



## Seed Education Privacy Policy

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## Overview

Seed Education is an Australian Privacy Principle (“APP”) entity as defined by the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*. This **APP Privacy Policy** document details Seed Education’s collection, use and disclosure of personal information.

## Definitions

**Personal information** means information or an opinion about an identified individual, or an individual who is reasonable 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.

**Sensitive information** means:

- a) Information or an opinion about an individual’s:
  - i. Racial or ethnic origin; or
  - ii. Political opinions; or
  - iii. Membership of a political association; or
  - iv. Religious beliefs or affiliations; or
  - v. Philosophical beliefs; or
  - vi. Membership of a professional or trade association; or
  - vii. Membership of a trade union; or
  - viii. Sexual preferences or practices; or
  - ix. Criminal record;
  - x. Personal Identification of an individual

that is also personal information; or

- b) Health information about an individual; or
- c) Genetic information about an individual that is not otherwise health information; or
- d) Biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- e) Biometric templates.



## Part 1: Consideration of personal information privacy

### APP 1 – Open and transparent management of personal information

Seed Education manages personal information in an open and transparent way, by implementing practices, procedures and systems relating to our functions and activities that:

- (a) Ensures we comply with the Australian Privacy Principles and any registered APP code that binds us; and
- (b) Enables us to deal with inquiries or complaints from individuals about our compliance with the Australian Privacy Principles, or such a code.

Seed Education's APP Privacy Policy is available free of charge on our website ([www.seed.edu.au](http://www.seed.edu.au)). If a person or body requests a copy of our APP Privacy policy in a particular form other than that available on our website, we will take reasonable steps to give the person or body a copy in that form.

#### The kinds of personal information that we collect and hold

Seed Education collects and holds personal information and sensitive information on individuals. Seed Education will collect a range of information including:

- Personal details
- Medicare card details
- Driver License details
- Personal Identification details

#### How we collect and hold personal information

All information is collected in accordance with rules established by

- Standards for Registered Training Organisation 2015
- The Education and Training Reform Act 2006
- Student Identifiers Act 2014

that deal with obligations of professional confidentiality, which bind Seed Education. We collect personal and sensitive information both automatically and manually. An example of automatic collect of data is collecting a student's Unique Student Identifier.

All information Seed Education collects is held in a manner in accordance with the law.

#### The purposes, for which we collect, hold, use and disclose personal information

The purpose for which we collect, hold, use and disclose personal information is related to the enrolment of students in educational programs. Unless the information is de-identified, Seed Education will only disclose personal information to the individual or organisation from whom we have collected it, with the exception of the:

- Standards for Registered Training Organisation 2015
- The Education and Training Reform Act 2006
- Student Identifiers Act 2014

### APP 2 – Anonymity and pseudonymity

Whenever it is practicable for Seed Education, individuals have the option of not identifying themselves, or of using a pseudonym, in relation to a particular matter.



## Part 2: Collection of personal information

### APP 3 – Collection of solicited personal information

#### *Personal information other than sensitive information*

Personal information, other than sensitive information, will only be solicited and collected when reasonably necessary for, or directly related to, one or more of Seed Education's functions or activities.

#### *Sensitive information*

Seed Education will not collect sensitive information about an individual including unless:

- (a) The individual consents to the collection of the information; and
- (b) The information is:
  - (i) Reasonably necessary for one or more of our functions or activities; or
  - (ii) A permitted general situation (refer Appendix 1) exists in relation to the collection of the information by Seed Education (for example, if it is unreasonable or impracticable to obtain the individual's consent to the collection); or
  - (iii) A permitted health situation (refer Appendix 2) exists in relation to the collection of the information by Seed Education (for example, for the management, funding or monitoring of a health service).

#### Means of collection

Seed Education will collect personal information directly from an individual, and will collect personal information only by lawful and fair means.

### APP 4 – Dealing with unsolicited personal information

Within a reasonable time after receiving unsolicited personal information, Seed Education will determine, whether through use or disclosure of the unsolicited information or otherwise, whether or not we could have collected the information under APP 3 if we had solicited the information. If it is determined that we could have collected the information under APP 3 if we had solicited the information, all APPs hereunder will apply in relation to that information.

Unless otherwise allowed, we will, as soon as practicable, reasonably and lawfully destroy the unsolicited information or ensure that the unsolicited information is de-identified.

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

When Seed Education collects personal information about an individual we will, as soon as is practicable, take reasonable steps to notify and otherwise ensure that the individual is aware of any matters as are reasonable in the circumstances.

