

PRIVACY POLICY & PROCEDURE

1. POLICY

- 1.1 Intrain Assessor respects the privacy of all clients, staff and partners and is committed to protecting personal information provided.
- 1.2 This policy and procedure outlines how Intrain Assessor handles personal information in accordance with Privacy Act 1988 and the Privacy Amendment (Enhancing Privacy protection) Act 2012 including;
 - collection and safeguarding of personal information
 - use and disclosure of personal information,
 - client rights to access their personal information.
- 1.3 Intrain Assessor complies with The Privacy Act which is based on the thirteen (13) Australian Privacy Principles that came into force on 12 March 2014 through the Privacy Amendment (Enhancing Privacy Protection) Act 2012

PROCEDURE

2. CONSIDERATION OF PERSONAL INFORMATION PRIVACY

Open and Transparent Management of Personal Information

The Directors of Intrain Assessor must:

- 2.1 Ensure that personal information that Intrain Assessor collects is managed in an open and transparent way;
- 2.2 Take reasonable steps to implement practices, procedures and systems relating to Intrain Assessor functions or activities that will enable them to deal with enquiries or complaints from individuals about Intrain Assessor compliance with the Australian Privacy Principles;
- 2.3 Ensure that Intrain Assessor has a clearly expressed and up to date policy about the management of personal information by Intrain Assessor.
- 2.4 Ensure that Intrain Assessor Privacy Policy contains the following information:
 - The kinds of information that Intrain Assessor collects and holds;
 - How Intrain Assessor collects and holds personal information;
 - The purposes for which Intrain Assessor collects, holds, uses and discloses personal information;
 - How an individual may access personal information about the individual that is held by Intrain Assessor and seek correction of such information;
 - How the individual may make a complaint about a breach of the APP's and how Intrain Assessor will deal with such a complaint;
 - Whether Intrain Assessor is likely to disclose information to overseas recipients;
 - If Intrain Assessor is likely to disclose information to overseas recipients – the countries in which such recipients are likely to be located (if it is practicable to specify those countries in the policy);
 - The Privacy Policy must be available free of charge and in such form as appropriate;
 - If a person or body requests a copy of Intrain Assessor Privacy Policy in a particular form, Intrain Assessor should take reasonable steps to make Intrain Assessor Privacy Policy available in that form.
- 2.5 Intrain Assessor advises that it collects, holds and uses the following personal information:
 - Information required for registering or submitting applications to regulatory authorities on behalf of clients including:

- Australian Business Number
- Australian Company Number;
- Fit and Proper Person Declarations;
- Banking Details;
- Name, Contact Details, Date of Birth, etc.
- Photographic Identification if required;
- Licenses and / or permits, accreditation, etc. where required;
- Copies of Curriculum Vitae, qualifications, etc.
- Financial Details including evidence to demonstrate financial viability to regulatory authorities where required;

2.6 For the purposes of Intrain Assessor Online Store, we collect, hold and use the following information to facilitate your purchase (some information is collected, used and held by our hosted payment gateways provider Card Access Services. Where this is the case, this information is represented by ‘*’;

- Name;
- Email Address;
- Phone Numbers
- Physical Address;
- IP Address
- Host Name;
- Browser Information
- Credit card details are not held by Intrain Assessor, these details are held by PayPal. (for further information see <https://www.paypal.com/au/webapps/mpp/ua/privacy-full>)

2.7 For our Online Training Portal, we collect, use and hold information in relation to:

- Name;
- Email Address;
- Phone Numbers
- Physical Address;
- IP Address;
- Host Name;
- Browser Information;

2.8 During exhibitions, Intrain Assessor may collect information, use and hold personal information including:

- Name;
- Contact Details;
- Products and Services interested in;

2.9 Any information required for any competition we may be running at the time for which you will have provided consent.

2.10 For the purpose of subscribing to Intrain Assessor Newsletter or Social Media sites, we collect, use and hold the following information:

- Name;
- Email Address.

2.11 When visiting Intrain Assessor website, if an individual is logged in to the website under their user registration, Intrain Assessor collects and holds:

- The individual’s access time;
- IP Address;
- Browser information
- Visitor behaviour (e.g. what pages you may have visited to enhance the customer’s visit and preferences).

