



## PRIVACY POLICY

<b>Policy Statement</b>	This policy ensures that Kent Institute Australia (Kent) complies with relevant legislation in regard to privacy and personal information in accordance with: <ul style="list-style-type: none"><li>• <i>The Privacy Act 1988</i> (Cth)</li><li>• The National Vocational Education and Training Regulator (Data Provision Requirements) Instrument 2020</li><li>• Higher Education Standards Framework (Threshold Standards) 2021</li></ul>
<b>Responsibility for Implementation</b>	Chief Executive Officer (CEO), Executive Managers, Unit Managers
<b>Compliance and Monitoring</b>	Governing Board, Chief Risk and Compliance Officer

### Purpose

Kent Institute Australia's (Kent) main purpose is to provide Higher Education and Vocational Education & Training (VET) courses. Other associated activities occur to enable Kent to offer these courses. All information collected is for the purpose of the operational and management activities of Kent, or where dictated by legislative guidelines.

### Scope

This Privacy Policy applies to the collection, storage, use, disclosure and access to personal information as defined under the *Privacy Act 1988* (the Privacy Act) handled by Kent. Personal and sensitive information may be collected and stored in electronic and/or paper format.

Students and employees are responsible for being aware of and complying with this Privacy Policy. Students are also responsible for keeping their personal information up to date in the Kent Student Information System (SIS) via their individual Kent Student Login and advising Kent promptly of any relevant changes to their personal information.

This Privacy Policy does not apply to personal information contained in employment records used for employment purposes at Kent in accordance with the Privacy Act.

This Policy extends to Kent Agents and Third Party Providers to the extent that they collect information for the purpose of fulfilling operational and management activities on Kent's behalf.

#### 1.0 Overview

Kent's Privacy Policy has been developed in accordance with the Privacy Act, and the *Australian Privacy Principles* (APPs). Kent is subject to the Australian Privacy Principles. The APPs regulate the handling of personal information by Australian government agencies and some private sector organisations.

## 2.0 Policy Principles

Kent is committed to protecting the privacy of personal information in accordance with the Privacy Act. Kent recognises its obligation under the Privacy Act and will take necessary measures to ensure that the privacy of personal information collected by it is protected. All individuals have the right to request access to their personal information held by Kent in accordance with the Privacy Act and the APPs.

## 3.0 Collection of Personal Information

Kent collects personal information directly from individuals including:

- in circumstances where it is necessary for its main purpose of providing educational products and services, and for the purpose of administering those products and services;
- where it is reasonable and practicable; and
- in a fair and transparent manner as required by the APPs. Kent's *Offer of Admission – International / Domestic Student Enrolment Agreements* comprehensively detail the Terms and Conditions of Enrolment information required by students for reference, familiarity and knowledge purposes. This document is only accessed by Kent staff in preparation of the Offer of Admission, provided to students who are required to sign the document acknowledging having read the provisions of accepting the offer, including the Terms and Conditions.

Kent may collect personal information from students, prospective students, prospective employees, supporters or sponsors of Kent, research participants, academic or other professionals, individuals that Kent deals with on a commercial basis such as suppliers, contractors and individuals in organisations to which Kent provides goods or services, or from which Kent acquires goods or services, as well as from members of the public making general enquiries and users of Kent websites. Kent may collect health and sensitive information, where relevant, from students who enrol in a course of study. Personal information collected may include but not be limited to: names; addresses and contact details; date of birth; educational and work history; academic results; emergency contact details; credit card details; racial or ethnic origins; English language proficiency; health or disability information (where relevant); professional membership information (where relevant) and government related identifiers.

Individuals, including prospective students, are able to make an anonymous enquiry or use a pseudonym, for general enquiries and information relating to courses. However, to enrol in a course or to be assessed for eligibility to be admitted to a course, specific information is required to appropriately assess the prospective student's application for admission to a course. Kent may not be able to provide its services to individuals if they choose not to provide the requested personal information.

Kent may also collect personal information for ancillary purposes related to the primary purpose of collection, including:

- billing, maintaining information technology services, customer service and data storage;
- direct marketing the services of Kent and its related entities to prospective, current and past students;
- planning, monitoring, evaluating and improving service provision, including conducting market research and surveys and assessing customer satisfaction; and
- otherwise communicating with individuals.

### *Personal Information from Websites or Third Parties*

Generally, personal information is collected directly from the individual, although there may be times when information is collected from third parties, such as a family member who contacts Kent on the individual's behalf, contractors who supply services to Kent, through partner institutions or from a publicly maintained record.

