

Privacy Policy

Policy Number: POL-D.025

Responsible Officer: Johan Pienaar (CEO)

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Review Expiry Date: 31 July 2022

Cross References: *Privacy Act 1988; Australian Privacy Principles (APPs); VET Student Loans Rules 2016; National VET Data Policy; Notifiable Data Breaches Scheme.*

Purpose and scope

This policy relates to all staff, ex-employees and students of Flight Training Adelaide (FTA).

The purpose of this policy is to provide information, procedures and processes about:

- The personal information that FTA collects.
- The management of staff and students' personal information in accordance with Australian Privacy Principles.
- Updating your personal information with FTA.
- How staff and students can access and update their personal information.
- The use and disclosure of personal information collected by the FTA.
- How to make a complaint about the handling of personal information.

Aims and objectives

FTA will ensure that only such information as is necessary for training, employment and business purposes is collected and that this information will only be accessible by persons who are specifically authorised to access the information.

FTA is committed to protecting the privacy of your personal information. The Privacy Act defines personal information as follows

'Information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- a. whether the information or opinion is true or not; and
- b. whether the information or opinion is recorded in a material form or not.

It is the policy of FTA to operate its business in a manner that consistently meets or exceeds the legal rights of persons in regard to the privacy and confidentiality of information relating to them by ensuring compliance with the provisions of relevant privacy legislation.

Privacy principles

FTA acknowledges that the privacy principles are designed to protect the rights of the individual, yet still allow access by particular authorities in specific circumstances and for specific purposes.

To meet its obligation to comply with these principles under privacy laws, FTA will ensure that these principles are adhered to by FTA management and all of its employees and agents.

FTA will ensure that it complies with privacy principles in regard to:

- The necessity of personal information to be collected, and the means of collection of this information.
- The use or disclosure of personal information about an individual.
- Ensuring that information held is accurate, complete, and up to date.
- The protection of information from misuse, loss and unauthorised access, modification or disclosure.
- The way in which personal information is managed, including the right of individuals to know what type of personal information relating to them is collected, held, used or disclosed.
- Allowing individuals reasonable access to information held about them to the extent allowed by law.
- The identification of individuals.
- The right of individuals to anonymity when entering into transactions where lawful and practicable.
- The transfer of personal information to persons in a foreign country except where allowed by law.
- The collection of sensitive information without consent or legal authority.

NPP exemption

The NPPs are subject to an exemption for employers. The 'employee records' provision exempts employers from the NPPs in relation to an act done or practice engaged in that is directly related to:

- A current or former employment relationship between the employer and the individual
- An 'employee record' held by the current or former employee that relates to the individual.

An 'employee record' is defined as a record of personal or health information relating to the employment of the employee, and includes information relating to the:

- Engagement, training, disciplining or resignation of the employee
- Employee's personal and emergency contact details
- Employee's performance or conduct
- Employee's union membership
- Employee's taxation, banking or superannuation affairs.

The employee records exemption only applies to current or former employees. Therefore, an employer must comply with the NPPs in the case of prospective employees, contractors, and employees of related companies.

What personal information does FTA collect?

The types of personal information that FTA may collect are set out below:

- a. When you book a trial flight, FTA collects your contact details.
- b. When you enrol as a student in a vocational education and training (VET) course, FTA collects personal information to process and manage your enrolment.

FTA is required by law (under the National Vocational Education and Training Regulator Act 2011 (Cth) (the NVETR Act)) to disclose the personal information collected about you to the National VET Data Collection kept by the National Centre for Vocational Education Research Ltd (NCVER).

The NCVER is authorised by law (under the NVETR Act) to disclose your personal information to us, the Department of Education, Skills and Employment (the department).

