1. Purpose
To maintain the privacy and confidentiality of information ACER collects and the ways in which that information may be used.

2. Scope
This policy applies to all records established, information collected and stored by ACER in relation to Students, Staff Members and others.

3. Definitions
See Glossary of Terms

4. Legislation and Related Documents
Privacy Act 1988 (C’wealth)
ACER Records Management Policy
Australian Qualifications Framework (AQF) 2nd edn. (Jan 2013)
Disability Discrimination Act – Education Standards 2005
Higher Education Standards Framework (Threshold Standards) 2015
TEQSA Information Sheet: eLearning and compliance with the Threshold Standards
TEQSA Guidance Note: Course Design
ACER Student Policies

5. Policy Principles
5.1 Collection of personal information
In connection with the collection of personal information, ACER will:
i. collect personal information only when it is necessary for one or more of its functions or activities or when required to do so by law;

ii. collect such information by lawful and fair means;

iii. take reasonable steps to ensure the individual is aware of the purpose for which the information is collected;

iv. advise of consequences (if any) from failure to provide any requested information;

v. collect the required information from the actual individual where it is reasonable and practical to do so; and

vi. take reasonable steps to inform an individual of the above statements where information has been collected on that individual by someone else.

5.2 Use and disclosure

ACER collects, uses and discloses personal information for a range of purposes. These purposes depend largely upon the relationship between the individual and ACER. Generally, such information is collected for the following reasons:

i. to provide ACER Products and Services;

ii. to conduct educational research;

iii. to provide educational assessment and testing courses;

iv. to establish records for Students enrolled in ACER Courses.

In its business operations, ACER may contract out various services associated with its functions and activities. This may involve the disclosure of personal information to other persons and organisations, both within Australia and overseas. In general these include disclosure (where necessary) within ACER and to service providers that assist ACER to provide products or services such as insurance companies, credit providers and those that assist in tailoring ACER products and services to client needs.

When ACER discloses personal information to other parties arrangements or understandings with those third parties ensure that personal information is handled in a manner consistent with its obligations under this privacy policy. Where appropriate, ACER will take all necessary steps to ensure that personal information is de-identified before being used or destroyed.

The types of persons and organisations to which ACER may disclose personal information include:

i. organisations with whom ACER has arrangements or agreements for the purpose of promoting its products or services and agents used in administering such arrangements or agreements;

ii. agents, contractors and external advisers who carry out ACER functions and activities or who assist ACER to carry out its functions and activities from time to time;
iii. payment systems operators;
iv. other parties to whom ACER is authorised or required by law to disclose information;
v. schools, educational systems, psychologists, human resource practitioners and others who have contracted with ACER for the provision of its products and services.

5.3 Consent and sensitive information

ACER will only collect sensitive or health information from an individual or about an individual with her/his consent. When an individual supplies sensitive or health information in writing it will be taken that the individual has given consent to ACER’s collection of that information.

In most instances, when ACER collects sensitive information directly from an individual, it will obtain the individual’s consent to use that information for various purposes. When ACER obtains such information from a third party, it will usually enlist that third party to obtain consent on ACER’s behalf. Where this occurs, ACER will comply with the Privacy Act at all times.

5.4 Security and quality of personal information

ACER will take reasonable steps to ensure that personal information collected is securely stored and is complete and up-to-date.

ACER will also take reasonable steps to protect personal information from misuse and loss and from unauthorised access, modification or disclosure in accordance with the requirements of this policy and the Privacy Act.

5.5 Access to and correction of personal information

All individuals whose personal information is collected by ACER have a right of access to that information.

Individuals may request details of the personal information ACER holds and no fee will be charged for making such a request. On the occasion where the request may incur an administration fee ACER will inform the individual of any fee at the time a request is made.

In general, ACER will allow access by an individual to her/his personal information. However, ACER may deny access to personal information to the extent that:

i. providing access would pose a serious threat (or in the case of personal information other than health information, a serious and imminent threat) to the life or health of any individual;

ii. providing access would have an unreasonable impact upon the privacy of other individuals;
iii. an individual’s request for access is frivolous or vexatious;

iv. it is otherwise appropriate for ACER to deny access in accordance with the Privacy Act.

ACER will not deny access to any personal information following an access request without providing a reason for the denial.

Where providing access would reveal evaluative information generated within ACER in connection with a commercially sensitive decision-making process, ACER may give an explanation for the commercially-sensitive decision rather than provide direct access to the information.

If an individual is aware that any personal information is inaccurate, incomplete or out of date following an access request, or because circumstances have changed, she/he is asked to inform ACER so that accurate and up-to-date records are maintained. However, if ACER refuses to make a correction, ACER will take reasonable steps to place with the disputed information an individual’s statement claiming that the disputed information in the individual’s opinion is not accurate, complete or up-to-date.

6. Dispute Resolution

Should a dispute arise in relation to the interpretation or application of this policy or its procedures a Grievance may be notified and managed in accordance with the ACER PP3111 Student Grievance Resolution Policy.

7. Awareness of Policy

The Director will take reasonable steps to disseminate and explain this policy to Staff Members and Students who may be affected by it.

The policy will be available online at

https://courses.acer.edu.au/students/policies

ACER is committed to discussing any concerns individuals may have in relation to this policy and will address these concerns promptly and appropriately. All correspondence should be directed to:

The Manager Legal and Corporate Services
The Australian Council for Educational Research Limited
19 Prospect Hill Road
Camberwell, Victoria 3124
Australia
Email farkota@acer.edu.au
8. **Version Control**

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