2.12 For employees or sub-contractors of Intrain Assessor, Intrain Assessor collects uses and holds the following private information:

- Employment Contract or Sub-Contracting Agreement;
- Banking Details;
- Next of Kin and Emergency Contact Information (where relevant);
- Curriculum Vitae;
- Qualifications, Permits, Licenses, etc.
- Third Party Reference Checks;
- Contact Details;
- Any relevant sensitive information such as health and / or medical;
- Tax File Number;
- Superannuation Details;
- Australian Business Number or Australian Company Number;
- Eligibility Testing;
- Application for Employment or Sub-Contracting;
- All communications that are hard copy or electronic;
- Medical Certificates, etc. where relevant;
- Supervisory and/or performance management reports;
- Attendance records;
- Complaints and Appeals lodged and received against the individual where relevant;
- All work related login and password details.
- Any information that is collected, held and used by Intrain Assessor is subject to this policy and where required, this policy will be updated to include any changes to the types of information that are collected, held or used by Intrain Assessor.

3. COLLECTION OF PERSONAL INFORMATION

Purpose of Collecting Personal Information

3.1 Intrain Assessor collects, holds and uses the previously mentioned personal information and records for the purposes outlined above but specifically to support the work that it is engaged by the client to undertake (submit applications to regulatory authorities on their behalf), keep Intrain Assessor clients and VIP clients up to date with changes to the industry and to facilitate the transmission of quotes, project requirements, contractual arrangements and payment processing.

3.2 Intrain Assessor only collects information as and when required by requesting it to be submitted by the individual with their consent in writing (this consent may be in the form of an application for enrolment or employment). Information can be collected by Intrain Assessor through:

- Physical hard copy;
- Electronic submission via:
 - Email
 - Facsimile
- Intrain Assessor website including social media sites
- Promotions, Open Days and exhibitions.

4. DEALING WITH PERSONAL INFORMATION

Use and Disclosure of Personal Information

4.1 Intrain Assessor will not use or disclose personal or sensitive information for any purpose other than what it was collected for unless the relevant person has provided written consent to use or disclose the information in circumstances that are different to those for which it was collected. The circumstances where there may be an exception to this are:

- Where the use or disclosure of this information is required or authorised by or under an Australian law or a court/tribunal order;
- The individual would reasonably expect Intrain Assessor to use or disclose the information for the secondary purpose;
- A permitted general situation exists in relation to the use or disclosure of the information by Intrain Assessor.
- A permitted health situation exists in relation to the use or disclosure of the information by Intrain Assessor.

- Intrain Assessor 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. Where Intrain Assessor uses an individual's personal information under this clause, Intrain Assessor must obtain consent in writing to release, use or disclose the personal information.

4.2 Where the individual chooses to maintain anonymity or use a pseudonym and this is not detrimental to their engagement with Intrain Assessor and it does not inhibit Intrain Assessor adherence to legislative compliance, Intrain Assessor will act upon the individual's request as is reasonable in relation to the requested and particular matter.

Direct Marketing

4.3 Where Intrain Assessor holds personal information and excluding any sensitive information about an individual, Intrain Assessor will not use or disclose this information for the purpose of direct marketing unless the following circumstances apply:

- Written consent has been collected by the individual;
- The individual would reasonably expect Intrain Assessor to use or disclose the information for that purpose;
- Intrain Assessor provides an opt-out method that is easily accessible for individuals to request not to receive direct marketing communications from Intrain Assessor.
- The individual has not made such a request to Intrain Assessor.

4.4 Where Intrain Assessor does have written consent for the collection, holding and use of their personal details (excluding sensitive information), Intrain Assessor must provide a simple means by which the individual can easily request not to receive direct marketing communications from Intrain Assessor. Intrain Assessor provides this through an unsubscribe function on its newsletter and social media sites or by contacting Intrain Assessor directly and requesting that direct marketing that the individual believes it has not consented to or no longer wishes to receive to cease.

4.5 This policy is also supported by and does not replace or supersede the following legislation:

- Do Not Call Register Act 2006;
- Spam Act 2003; or
- Any other legislative document of the Commonwealth government.