### Part 3: Dealing with personal information

#### APP 6 – Use or disclosure of information

Seed Education will not use or disclose personal information that was collected for a primary purpose for another secondary purpose including unless:

- (a) The individual has consented; or
- (b) The secondary purpose is related to the primary purpose (in the case of personal information) or directly related to the primary purpose (in the case of sensitive information), and the individual would reasonably expect Seed Education to use or disclose the information for the secondary purpose; or
- (c) A permitted general situation (refer Appendix 1) exists in relation to the collection of the information by Seed Education (for example, if it is unreasonable or impracticable to obtain the individual's consent to the collection); or
- (d) A permitted health situation (refer Appendix 2) exists in relation to the collection of the information by Seed Education (for example, for the management, funding or monitoring of a health service).

If required, we will take such steps as are reasonable to ensure that the information is de-identified before we disclose it.

#### APP 7 – Direct Marketing

Personal information Seed Education will not use or disclose personal information (other than sensitive information) about an individual for the purpose of direct marketing, unless:

- (a) We collected the information from the individual; and
- (b) The individual would reasonably expect us to use or disclose the information for that purpose; and
- (c) We provides a simple means by which the individual may easily request not to receive direct marketing communications from us; and
- (d) The individual has not made such a request to us.

Seed Education will not use or disclose personal information (other than sensitive information) about an individual for the purpose of direct marketing, unless:

- (a) We collected the information from:
  - (i) The individual and the individual would not reasonably expect us to use or disclose the information for that purpose; or
  - (ii) Someone other than the individual; and
- (b) Either:
  - (i) The individual has consented to the use or disclosure of the information for that purpose; or
  - (ii) It is impracticable to obtain that consent; and
- (c) We provide a simple means by which the individual may easily request not to receive direct marketing communications from us; and
- (d) In each direct marketing communication with the individual:
  - (i) We include a prominent statement that the individual may make such a request; or
  - (ii) We otherwise draw the individual's attention to the fact that the individual may make such a request; and
- (e) The individual has not made such a request to us.

#### Sensitive information

Seed Education will not use or disclose sensitive information about an individual for the purpose of direct marketing including unless the individual has consented to the use or disclosure of the information for that purpose.

#### Individuals may request not to receive direct marketing communications etc.

Seed Education will not use or disclose personal information about an individual for the purpose of direct marketing by us or for the purpose of facilitating direct marketing by other organisations, unless the individual may:

- (a) Request not to receive direct marketing communications from us; and
- (b) Request the other organisation/s not to use or disclose the information for the purpose of direct marketing; and
- (c) Request us to provide our source of the information (within a reasonable period after the request is made, Seed Education will notify the individual of its source, unless is it impracticable or unreasonable to do so).

Should an individual make a request in the manner provided for, above, Seed Education will:

- (a) Not charge an individual for making a request as per the above paragraph; and
- (b) Not charge an individual for our giving effect to such a request; and
- (c) Give effect to the request within a reasonable period after the request is made.

#### Interaction with other legislation

This APP does not apply to the extent that any of the following apply:



- (a) The *Do Not Call Register Act 2006*;
- (b) The *Spam Act 2003*;
- (c) Any other Act of the Commonwealth, or a Norfolk Island enactment, prescribed by the regulations.

#### Cookies

As you browse Seed Education and other websites, online ad networks we work with may place anonymous cookies on your computer, and use similar technologies in order to understand your interests based on your (anonymous) online activities, thus tailoring more relevant ads to you

#### **APP 8 – Cross-border disclosure of personal information**

Seed Education does not currently disclose personal information about an individual to a person who is:

- (a) Not in Australia or an external Territory; and
- (b) Who is not the entity of the individual.

If at any time Seed Education does disclose personal information about an individual to an overseas recipient, we will take such steps as are reasonable in the circumstances to ensure that the overseas recipient does not breach the Australian Privacy Principles (other than APP 1) in relation to the information, unless:

- (a) We reasonably believe that:
  - (i) The recipient of the information is subject to a law, or binding scheme, that has the effect of protecting the information in a way that, overall, is at least substantially similar to the way in which the Australian Privacy Principles protect the information; and
  - (ii) There are mechanisms that the individual can access to take action to enforce that protection of the law or binding scheme; or
- (b) Both of the following apply:
  - (i) We expressly inform the individual that if he or she consents to the disclosure of the information, subclause 8.1 of the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* will not apply to the disclosure;
  - (ii) after being so informed, the individual consents to the disclosure; or
- (c) The disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- (d) A permitted general situation (refer Appendix 1) (other than the situation referred to in item 4 or 5 of the table in subsection 16A(1) of the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*) exists in relation to the disclosure of the information by us.

