



**RTO Code: 2293**  
**PRIVACY**  
**POLICY & PROCEDURE**

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**PRIVACY**

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All Students  
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REFERENCES : Student Handbook  
Complaint Policy  
Motor Trade Association of SA Inc. HR Manual  
Privacy Act 1988 as amended by the Privacy Amendment  
(Enhancing Privacy Protection) Act 2012 (Privacy Act 1988)  
Australian Privacy Principles (APPs) Privacy Act 1988 (Cth)

DOCUMENTS : Complaint Appeal Report Form  
Authority to Exchange Information Form (Student Handbook)

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Chief Executive Officer

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1. **MTA Privacy Commitment**

The Motor Trade Association of South Australia Inc. (**MTA**) and its related entities including The MTA Group Training Scheme Inc and Retail Motor Trading Co. Pty Ltd (**we, us** and **our**) are committed to the protection of your personal information, and handle all personal information in accordance with the Australian Privacy Principles (**APPs**) set out in the Commonwealth *Privacy Act 1988* (**Privacy Act**).

This Policy explains in general terms how we collect, store, use and disclose your personal information, and your rights of access to, and the correction of, the information that we hold about you. Employee records that are exempt under the *Privacy Act* are not subject to this Policy, except as otherwise required by law, regulation or reputable standards.

This Policy is current as of 3 February 2015. We may amend this Policy from time to time to reflect changes in the law, our business practices or other relevant factors. Please visit our website at <https://mtaofsa.com.au/policies> or contact the MTA Privacy Officer to obtain the latest version of the Privacy Policy.

2. **Collection of Personal Information**

We only collect personal information which is necessary for our business functions or activities, including (amongst other things):

- (a) maintaining our relationship with you;
- (b) interacting with members, host employers, apprentices or students and potential members, and maintaining relevant records;
- (c) facilitating members to contact and interact with each other;
- (d) promoting us and our goods and services;
- (e) offering membership services and benefits, including to send you marketing material that we consider is relevant;
- (f) for purposes related to our research, planning, service development, security and risk management;
- (g) representing members;
- (h) responding to legal requests;
- (i) complying with our obligations under any applicable laws, including without limitation the *Fair Work Act 2009* (Cth), *National Vocational Education and Training Regulator Act 2011* (Cth) and the *Training and Skills Development Act 2008* (SA) and any regulations or standards made pursuant to those Acts; and

- (j) answering your enquiries and providing you with information you may have requested; and
- (k) any other use to which you have given your consent (whether express or implied).

If you provide us with personal information about a third party, you warrant that that third party consents to us collecting and using their personal information in accordance with this Policy.

Under the *Data Provision Requirements 2012*, the MTA Group is required to collect personal information about students undertaking nationally recognised training and disclose that personal information to the National Centre for Vocational Education Research Ltd (NCVER). NCVER will collect, hold, use and disclose personal information in accordance with the Privacy Act 1988 (Cth), the VET Data Policy and all NCVER policies and protocols (including those published on NCVER's website at [www.ncver.edu.au](http://www.ncver.edu.au)).

In general, the types of information we may collect from you include your name, address, contact details (including telephone number, facsimile number and e-mail address), gender, date of birth, occupation, employment information, academic history, background information regarding prior education, schooling, place of birth, disabilities, etc., driver's licence number, identification details (e.g. student number), photos of you, health and medical information, trade preferences, credit card details and if relevant, your employer's name and contact details (for example, if you are undertaking training through your employer, or placing an order on behalf of your employer), and any other personal information you or a person authorised by you submits to us.

We will collect personal information from you by way of written forms (i.e. course application and/or enrolment forms), other correspondence (including facsimiles, letters and e-mails), by telephone, in person, by our representative and via our website. We may also collect personal information about you from third parties, including but not limited to market research companies contracted by us.

We will always use fair and lawful means for collecting your personal information. At the time of collecting personal information we will inform you generally about the purpose of collection, who we will disclose the information to, any law that requires us to collect the information and the main consequences if you do not provide all information requested. For example, in some cases, if you do not provide all of the personal information that we require, we may be unable to provide you with membership, or any products and services you are seeking. We will enable you to interact anonymously, or by using a pseudonym whenever possible, practicable and lawful.

### **3. Unique Student Identifiers (USI)**

All individuals undertaking a nationally recognised qualification with The MTA Group, are required to have a Unique Student Identifier (USI) and to provide it to The MTA Group upon enrolment. Alternatively, The MTA Group can apply for a USI on behalf of an individual.

