



Privacy Policy and Procedure

Category	Formalisation of enrolment and written agreement
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Responsible Officer	CEO
Approval Date	9 July 2019
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Policy Base	<ul style="list-style-type: none">• ESOS Act 2000• National Code of Practice for Providers of Education and Training to Overseas Students 2018 (The National Code), Standard 3• The European Union's (EU) General Data Protection Regulation (GDPR)• Privacy Act 1988• Privacy Amendment (Enhancing Privacy Protection) Act 2012
Related Documents	<ol style="list-style-type: none">1. Letter of Offer2. Admissions and Enrolment Policy and Procedure3. Conditions of Enrolment4. Personal Information Form



Table of Contents

Purpose	2
Scope	2
Definitions	2
1. The Type of Information Collected by MEE	3
2. How Personal Information is Collected	4
3. Disclosure of Personal Information	4
4. How the Collected Personal Information is Stored	4
5. Consent as per the GDPR for European Students/Staff	4
6. Updating Personal Information as per the ESOS Act 2000	5
7. Complaints	5
Process	6
1. Updating Personal Information as per the ESOS Act 2000	6
(Annexure A) Personal Information Form	6
Document Control	7

Purpose

These policy and procedure are in place to ensure the collection, use and management of personal information of students and staff at ME English (“MEE”), comply with the ESOS Act 2000 and the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code), the Australian Privacy Principles (APPs) contained in the Privacy Act 1988 and the Privacy Amendment (Enhancing Privacy Protection) Act 2012. Additionally, the General Data Protection Regulation (GDPR) is followed in relation to European students and staff members at MEE, who have active residency in a European country under the European Union (EU).

Scope

This document applies to all staff and students at MEE.

Definitions

- **ESOS Act** refers to Education Services for Overseas Students Act 2000 (Cth).
- **National Code** refers to the National Code of Practice for Providers of Education and Training to Overseas Students 2018.
- **Personal Information** defined under the Privacy Act 1988 (Cth) refers to any information or opinion about an individual, or that may reasonably identify an individual.



- **The General Data Protection Regulation (GDPR)** refers to The European Union's (EU) regulation of the collection and use of information about customers. Any business that is established in the EU, supplies goods or services to EU residents in a targeted way, and businesses that monitor the behaviours or activities of EU residents using their personal data, are subject to this regulation.
- **Privacy Act 1988** refers to an Australian law which regulates the handling of personal information about individuals.
- **Australian Privacy Principles (APPs)** are contained in the Privacy Act 1988 and outline the handling, use and management of personal information.
- **Consent defined by the GDPR** refers to any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.
- **Consent as per the Australian Privacy Principles ((s 6(1))** refers to 'express consent or implied consent'. The four key elements of consent include the individual being adequately informed before giving consent, the individual giving consent voluntarily, the consent is current and specific, and the individual has the capacity to understand and communicate their consent.
- **Data portability as per Legalvision** (<https://legalvision.com.au/>) refers to giving a person the right to transmit their personal data to another business without any hindrance from the business they originally provided their data to.

Policy

1. The Type of Information Collected by MEE

The personal information MEE collects may include, but is not limited to, name, address, date of birth, telephone contact details, e-mail contact details, educational qualifications, occupation, CV, work history, salary, tax file number, bank account details, nationality, country of birth, languages spoken, religion, passport number, visa type, test scores, proposed education pathway, academic progress reports, incident reports, class attendance details, library resources accessed, participation in MEE social activities, health problems, dietary requirements, family details, household facilities, interests, opinions on quality of service, photographs, and financial status with MEE.

Information is collected on the Application Form and during the student's enrolment in order to meet our obligations under various NSW and Australian legislations - in this process, it may be disclosed to relevant third parties including but not limited to your family, homestay families, agents, external service providers, further studies institutions, and various employees of the College as required. These include the Privacy Act 1988, the ESOS Act 2000 and the National Code 2018. This is also done 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 Privacy Act 1988; 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 the student during enrolment can be provided, in certain circumstances, to the Australian Government and designated authorities, if relevant, the Tuition Assurance Scheme and the ESOS



Assurance Fund Manager. In other instances, information collected during your enrolment can be disclosed without your consent where authorised or required by law.

From time to time, Melbourne English may be related to other entities (related entities) and this Privacy Policy applies if your personal information is dealt with by those related entities.

Students can request for access to their personal information held in their student files by submitting to the Registrar the Student Request for Access to Own Personal Information form available at Reception.

2. How Personal Information is Collected

- a. MEE collects personal information on forms associated with applications and enrolments, by receiving emails and telephone calls, in face-to-face meetings and interviews, through financial transactions, and through surveillance activities such as email monitoring and the use of CCTV security cameras on MEE premises.
- b. MEE will also collect personal information from other people (for example a medical certificate), or an independent source (such as a telephone directory or online).
- c. MEE will only use the collected information when it is not practical to collect the information directly from students/staff.

