

Privacy Policy

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1. Overview

These policies and procedures relating to the gathering storing and sharing of information gathered from students by the Education Centre of Australia (ECA) trading as the English Language School in Sydney (EL SIS) has been developed to comply with Legislative and Regulatory requirements and designed to ensure the effective and efficient provision of English language education and training courses and related services.

2. Legislative and Regulatory Scope

2.1. Legislative and Regulatory requirements pertaining to the gathering, storing and sharing of information about students derive from:

- [The National Code 2007 – Standard 3.1 d.](#)
- [The ESOS Act 2000 \(as amended 1 January 2007\) – Sections 19 and 175](#)
- [The ESOS Regulations 2001 – Regulations 3.01, 3.02 and 3.03](#)
- [The Privacy Act 1988, Section 14 – Information Privacy Principles](#)

2.2. Standard 3 of the **National Code, Formalisation of Enrolment**, requires providers “to set out the circumstances in which personal information about the student may be shared with others”:

3.1 The registered provider must enter into a written agreement with the student, signed or otherwise accepted by that student (or the student’s parent or legal guardian if the student is under 18 years of age), concurrently with or prior to accepting course money from the student. The agreement must:

....

- d. set out the circumstances in which personal information about the student may be shared between the registered provider and the Australian Government and designated authorities and, if relevant, the Tuition Assurance Scheme and the ESOS Assurance Fund Manager. This information includes personal and contact details, course enrolment details and changes, and the circumstance of any suspected breach by the student of a student visa condition; and

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3. Organisational Scope

3.1. Education Centre of Australia trading as the English Language School in Sydney’s role as an education provider requires the collection, storage and use of personal information relating to its students. Personal information can be collected and stored in electronic and/or paper format.

3.2. The range of information which may need to be collected from students includes:

- about the student: full name, gender, date and country of birth and nationality; and once the student has established an address in Australia, the student’s residential address
- about the course: the CRICOS course code, agreed starting date and if the student did not begin the course when expected; the expected completion date, and any termination of the student’s enrolment prior to the expected completion date; and any change to the identity or duration of the course
- about course money: the amount of money the provider has received prior to issuing a CoE, and an estimate of the total amount the student will be required to pay to undertake the full course
- about health insurance: whether the student has paid for Overseas Student Health Cover (OSHC) before the course start date
- about English language proficiency: whether the student has undertaken a test to determine his or her level of understanding of English, the name of the test and the score the student received for the test.

- about the student's visa: The Department of Immigration and Border Protection (DIBP) office where the application for a student visa was made or is expected to be made; and if the student holds a student visa, the number of the visa; and once studying in Australia, the student's local DIBP office
 - about the student's passport: if the student was in Australia when he or she became an accepted student, the student's passport number
 - about any breaches of student visa conditions relating to attendance or satisfactory academic performance.
- 3.3. Additionally, Education Centre of Australia trading as the English Language School in Sydney will collect from users of the College's website, anonymous information for statistical purposes, such as internet protocol address, date and time of request, files accessed, information entered into web forms, etc.
- 3.4. Privacy considerations apply to a great deal of information Education Centre of Australia trading as the English Language School in Sydney may hold about its applicants, including personal data (address, age, enrolment status, etc.), academic progress (examination results, evaluation and assessment and academic standing) and personal welfare (family matters, medical matters, financial matters, attendance etc.).
- 3.5. The overall responsibility for privacy of information for the Education Centre of Australia resides with the Principal Executive Officer, with the day to day management delegated to the English Language School in Sydney Director of Studies (DoS) or Assistant Director of Studies (ADoS). The Director of Studies is the first point of contact for privacy matters including general information, requests to access and/or amend personal information, and for internal review and resolution of complaints.

4. Policy Principles

- 4.1. Students are entitled to protection of their privacy. The Education Centre of Australia trading as the English Language School in Sydney recognises its legislative, regulatory and ethical obligations with regard to the collection, storage and use of students' personal information and will take necessary measures to ensure privacy is protected.
- 4.2. All information collected is for the purpose of the operations of the College, or where dictated by legislative guidelines.
- 4.3. All students have the right to access their personal information held by the College.
- 4.4. All new students are required to complete a 'Privacy' section during the enrolment process and have the option of selecting 'yes' or 'no' to release information to parents, agents, teachers and the College. Students can change their preference at any time by completing a **Student Request** form.
- 4.5. Generally, personal information is collected directly from the individual, although there may be occasions when information is collected from third parties, such as partner colleges or universities or a publicly maintained record. If an individual does not provide information requested, service provision may be impacted.
- 4.6. Unauthorised attempts to access or tamper with information held by Education Centre of Australia trading as the English Language School in Sydney may lead to the gathering of more extensive information than usual, and possible legal action.