5. CROSS-BORDER DISCLOSURE OF PERSONAL INFORMATION

5.1 Before Intrain Assessor discloses personal information about an individual to a person who is an overseas recipient and who is not the individual or Intrain Assessor, Intrain Assessor must take such steps to ensure that the overseas recipient does not breach the Australian Privacy principles (other than Australian Privacy Principle 1) in relation to the information. This does not apply if the recipient of the information is:

- Subject to a law, or binding scheme, that has the effect of protecting the information in a way that, overall, is at least substantially similar to the way in which the APP's protect the information; and
- There are mechanisms that the individual can access to take action to enforce the protection of the law or binding scheme; or
- Both of the following apply:
 - Intrain Assessor expressly informs the individual that if they consent to the disclosure of the information, the above clauses will not apply, and
 - After being so informed, the individual consents to the disclosure.
 - Any of the reasons that apply for exemption under 'Dealing with Personal Information' previously.

5.2 It should be noted that Intrain Assessor does have clients and followers of its website and social media sites in overseas locations (overseas recipients) and all information that is communicated between these parties is subject to this Privacy Policy and any other legal instrument that Intrain Assessor is required to abide by including, but not limited to the Corporations Act 2001.

Adoption, Use or Disclosure of Government Related Identifiers

5.3 Intrain Assessor must not adopt a government related identifier of an individual as its own identifier of the individual unless:

- The adoption of the government related identifier is required or authorised by or under Australian law or a court/tribunal order; or
- The identifier is prescribed by the regulations and the adoption, use or disclosure occurs in the circumstances prescribed by the regulations.

5.4 At Intrain Assessor such government identifiers would include (but are not limited to):

- RTO Identification Numbers;
- Application Numbers;
- Legal Records and Case numbers.

5.5 Intrain Assessor must not use or disclose a government related identifier of an individual unless it is in the circumstances described under the exceptions to 'Dealing with Personal Information' previously.

6. INTEGRITY OF PERSONAL INFORMATION

Quality of Personal Information

6.1 Intrain Assessor must take steps to ensure that the personal information that it collects is accurate, up to date and complete. Intrain Assessor must take steps (as are reasonable in the circumstances) to ensure that the personal information that Intrain Assessor uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up to date, complete and relevant. In all cases at Intrain Assessor, this includes all physical hard copy and electronic records.

Security of Personal Information

6.2 Intrain Assessor must take steps that are reasonable in the circumstances to protect the information from misuse, interference and loss as well as unauthorised access, modification or disclosure. Intrain Assessor achieves this by:

- Ensuring any hard copy files containing physical, hard copy personal information is held in a secure location within Intrain Assessor training facility, including where this information is archived. This would include records such as old training and assessment documentation, archived application documents in draft format, etc. Under no circumstances does Intrain Assessor store financial information in this manner.
- All electronic payment transactions are conducted on a securely hosted website with appropriate intrusion protection and logical system access requiring each user to enter a user name and password for access.
- Intrain Assessor Online Store through its hosted payment gateway provides real time credit card processing, 256 bit SSL certificate with all data encrypted over 3DES & PCI standard.
- All physical, hard copy sensitive personal information is to be stored in a lockable filing cabinet held in a secure location within Intrain Assessor training facility (as described previously).
- All archived documentation and back-ups that Intrain Assessor maintains on behalf of clients is stored on Intrain Assessor external independent Server which is only accessible by nominated management staff.
- Where the user is physically absent from the personal information or sensitive personal information for any period of time (for example when Intrain Assessor or its representatives are on site with a client and must leave their computer momentarily), that individual must return the personal information or the sensitive personal information to its secure storage area in accordance with these instructions.
- Intrain Assessor will conduct regular audits, either combined with or separate to its internal audits for registration purposes to confirm compliance with this policy and the Australian Privacy Principles.

