

## Privacy Statement

### Scope

This statement applies to:-

***The Operator School***  
**RTO No: 31513**

The Operator School is classed as a small business operator in relation to the Privacy Act and Privacy Amendment (Enhancing Privacy Protection) Act 2012 and therefore must comply with Australian Privacy Principle (APP) 3 and 5 of the Privacy Act 1988.

More information can be found here <https://www.oaic.gov.au/>

### **APP 3 – Collection of Solicited Personal Information**

App 3 governs when and how an RTO can collect personal information. Collection can only be done where it is reasonably necessary for the organisation's functions or activities to be carried out and the information must be collected by lawful and fair means.

### **APP 5 Notification of the collection of personal information**

The RTO must take reasonable steps to notify the individual, or ensure that the individual is aware, of certain matters i.e. how information will be used, stored, protected etc.

### **What information do we collect?**

We collect information by lawful and fair means from you when you complete our booking form, enrolment form, CSQ eligibility form, recognised prior learning (RPL) application form or internal workbooks etc., and when you are undertaking training and assessment with us (filming & voice recording).

We may use cameras from time to time in our training and assessment process for the following reasons:-

1. Lower insurance premiums
2. Asset protection
3. Employee protection
4. Training techniques and moderation of assessment
5. Auditing

If you choose not to provide us with the required personal information, we will be unable to enrol you as a student into your chosen course.

### **Personal information**

*The Operator School* collects personal information that you choose to give us in relation to our providing a service on your behalf. The collection of the information is necessary for, or directly related to the issuance of a Statement of

Attainment or high risk work licence. For example your name, address, phone number, email address, driving licence details and other evidence of identity documents, your Unique Student Identifier number, billing details or financial information regarding to the payment of your training.

On completion of your training, we will retain copies of your enrolment, your evidence of identity documents, invoice and proof of payment, results and qualifications.

At any time, you may contact The Operator School to:

- request access to your personal information
- correct your personal information
- make a complaint about how your personal information has been handled
- ask a question about this Privacy Notice

## Uses

We use your personal information for the purposes for which you gave it to us i.e. in relation to your training. It may also be used in any of the following ways:

- To enable delivery of the course information to you
- To personalise your experience
- To improve our website
- To improve customer service
- To process transactions
- To send periodic emails

## Do we disclose any information to outside parties?

We will disclose your personal information where it is relative to the primary purpose, which is the delivery of your training course and issuance of your Licence or competency card and your Statement of Attainment.

These parties would include the Australian Skills Quality Authority (ASQA) the Governing body of Registered Training Organisations, Workplace Health and Safety Queensland (WHSQ), high risk work Licencing Regulator in Queensland and The Department of Transport and Main Roads (TMR).

Under the National VET Data Policy we are also required to submit data to The National Centre for Vocational Education Research Ltd (NCVER). This is the entity appointed by Government to manage the Australian Vocational Education and Training Management Information Statistical Standard (AVETMISS). See *VET Data Use Statement* below, for how NCVER handle your personal information.

We do not share information about you with other government agencies or other organisations without your permission unless it:

- is necessary to provide you with a service that you have requested;
- is necessary to complete an activity that you have chosen to undertake;
- is required or authorised by law;
- will prevent, or lessen, a serious and imminent threat to somebody's health, or
- is required by a Lawyer for the defence of an anticipated or existing legal proceeding.
  
- your Employer – if you are enrolled in training organised or paid for by your employer (the employer is also considered our client)
- your Employment Service Provider if accessing Government Funding for your course
- Construction Skills Qld (CSQ) if you are accessing funding in their short courses program
- is part of the regulatory requirements of a RTO

Please be advised that a Government Regulator may need to share information with another Government Regulator in the process of delivering your course i.e. confirming operational / licencing history, verifying your identity. For those students obtaining a high risk work licence WHSQ uses your information and your photo stored in TMR's driver Licencing database for the purpose of generating and issuing a high risk work licence.

A party will not be in breach of this agreement where it is legally compelled to disclose the other parties Confidential Information i.e. court of law, coroner's inquest etc.

We will not disclose personal information to overseas recipients; unless it has been requested by you i.e. you are trying to transfer your Australian qualification to an overseas qualification.

### **National Vet Data Privacy Notice**

Under the *Data Provision Requirements 2012*, The Operator School is required to collect personal information about you and to disclose that personal information to the National Centre for Vocational Education Research Ltd (NCVER).

Your personal information (including the personal information contained on this enrolment form), may be used or disclosed by The Operator School for statistical, administrative, regulatory and research purposes. The Operator School may disclose your personal information for these purposes to:

- Commonwealth and State or Territory government departments and authorised agencies
- NCVER

Personal information that has been disclosed to NCVER may be used or disclosed by NCVER for the following purposes:

- populating authenticated VET transcripts;
- facilitating statistics and research relating to education, including surveys and data linkage;
- pre-populating RTO student enrolment forms;
- understanding how the VET market operates, for policy, workforce planning and consumer information; and
- administering VET, including program administration, regulation, monitoring and evaluation.