Kent may also collect information from other educational providers for the purpose of verifying qualifications that have been awarded, and for completion of units of study towards course credit for the purposes of enrolment.

Kent may request third parties to provide, or allow access to and collection of information, including personal information that the third parties hold and are authorised or entitled to disclose, directly to it verbally and in hard copy or electronic records or documents, whether stored in or provided by way of digital storage media or electronic communications.

If personal information is provided to Kent about someone else, the individual must ensure that they are entitled to disclose the information to Kent, and without Kent taking any further steps, Kent may collect, use and disclose such information for the purposes described in this Privacy Policy.

Additionally, Kent may collect personal information from individuals through its websites or from third parties, and anonymous information for statistical purposes. Collection of this information may be from cookies and measurement tools on Kent's websites or from third party analytics. Such information may be used to improve the products and services offered by Kent. Individuals may be able to alter their computer settings to prevent the use of cookies and measurement tools. However, this may result in their experiencing less functionality on some aspects of Kent's websites.

Kent websites may contain links to other sites. Please be aware that Kent is not responsible for the privacy or data handling practices of any other sites and strongly advises individuals to check their terms and policies before submitting any personal information to any third party site.

Kent may also request information via surveys or experience evaluations. Participation in these surveys or evaluations is voluntary. Information requested may include contact information (such as name and address), and demographic information (such as postcode, age or course). Aggregated survey information will be used for monitoring or improving the use of Kent's services.

#### **4.0 Collection of Personal Information from Prospective Employees**

Kent may collect personal information from prospective employees. For prospective employees this may include: name, address and contact details; educational and work history. Information may also be collected regarding referees and their contact details, which provides consent for Kent to collect personal information from said referees.

It may be necessary to collect additional personal or sensitive information, either directly or from third parties, when hiring employees including any relevant security or background checks.

## 5.0 Use and Disclosure of Personal Information

Kent uses and discloses personal information for the purposes disclosed at the time of collection or as set out in this Policy. Where necessary, Kent may disclose personal information to external agents and contractors or Third Party Providers (such as organisations who assist with Kent's research, educational and regulatory activities, course delivery, mail-outs, student recruitment and independent IT service providers). Kent will only disclose personal information to third parties for a purpose disclosed at the time of collection or as set out in this Policy, and with whom Kent has entered into an agreement that gives the individual (or that the law requires to give the individual) at least the same level of protection to the personal information as Kent does.

Kent may use personal information for the purpose of direct marketing and individuals will be able to opt out of receipt of marketing material and other optional communication by contacting Kent on [marketing@kent.edu.au](mailto:marketing@kent.edu.au) and requesting that direct marketing communications are not sent. Kent direct marketing activities may include sending materials such as surveys, newsletters, and information about Kent research, education and fundraising events and activities. Kent may use third parties to undertake such direct marketing activities on its behalf and may provide personal information to them for those purposes. Kent will not disclose or externally publish personal information to third parties with a view to allowing them to direct market their products or services without consent. However, there are some communications that are required for Kent to fulfil its purpose of providing education, and these are not optional.

Personal information is also collected to enable Kent to correspond with students and attend to administrative matters, which may require disclosure to third parties such as: work-integrated learning; other student services; emergency circumstances; graduation and alumni purposes; benchmarking and quality assurance purposes; compliance with legislative reporting requirements; and other uses as permitted by the Privacy Act. Other circumstances when Kent may disclose personal information include:

- where a student is sponsored or on Scholarship, Kent will provide information to their sponsor or benefactor upon request, if provision of the requested information is a condition of the sponsorship or scholarship; and
- if a student transfers to another tertiary institution, Kent may release to that institution information about the student's academic progress at Kent, although normally the student will have consented to this in their application to the new institution.

### *Critical Incidents*

There are certain extenuating circumstances under the Privacy Act where Kent may be required to disclose personal information to third parties including:

- a serious and imminent threat to an individual's life, health or safety;
- a requirement under law, or authorised by law;
- a requirement by a law enforcement body; or
- in the course of legal proceedings.

Disclosure of such information will be carried out as necessary to prevent or lessen a serious and or imminent threat, including for example when Kent has been unable to contact a student for an unreasonable period. Refer also to the Kent Critical Incident Policy & Procedures.

If an individual is alleged to have committed an offence, Kent may be requested to assist the police or other authorised persons by providing personal information about that individual for enforcement of the law.