The Student Identifiers Act 2014 authorises the Australian Government's Student Identifiers Registrar to collect information about USI applicants. When The MTA Group applies for a USI on behalf of a student who has authorised us to do so, we need to collect personal information about the student which will be passed on to the Student Identifiers Registrar. This will include:

- Name, including first of given name(s), middle name(s) and surname or family name
- Date of Birth
- City or town of birth
- Country of birth
- Gender
- Contact details, so the Student Identifiers Registrar can provide individuals with their USI and explain how to activate their USI account

In order to create a USI on behalf of a student, The MTA Group will be required to verify the identity of the individual by receiving a copy of an accepted identification document. This document will only be used for the purposes of generating the USI and confirming the identify of the individual with the Registrar. Once the USI has

been generated and validated, the identity documents used or collected for this purpose will be securely destroyed.

The information provided by an individual in connection with their application for a USI:

- Is collected by the Registrar as authorised by the Student Identifiers Act 2014
- Is collected by the Registrar for the purposes of:
  - Applying for, verifying and giving a USI
  - Resolving problems with a USI
  - Creating authenticated vocational education and training (VET) transcripts
- May be disclosed to:
  - Commonwealth and State/Territory government departments and agencies and statutory bodies performing functions relating to VET for:
    - The purposes of administering and auditing VET, VET providers and VET programs
    - Education related policy and research purposes
    - To assist in determining eligibility for training subsidies
  - VET regulators to enable them to perform their VET regulatory functions
  - VET Admission Bodies for the purpose of administering VET and VET programs
  - Current and former Registered Training Organisations to enable them to deliver VET courses to the individual, meet their reporting obligations

under the VET standards and government contracts and assist in determining eligibility for training subsidies

- Schools for the purposes of delivering VET courses to the individual and reporting on these courses
  - The National Centre for Vocational Education Research for the purpose of creating authenticated VET transcripts, resolving problems with USIs and for the collection, preparation and auditing of national VET statistics
  - Researchers for education and training related research purposes
  - Any other person or agency that may be authorised or required by law to access the information
  - Any entity contractually engaged by the Student Identifiers Registrar to assist in the performance of his or her functions in the administration of the USI system
  - Will not otherwise be disclosed without the student's consent unless authorised or required by or under law
- The consequences to the student of not providing the Registrar with some or all of their personal information are that the Registrar will not be able to issue the student with a USI, and therefore, The MTA Group will be unable to issue a qualification or statement of attainment

#### **4. Storage, Use and Disclosure of Personal Information**

The MTA Group will store all records containing personal information securely and take all reasonable security measures to protect the information collected from unauthorised access, misuse or disclosure. Personal information will be stored in paper-based files that are kept in locked filing cabinets and electronically in password protected systems and equipment.

We may use and disclose your personal information for the primary purpose for which the information was collected and for other related purposes that you would reasonably expect, including:

- Enabling efficient student administration
- Reporting data to provide information about training opportunities
- Issuing statements of attainment and qualifications to eligible students
- To maintain accurate and detailed records of student course participation, progress and outcomes

We may exchange personal information between the MTA group entities (subject to our compliance with any requirements at law). Generally, MTA will not disclose your personal information outside of Australia.

We may also disclose personal information to:

- our agents and contractors that provide us with services for these purposes, or perform business services or functions on our behalf; and
- various State and Commonwealth Government agencies for research, compliance and statistical use.

In doing so, for the protection of your personal information, we will ensure these third parties are bound by, or contractually required to uphold, the standards of the APPs. We will not provide your personal information outside the MTA group entities for the purpose of another party using your information to market, offer or sell their products or services to you.

The MTA Group may use the personal information provided by an individual to market other internal products and services to them. An individual may opt out of being contacted for marketing purposes at any time by contacting our office. Information will not be passed onto any third party marketing companies without the prior written consent of the individual.

Apart from the above disclosures, we will otherwise only use and disclose personal information with your consent (unless such uses and disclosures are required or permitted by law, including without limitation those prescribed by the APPs).

When enrolling with MTA Group Training Scheme (GTS) you consent to MTA GTS using your personal information, such as your email address and mobile phone number, for direct contact purposes. This includes sending you emails about your academic progress, compliance with study requirements or offers for further courses and services. We may share your information with other organisations when we are required to do so. This includes Department of State Development (DSD), Australian Skills Qualifications Authority (ASQA), National Centre for Vocational Education Research (NCVER).

MTA RTO is required to retain all records applicable to a person's learning/training for a period of 30 years.

The MTA Group will not disclose an individual's personal information to another person or organisation unless:

- They are aware that information of that kind is usually passed to that person or organisation.
- The individual has given written consent.
- The MTA Group believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious threat to the life or health of the individual concerned or another person.
- The disclosure is required or authorised by, or under, law.
- The disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of public revenue.

## **5. Storage and Security**



We take reasonable steps to securely store your personal information to ensure it is protected from interference, loss, misuse or unauthorised access, disclosure or modification. We safeguard your information through written privacy policies and physical, electronic and procedural protection. We will keep personal information as long as we need it for the purposes in clause 2 of this Policy, or as long as we are required by law to retain it, after which time we will destroy it or de-identify the personal information.

