

Privacy Policy

Purpose

The purpose of this privacy policy is to:

- clearly communicate the personal information handling practices of LMI College
- give staff and other individuals a better understanding of the sort of personal information that LMI College holds
- enhance the transparency of LMI College operations

Authorisation

The Privacy Act 1988 (Privacy Act) is an Australian law that regulates the handling of personal information about individuals. This includes the collection, use, storage and disclosure of personal information. The Privacy Amendment (Enhancing Privacy Protection) Act 2012 introduced many significant changes to the Privacy Act, including 13 Australian Privacy Principles (APPs) that apply to the handling of personal information. As an Australian Government agency, LMI College is obliged to comply with the APPs.

Personal Information - Definition

Personal information is defined under the Privacy Act as information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- whether the information or opinion is true or not
- whether the information or opinion is recorded in a material form or not

Some examples of personal information include names, addresses, phone numbers and email addresses.

The definition of personal information only relates to 'natural' persons. It does not extend to other 'legal' persons, such as companies.

Sensitive Information - Definition

Under the Privacy Act, sensitive information is defined as:

1. Information or an opinion about an individual's:
 - Racial or ethnic origin

- Political opinions
- Membership of a political association
- Religious beliefs or affiliations
- Philosophical beliefs
- Membership of a professional or trade association
- Membership of a trade union
- Sexual orientation or practices
- Criminal record

That is also personal information; or

2. Health information about an individual
3. Genetic information about an individual that is not otherwise health information
4. Biometric information that is to be used for the purpose of automated biometric verification or biometric identification
5. Biometric templates.

Collection

Solicited Information

Generally, personal information is collected in order for LMI College to properly and efficiently carry out its functions. LMI College only collects personal information for purposes that are directly related to our functions or activities under the National Vocational Education and Training Regulator Act 2011 (NVR Act), or the Freedom of Information Act 1982 (FOI Act), and only when it is reasonably necessary for or directly related to LMI College functions.

LMI College will only collect sensitive information from individuals if the individual consents to the collection, unless:

- the sensitive information is required or authorised by law
- a permitted general situation exists
- a permitted health situation exists
- the sensitive information is required for an enforcement related activity

Information Collected from an Individual

LMI College uses personal information only for the purposes for which it was provided and for directly related purposes (unless otherwise required by or authorised under law). We also collect information in relation to employment services, human resource management, and other corporate service functions. Generally, the purposes for which LMI College collects personal information are when an individual:

- submits an application relating to registration, including reconsideration of decisions relating to registration
- submits an online complaint form about a training provider
- submits an email complaint about LMI College or an employee
- makes payment for a LMI College fee or charge, either via application or over the telephone, or when LMI College must refund an amount to an individual
- submits a Freedom of Information (FOI) request via email
- contacts LMI College seeking information or advice about LMI College functions, application queries or to lodge a complaint
- is interviewed as part of an audit of a registered training organisation
- provides intelligence information to LMI College for audit or investigation
- submits an application for, or commences employment with LMI College, or
- as an employee of LMI College, submits information to human resources for health records, or for a claim for compensation

An individual may, in some circumstances, such as lodging a complaint, prefer to remain anonymous, or to use a pseudonym, when interacting with LMI College. Whilst this is acceptable to LMI College, individuals should be aware that if they choose to do this, it may make investigating complaints or providing specific information impracticable, and it may lessen LMI College ability to provide its usual level of service.

LMI College generally collects personal information directly from the individual or their authorised representative.

Information Collected from a Third Party

Sometimes personal information is collected from a third party, or a publicly available source, but only if the individual has consented to such collection or would reasonably expect us to collect their personal information in this way. LMI College may also collect personal information from a third party for a specific purpose, such as an investigation, or when LMI College is in the process of closing down and LMI College collects learner information for the purpose of placing affected learners with another training provider.

If LMI College collects personal information from a third party, LMI College will take reasonable steps to inform affected individuals that their personal information has been collected from a third party as soon as practicable after the collection has taken place. See 'Notifying the Individual if Information is Collected From a Third Party'.

Unsolicited Information

If LMI College receives unsolicited information, it will determine if the information is required to carry out its functions.

If LMI College determines that the information is not required, and does not form part of a Commonwealth record, then it will destroy or de-identify the information as soon as practicable.

If LMI College determines that the information is required, then the information will be treated as solicited information as per 'Solicited information'.

Notification

Notifying the Individual at Collection

When collecting personal information directly from an individual, LMI College will take reasonable steps to notify, or otherwise ensure that the individual is aware:

- that LMI College's privacy policy provides information about how to access and seek correction of that personal information, and about how to lodge a complaint about a breach of the APPs; or
- whether LMI College is likely to disclose an individual's personal information to overseas recipients and, if it is practicable to specify, the countries in which those recipients are likely to be located.