#### **APP 9 – Adoption, use or disclosure of government related identifiers**

Examples of government related identifiers are an individual's Medicare or Tax File Number.

##### Adoption of government related identifiers

Seed Education will not adopt a government related identifier of an individual as its own identifier of the individual unless the adoption is required or authorised by or under an Australian law or a court/tribunal order or unless subclause 9.3 of the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* applies in relation to the adoption.

##### Use or disclosure of government related identifiers

Seed Education will not use or disclose an identifier assigned to an individual by a government agency except where subclauses 9.3 and 9.4 of APP 9 of the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* apply.



#### Part 4: Integrity of personal information

##### APP 10 – Quality of personal information

###### *Collection of personal information*

Seed Education will take reasonable steps to ensure that the personal information we collect is accurate, up-to-date and complete.

###### *Use and disclosure of personal information*

Having regard to the purpose of the use or disclosure, Seed Education will take reasonable steps to ensure that the personal information we use or disclose is accurate, up-to-date, complete and relevant.

##### APP 11 – Security of personal information

When we hold personal information, we will take such steps as are reasonable in the circumstances to protect the information:

- (a) From misuse, interference and loss; and
- (b) From unauthorised access, modification or disclosure.

If:

- (a) We hold personal information about an individual; and
- (b) We no longer need the information for any purpose for which the information may be used or disclosed by the entity under Schedule 1 of the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*; and
- (c) The information is not contained in a Commonwealth record; and
- (d) We are not required by or under an Australian law, or a court/tribunal order, to retain the information

we will take such steps as are reasonable in the circumstances to destroy the information or to ensure that the information is de-identified.



## Part 5: Access to, and correction of, personal information

### APP 12 – Access to personal information

#### Access

If we hold personal information about an individual we will, on request and within a reasonable period after the request is made, give the individual access to the information in the manner requested by the individual if it is reasonable and practicable to do so, unless:

- (a) We reasonably believe that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
- (b) Giving access would have an unreasonable impact on the privacy of other individuals; or
- (c) The request for access is frivolous or vexatious; or
- (d) The information relates to existing or anticipated legal proceedings between Seed Education and the individual, and would not be accessible by the process of discovery in those proceedings; or
- (e) Giving access would reveal the intentions of Seed Education in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- (f) Giving access would be unlawful; or
- (g) Denying access is required or authorised by or under an Australian law or a court/tribunal order; or
- (h) Both of the following apply:
  - (i) We have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, is being or may be engaged in; and
  - (ii) Giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
- (i) Giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- (j) Giving access would reveal evaluative information generated within Seed Education in connection with a commercially sensitive decision-making process.

#### Other means of access

If Seed Education refuses either to give access to the personal information because of subclause 12.3 of the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* or to give access in the manner requested by the individual, we will take reasonable steps, including giving access through the use of a mutually agreed intermediary, to give access in a way that meets the needs of Seed Education and of the individual.

Refusal to give access If we refuse to give access to the personal information because of subclause 12.3 *Privacy Amendment (Enhancing Privacy Protection) Act 2012*, or to give access in the manner requested by the individual, we will give the individual a written notice that sets out:

- (a) The reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so; and
- (b) The mechanisms available to complain about the refusal; and
- (c) Any other matter prescribed by the regulations.

If we refuse to give access to the personal information because giving access would reveal evaluative information generated within Seed Education in connection with a commercially sensitive decision-making process, the reasons for the refusal may include an explanation for the commercially sensitive decision.

#### Access charges

If Seed Education charges the individual for giving access to the personal information, the charge:

- (a) Will not be excessive; and
- (b) Will not apply to the making of the request for access.

### APP 13 – Correction of personal information

#### Correction

If:

- (a) We hold personal information about an individual; and
- (b) Either:
  - (i) We are satisfied that, having regard to a purpose for which the information is held, the information is inaccurate, out-of-date, incomplete, irrelevant or misleading; or
  - (ii) The individual requests the entity to correct the information;



we will, on request and within a reasonable period after the request is made, take reasonable steps to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up-to-date, complete, relevant and not misleading.

#### Notification of correction to third parties

If:

- (a) We correct personal information about an individual that we previously disclosed to another APP entity; and
- (b) The individual requests the entity to notify the other APP entity of the correction; we will take reasonable steps to give that notification unless it is impracticable or unlawful to do so.

