHCC website.

## **Australian Privacy Principle (APP) 2 — anonymity and pseudonymity**

Individuals who contact MHCC about training services have the right to not identify themselves or can use a pseudonym when making general training and assessment enquiries. If the information is specific to an individual's information or their interaction with MHCC, then their details may be required to address these enquiries. The only other time MHCC may need details is if it is required or authorised by or under an Australian law, or a court/tribunal order, to deal with individuals who have identified themselves.

## **Part 2 — Collection of personal information**

### **Australian Privacy Principle (APP) 3 — collection of solicited personal information**

MHCC is committed to only collecting personal and sensitive information about an individual when it is reasonably necessary and directly related to MHCC activities. MHCC collects information directly from individuals unless they have given permission for a third party to provide it e.g. their employer or a traineeships centre or unless it is unreasonable or impracticable to do so.

### **Australian Privacy Principle (APP) 4 — dealing with unsolicited personal information**

If MHCC receives unsolicited personal information about an individual and it is unlikely this information would have been provided to MHCC by that individual, MHCC will destroy or de-identify the information as soon as is practicable and if it is lawful to do so. If the information would have been collected from the individual or an authorised third party, APP 5 – 13 apply (see below).

### **Australian Privacy Principle (APP) 5 — notification of the collection of personal information**

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In the case that MHCC receives unsolicited personal information about an individual, if the information is relevant and could have been collected from the individual through MHCC's information collection processes, MHCC will inform the individual, including what the information is used for, as soon as is practicable.

Any information collected by MHCC can be accessed or corrected by an individual by contacting MHCC and formally requesting the information or correction. The individual may need to provide proof of their identity. Contact details can be found at the end of this document.

## Part 3 — Dealing with personal information

### Australian Privacy Principle (APP) 6 — use or disclosure of personal information

MHCC only uses personal information about an individual in relation to their studies and to provide information about further study. The only exceptions are unless:

- the individual has consented to the use of their personal information
- it is somehow legally required or relates to a legal or equitable claim
- it is required to assist in locating a missing person
- it is required for the purpose of a confidential alternative dispute resolution

### Australian Privacy Principle (APP) 7 — direct marketing

MHCC will only use personal information (not sensitive information) collected from the individual 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.

### Australian Privacy Principle (APP) 8 — cross-border disclosure of personal information

If personal information collected by MHCC for training services is requested from an overseas third party, MHCC will only disclose the information if MHCC has authority to do so and is certain the recipient does not breach the APPs other than APP 1. MHCC does not currently provide information to third parties located overseas.

### Australian Privacy Principle (APP) 9 — adoption, use or disclosure of government related identifiers

MHCC will not adopt government related identifiers of any individual unless it is a legal requirement. MHCC will not disclose a government related identifier unless it is reasonably necessary for MHCC to carry out its activities or obligations or unless it is legally required.

## Part 4 — Integrity of personal information

### Australian Privacy Principle (APP) 10 — quality of personal information

MHCC will take reasonable steps to ensure that personal information collected, used or disclosed about an individual for the purpose of training services is accurate, up-to-date and complete.

### Australian Privacy Principle (APP) 11 — security of personal information

MHCC will take reasonable steps to ensure that the personal information held is protected from misuse, loss, unauthorised access, modification or disclosure. The personal information of individuals will be stored in a locked filing cabinet in MHCC Learning and Development office and on the JobReady database that is password protected.

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Where personal information is no longer required, MHCC will take reasonable steps to destroy or de-identify it, as long as it is legal to do so. Assessment results for nationally recognised training are required to be kept for a period of 30 years in accordance with ASQA Standards for NVR Registered Training Organisations. After this period, records will be destroyed as outlined in the Archiving Policy in the Training and Policy and Procedures Manual. Audit copies of assessment evidence will be kept in accordance with ASQA requirements, after competencies or qualifications have been issued to an individual. Evidence associated with assessment will be copied and originals will be returned to individuals when the assessment process has been completed.

Assessments and related documentation received by MHCC in hard-copy form are forwarded to assessors and then returned to the participant through the post. Assessments received electronically are forwarded to the assessor via email but may, under certain conditions, be printed and sent to the assessor via post. Electronic assessments may be returned to the participant via email or post. MHCC keeps copies of marked assessments electronically for a period of time as required by the registering body and any associated funding. After that time, MHCC destroys them securely. MHCC may keep assessments longer if they are part of a validation process.

## Part 5 — Access to, and correction of, personal information

### Australian Privacy Principle 12 — access to personal information

Individuals who have participated in training at MHCC have the right to request access to their personal information held by MHCC. On written request, with proof of identity, MHCC will provide individuals access to this information within a reasonable timeframe and where possible, in the manner requested. Access to information is free unless the cost to MHCC to provide it is unreasonable and in that case MHCC will offer to provide access if the individual pays the costs. A complete copy of a participant's information will be made, unless this is impracticable and in which case, the person can view their original information and file under supervision.

MHCC may not provide an individual access where:

- MHCC believes 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
- the request for access is frivolous or vexatious or
- the information relates to existing or anticipated legal proceedings between the entity and the individual, and would not be accessible by the process of discovery in those proceedings or
- giving access would reveal the intentions of the entity in relation to negotiations with the individual in such a way as to prejudice those negotiations or
- giving access would be unlawful or
- denying access is required or authorised by or under an Australian law or a court/tribunal order; or
- both of the following apply:
  - the entity has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to the entity's functions or activities has been, is being or may be engaged in;
  - giving access would be likely to prejudice the taking of appropriate action in relation to the matter or
- giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body or
- giving access would reveal evaluative information generated within the entity in connection with a commercially sensitive decision-making process

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

- give reasons for this and

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- make available information on how to make a complaint

### Australian Privacy Principle 13 — correction of personal information

MHCC will correct personal information upon request or whenever MHCC becomes aware that personal information is inaccurate. If MHCC is unable to correct information, MHCC will:

- give reasons for this and
- make available information on how to make a complaint
- make accessible, where possible, a statement confirming the correction of the personal information and attaching it to required documentation

## Complaints

Complaints about breaches of privacy can be made to MHCC directly. You can find information about our complaints and appeals process through the participant handbook which can be found on the MHCC website or simply contact us and we can explain what you need to do.

MHCC  
PO Box 668  
ROZELLE NSW 2039  
(02) 9555 8388  
<http://www.mhcc.org.au/home/contact-us/contact-us.aspx>

Complaints about breaches of privacy can also be made to:

Office of the Australian Information Commissioner  
GPO Box 5218  
Sydney NSW 2001  
Ph: 1300 363 992  
[enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
<http://www.oaic.gov.au/about-us/contact-us-page>