3. Disclosure of Personal Information

- a. MEE uses the collected information primarily for the purpose for which it was collected. This is to enable MEE to transact its business activities, to provide students and staff with its services, or to provide information about MEE.
- b. MEE will not disclose personal information without the consent from the student/staff, Australian Commonwealth and State agencies, and various other organisations as required by law as per the ESOS Act 2000, Part 8, Section 175.
- c. Requests to access or obtain personal information must be made in writing by the student/staff member.
- d. MEE will respond to the request within 10 working days.

4. How the Collected Personal Information is Stored

- a. MEE takes reasonable steps to ensure that all personal information is securely stored and is only accessed by authorised personnel to perform the required duties.
- b. Personal information is stored in MEE's internal server and the student management system.
- c. Any personal information collected in hard copy will be scanned and stored in the relevant folder in the server.
- d. Any personal information no longer needed will be destroyed in a secure manner, deleted or de-identified as appropriate.

5. Consent as per the GDPR for European Students/Staff

- a. This policy applies to all European students and staff members who have active residency in a European country under the European Union (EU).



- b. Under the General Data Protection Regulation (The GDPR), MEE will only use the personal information provided by the student and staff members with their consent given voluntarily.
- c. MEE will only process the submitted information that an individual 'has given consent to the processing of his or her personal data for one or more specific purposes' as per the GDPR (Article 6(1)(a)).
- d. Before an individual freely gives consent, the individual will also be informed of the right to withdraw consent as per the GDPR (Article 7(3)).
- e. Under the GDPR, students and staff members have the right to:
 - a. the removal of his or her personal data;
 - b. data portability; and
 - c. object to the processing of the personal information provided.
- f. For intending students who do not consent to providing their personal information that is required to enrol and maintain their studies at MEE, MEE will not be able to provide its education services as it will be in breach of the ESOS Act 2000 and the National Code 2018 (Standard 3).
- g. For applicants who do not consent to providing the required personal information for employment at MEE, MEE will not be able to offer them a position.

6. Updating Personal Information as per the ESOS Act 2000

- a. MEE will take reasonable steps to ensure any personal data it collects, discloses is up to date and accurate. If the student believes the information MEE holds is not up to date or accurate, they may ask for it to be corrected.
- b. MEE will ensure to confirm the accepted students' records at least every 6 months.
- c. The records will consist of the following information for accepted students:
 - a. the student's current residential address, mobile phone number and email address; and
 - b. Emergency contact details.
- d. MEE will inform students that they are required to provide MEE with their updated contact details, within 7 days of the change. Refer to Admissions and Enrolment Policy and Procedure.
- e. MEE will update the above records in the student management system.
- f. MEE will retain the above records for at least 2 years after the person ceases to be an accepted student at MEE.

7. Complaints

- a. If the student considers there to be a breach of the Privacy Act, the student may direct their concern to the Registrar.
- b. If the student does not consider the response to be satisfactory, they may contact the Australian Privacy Commission at its website www.oaic.gov.au or by telephone on 1300 363 992.



Process

1. Updating Personal Information as per the ESOS Act 2000

STEPS	PROCESS	RESPONSIBILITY
1	Confirm student's records in June and December each year. I. Use the <i>Personal Information Form</i> to update the relevant student records.	Student Services/ Nominated Delegate
2	a. Update student records in the Student Management System.	Student Services/ Nominated Delegate
3	Retain students' records for at least 2 years after the person ceases to be an accepted student at MEE.	Student Services/ Nominated Delegate

(Annexure A) Personal Information Form

- This form is to be used when updating contact details of students and emergency contact of a student.
- Students are required to keep their personal information (including name, address, email, telephone number) up to date at all times. Any changes to these details must be notified within 7 days (National Code 2018, Standard 3, Clause 5.3).

Student's New Contact Details:	
Mobile Number	
Email Address	
Residential Address	
Passport Number	

Student's Emergency Contact Details:	
Mobile Number	
Email Address	
Residential Address	

Declaration

I _____ (name of the person who completed the form) declare the information provided in this document is true and correct.

(Signature of the person who completed the form)

_____ Date: ____/____/____



Document Control

These policies and procedure are approved and implemented by MEE. This document will be electronically available to MEE staff in PDF file in the designated folder. Any ongoing changes made to this document will be documented as per below.

Version	Authorised By	Description of the change	Approved Date	Effective Date
Version 1	CEO	Created the Privacy Policy and Procedure	09 July 2019	09 July 2019