

# Privacy Policy

## 1. Introduction

- 1.1 MIBT's role as an education provider requires it to collect, store, use and disclose personal information relating to its students, staff and other clients. MIBT is committed to protecting the privacy of your personal information.
- 1.2 MIBT's Privacy Policy reflects MIBT's obligations under the *Privacy Act 1988* (Cth) (**Privacy Act**) and the Australian Privacy Principles (**APPs**).
- 1.3 This Privacy Policy explains how MIBT collects, uses, discloses and otherwise handles personal information. It also tells you how you can ask to access and correct any personal information we hold about you or complain about a suspected privacy breach. People who deal with MIBT are entitled to expect that any information collected will be treated in accordance with MIBT's privacy obligations.

## 2. Contact Information

- 2.1 The overall responsibility for protecting the privacy of all personal information held by MIBT resides with the College Director and Principal, with the day to day management delegated to the Quality and Compliance Manager. The Quality and Compliance Manager is the first point of contact for privacy queries, including if you require general information about MIBT's privacy obligations, if you wish to make a request to access and/or amend your personal information and for if you wish to make a complaint about a possible breach of privacy.
- 2.2 The contact details for the Director Quality and Student Administration are set out below:

### Quality and Compliance Manager

Melbourne Institute of Business and Technology Pty Ltd

MIBT at Deakin University, 70 Elgar Road, Building LA, Level 4, Burwood VIC 3125

Email: [privacy@mibt.vic.edu.au](mailto:privacy@mibt.vic.edu.au)

Telephone: (03) 9244 5269

International Telephone: +61 3 9244 5269

## 3. Our obligations

MIBT is required to comply with the APPs in the Privacy Act. The APPs regulate the manner in which personal information is handled throughout its life cycle, from collection, to use and disclosure, storage, access and disposal.

- 3.1 In some circumstances MIBT is also required to comply with:
  - 3.1.1 Applicable State and Territory health privacy legislation (including the Victorian *Health Records Act 2001*) when it collects and handles health information in the relevant jurisdiction.
  - 3.1.2 The *Spam Act 2003* (Cth) and *Do Not Call Register Act 2006* (Cth).
- 3.2 This Privacy Policy does not apply to employee records as, generally, MIBT will be exempt from the requirements of the Privacy Act when it collects and handles such information. However, the Privacy Act (and this Privacy Policy) will apply to MIBT's collection, use and handling of personal information about job applicants, contractors and volunteers. MIBT will also ensure that it complies with the State or Territory health privacy laws in relation to employee records.

#### 4. What is Personal Information?

Personal information is defined as any information (including an opinion), whether true or not, and whether recorded in a material form or not, about an individual who is either identified by the information or could be reasonably identifiable.

#### 5. Collection of Personal Information

5.1 How does MIBT collect personal information about you?

5.1.1 MIBT collects personal information through a variety of lawful and fair means including:

- (a) on hard copy forms;
- (b) by email;
- (c) over the telephone;
- (d) through written correspondence;
- (e) in person.

5.1.2 MIBT will collect personal information directly from you, if this is reasonable and practical. All information collected is for the purposes of the functions or activities of MIBT, or where required by law.

5.1.3 *Unsolicited personal information*

If MIBT receives personal information about you which it has taken no active steps to collect, MIBT may keep that information if the Privacy Act permits it to do so. If it does not, the information will be destroyed or de-identified, provided it is lawful and reasonable to do so.

5.2 *Anonymity/pseudonymity*

If it is practicable to do so, MIBT may provide you with the option of communicating with us either anonymously or using a pseudonym. However, where this is not practicable (for instance, when you are enrolling with MIBT), MIBT will require you to provide us with fully identifying information.

5.3 *What types of personal information will MIBT collect about you?*

5.3.1 The type of personal information which MIBT collects about you will depend on the type of dealings you have with MIBT, and may include your name, phone number, email address, address, nationality, date of birth, and educational history.

5.3.2 Sensitive information is a subset of personal information that is generally afforded a higher level of privacy protection. Sensitive information includes health and genetic information and information about racial or ethnic origin, political opinions or religious beliefs and affiliations. MIBT only collects sensitive information where it is reasonably necessary for our functions or activities and either:

- (a) the individual has consented; or
- (b) we are required or authorised under law to do so.

5.4 *For what purposes does MIBT collect and hold information about you?*

5.4.1 Personal information may be collected by MIBT in the following instances:

- (a) when an enquiry is lodged through the MIBT online enquiry service;
- (b) when a person applies for admission to MIBT;
- (c) when a person enrolls for a course or unit offered by MIBT; and
- (d) when a person applies for employment at MIBT.