5. Policy Content

5.1. Use of Personal Information

- 5.1.1. All information collected is for the purposes of the operations of the Education Centre of Australia trading as the English Language School in Sydney, or where dictated by legislative guidelines. For example, administering and managing the services provided to prospective and current students, including admissions, enrolment, education, billing, maintaining its information technology services, data storage, marketing the services of Education Centre of Australia trading as the English Language School in Sydney, hiring and managing employees and contractors, evaluating and improving service provision and facilitating articulation to other Colleges/Universities which ELSIS currently has a formal pathway with.
- 5.1.2. Education Centre of Australia trading as the English Language School in Sydney may engage other companies to provide services, which will need access to personal information to perform the service, such as an offshore cloud-based electronic storage service. All disclosers accept that entities located outside of Australia are not required to comply with Australian privacy laws.
- 5.1.3. Education Centre of Australia trading as the English Language School in Sydney staff may require access at times to personal information about students. To the extent that the information is private, ECA will restrict access to those staff who may need the information in order to carry out their responsibilities in the personal and/or academic interests of students.
- 5.1.4. Other than to confirm that individuals are, or have been, a student at the College, Education Centre of Australia trading as the English Language School in Sydney will not disclose personal information about students to other students, to people outside of ECA (other than in accordance with any legal or academic obligations) or to staff who have no need of access to the information, unless students advise ECA trading as ELSIS in writing, that they have given permission.
- 5.1.5. For students 18 years of age and over, Education Centre of Australia trading as the English Language School in Sydney will not release any information it holds about students, including the address, or results, even to parents or close relatives, without securing prior permission from the student.
- 5.1.6. For students under the age of 18 years (minors), information regarding study, fees or any other relevant information will be provided to parents upon request.

5.2. Disclosure of Personal Information

- 5.2.1. As a general rule, Education Centre of Australia trading as the English Language School in Sydney will not use or disclose personal information unless the person about whom the information relates is aware of, or has consented to, the use or disclosure of their information.
 - By providing their personal information, students consent to Education Centre of Australia trading as the English Language School in Sydney to use their information to contact them on an ongoing basis in order to provide them with marketing information ELSIS thinks would be of interest to them, including by mail, email, SMS and telephone.

- If a student is alleged to have committed an offence, the Education Centre of Australia trading as the English Language School in Sydney may be requested to assist the police or other authorized persons by providing personal information about that student for enforcement of the law;
- If a student transfers to another institution Education Centre of Australia trading as the English Language School in Sydney may release to that institution information about the academic progress at ELSIS, although normally the student will have consented to this in their application to the new institution;
- Disclosure information as necessary to prevent or lessen a serious and or imminent threat to the life or health of the student or of another person. In this situation, the disclosure of information will be approved by the Principal Executive Officer of ECA.

5.2.2. Personal information may be disclosed where an individual has consented to the disclosure, and a common example is where students permit the release of information to their agent or parents.

5.2.3. In rare circumstances information in regard to an individual may be disclosed where:

- there is a serious and imminent threat to a person's life, health or safety;
- there is a requirement under law, or authorised by law, or
- there is a requirement under an enforcement body.

5.2.4. Education Centre of Australia trading as the English Language School in Sydney will not disclose or externally publish personal information to third parties, or allow them to directly market their products or services without the individual's consent. Further, Education Centre of Australia trading as the English Language School in Sydney will not sell or receive payment for licensing or disclosing personal information. In the instance where there are links to other sites, Education Centre of Australia trading as the English Language School in Sydney is not responsible for the privacy practices or the content of such websites.

5.3. Statutory Requirements for Collection and Disclosure of Personal Information

5.3.1. Education Centre of Australia trading as the English Language School in Sydney is required to collect and disclose information during a student's admission to and enrolment with ELSIS in order to meet its obligations under a range of legislative requirements.

5.3.2. The information may be shared between the Australian Government and designated authorities and, if relevant, the Tuition Protection Service (TPS) for the purposes of:

- promoting compliance with the ESOS Act and the National Code;
- assisting with the regulation of providers;
- promoting compliance with the conditions of a particular student visa or visas, or of student visas generally; or

- facilitating the monitoring and control of immigration.

