

Business Rule

Civil Train RTO Privacy Policy

CCFV-RTO-BRI-OR 5

Intent

Civil Contractors Federation Victoria (CCFV), RTO Code: 3704 is committed to protecting the privacy of learners' personal information. This policy outlines how CCFV collects, uses, stores, and discloses personal information in compliance with the Australian Privacy Principles (APPs), outlined in the Privacy Act 1988 (Cth), and all other relevant statutes, laws, and regulatory requirements.

This policy applies to all staff, contractors, and stakeholders of CCFV Training who have access to or handle learners' personal information, in addition to students, as well. This policy should be read in conjunction with the CCFV Privacy Policy in regard to staff, members and guests.

Definitions

Personal information is recorded information or opinion, whether true or not, about a person whose identity is apparent, or can reasonably be ascertained, from the information. The information or opinion can be recorded in any form. A person's name, address, phone number and date of birth (age) are all examples of personal information.

Sensitive information is a type of personal information with stronger legal protections due to the risk of discrimination. It includes information or opinion about an identifiable person's racial or ethnic origin, political opinions or affiliations, religious beliefs or affiliations, philosophical beliefs, sexual orientation or practices, criminal record, or membership of a trade union.

Personal and sensitive information is regulated in Victoria under the Privacy and Data Protection Act 2014 (Vic).

Health information is information or opinion about an identifiable person's physical, mental or psychological health or disability. Health information is a type of personal information which, because of its sensitivity, also has different and stronger legal protections.

Health information is regulated in Victoria under the Health Records Act 2001 (Vic).

Note: De-identified information about individuals can become personal information if it is re-identified or if it is at high risk of being re-identified, for example, if it is released to the public or is a small sample size.

What information we collect and how we collect it

CCFV may collect the following types of information:

- Information about students and their employer provided by students, their employer and others - for example, contact and enrolment details, health information, educational background, payment and financial details, identification documentation and Language, literacy, numeracy, and Digital (LLND) skills.
- Information about job applicants, staff, and visitors provided by job applicants, staff members, visitors and others – for example, qualifications, working with children checks, and banking details.
- Information about the activities of students, staff and others if they are on CCFV property (for example captured through CCTV) or using CCFV digital systems (such as CCFV networks or software).

CCFV may collect information in a number of ways, including:

- in person and over the phone: from students and their employers, CCFV staff, visitors, job applicants and others
- from electronic and paper documentation: such as job applications, emails, invoices, letters, and forms (such as enrolment, excursion, medical, specialist or consent forms)
- through CCFV websites and CCFV-controlled social media (for example CivilHQ)
- through online tools: such as apps and other software used by CCFV
- through any CCTV cameras located at training centres
- through photographs, film and other recordings
- through polls, surveys and questionnaires, and
- in some cases, through authorised information sharing arrangements with other services (e.g., previous training organisations, USI registry).

Consent Processes

Consent is when someone voluntarily agrees for their information to be collected, used and/or shared within or outside CCFV or regulatory authorities.

Consent, when required, is sought in different ways and can be verbal, online or in writing, depending on the circumstances. There are many consent processes that may be applied.

Health services conducted use specific consent forms, which include consent for use and disclosure of health information.

General Photography and Recording

There are typically many occasions and events where CCFV staff may photograph or film students participating in training activities and events. These images are used for a variety of purposes including assessment purposes, newsletters, marketing, student identification, and display in classrooms.

Students agree to this general consent at enrolment and can find reference to how they can change their consent preferences included in the annual privacy notice or contact the CCFV Training team at civiltrain@ccfvic.com.au or 0395 887 600.

Electronic Consents

CCFV accepts electronic submissions and signatures in compliance with the *Electronic Transactions (Victoria) Act 2000*. Secure systems such as Rapid ID, VETtrak, VETenrol, Cloud Assess LMS, Outlook, and Adobe E-signature are used to maintain privacy and authenticity. When a student engages with any of such systems, they agree to that systems' terms of use and agree that a breach of the system will not make CCFV liable in anyway, except were caused by the negligence of CCFV.