### *Other Circumstances*

No attempt will be made to identify individual users of Kent websites except in the unlikely event of an investigation or legal proceedings, or where otherwise permitted to do so under the Privacy Act. Kent may be required to gather more extensive information than stated above, in cases such as:

- unauthorised attempts to access files other than those published on Kent websites;
- unauthorised tampering or interference with files published on Kent websites;
- unauthorised attempts by other websites to index the contents of Kent websites;
- attempts to intercept messages of other users of Kent websites;
- communications which are defamatory, abusive, vilify individuals or groups or give rise to a suspicion that an offence is being committed;
- attempts to otherwise compromise the security of the Kent web server, breach the laws of the Commonwealth or a state of Australia, or interfere with the use of Kent websites by other users.

Kent will only publish personal information on its websites, where the individual has consented to personal information being collected and disclosed for that particular purpose. Individuals should be aware that personal information may be indexed by search engines, and that it may be copied and used by any web user. Once personal information is published on Kent websites, it will not be possible to control subsequent use and disclosure. Where Kent websites contain external links to other sites Kent is not responsible for the privacy practices or the content of such websites.

Under no circumstances will Kent sell or receive payment for licensing or disclosing personal information.

Kent may receive unsolicited information. In such circumstances, Kent will dispose or de-identify any personal information collected within a reasonable timeframe.

## **6.0 Reporting to Government Agencies**

Kent is required to collect and disclose information obtained from a student's admission and enrolment at Kent in order to meet its obligations under a range of legislative requirements for reporting to government agencies. This may include but is not restricted to reporting to:

- Government agencies on statistical information about student enrolment, educational background, country of birth; where a student has requested financial assistance with tuition fees, such as a HELP Loan; and to meet reporting requirements related to students on student visas;
- Regulators including Tertiary Education Quality Standards Agency (TEQSA) or Australian Skills Quality Authority (ASQA) on information relating to employee qualifications and professional development; student data on performance, progression and satisfaction levels;
- The Commonwealth Ombudsman where an overseas student lodges an appeal against a decision of Kent, where Kent will be required to respond with personal information relating to the student's case;
- The Australian Taxation Office in relation to HELP Loans, where students may defer fee payment through the taxation system;
- Services Australia relating to enrolment information on domestic students accessing Centrelink benefits or Austudy for example.
- Overseas Student Health Cover (OSHC) where international students opt to pay their OSHC through Kent;
- Tuition Protection Service (TPS) Director regarding tuition assurance for international students;

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The authority to collect this information is contained in legislation including the *Education Services for Overseas Students Act 2000*, the *Education Services for Overseas Students (ESOS) Regulations 2019*, the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018*, the *Higher Education Support Act 2003*, the *Tertiary Education Quality and Standards Agency Act 2011*, the *Higher Education Standards Framework (Threshold Standards) 2021*, the *Standards for Registered Training Organisations (RTOs) 2015*, the *Social Security (Administration) Act 1999* and *Student Assistance Act 1973*. Information collected about a student can be provided, in certain circumstances, to the Australian Government and designated authorities and, if relevant, the Tuition Assurance Service and the Tuition Protection Service Director.

Kent will not disclose Commonwealth or State government identifiers nor will it use those identifiers as its own identifiers.

## 7.0 Transfer of Personal Information Outside of Australia

Personal information will be collected, held and used by Kent or its related corporate bodies in Australia and, if necessary for regulatory purposes related to visa verification or similar requirements in other countries. Kent may also enter into agreements with third parties to whom disclosures may be made who are located outside Australia. If this occurs, and it is practicable to do so, Kent will update this Privacy Policy as required by law, about the overseas location of actual or likely recipients of any personal information held and disclosed by Kent. Kent may also store and process personal information on servers or cloud based data storage systems that are located overseas.

If Kent transfers personal information outside of Australia; it will do so in keeping with its obligations under the Privacy Act and APPs. Kent will take reasonable steps to ensure that the recipient is subject to legislation similar to its obligations under the Privacy Act, and will take reasonable steps to ensure that recipients do not breach the APPs.

## 8.0 Security and Quality of Personal Information

Kent takes reasonable steps to ensure that personal information is protected against loss, unauthorised access, use, modification or disclosure, other misuse, as required by law and generally accepted industry standards. However, to the extent permitted by law, Kent excludes any liability in contract, tort or otherwise for any security breach.

Kent takes all reasonable steps to destroy or de-identify personal information that is no longer required for any purpose permitted by the APPs, and that destruction of personal information is undertaken by secure means, as required by the Privacy Act.

Kent will take reasonable steps as required by the Privacy Act to ensure that personal information is accurate, complete and up to date. However, individuals must ensure their personal information is kept up to date via the online Kent Student Information System (SIS).