- 5.4.2 Sensitive information may also be collected by MIBT in the following instances:
- (a) information about the disability support needs of individual students, to assist with special needs and to develop disability access plans where appropriate; and
  - (b) health information that may be relevant to an individual student's failure to achieve a satisfactory course outcome.
- 5.4.3 When a person visits the MIBT website, a record is logged of the visit and the following anonymous information is retained for MIBT's statistical purposes:
- (a) the Internet Protocol (IP) address from which the request is received;
  - (b) the date and time that the request is received by the MIBT server;
  - (c) the pages, documents and files requested;
  - (d) the address of the resource which provided the link followed, if any, to the MIBT website;
  - (e) the type of browser and, in some case, the operating system used; and
  - (f) in some instances, data sent to its website from web forms (eg. search terms).
- 5.4.4 This information is used and disclosed by MIBT in anonymous, aggregated form only, for purposes including statistical analysis and to improve the functionality and usability of MIBT websites. Although you are not identified, MIBT reserves its right to use or disclose this information to try and locate an individual where we reasonably believe that the individual may have breached the Student Code of Conduct (see <http://www.mibt.vic.edu.au/policies>) or otherwise engaged in any unlawful or inappropriate activity in connection with the MIBT website or where we are otherwise required or authorised by law to do so.
- 5.4.5 Some sections of the MIBT website use standard industry technologies, for example, 'cookies'. A cookie is a small string of information that a website transfers to your browser for identification purposes. Any information collected from the MIBT website is session information that is collated for analysis, evaluated and published in reports that show MIBT usage patterns. Popular areas of the website are identified in order to improve and develop the website and its services. MIBT also uses software programs to monitor network traffic and to identify unauthorised attempts to upload or change information, or otherwise cause damage.
- 5.4.6 Most internet browsers are set to accept cookies. If you prefer not to receive them, you can adjust your internet browser to reject cookies, or to notify you when they are being used. There are also software products available that can manage cookies for you. Rejecting cookies can, however, limit the functionality of the MIBT website.

## 6. Use of Personal Information

- 6.1 MIBT collects personal information for the primary purpose of providing its services to individuals. Personal information may be collected for purposes related, or ancillary to, the primary purpose of collection. This includes:
- 6.1.1 administering and managing the services provided by MIBT to prospective and current students, including admission, enrolment, education, billing, maintaining information technology systems, customer service and data storage;

- 6.1.2 marketing the services of MIBT and its related entities to prospective, current and past students;
  - 6.1.3 guiding students in their study options;
  - 6.1.4 providing student counselling services;
  - 6.1.5 conducting surveys;
  - 6.1.6 conducting research for service improvement purposes and to compile statistics and analyse trends;
  - 6.1.7 recruiting and managing employees and contractors;
  - 6.1.8 processing payments;
  - 6.1.9 the administration of Commonwealth education assistance programs under the *Higher Education Support Act 2003* and guidelines made under that Act (including FEE-HELP); and
  - 6.1.10 the regulation of student visas and Australian immigration laws generally under the *Education Services for Overseas Students Act 2000*, the *National Code of Practice for Providers of Education and Training to Overseas Students 2007*, the *Migration Act 1958* and the *Migration Regulations 1994*.
- 6.2 MIBT will only use and disclose personal information about a person for the purposes provided in this policy, where consent is given to MIBT to do so, or as otherwise required or authorised by law. If MIBT collects information about you from a third party (for example, an authorised parent or spouse that is authorised to act on your behalf or any of MIBT's contractors who supply us with a service), we will take reasonable steps to make sure that you are made aware of:
- 6.2.1 our identity and how to contact us;
  - 6.2.2 the purposes for which we are collecting the information;
  - 6.2.3 whether the collection is required or authorised by or under an Australian law;
  - 6.2.4 the third parties to which we would normally disclose information of that kind;
  - 6.2.5 whether any of those third parties are located overseas and, if practicable to specify, the countries in which they are located;
  - 6.2.6 the fact that this privacy policy contains information about how to access and correct personal information and how to make privacy complaints; and
  - 6.2.7 if you may not be aware that we have collected the information, the facts and circumstances of the collection.