You may receive a student survey which may be administered by a government department or NCVER employee, agent or third party contractor or other authorised agencies. Please note you may opt out of the survey at the time of being contacted.

NCVER will collect, hold, use and disclose your personal information in accordance with the *Privacy Act 1988* (Cth), the National 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)).

For more information about NCVER's Privacy Policy go to <https://www.ncver.edu.au/privacy>.

## Evidence of Identity documents (EOI)

As the Forklift and Order Picker High Risk Work Licences are now classed as a piece of primary identification, WHSQ have Legislation surrounding the collection, verification and storage of the Evidence of Identification documents used for licencing purposes.

An assessor is required to sight and verify 3 matching original evidence of identity documents, to confirm who you are for the purpose of issuing a high risk work licence, one category A and two category B or two category A and one category B document. At least one category A document must be photographic, show your full name and date of birth. Details of acceptable forms of evidence of identify documents can be viewed [here](#). Original copies need to be produced at the time of each type of assessment i.e. at the time of the theory, calculation or practical assessment.

A high risk work assessor is legally required to **retain** colour copies of these documents, with the exception of any bank cards. For any bank cards used during the EOI process, we will record the following data, the type of card i.e. visa or mastercard etc., the name on the card and the expiry date.

For the purpose of issuing a high risk work licence, the personal details on the AS1 form (Government paperwork issued to you at the end of your course) and the details the Assessor enters into the Assessor Portal about you must match the details recorded on the EOI documents.

An accredited Assessor is legally required to retain these records for a minimum of 2 years and must make the records available to a Work Health and Safety Inspector make if requested. These records are stored here at our RTO facility. The request may also include your training and assessment records including any logbooks used in the workplace to record practical training hours. Due to the number of records involved, the records are stored securely under lock and key at our facility as the RTO.

We will also be required to retain records of any change of name documents, should you wish the high risk work licence to be issued in a different name. The most common occurrence of this is a marriage or a divorce.

In the case of the RII earthmoving competencies, EOI documents are also retained for the purpose of training and assessment records i.e. a driving licence if you are required to legally drive a piece of earthmoving equipment on the road as part of the assessment process for that particular piece of plant.

You will need to give us permission to take your photo for the issuance of your competency card.

### If Accessing Funding from an Employer or Employment Services Provider

Your personal information may also be shared with any entity providing funds for your training. Information may be shared for the purpose of funding related issues, review of the contract / purchase order details, competency levels and satisfaction surveys, for example if you are claiming subsidised funding from an Employment Service Provider.

We will need to provide evidence if asked by the Contract Provider that we have written consent from you, that permission has been granted. Therefore, when you are signing for enrolment on a course or that you have accepted our terms and conditions you are authorising access to the personal information we hold on you for review by the Contract Provider.

We must notify the Contract Provider immediately in writing if we become suspect or become aware of any unauthorised use, copying or disclosure of personal information.

We may also disclose the terms of this Agreement (other than Confidential Information of a technical nature) to our related companies i.e. accountants, auditors, insurers, solicitors etc. when we need assistance.

## Construction Skills Queensland (CSQ)

If you are accessing CSQ funding for completion of your earthmoving machinery competencies, your personal information will also be shared with CSQ in relation to Contract compliance and reporting. Prior to the uptake of funding, completion of the eligibility form will include your signed permission to share your details with CSQ as part of the Process. CSQ may contact you for the verification of the training, satisfaction surveys or for marketing purposes.

We must notify the Contract Provider immediately in writing if we become suspect or become aware of any unauthorised use, copying or disclosure of personal information.

Privacy and Confidentiality requirements will survive the termination and expiration of any agreement for Funding in an Annual Funding Contract in line with the data retention requirements laid down by CSQ.

We may also disclose the terms of this Agreement (other than Confidential Information) to our related companies i.e. accountants, auditors, insurers, solicitors etc. when we need assistance.

### Unique Student Identifier

In January 2015, the Government implemented a new system called the Unique Student Identifier (USI). This system acts as a single storage facility for any nationally recognised training you undertake with an RTO.

From this day forward, your training records can be accessed on line 24/7, i.e. to show to a new employer or when you enroll to study with a new training organisation to have that training recorded. Your USI can be accessed online from your computer, tablet or smart phone. There is no charge for this service. More information can be found at this website address [www.usi.gov.au](http://www.usi.gov.au)

During your course enrolment, you will need to give us permission to collect, search, view, create, verify, record, use, disclose and store your USI so that your achievements can be recorded against your name. A privacy notice relating specifically to the USI is viewable at this link <https://www.usi.gov.au/documents/privacy-policy>

If we do access your training record i.e. to locate and verify your USI, you will receive a notice from the USI office, confirming we have accessed this function. Please be advised that this may come in our legal company name "Mygo Pty Ltd" and/or our trading name The Operator School.