#### Refusal to correct information

If we refuse to correct the personal information as requested by the individual, we will give the individual a written notice that sets out:

- (a) The reasons for the refusal except to the extent that it would be unreasonable to do so; and
- (b) The mechanisms available to complain about the refusal; and
- (c) Any other matter prescribed by the regulations.

#### Request to associate a statement

If:

- (a) We refuse to correct the personal information as requested by the individual; and
- (b) The individual requests the entity to associate with the information a statement that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading;

we will take reasonable steps to associate the statement in such a way that will make the statement apparent to users of the information.

#### Correction charges

Seed Education will not charge the individual for the making of the request, for correcting the personal information or for associating the statement with the personal information (as the case may be).



## APP Complaints Procedure

### How to make an APP complaint

An individual may complain about an act or practice that, if established, would be an interference with the privacy of an individual because it breached an Australian Privacy Principle, or a registered APP code (if any), that binds Seed Education only in the following manner:

- (a) All APP complaints must be directed, in writing, to Seed Education's Operations Manager only to the following address:

The Operations Manager  
Seed Education, Level 1, 478 Chapel Street  
South Yarra, VIC 3141

- (b) Within 5 working days of receipt of your APP complaint, we will provide you with written confirmation of receipt of your APP complaint.
- (c) We will investigate the APP complaint and provide a response to the individual complainant, in writing, within a reasonable period of time following receipt of the APP complaint.

### If an individual is dissatisfied with the outcome of an APP complaint

If the individual is not satisfied with Seed Education's response to, or the manner in which Seed Education has investigated or dealt with, the APP complaint the individual may make progress the complaint to the Office of the Federal Privacy Commissioner ("OFPC").

The OFPC will allow Seed Education the opportunity to respond to the APP complaint and, following its enquiries, the OFPC may dismiss the APP complaint if they decide that there is insufficient evidence to support and/or uphold the APP complaint. Alternatively, if the OFPC believes there is enough evidence to support the APP complaint, it will attempt to conciliate the matter.

If conciliation does not resolve the APP complaint, depending on the circumstances, the Privacy Commissioner may either close the file or make a determination. A determination could include a requirement that Seed Education issue an apology to the individual who submitted the APP complaint, improve practices to reduce the likelihood of a breach (perceived or otherwise) of the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*, or that Seed Education provide compensation to be paid to the APP complainant.

If the OFPC closes the file, the APP complainant may apply to the Federal Court or the Federal Magistrates Court by way of appeal. Either party may also appeal to the Administrative Appeal Tribunal for a review of any compensation amount ordered by the Privacy Commissioner.

*In line with legislation, Seed Education may amend and vary this policy from time to time.*

## Appendix 1

### 16A Permitted general situations: in relation to the collection, use or disclosure of personal information

The *Privacy Amendment (Enhancing Privacy Protection) Act 2012* details 7 (seven) conditions relating to a permitted general situation. The following is an abridged version of those conditions, which are relevant to Seed Education's functions or activities.

- (1) A permitted general situation exists in relation to the collection, use or disclosure by an APP entity of personal information about an individual, or of a government related identifier of an individual, if:
- (a) The entity is an entity of a kind specified in an item in column 1 of the table; and
  - (b) The item in column 2 of the table applies to the information or identifier; and
  - (c) Such conditions as are specified in the item in column 3 of the table are satisfied.

Permitted general situations			
Item	Column 1 Kind of entity	Column 2 Item applies to	Column 3 Condition(s)
1	APP entity	(a) personal information; or (b) a government related identifier.	(a) it is unreasonable or impracticable to obtain the individual's consent to the collection, use or disclosure; and (b) the entity reasonably believes that the collection, use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety.
2	APP entity	(a) personal information; or (b) a government related identifier.	(a) the entity has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to the entity's functions or activities has been, is being or may be engaged in; and (b) the entity reasonably believes that the collection, use or disclosure is necessary in order for the entity to take appropriate action in relation to the matter.
3	APP entity	Personal information	(a) the entity reasonably believes that the collection, use or disclosure is reasonably necessary to assist any APP entity, body or person to locate a person who has been reported as missing; and (b) the collection, use or disclosure complies with the rules made under subsection (2).
4	APP entity	Personal information	The collection, use or disclosure is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim.
5	APP entity	Personal information	The collection, use or disclosure is reasonably necessary for the purposes of a confidential alternative dispute resolution process.

- (2) The Commissioner may, by legislative instrument, make rules relating to the collection, use or disclosure of personal information that apply for the purposes of item 3 of the table in subsection (1)