5.3.3. Common examples of the disclosure of information include:

- Tertiary Education Quality and Standards Agency (TEQSA) – information relating to staff qualifications and professional development and student performance and satisfaction levels.
- Overseas Student Ombudsman – where an overseas student lodges an appeal against a decision of the College, Education Centre of Australia trading as the English Language School in Sydney will be required to respond with personal information relating to the student's case.
- Department of Immigration and Border Protection (International students)-reporting requirements of matters related to students on student visas.
- OSHC - where international students opt to pay their Overseas Student Health Cover through Education Centre of Australia trading as the English Language School in Sydney.
- Tuition Protection Service - tuition assurance for international students.

5.4. Student Access to Personal Information

- 5.4.1. All students can access their personal information held by Education Centre of Australia trading as the English Language School in Sydney.

5.5. Ensuring Student Awareness of Personal Information Collection and Disclosure Requirements

5.5.1. To ensure that all potential students are made fully aware of Education Centre of Australia's (trading as the English Language School in Sydney) legislative and regulatory responsibilities relating to the collection, storage and disclosure of students' personal information, the following notice will be included on the Education Centre of Australia and the English Language School in Sydney website **online Enrolment Portal**:

Information is collected on this form and during your enrolment in order to meet our obligations under the ESOS Act and the National Code 2007; and 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 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 2007. Information collected about you on this form and during your enrolment can be provided, in certain circumstances, to the Australian Government and designated authorities and, if relevant, the Tuition Protection Service. In other instances, information collected on this form or during your enrolment can be disclosed without your consent where authorised or required by law.

6. Storage and Security of Personal Information

- 6.1. Education Centre of Australia trading as the English Language School in Sydney ensures 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, no system is 100% secure and to the extent permitted by law, ECA trading as ELSIS excludes any liability in contract, tort or otherwise for any security breach.
- 6.2. Education Centre of Australia trading as the English Language School in Sydney takes all reasonable steps to destroy hard copies of personal information that is no longer required, and destruction of personal information is undertaken by secured mean.

7. Complaints and Review Procedures

- 7.1. If an individual believes that their personal information has not been dealt with in accordance with the Commonwealth Privacy Act 1988 and the Privacy Amendment (Private Sector) Act 2000 they may lodge a Complaint by completing and lodging an **EL SIS Student Complaint Form**. The complaint should be lodged with Student Services in the first instance for resolution. Where appropriate, supporting documentation can be submitted with the Complaint Form. All complaints will be investigated according to the **ECA Complaints and Appeals Policies and Procedures**.

8. Administrative procedures

- 8.1. Education Centre of Australia trading as the English Language School in Sydney provides a policy library which includes policies of particular importance to student life. Students are strongly recommended to visit the Education Centre of Australia trading as the English Language School in Sydney *Policy and Procedures Library* at our website <http://www.elsis.edu.au>
- 8.2. Administrative and Sessional staff will be provided with this policy at induction.
- 8.3. All staff will be informed of any changes to this policy by their respective line managers.
- 8.4. If you have any questions about this privacy statement, the practices of this site, or your dealings with this site, you can contact: info@elsis.edu.au

9. Definitions

- **DIBP:** Department of Immigration and Border Protection: The Australian government agency responsible for issuing students with visas.
- **Personal Information:** includes any information or opinion about an individual whose identity is apparent or can be readily identified from the information or opinion. For further information, visit the website.
- **Types of Personal Information:** Name, date of birth, phone number, email address, address, nationality, educational history and staff or student identification numbers.

Policy and Procedures Responsibilities, Review and Linkages

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Custodian:	ECA Principal Executive Officer		
Responsible Officers:	ELSIS Director of Studies ELSIS Assistant Director of Studies ECA Governance, Quality Assurance and		
Supporting Documents, Procedures & Forms:	ECA Website ELSIS Website ECA Complaints and Appeals Policies and Procedures ECA Formalisation of Enrolment Policy and Procedures		
References & Legislation:	Education Services for Overseas Students Act 2000 Education Services for Overseas Students Legislation Amendment (Tuition Protection and Other Measures) Act 2011 The ESOS Regulations 2001 National Code of Practice for Providers of Education and Training to Overseas Students 2007 The Privacy Act 1988		