6.3 If Intrain Assessor holds personal information and an individual and:

- Intrain Assessor no longer needs the information for any purpose for which the information may be used or disclosed by Intrain Assessor; and
- The information is not contained in a Commonwealth record; and
- Intrain Assessor is not required by or under an Australian law, or court/tribunal order, to retain the information;

6.4 Intrain Assessor must take such steps as are reasonable in the circumstances to destroy the information or to ensure the information is de-identified. In relation to Intrain Assessor, clients usually request (and expect) Intrain Assessor to keep a secure copy of any documentation that it creates on behalf of the client in the event of their data failure. Consistent with the expectations of our clients, Intrain Assessor does store all client information for this purpose however, should a client wish for us to not store their personal information in this way, they can advise us in writing and request that it be securely destroyed.

7. ACCESS TO, AND CORRECTION OF, PERSONAL INFORMATION

7.1 If Intrain Assessor holds personal information about an individual, Intrain Assessor must, upon request by the individual, give the individual access to the requested information.

Exception to Access

7.2 If despite the above clause Intrain Assessor is not required to give the individual access to the personal information to the extent that:

- Intrain Assessor reasonably believes that giving access would pose a serious threat to the life, health or safety of an 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 vexatious or frivolous;
- The information relates to existing or anticipated legal proceedings between Intrain Assessor and the individual and would not be accessible by the process of discovery in those proceedings; or
- Giving access would reveal the intentions of Intrain Assessor 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:
 - Intrain Assessor has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to Intrain Assessor 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 likely 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 Intrain Assessor in connection with a commercially sensitive decision-making process.

Dealing with Requests to Access

7.3 Intrain Assessor must respond to the request within a reasonable period after the request is made and give access to the information in the manner requested by the individual, if it is reasonable and practicable to do so.

Other Means of Access

7.4 If Intrain Assessor refuses:

- To give access to the personal information for reasons previously outlined; or
- To give access in the manner requested by the individual. Access may be given through the use of a mutually agreed intermediary.

Access Charges

7.5 As an organisation Intrain Assessor may charge for giving access to the personal information however the charge must not be excessive and must not apply to the making of the request. Where Intrain Assessor charges a fee to give access to personal information held about the individual, this charge will be provided up front and will only cover the cost of providing the information where this is reasonable for photocopying and printing, as well as postage if required.

Refusal to Give Access

7.6 If Intrain Assessor refuses to give access to the personal information because of any of the reasons outlined previously under 'Exception to Access', or where Intrain Assessor refuses to give access in the manner requested by the individual, Intrain Assessor must give the individual a written notice that sets out:

- The reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so; and
- The mechanisms available to complain about the refusal; and
- Any other matter prescribed by the regulations.

7.7 If Intrain Assessor refuses to give access to the personal information because giving access would reveal evaluative information generated within Intrain Assessor in connection with a commercially or legally sensitive decision-making process, the reasons for the refusal may include an explanation for the commercially or legally sensitive decision.

Correction of Personal Information

7.8 If Intrain Assessor holds personal information about an individual, and is either satisfied that having regard to a purpose for which the information is held, the information is inaccurate, incomplete, irrelevant or misleading or the individual requests that Intrain Assessor correct the information, Intrain Assessor must take such steps as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up to date, complete, relevant and not misleading.

Refusal to Correct Information

7.9 If Intrain Assessor refuses to correct the personal information (including a request to associate a statement that the information is inaccurate, out of date, incomplete, irrelevant or misleading) as requested by the individual, Intrain Assessor must give the individual a written notice that sets out:

- The reasons for the refusal except to the extent that it would be unreasonable to do so; and
- The mechanisms available to complain about the refusal; and
- Any other matter prescribed by the regulations.

7.10 Where Intrain Assessor is required to provide a statement, Intrain Assessor must take steps that are reasonable in the circumstances to associate a statement in such a way that will make the statement apparent to users of that information.

7.11 Intrain Assessor must issue the statement within a reasonable period after the request is made and must not charge the individual for the making of the request, for correcting the personal information or for associating the statement with the personal information (as the case may be).

DOCUMENTS TO BE EMPLOYED IN CONJUNCTION WITH THIS POLICY AND PROCEDURE

- Client and staff files and relevant documentation
- Academic records
- Enrolment forms
- SMS
- Privacy Act 1988
- Commonwealth Privacy Amendment Act (2000)
- Victorian Information Privacy Act (2000)
- Privacy Amendment (Enhancing Privacy Protection) Act 2012