## 7. Disclosure of Personal Information

- 7.1 MIBT may disclose personal information about a student to third parties for the purposes set out above in heading 6, including:
- 7.1.1 to MIBT representatives (agents) acting on a student's behalf;
  - 7.1.2 to Deakin University for the purposes of transferring academic results or information on students to determine eligibility for transfer into the second year bachelor degree;
  - 7.1.3 to any other educational institutions that provide access to units and other resources through MIBT or that any student is eligible for admission to;
  - 7.1.4 to Navitas Limited and its affiliates; and
  - 7.1.5 to MIBT's contractors including financial institutions, print and mail houses and debt collectors.

- 7.2 MIBT may also disclose personal information about a person to third parties not contemplated in this policy if:
- 7.2.1 MIBT reasonably believes that the 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;
  - 7.2.2 MIBT has reason to suspect that unlawful activity or misconduct of a serious nature that relates to MIBT's functions or activities has been, is being or may be engaged in and MIBT reasonably believes that the disclosure is necessary in order for appropriate action to be taken;
  - 7.2.3 MIBT reasonably believes that the disclosure is reasonably necessary to assist in locating a person who has been reported as missing; or
  - 7.2.4 the disclosure is required by law, regulation or a court / tribunal body.
- 7.3 MIBT may be required to collect, use and disclose personal information when each student is admitted and enrolled with the College in order to meet its obligations under a range of legislative requirements. Examples of the entities MIBT may disclose personal information and the types of personal information disclosed include:
- 7.3.1 Department of Education - statistical information about student enrolment, educational background, country of birth, or if a student has requested financial assistance with tuition fees;
  - 7.3.2 Australian Taxation Office (ATO) - in relation to FEE-HELP where a person may defer fee payment through the taxation system, their tax file number will be disclosed;
  - 7.3.3 Department of Education under the obligations of the *Education Services for Overseas Students (ESOS) Act 2000*;
  - 7.3.4 Department of Immigration - reporting requirements in respect of matters relating to students on overseas student visas under the *Migration Act 1958* and the *Migration Regulations 1994*;
  - 7.3.5 Centrelink - enrolment information on domestic students accessing Centrelink benefits;
  - 7.3.6 Allianz Global Assistance - where overseas students purchase Overseas Student Health Cover (OSHC) through MIBT; and
  - 7.3.7 Tuition Protection Scheme - tuition assurance for overseas students.
- 7.4 *Direct Marketing*
- 7.4.1 Where we have your express or implied consent, or where we are otherwise permitted by law, we may use your personal information to send you information about the services we offer, as well as other information (including enrolment reminders, study suggestions, and invitations to our surveys). We may send this information in a variety of ways, including by mail, email, SMS and telephone.
  - 7.4.2 You can opt out of receiving these communications at any time, in the following ways:
    - (a) unsubscribe links; or
    - (b) SMS reply 'STOP'.
  - 7.4.3 MIBT will not disclose or externally publish personal information to third parties who are not related to MIBT to allow them to direct market their products or services without the relevant person's consent.
- 7.5 *Cross-Border disclosure of Personal Information*
- 7.5.1 MIBT will always comply with the requirements of the Privacy Act that apply to cross border disclosures of personal information.

- 7.5.2 MIBT may also use a cloud-based service located in Chicago and Hong Kong to store and process personal information.

## **8. Use of government related identifiers**

- 8.1 MIBT will not adopt any government related identifier (such as your tax file number, or Medicare number) as our own identifier for you, unless this is permitted by the Privacy Act.
- 8.2 MIBT collects the tax file numbers of domestic students who are accessing FEE-HELP, for the purposes of disclosing this information to the Australian Taxation Office.
- 8.3 MIBT will not otherwise use or disclose a government related identifier unless this is permitted by the Privacy Act.

## **9. Access to and Correction of Personal Information**

- 9.1 Any person may request access to the personal information held by MIBT about them and to request its correction.

### *9.2 Students of MIBT*

If you are a student of MIBT, you can review and amend the personal information held about you by MIBT by logging on to your student portal or by contacting the Quality and Compliance Manager.