If you provide us with your personal information via our website at <https://mtaofsa.com.au/> we cannot guarantee the privacy or security of that information during transmission. Once we receive that personal information, we will take reasonable steps to securely store your personal information to ensure it is protected from interference, loss, misuse or unauthorised access, disclosure or modification.

**6. MTA website**

Our website at <https://mtaofsa.com.au/> uses cookies (when a website user requests their details to be stored). We do not use the information stored in those cookies to track your use of the website.

Our website may contain links to other websites. We are not responsible for the privacy practices or the use and protection of your personal information on those sites.

**7. Access and Correction**

You may seek access to any of the personal information we hold about you by contacting the MTA Privacy Officer at the details shown below. If we are required or authorised by law to do so, we may refuse to provide you with access to this information, in which case we will give you written reasons for the refusal and how you may complain about our decision. We may require identification documents to accompany a request and may also charge a fee for providing access (which will be limited to the amount of our reasonable expenses incurred in responding to your request, including photocopying and administrative expenses). We will not charge a fee for you to lodge a request for access.

We may provide you with access to your personal information in a number of ways, including by hard copy or by allowing you to view our records. If you satisfy us that any personal information we hold about you is inaccurate, incomplete, out-of-date, irrelevant or misleading, we will amend that information and our records accordingly. Please let us know if any of your personal details change.

**8. Complaints, Concerns or Further Information**

If you believe we have breached our obligations under the *Privacy Act* (including the APPs), or if you have any other queries or concerns regarding your privacy and the way we handle your personal information, please contact the MTA Privacy Officer via the contact details below. As appropriate, we will endeavour to provide you with

further information, or in the case of a complaint we will investigate your complaint and provide you with a response within 14 days (or such shorter period as agreed).

The MTA Privacy Officer can be contacted:

- by email at [privacy@mta-sa.asn.au](mailto:privacy@mta-sa.asn.au)
- by telephone on (08) 8291 2000, or
- by post, to the Privacy Officer, at The Motor Trade Association of South Australia Inc, GPO Box 2204, Adelaide SA 5001

## **PROCEDURES**

### **Privacy Notices**

MTA will ensure that:

- The NCVER privacy notice and declaration are included on the enrolment form <https://www.education.gov.au/privacy-notice-and-student-declaration>
- Ensure similar privacy notices and declarations are included on other forms that may be required to collect personal or sensitive information from individuals, and that these are only used in compliance with clause 1 of this policy.

### **Marketing Privacy**

MTA will ensure that:

- Ensure there is an opt-out option on all marketing emails and correspondence sent to individuals in relation to marketing.

### **Privacy of USI Information**

#### ***USI Authority and Identification documents***

- USIs are collected on the Enrolment Form. Where a student does not have a USI they may request for MTA to create one on their behalf.
- Students who request for MTA to create a USI on their behalf must sign the USI Authority Form and provide the required identification document/s.
- A USI must not be created for a student if the USI Authority Form which includes the privacy notice has not been signed.
- As soon as practicable, once the USI has been generated and validated, the personal information provided in the USI section of the Enrolment Form must be securely destroyed and not kept on file.
- Refer to the Student Administration Policy and Procedure for detailed instructions on the generation of USIs.

## **Access to Records**

### ***Request to Access Records***

- Individuals may request to access their records by using the Request to Access Records Form. Written requests should be sent to the head office.
- Requests may be from past or current students or other individuals. It may be to access records held in a file about a student, or access to a previously issued AQF certification document – refer to the Issuance of Parchments & Testamurs Policy & Procedure.
- Upon receiving a completed form, confirm the request is valid and has been made by the individual to which the records relate – check identification documents.
- Arrangements for provision of records should be made as suitable – mailing copies, providing a time for records to be viewed etc.
- Arrangements should be made verbally and confirmed in writing within 10 days of receiving the request.
- Where records are to be mailed, they should only be mailed to the address that is held on file for that individual, unless alternate change of address information is provided along with proof of identity – such as a driver's license or utility bill.
- Where records are to be shown to an individual, the student must produce photo ID prior and this should be matched to the records held on file about the individual to confirm they are only viewing their own records.
- Keep a note on how the records were accessed on the individuals file.

## **Amendments to Records**

### ***Request for records to be amended***

- Where an individual requests for incorrect records held about them to be corrected, they can do so by filling in an Course Enrolment Form.
- If it is a change of address or contact details of a current student, they can use the Course Enrolment Form.
- Upon receipt of a request form, consider whether the records held are correct or not. If the request is valid and records are incorrect, update records accordingly.
- Do not update records if they are found to be correct already.
- Advise the individual accordingly of the actions taken to follow up their request