- c. If you provide FTA with feedback about our service, we collect the personal information you provide.
- d. If you use social media to interact with FTA, we may collect your username and any information that you allow the social media site to share.
- e. Registration details needed to attend seminars and external training.
- f. When applying for a position with FTA, we generally collect the personal information in your application. FTA may collect sensitive information relevant to the role, for example, medical information or criminal history. FTA may also obtain personal information about you from third parties, for example previous employers or nominated referees.
- g. A photograph will be taken of all staff and students for an identity card that allows you access to FTA premises.
- h. VSL student information will be provided in certain circumstances to the Commonwealth and designated authorities and, if relevant, Tuition Protection Services (TPS).
- i. Overseas student information is collected during enrolment in order to meet our obligations under the ESOS Act and the National Code 2018 to ensure student compliance with the conditions of their visas and their obligations under Australian immigration laws generally. The authority to collect this information is contained in the Education Services for Overseas Students Act 2000, the Education Services for Overseas Students Regulations 2001 and the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018. Information collected about you on this form and during your enrolment can be provided, in certain circumstances, to the Australian Government and designated authorities and, if relevant, Tuition Protection Services (TPS) and the ESOS Assurance Fund Manager. In other instances, information collected on this form or during your enrolment can be disclosed without your consent where authorised or required by law.

FTA only collects personal information that is reasonably necessary for, or directly related to, one or more of its services or activities.

- a. To provide flight training services and deliver qualifications as an RTO.

- b. To handle reports of misconduct lodged with FTA, monitor compliance with the laws it administers, and identify, investigate and take enforcement action in relation to contraventions of those laws.
- c. To enable FTA to consult with stakeholders and consider and determine policy.
- d. To cooperate with foreign regulators and law enforcement agencies.
- e. To deal with and assess complaints about FTA's conduct.
- f. To manage employees, contractors and service providers.
- g. To enable users to access online tools and systems.
- h. To provide access to the FTA site.
- i. To celebrate certain milestones in your career with FTA, we may ask you to take part in other photographic opportunities for company literature.

Your consent

FTA will assume that, unless you advise otherwise, you consent to the collection of the information that you provide to FTA (either directly or indirectly) for the use and disclosure by FTA in accordance with this Privacy Policy.

FTA will only collect sensitive information (which is a category of personal information that includes information about things like health, religion etc) from you with your consent and where it is reasonably necessary for them to provide you with its services or carry out services or activities.

FTA will take a photo of you during induction to place you on the staff database and student management system for internal use such as providing you with an ID card and compiling a student class list.

During induction you will have be given the opportunity to give or refuse permission for FTA to use your photo on our website to celebrate your milestones.

How FTA collects information

FTA collects personal information from individuals, or their authorised representatives. In some circumstances it may collect personal information about individuals from third parties. These include:

- a. Personal information collected via FTA's student enrolment form.
- b. Personal information collected from third parties about individuals who are the subject of reports of misconduct made to FTA.
- c. Personal information collected from third parties about individuals in the course of its compliance.
- d. Personal information collected from an airline about individuals enrolled.
- e. Information provided to FTA in the course of its registration, licensing and other statutory functions may contain personal information about individuals' other documents provided, such as tender documents and curriculum vitae, may contain personal information about individuals.

The Australian privacy principles place a general obligation on agencies to inform individuals when they collect personal information about them from third parties. However, in many cases where FTA collects information from third parties, it does not inform the individuals because one of the following exceptions applies:

- a. FTA expects that the individual would have consented collecting the information.
- b. FTA are required or authorised to collect the personal information from third parties by law.
- c. It would not be reasonable for the individual to know that FTA has collected the information because, for example, it may relate to the individual's course report.

Anonymity

The Australian privacy principles require Australian government agencies to allow individuals the option of not identifying themselves or using a pseudonym when dealing with the agency when it is lawful and practicable to do so.

FTA generally provides individuals with the option of not identifying themselves or using a pseudonym. However, on many occasions it will not be able to do this. Examples include:

- a. FTA will need your name and address in order to confirm you have an aviation reference number and aviation security identification card.
- b. FTA will require the individual to provide results from the Class 1 or 2 Medical.
- c. Course enrolment forms, including USI verification.
- d. VET Student Loans entitlements.

Consequences of not providing information

If FTA asks an individual to voluntarily provide personal information there are no punitive consequences if they do not provide any or all of the information. However, there may be other consequences, for example:

- a. FTA may not be able to enrol you on a course.
- b. You may not be able to make the most of FTA services.
- c. An application for a licence will not be able to be processed.
- d. FTA may not be able to properly investigate or resolve a report of misconduct made by the individual.
- e. FTA may issue a compulsory notice seeking the information.