Whilst The Student Identifiers Act 2014 (s.11) Legislation requires a RTO to destroy personal information collected from individuals solely for the purpose of applying for a USI on their behalf as soon as practicable after the application has been made or the information is no longer needed for that purpose. The Legislation surrounding the retention of EOI documents overrides this requirement.

Records are also retained to assist in the re-issuance of lost competency cards, we can prove who you are. As the competency cards issued by The Operator School include a photo of you, this prevents the fraudulent use of this competency card, should you lose it.

Finally, as a RTO we are only currently required to provide competency completion data once a year. Therefore, depending on when you completed your training with us, your results may not show up on your USI transcript until our annual submission of competency completions has been completed. Data is compiled by calendar year and must be submitted by 28<sup>th</sup> February for the preceding year.

## How we store your information

We will store your records in hard copy or electronic format or otherwise to reproduce the qualification you obtained during your training course, under the relevant regulator's requirements for data protection.

All records are stored securely at The Operator School either in hard copy or Cloud based. Any information stored electronically is done so securely in Cloud based format within Australia.

The information in the Student Management System (SMS) is password protected. The allocation and deletion of an admin team member's SMS Password is controlled by the HR Manager. Local and off site back-ups are done on a daily basis. Completion of this task is signed off by a member of the admin team.

Hard copies of data are retained in an archiving system, under lock and key.

Your personal information is not used in any way except to the extent that it is required for us to provide services to you during your training course.

All reasonable steps are taken to ensure the Personal Information we hold is protected from misuse, loss, unauthorised access, duplication, modification and disclosure.

Under Standard 3.6 (d) of the Student Identifier's Act, we will ensure the security of your USI and all related documentation under our control, including information stored in your student record in our student management systems.

All records are stored in line with legislative requirements i.e. Australian Skills Quality Authority (the governing body of RTO's), TMR, RMS or Workplace Health and Safety (WHSQ) etc. Control of this process is exercised through The Operator School Records Management Policy, which also outlines the process for destroying these documents when the retention period has expired.

Documents are destroyed using the services of a suitable Australian Document Destruction Provider and a Certificate of Destruction is retained for the files.

On completion of your training, we will also retain copies of your results and qualifications for a period of 30 years.

## Our Website

With our Website, we will not attempt to identify users or their browsing activities except, in the unlikely event of an investigation, where a law enforcement agency may exercise a warrant to inspect our logs.

We analyse non-identifiable website traffic data to improve our services. We only use session-based cookies for the single sign-on service and to gather anonymous website usage data to help us improve the structure and functionality of *The Operator School*. You can change your web browser settings to reject cookies or to prompt you each time a website wishes to add a cookie to your browser. In spite of our efforts to reduce the impact, some functionality on the website may be affected by this.

## Useful Links

Useful links to other relevant industry websites are included on [www.theoperatorschool.com.au](http://www.theoperatorschool.com.au) to assist Trainees in finding answers to their questions.

However, no responsibility is taken or implied by The Operator School as to the accuracy and of the links and the currency of information.

## Confidentiality

The Operator School must ensure that its Personnel do not disclose any of your personal information to third parties without first complying with its obligations.

You may gain access to the personal information we hold for you. If you want this information released to a 3<sup>rd</sup> party i.e. a potential employer etc. you will need to make the request in writing. You can have us correct any errors or delete the information we have about you.

To protect your privacy and the privacy of others, we may have to gain evidence of your identity before we can give you access to information about you or change it. We will require you to verify your identity and to specify what information you require.

### If you believe your Privacy has been breached?

The Operator School is required to comply with the Australian Privacy Principles ('APPs') contained in the Privacy Amendment (Enhancing Privacy Protection) Act 2012, which amends the Privacy Act 1988 (Commonwealth) ('Privacy Act'). The APPs set out the obligations of an organisation in relation to its collection, storage, use and disclosure of personal information.

In summary, 'personal information' is information or an opinion relating to an individual which identifies or can be used to identify, that individual. More information can be found here <https://www.oaic.gov.au/>

If you have any concerns that your privacy or believe your privacy rights have been breached, please contact us.

## Unsubscribe

You may opt out of any further contact from us.

If you receive emails from us that you no longer wish to receive, you will have the option to unsubscribe from our mailing list. The following will appear at the bottom of the email, simply click on the link to send an email back to us.

If you received this message in error or wish to be removed from our list please click "[UNSUBSCRIBE](#)"

When you send us an email enquiry direct from our website, you will automatically subscribe to receive our "industry news" update on important changes in Legislation, industry developments, funding opportunities etc. You can untick the box at the outset if you do not want to receive this update. You also have the option to unsubscribe at any later date if you choose to do so.

All of these processes form part of The Operator School's responsibilities as a Registered Training Organisation under the NVR Standards for RTO's 2015.