Notifying the Individual if Information is Collected from a Third Party

If LMI College collects personal information from someone other than the individual, or the individual may not be aware that the organisation has collected the personal information, reasonable steps will be taken to notify the individual, or otherwise ensure that the individual is aware:

- that LMI College collects or has collected the information
- of the circumstances of the collection, including
 - from whom the information was collected, and
 - the law under which LMI College collected the information

- to whom LMI College may disclose the information, and
- of the consequences of LMI College not collecting the information

Use and Disclosure of Personal Information

LMI College will only use and disclose personal information for the primary purposes for which it was collected unless:

- the individual has consented to the information being used for a secondary use or disclosure
- the individual would reasonably expect LMI College to use or disclose the information for the secondary purpose and that purpose is related to the primary purpose, or
- the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order
- a permitted general situation exists in relation to the use or disclosure of the information, for example, if LMI College believes that the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or
- LMI College 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.

LMI College will only use sensitive information for a secondary purpose if it is directly related to the primary purpose.

Some personal information provided to LMI College through application forms will be published on the national register, training.gov.au, in accordance with section 216 of the NVR Act. The information may also be shared with state and territory government and other Australian Government authorities and ministers, occupational licensing bodies, overseas authorities, and others in accordance with the information sharing provisions contained in the NVR Act or the provisions of the Privacy Act.

Disclosing Personal Information Overseas

In situations where LMI College may disclose personal information overseas, LMI College will take reasonable steps to ensure that the overseas entity will comply with the APPs.

Use of Personal Information for Direct Marketing Purposes

LMI College will only use personal information for direct marketing purposes where it could be reasonably expected that the individual would be aware that LMI College would use the information in that way.

Data Quality

LMI College will take reasonable steps to ensure that the personal information we collect is accurate, up to date and complete. These steps include maintaining and updating personal information when we are advised by individuals that their personal information has changed, and at other times as necessary.

LMI College will also take reasonable steps to ensure the accuracy and completeness of the information prior to any disclosure of the information.

Data Security

LMI College takes steps to protect the personal information we hold against interference, loss, unauthorised access, use, modification or disclosure, and against other misuse.

When no longer required, personal information is destroyed in a secure manner, or deleted in accordance with LMI College's Records Management Policy, in compliance with the General Disposal Authority issued by the National Archives of Australia.

Access and Correction

Access and Correction under the Privacy Act

Unless LMI College is authorised to refuse access to information under the FOI Act or any applicable provisions of any law of the Commonwealth, LMI College will grant an individual's request for access to the personal information that LMI College holds about them.

Individuals may also request that LMI College correct any personal information about the individual that LMI College holds. LMI College will only update the information if it is satisfied the information it holds is incorrect. If LMI College is satisfied that an individual's personal information is incorrect, LMI College will take reasonable steps to correct that information to ensure that it is accurate, up-to-date, complete, relevant and not misleading.

LMI College will provide a response to any request for access or correction to personal information within thirty (30) days. If refusing the request, LMI College will provide a written statement of reasons for the refusal and remind the individual of the available complaint mechanisms, which are outlined in the 'Complaints' below. For clarity purposes, LMI College will also take reasonable steps to associate a statement with the personal information that it refuses to correct.

Individuals will not be charged for requests for access or correction to their personal information.

Members of the public should direct their requests to LMI College's Privacy Contact Officer. LMI College staff should direct their requests to the Manager, Human Resources.

Access, Amendment or Annotation under the FOI Act

Individuals may also make a request to LMI College for access, amendment or annotation to their personal information under the FOI Act. LMI College will respond to these requests in accordance with the FOI Act. If unsatisfied with the response received from LMI College, an individual may seek an internal review of the FOI decision from LMI College. An individual may also request that the Australian Information Commissioner review LMI College's decision.

In accordance with the Freedom of Information (Charges) Regulations 1982, LMI College does not charge for request for, or access to personal information.

Complaints

If a member of the public wishes to lodge a complaint about how LMI College handles personal information, or if they feel LMI College has breached the APPs, they can contact LMI College to discuss the matter. If an employee of LMI College wishes to lodge a complaint about how LMI College handles personal information, or if they feel LMI College has breached the APPs, they can contact the Chief Executive Officer or their representative.

Privacy Contact Officer

Members of the Public

If you have any questions or complaints about privacy, confidentiality or access to your personal information, and are a learner or prospective learner, please contact the team at LMI College.

If you have any questions or complaints about privacy, confidentiality or access to your personal information, and are LMI College employee, please contact the designated officer.

CONTACT

For further information on training programs contact

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