Crowd or event settings

Crowd shots that do not feature any particular individual do not need a signed consent from each person. Instead, anyone subject to photography or recording will be notified of the photographer's presence, their intention to take photos or recordings, their affiliation with CCFV, and any intended use of the resulting media outside of the 'general photography and recording' consent, as outlined above. At which point, students may opt-out, by vocalizing to the relevant trainer or photographer.

Student or other (non-staff) photography

CCFV does not support photography or recordings taken by any other unauthorised source, including by students. If students choose to take or post media, the student is expected to exercise all care and due diligence

regarding the setting, context, and subjects of the media. Students may also breach this policy by not following the instructions of CCFV staff (e.g. the trainer instructs students to put their phones away, or request photos not be taken or be deleted).

CCFV will not be liable or made responsible for media taken or posted by students or other (non-staff), with a limited exception to claims arising from the negligence of CCFV.

Unsolicited information about people

CCFV may receive information about you that they have taken no active steps to collect. If permitted or required by law, CCFV may keep records of this information. If not, they will destroy or de-identify the information when practicable, lawful and reasonable to do so.

Why do we collect this information?

Primary purposes of collecting information about students

CCFV collects information about students and their employers when necessary to:

- educate students
- support students' social and emotional wellbeing, and health
- fulfil legal requirements, including to:
 - take reasonable steps to reduce the risk of reasonably foreseeable harm to students, staff and visitors (duty of care)
 - make reasonable adjustments for students with disabilities (anti-discrimination law)
 - ensure, as far as is reasonably practicable, the health and safety of people in CCFV workplaces (occupational health and safety law)
- enable CCFV to:
 - communicate with employers about students' training matters and celebrate the efforts and achievements of students
 - ensure the effective management, resourcing and administration of training
 - plan, fund, monitor, regulate and evaluate CCFV's policies, services and functions
 - comply with reporting requirements for both regulator and state funding bodies
 - investigate incidents and/or respond to any legal claims against CCFV.

When do we use or disclose information?

Using and/or disclosing information refers to how it is utilised for a specific purpose, and how it is shared and/or made available to other individuals or organisations.

CCFV use or disclose information consistent with Victorian privacy law and other associated legislation, including as follows:

- for a primary purpose – as defined above
- for a related secondary purpose that is reasonably to be expected – for example, to enable CCFV to produce information to pass a regulatory audit
- with notice and/or consent – for example, consent provided for the use and disclosure of enrolment details (the information collected will not be disclosed beyond CCFV without consent, unless such disclosure is lawful)
- to inform learners of new products, special events, or promotions. If the learner chooses to no longer receive promotional email or text message information, they should advise CCFV by Email: civiltrain@ccfvic.com.au or telephone: 03 9588 7600 or using the unsubscribe function in the received message.

- when CCFV reasonably believes it is necessary to lessen or prevent a serious threat to:
 - a person's life, health, safety or welfare
 - the public's health, safety or welfare
- when required or authorised by law – including as a result of our anti-discrimination law, occupational health and safety law, child wellbeing and safety law, or reporting obligations to agencies such as ASQA and AVETMISS and complying with tribunal or court orders, subpoenas, summonses or search warrants, and in some circumstances to meet our duty of care
- to investigate or report suspected unlawful activity, or when reasonably necessary for a specified law enforcement purpose, including the prevention or investigation of a criminal offence or seriously improper conduct, by or on behalf of a law enforcement agency
- as de-identified information, for research or statistics purposes, or to inform CCFV policy and strategy
- to establish or respond to a legal claim.
- to relevant authorities, regulators, associations, or third-party service providers as required depending on the course a learner is enrolling in. This includes sharing data for audit purposes with regulators (such as WorkSafe, Energy Safe Victoria (ESV), Austroads, and the Victorian Electricity Supply Industry (VESI)). Learners agree to this disclosure upon enrolment.

