

PRIVACY MANAGEMENT POLICY

COMPLIANCE WITH AUSTRALIAN PRIVACY PRINCIPLE 1.3

This policy constitutes CHARLTON BROWN®'s APP privacy policy as required by Australian Privacy Principle 1.3. It is regularly reviewed and kept up to date.

POLICY INTENT

CHARLTON BROWN® respects the privacy of staff, students, clients and other organisations involved in the Company's operations.

We believe any personal information collected by us, or provided to us, should be safely and securely held and used only for the purpose intended and agreed.

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.

We adhere to the Commonwealth *Privacy Act 1988* (the Privacy Act) as amended by *Privacy Amendment (Enhancing Privacy Protection) Act 2012* and the *Australian Privacy Principles*.

CHARLTON BROWN® will voluntarily comply with the intent of the Privacy Act even if it may be exempted from application of the Privacy Act due to the operation of the exemption in section 6D of the Privacy Act.

AVAILABILITY OF APP PRIVACY POLICY: PUBLISHING, DISTRIBUTION AND PROMOTION

Our *Privacy Management Policy* is published on the CHARLTON BROWN® website (www.charltonbrown.com.au).

All Students prior to commencement receive a copy of this information via mail and a copy is distributed with the Student Handbook on the first day of a course.

Staff are made aware of this *Privacy Management Policy* during their induction, ongoing operational procedures and periodic refresher training.

KINDS OF INFORMATION COLLECTED AND HELD

CHARLTON BROWN® will, from time to time, collect personal information from an individual, including:

- Home, work and postal addresses
- email address
- phone numbers
- date of birth
- marital status
- next of kin details
- salary or wage details
- student enrolment details
- academic performance
- personal welfare information (medical matters).

Information we collect may also include photographs, video and sound recordings.

Information is only collected in accordance with the following section on how information is collected and held.

Individuals do have the option of not identifying themselves, or of using a pseudonym, when dealing with CHARLTON BROWN® in appropriate circumstances. However, in many circumstances it will be necessary for individuals to provide their name and contact details to effectively communicate with CHARLTON BROWN®.

HOW INFORMATION IS COLLECTED AND HELD

CHARLTON BROWN® will only collect information:

- for a lawful purpose that is reasonably necessary for, or directly related to, the functions or activities of the entity,
- in a manner that is lawful, and
- in a manner that is consistent with our *Equity and Fairness Policy*.

When personal information is requested all necessary steps are taken to make sure the person is aware of:

- the purpose(s) for which the information is being collected,
- where there is a primary reason for collecting the information but it may be used for secondary reasons, the nature of these secondary reasons,
- legal authority (if any) to collect the information,
- A person to whom; or anybody or agency to which; it is the usual practice to disclose such information.

When personal information, is requested, CHARLTON BROWN will:

- take such steps (if any) as are, in the circumstances, reasonable to ensure that the information collected is relevant to that purpose and is up to date and complete;
- ensure that the collection of the information does not intrude to an unreasonable extent upon the personal affairs of the individual concerned.

PURPOSES FOR WHICH INFORMATION IS COLLECTED, HELD AND USED

CHARLTON BROWN® will only use the personal information for a purpose for which it was obtained, unless:

- the individual concerned has consented to the use of the information for that other purpose,
- there are reasonable grounds that the information is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person,
- use of the information for that other purpose is required or authorised by or under law,
- use of the information for that other purpose is reasonable and necessary for enforcement of the criminal law or law imposing a pecuniary penalty, or for the protection of the public revenue,
- the purpose for which the information is used is directly related to the purpose for which the information was obtained.

Where personal information is used for one of the above purposes, CHARLTON BROWN must include in the record containing that information a note of that use.

DEALING WITH UNSOLICITED PERSONAL INFORMATION

Where CHARLTON BROWN® receives unsolicited personal information a determination will be made within a reasonable period after receiving the information, whether or not the information could have been collected by CHARLTON BROWN® if CHARLTON BROWN® had solicited the information.

Where this is not the case, CHARLTON BROWN® will destroy or de-identify the information, unless prohibited from doing so by operation of law.

Where the information is information that could have been collected by CHARLTON BROWN® if CHARLTON BROWN® had solicited the information, CHARLTON BROWN® will take the following steps:

- 1) Advise the individual that CHARLTON BROWN® has collected, the information and the circumstances of that collection
- 2) That CHARLTON BROWN®'s APP privacy policy contains information about how the individual may access the personal information about the individual and seek the correction of such information
- 3) That CHARLTON BROWN®'s APP privacy policy contains information about how to complain about a breach of the Australian Privacy Principles.
- 4) CHARLTON BROWN®'s APP privacy policy relating to disclosure of information to overseas entities.

SENSITIVE INFORMATION

CHARLTON BROWN® does not collect sensitive information about individuals except with the consent of the individual and where the information is reasonably necessary for one or more of CHARLTON BROWN®'s functions or activities or the collection of the information is required or authorised by or under an Australian law or a court/tribunal order; or a permitted general situation exists in relation to the collection of the information by the APP entity; or a permitted health situation exists in relation to the collection of the information by the entity.

Sensitive information has the meaning given to it section 6 of the Privacy Act.

DISCLOSURE TO THIRD PARTIES

Personal information held by CHARLTON BROWN®, with the exception of a Student's academic record, may not be disclosed to a third party without the consent of the individual concerned. Such consent cannot be assumed, and should be given expressly and in writing by the student.