### *9.3 Individuals who are not students of MIBT*

- 9.3.1 If you are not a student of MIBT, you can obtain access to your personal information held by MIBT by contacting the Quality and Compliance Manager using the contact details set out in section 2 of this Policy. MIBT will generally provide you with access to your personal information, subject to some exceptions permitted by law. We will generally provide access in the manner you have requested, provided it is reasonable and practical for us to do so. MIBT may charge a fee to cover our reasonable costs of locating the information and providing it to you.
- 9.3.2 If we decide not to provide you with access to the personal information we hold about you, we will provide you with a written notice explaining why we have decided not to give you access and how you may make a complaint about our refusal to do so.
- 9.3.3 You can also contact the Quality and Compliance Manager to seek correction of any personal information held by MIBT about you. If you ask us to correct personal information held about you (or if we determine that personal information held about you is inaccurate, out of date or incomplete), we will take reasonable steps to correct the information. If we correct personal information about you and we have previously provided the information to another organisation that is subject to the Privacy Act, you may ask us to notify that other organisation and we will take reasonable steps to do so.
- 9.3.4 If you ask us to correct personal information that we hold about you and we decide not to do so, we will provide you with a written notice explaining why we decided not to correct the information and how you may make a complaint about our refusal to do so. In addition, you may ask us to attach a statement to the record of personal information stating that the information is out of date, incomplete, inaccurate or misleading, we will generally do so, subject to our legal requirements.
- 9.3.5 We will not charge you for making a request to correct your personal information.
- 9.3.6 Except in the case of more complicated requests, MIBT will endeavour to respond to access and correction requests within 30 days.

## **10. Quality, Storage and Security of Personal Information**

### *10.1 Data quality and accuracy*

10.1.1 MIBT takes reasonable steps to make sure that any personal information it collects, uses and discloses is accurate, up to date, complete and (in the case of use or disclosure) relevant.

10.1.2 Please help us to keep your personal information accurate and up to date, by letting us know about any changes, such as to your email address or phone number. As noted above, if you are an enrolled student, you may log on to your student portal to update your contact and other personal information.

### *10.2 Security of personal information*

10.2.1 MIBT takes reasonable steps to protect against loss, interference, and misuse, and from unauthorised access, modification or disclosure of all personal information under its control, as required by law.

10.2.2 All personal information that is stored on MIBT's server is password protected.

### *10.3 Destruction of personal information*

MIBT takes all reasonable steps to destroy personal information that is obsolete or no longer required by MIBT. Destruction of personal information is undertaken by secured means.

## **11. Publishing Personal Information on the MIBT Website**

11.1 MIBT will only publish personal information on its website if that information has been collected for this purpose, and only with the knowledge and consent of the individual concerned.

11.2 When giving such consent, an individual should be aware that information published on MIBT's website is accessible to millions of users from all over the world, that it will be indexed by search engines and that it may be copied and used by any web user. This means that once the information is published on our website, MIBT will have no control over its subsequent use and disclosure.

11.3 Names and email addresses of MIBT staff appearing on the website are provided with their knowledge and consent.

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

11.5 Where there are links to other sites on the MIBT website, MIBT is not responsible for the privacy practices of those businesses or organisations or for the content of those websites.

## **12. Grievance and Review Procedures**

12.1 If you believe that MIBT has failed to handle your personal information in accordance with this Privacy Policy or an APP, a formal grievance should be lodged in writing with the Quality and Compliance Manager in the first instance. Contact details for the Quality and Compliance Manager can be found in section 2 of this Policy.

## **13. Further Information**

13.1 If you have any queries about this Privacy Policy or about how MIBT handles personal information it holds about you, please contact MIBT's Quality and Compliance Manager using the contact details in section 2 of this document.

## 14. Changes to this Policy

- 14.1 We may amend this Privacy Policy from time to time. The current version will be posted on the MIBT website and a copy may be obtained from the Quality and Compliance Manager

<b>Policy Title</b>	Privacy Policy	
<b>Policy Owners</b>	Quality and Compliance Manager	
<b>Contact Persons</b>	Quality and Compliance Manager (stasek@deakin.edu.au)	
<b>Key Stakeholders</b>	All prospective and current students at MIBT	
<b>Approval Body</b>	MIBT Executive Committee	<b>Agenda item and meeting date approved</b> Item 10.1 – Meeting 08-2014
<b>Relevant Legislation</b>	<b>Education Services for Overseas Students Act 2000;</b> <b>National Code of Practice for Providers of Education and Training to Overseas Students 2007 (the National Code 2007);</b> <b>Higher Education Support Act 2003;</b> <b>Migration Act 1958;</b> <b>Migration Regulations 1994;</b> <b>Australian Privacy Principles;</b> <b>Privacy Act 1988</b>	
<b>Related Policies</b>	Grievance Procedures Relating to Non-Academic Matters	
<b>Related Guidelines</b>	N/A	
<b>File information</b>	<b>File number</b> N/A	<b>Version number</b> V3.1 - 22/05/2014
<b>Date Effective</b>	22 May 2014	<b>Next Review Date</b> 30/06/2016