Responding to complaints

On occasion, CCFV may receive complaints from students and others. CCFV will use and disclose information as considered appropriate to respond to these complaints (including responding to complaints made to external organisations or agencies).

Complaints specifically about CCFV's handling of personal information are managed according to the Complaints & Appeals process available on our website (www.ccfvic.com.au/training-courses/compliance/#complaints-and-appeals). Complaints will be handled promptly and in accordance with the CCFV Complaints and Appeals Policy.

Accessing information

All individuals, or their authorised representative(s), have a right to access, update and correct information that CCFV holds about them, providing access to information or records doesn't increase a risk to the safety of a student or child.

CCFV only provides reports and ordinary communications to students, carers, employers or others who have a legal right to that information. Requests for access to other student information or by others must be made by lodging a Freedom of Information (FOI) application through the department's Freedom of Information Unit. In some circumstances, an authorised representative may not be entitled to information about the student. These circumstances include when granting access would not be in the student's best interests or would breach our duty of care to the student, would be contrary to a mature or mature-minor student's wishes or would unreasonably impact on the privacy of another person.

Access to a learner's personal information is available by application through CCFV using an Access to Records Request form. Access to personal information will always be controlled. The learner has the right to obtain a copy of personal information which must be made in writing. Requests can be made by contacting the CCFV Training team at civiltrain@ccfvic.com.au or 0395 887 600.

Storing and securing information

CCFV retains learner records in compliance with the Public Records Act 1973 (Vic) and other regulatory requirements. CCFV takes reasonable steps to protect information from misuse and loss, and from unauthorised access, modification and disclosure. CCFV ensures personal information is stored securely in accordance with regulatory standards, including:

- Encryption and password protection for electronic records
- Secure physical storage for paper documents
- Limited access to authorised personnel only
- Protection of personal records by reasonable security safeguards against loss, unauthorised access, use, modification, or disclosure
- Secure destruction of learner records once the retention period expires
- If necessary for the record to be given to a person in connection with the provision of a service to the RTO, everything reasonable within the power of CCFV will be done to prevent unauthorised use or disclosure of the information contained in the records.

The European Union's (EU's) General Data Protection Regulation (GDPR) applies to international students from the EU. For queries, contact the CCFV Training team at civiltrain@ccfvic.com.au or 0395 887 600.

In the event of a Privacy Breach

- CCFV will, in the event of a Privacy breach, take all reasonable action to prevent further breaches. This may include but is not limited to:
 - Changing passwords.
 - Having IT review internal systems for malware.
 - Contacting external services to establish their involvement if any.
- Depending on the extent of the breach, CCFV will ensure that it notifies all effected parties including the relevant regulators as soon as possible after identifying the breach.
- Depending on the extent of the breach, CCFV will ensure that, in respect of any data breach reported to the department, we:
 - promptly update the department in respect of any developments about the data breach
 - promptly provide all information and assistance requested by the department in relation to the data breach and
 - comply with any reasonable direction of the department in relation to the management of that data breach.

Updating your information

It is important that the information we hold about students, employers and staff is accurate, complete and up to date. Please contact CCFV when information you have provided to us has changed.

Learners have the right to access their personal information and request corrections if inaccuracies are identified. Requests can be made by contacting the CCFV Training team at civiltrain@ccfvic.com.au or 0395 887 600.

References

[Electronic Transactions \(Victoria\) Act 2000](#)
[Privacy Act 1988 \(Cth\)](#)
[Privacy and Data Protection Act 2014 \(Vic\)](#)
[Health Records Act 2001 \(Vic\)](#)
[Public Records Act 1973 \(Vic\)](#)
[CCFV-RTO-BRI-SP3 Complaints and Appeals Policy](#)