A Student's academic record can only be disclosed to the Student unless the certain circumstances below apply. Notwithstanding any consent given, or not given, in certain circumstances CHARLTON BROWN® may be compelled to disclose information to a third party where:

- legislation has conferred upon certain public officers the right to demand and receive information, even though it is regarded as confidential for example, Commissioner for Taxation, Commonwealth Departments of Education and of Industry, Centrelink, the Department of Immigration and Border Protection (with regards to the Education Services for Overseas Students Act), National Code and Assurance Fund
- CHARLTON BROWN® judges that it is in the clear interests of the individual (i.e. to prevent or lessen an imminent and serious threat to the individuals life or health)

- where disclosure is sought in the course of legal proceedings – subpoena or notice of third party disclosure.

Where CHARLTON BROWN® is compelled to use or disclose personal information in the circumstances above, CHARLTON BROWN® will make a written note of the use or disclosure.

ACCESS TO PERSONAL INFORMATION

Individuals may request, in writing, access to personal information held by CHARLTON BROWN®. A request may address:

- information about the nature and purpose of records held by CHARLTON BROWN®
- access to records containing personal information,
- information about alteration of records containing personal information, and
- seek the correction of such information.

All requests to access personal information will be considered by the CHARLTON BROWN® General Manager, in accordance with this policy and the statutory rights of the requestor.

Student Access to Records

A Student may request to view their own personal information, including academic records. The request can be made in writing, or in person.

Following the request, the Academic Manager will ensure that the required information is collated or retrieved from storage.

The Student will be contacted and an appointment set for the Student to view information. The Student is also able to request copies of any of their personal information.

ACCURACY

CHARLTON BROWN® will take all reasonable steps to ensure that the personal information used is accurate, up to date and complete.

This includes ensuring that appropriate notes are kept pertaining to any alteration or amendment made to personal information.

STORAGE AND SECURITY

CHARLTON BROWN® will take all reasonable steps to ensure that personal information is stored and secured against:

- loss,
- unauthorised access,
- unauthorised modification,
- unauthorised disclosure, and
- Other misuse.

Storage and retention will be in accordance with the CHARLTON BROWN® *Records Management Policy*.

BREACHES OF PRIVACY

All breaches, or suspected breaches, of this policy should be referred to the CHARLTON BROWN® General Manager as soon as practicable after the breach has been identified or suspected.

The breach, or suspected breach, will be investigated and any corrective action put in place.

In some instances mandated by legislation, if CHARLTON BROWN® identifies a breach of privacy, action may be required to report that breach to the individual to whom the information pertains.

COMPLAINTS RELATING TO PRIVACY, INCLUDING POTENTIAL BREACHES OF THE AUSTRALIA PRIVACY PRINCIPLES

Individuals may complain about a breach of the Australian Privacy Principles by putting the complaint in writing to the General Manager.

Any complaint raised regarding how CHARLTON BROWN® collects, uses, stores, maintains or provides access to personal information or otherwise alleging a breach of the Australian Privacy Principles will be addressed in accordance with the CHARLTON BROWN® *Grievance and Review Policy*.

DISCLOSURE OF PERSONAL INFORMATION TO OVERSEAS RECIPIENTS

CHARLTON BROWN® has partnership and licensing agreements with overseas training providers and has arrangements with overseas service providers as part of the CHARLTON BROWN® Foundation Global Linkages program.

Appropriate personal information may be disclosed to these overseas institutions with the express consent of the individual concerned in accordance with the *Disclosure to Third Parties* policy outlined above.

The current list of countries to which personal information may be disclosed, with the consent of the individual concerned, is:

- Vietnam
- Sri Lanka
- India
- Korea
- Japan
- The Philippines
- China
- Indonesia.

DIRECT MARKETING MATERIALS

With regards to hard copy marketing materials, CHARLTON BROWN®:

- Allows individuals to “opt out” of further direct marketing by contacting CHARLTON BROWN® by email or phone.
- Includes a statement that a request to “opt out” can be made
- Obtains consent before using individuals sensitive information
- Maintains details of the personal information we use for direct marketing.

RELATED LEGISLATION

Privacy Act 1988 (Commonwealth)

Privacy Amendment (Enhancing Privacy Protection) Act 2012

Australian Privacy Principles

GUIDANCE FOR CHARLTON BROWN® STAFF

The following notes do not form part of this policy, but provide practical guidance to CHARLTON BROWN® staff regarding safeguarding of personal information held by us:

- Regularly review procedures for the storage, distribution and disposal of personal information within your area.
- Do not leave paper records in view where members of the public can sight them.
- Ensure visitors to your workplace are clearly identified as such.
- Ensure all staff accessing CHARLTON BROWN® records, including electronic records, have completed a Network Access Form, signed the Confidentiality form and had access appropriately authorised.
- When discussing work matters, ensure other people cannot hear you or identify the person you are talking about.
- Do not look up personal information or records for interests sake
- Remember Commonwealth legislation allows people dealing with CHARLTON BROWN® to be anonymous or use pseudonyms. You cannot insist people fully identify themselves unless it is necessary for our work.
- Do not share or use obvious passwords. Log off systems when use is completed.
- Lock filing cabinets and secure any sensitive material.
- Where possible, do not take files home; if this is unavoidable ensure they are not in view on public transport or left on view in a vehicle.
- Dispose of all sensitive material in a secure bin or shred. Do not dispose of official records unless doing so under the retention and disposal schedule.
- If printing drafts on pre-used paper ensure that no inappropriate or identifying information is placed on file or sent inadvertently to third parties.
- When e-mailing or faxing sensitive correspondence ensure that the recipient information is entered correctly.
- Do not release personal information to third parties without authorisation.
- Before releasing any information ensure that the person to whom you are releasing the information has been clearly identified and the information has been authorised for release to the person.
- Any formal requests for information from an enforcement agency must be approved by the General Manager and a formal record made of the request and the CHARLTON BROWN® decision on the request.