Students may also contact the Manager, Student Services to request access to other personal information or to request access to, or correction of information not held on the online system. For security reasons, requests to view other information not held on the online system must be in writing by completing a Student Request Form.

Kent will make reasonable endeavours to accommodate all access requests and requests to destroy or de-identify information to the extent required under the Privacy Act and the APPs. However, Kent may

refuse requests for access to, or correction of an individual's personal information, in accordance with the Privacy Act and any other applicable legislation.

## 9.0 Complaints and Appeals

If an individual believes that their personal information has not been dealt with in accordance with the Privacy Act, they may lodge a complaint. The complaint should be lodged in accordance with [Kent's \*Complains and Appeals Policy and Procedures\*](#).

If a complainant is not satisfied with Kent's response to a complaint, they can refer the matter to the Australian privacy regulator once internal appeal avenues have been followed, as per the [Kent's \*Complains and Appeals Policy and Procedures\*](#). Information about the regulator, the complaints process and how to lodge a complaint is available at <https://www.oaic.gov.au/>

**Contact details:** <https://www.oaic.gov.au/about-us/contact-us>

## 10.0 Administrative Policies and Procedures

Kent provides Policies and Procedures of importance to all students and employees to assist them during their course of study. These policies and procedures are located on Kent's website, including this *Privacy Policy*.

Students are strongly advised to visit Kent's website and familiarise themselves with the Kent Policy and Procedures located on the Kent Website [MyKent Student Link](#).

Kent reserves the right to amend its Privacy Policy at any time in accordance with the law. Notice of any amendment will be posted on the homepage of the Kent website and the amended Privacy Policy will be posted on the relevant page of the website. If at any point Kent decides to use personal information in a manner different from that stated at the time it was collected, Kent will notify individuals by way of email (or as otherwise directed by them). Kent will only use information in accordance with the Privacy Policy under which the information was collected.

<b>Document Title:</b> Privacy Policy	
<b>Date Compiled:</b> September, 2013	<b>By:</b> Associate Dean
<b>Due Date for Review:</b> July, 2020	<b>Website Access Permission:</b> Public
<b>Date Updated:</b> 9 <sup>th</sup> July, 2015 16 <sup>th</sup> June, 2017 – no amendment required. 11 <sup>th</sup> April, 2018 – no amendment required 25 <sup>th</sup> June, 2018 (minor amendments)  26 <sup>th</sup> April, 2019 (minor amendments) 23 <sup>rd</sup> January, 2020 17 <sup>th</sup> February, 2021 6 <sup>th</sup> April 2022 24 April 2024	<b>Reviewed by:</b> Swaab Attorneys and Executive Manager Risk & Compliance Executive Manager Risk & Compliance CEO/Manager Governance Systems/AB Secretary CEO Executive Manager Student & Campus Services Executive Manager Student & Campus Services Executive Manager Risk and Compliance/ Governing Board Secretary Chief Risk and Compliance Officer
<b>Version Control Update (Current):</b> Version 1 – September, 2013 Version 2 – 9 <sup>th</sup> July, 2015 Version 3 – 25 <sup>th</sup> June, 2018  Version 4: 23 <sup>rd</sup> January, 2020 Version 5 – 17 <sup>th</sup> February, 2021 Version 6 – 6 <sup>th</sup> April 2022 Version 7 – 24 April 2024	<b>Endorsed By:</b> Governing Board <b>Meeting Date:</b> Written Resolution of Directors dated 10 <sup>th</sup> July, 2015 <b>Executive Chair</b> – 25 <sup>th</sup> June, 2018 <b>CEO</b> – 26 <sup>th</sup> April, 2019 <b>Executive Chair</b> – 23 <sup>rd</sup> January, 2020 <b>CEO</b> – 17 <sup>th</sup> February, 2021 <b>Governing Board</b> – 6 <sup>th</sup> April 2022 <b>Managing Director</b> – 24 April 2024.
<b>AMENDMENTS:</b> <b>25/06/2018</b> – updated Kent position titles and minor word amendments. <b>26/04/2019</b> – 12-month review and minor amendment to remove reference to Vietnam Clause 6.0 and update Hyperlink Clause 10.0. <b>23/01/2020</b> – revised to include updated legislative requirements for VET students related to <i>Data Provision Requirements 2012</i> associated with the <i>National Vocational Education &amp; Training (VET) Data Policy</i> . <b>23/03/2022</b> – 2- year review. Minor amendments to legislation, titles, and contact details. 24/04/2024 – Update to extend policy scope to third parties and Agents, complaints and appeals to be lodged via Kent’s existing Complaints and Appeals Policy and Procedures, plus other updates for currency.	