Use of information

FTA only uses personal information that it has collected for the purpose for which it was collected, but may disclose personal information if one of the following applies:

- a. The individual consents to FTA using, or would reasonably expect FTA to use, the information for a different purpose.
- b. FTA is required or authorised by law to use the information.
- c. FTA reasonably believes that the use or disclosure is necessary for enforcement activities.

Disclosure to other bodies

The types of bodies or persons to which FTA usually discloses personal information collected include the following:

- a. Commonwealth
- b. Tuition Protection Services.
- c. VET provider requirements under ASQA to collect and report 'Total VET Activity' data. This includes full Australian Vocational Education and Training Management Information Statistical Standard (AVETMISS) data, in accordance with the National VET Provider Data Policy.
- d. VSL data collection, including courses and student information reported via TCSI.
- e. Civil aviation regulators.
- f. Airlines.
- g. Law enforcement agencies (such as the Australian Federal Police).
- h. Other government agencies (such as the Australian Taxation Office).
- i. Department of Home Affairs.
- j. Hospitals and Health Clinics.
- k. Foreign regulators.
- l. Applicants under the Freedom of Information Act 1982.

Storage and security of information

FTA stores personal information in electronic IT systems and on paper files (temporary).

FTA has IT systems in place to protect the personal information it holds against loss, unauthorised access, use, modification or disclosure, and against other misuse. These steps include regular backups of the network, password protection and access privileges for accessing the IT systems and physical access restrictions.

Staff with access to personal information of students receive information and training on handling such information.

When no longer required, personal information is destroyed in a secure manner after it has met the destruction date identified in the quality management system.

Visiting FTA's website

When you browse FTA's website, the service provider logs the following information for statistical purposes: your server address, top level domain name (e.g. .com, .gov, .au, .uk), the date and time of your visit, the pages accessed, documents downloaded, the previous site visited, and the type of browser used.

FTA does not identify users or their browsing activities except in the event of an investigation where a law enforcement agency may be entitled to inspect the service provider's logs.

From time to time FTA may use cookies on its website to help them carry out online surveys. Cookies are small pieces of information exchanged between your web browser and a website

server. Where it uses an external survey provider, that provider could use cookies on their website. If this is the case, you will be directed to information on the provider's website explaining the use of cookies.

Access and correction

The Privacy Act allows individuals to seek access to and request correction of records containing their personal information. The *Freedom of Information Act 1982* also sets out the process by which you can access, change or annotate records held by FTA, which contain your personal information.

You can request access to your personal information or correct and update your personal information by contacting the following FTA staff below:

FTA Staff	FTA students
Bernadette Thackeray (Manager HR) bthackeray@flyfta.com (08) 8209 4306 Or (08) 8209 4300	Lucy Pienaar (Manager Quality and Compliance) lpinaar@flyfta.com (08) 8209 4386 Or (08) 8209 4300

Complaints

Complaints about breaches of the Australian Privacy Principles by FTA may be made to the Manager Quality and Compliance, contactable on 08 8209 4386 or email lpinaar@flyfta.com.

Notifiable data breaches

FTA is regulated under the Australian Privacy Act 1988 (Privacy Act) and is required to notify affected individuals and the Office of the Australian Information Commissioner (OAIC) when a data breach is likely to result in serious harm to staff whose personal information is involved in the breach.

Document Control

Version no.	Issue date	Amendment description
1.0	22-Apr-14	Initial issue
1.1	15-Mar-15	Amendment
1.2	01-Jun-15	Amendment
1.3	02-Apr-17	Amendment
1.4	14-Sep-17	
1.5	02-Apr-19	Amendment
1.6	23-Jul-20	Adding document control history
1.7	30-Jul-21	Updated cross reference; minor changes to document structure and wording

Review

The policy will be reviewed every 12 months or more often due to legislation or circumstantial change.



Johan Pienaar

(Chief Executive Officer/Director)