

1. Purpose

This policy relates to students enrolled by the divisions of Niche Education Group Pty Ltd (Niche) and by its Training Partner Organisations (TPOs), including:

- Australasian Academy of Cosmetic Dermal Science (AACDS),
- Australian College of Beauty Therapy (ACBT),
- Australian College of Specialist Make-Up (ACSM),
- Australasian College of Massage & Myotherapy (ACMM),
- and all current TPOs who advertise, market deliver and assess on behalf of Niche Education in relation to Niche's Scope of Registration.

Niche is committed to managing personal information in an open and transparent way and the Full Privacy Policy, detailed below, outlines the management of personal information collected by Niche.

Niche takes reasonable steps in implementing the procedures, practices and systems outlined in this policy to ensure that Niche complies with the Privacy Act 1988 (the Act) and to the requirements of the [Australian Privacy Principles](#) (APPs) contained in the Privacy Act to ensure the privacy of all student and models used for training purposes and is able to deal with any inquiries or complaints from individuals about Niche's compliance with the Privacy Policy.

2. Definitions

CHESSN – Commonwealth Higher Education Student Support Number

National Code – National Code of Practice for Providers of Education and Training to Overseas Students 2018

RTO – Registered Training Organisation

Sensitive information - The APPs place more stringent obligations on Niche when handling 'sensitive information'. Sensitive information is a type of personal information and includes information about an individual's:

- health (including predictive genetic information)
- racial or ethnic origin
- political opinions
- membership of a political association, professional or trade association or trade union
- religious beliefs or affiliations
- philosophical beliefs
- sexual orientation or practices
- criminal record
- biometric information that is to be used for certain purposes
- biometric templates.

TFN – Tax File Number

Training Partner Organisations (TPO) - any organisation that provides services on behalf of Niche Education Group Pty Limited, including training, assessment, related educational and support services, and/or any activities related to the recruitment of prospective domestic Students. As the lead Registered Training Organisation (RTO) under such arrangements, Niche Education Group Pty Limited (Niche) is responsible for ensuring all such services provided are in accordance with statutory obligations.

USI – Unique Student Identifier

3. Overview

Summary of Policy

A student's personal information collected by or on behalf of Niche will not be released to a third party without the student's written consent except where:

- Disclosure of the information is for the purpose for which it is collected;
- Disclosure of the information is necessary to prevent or lessen a serious and imminent threat to the life or health of the student concerned or to another person.
- Niche is required to provide information under the Rule of Law.

Kinds of personal information Niche collects and holds:

Identity (Name, date of birth, gender)
Contact details (phone, residential & postal address, email, emergency contact)
Government / Educational identifiers (CHESSN, USI, TFN)
Ethnicity
Australian Citizenship / Residency details
Disability, Medical conditions
Prior education
Visa & Immigration details (overseas students)
Employment information

How Niche collects personal information:

Enquiry forms
Application forms
Enrolment contract
electronic Commonwealth Assistance Form (eCAF)
Pre-enrolment interview
Payment plan contracts
Returned invoice / Payment remittance
Deferral / Re-scheduling / Extension and Cancellation forms
Website

How Niche holds personal information:

Student Management System
Accounting software
Emails – Exchange server
Server
Google analytics

The purposes for which Niche collects, holds, uses and discloses personal information:

Reporting to relevant government, regulatory, funding or industry bodies including but not limited to the Department of Education, Australian Skills Quality Authority, Department of Immigration and Border Protection, National Centre for Vocational Education Research
Enrolling students in suitable courses, provision of education, issuing of qualifications
Tailoring education to specific needs of individual (language, disabilities, medical conditions, etc.)
Invoicing students
Connecting students with potential employers – Recruitment site (where requested)
Connecting students with participating clinics in the clinical placement program (where requested)
Third Party Organisations (TPOs) or Third Party Practical Training Clinics providing training on behalf of Niche
Assessing eligibility to and facilitating the process of Government assistance programs and VET Student Loan (including the previous VET FEE-HELP) schemes
Overseas agents for payment of commissions
Tuition Protection Services (overseas students), Australian Council for Private Education and Training (ACPET) tuition assurance matters
Direct marketing (unless indicated otherwise)
Communicating with relevant people in the event of an accident or emergency
Professional advisors including but not limited to external accountants and auditors, lawyers, etc.

How an individual may access personal information about the individual that is held by Niche and seek the correction of such information:

Requests to access the personal information that can be directed to Niche using the contact details below.

officemanager@niche.edu.au

In order to ensure that we fully understand the nature of your request, we prefer that you make your request in writing. Niche will make further attempts to identify you prior to releasing the information

The *Freedom of Information Act 1982* also provides you with an opportunity to request access to documents in our possession. For more information about FOI please go to the [Freedom of Information](#) page.

How an individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds Niche, and how Niche will deal with such a complaint;

If you think we may have breached your privacy you may contact us to make a complaint using the contact details below.

officemanager@niche.edu.au

Or you may access our Academic and **Non-Academic** Grievance Policy & Procedure available at www.nicheeducation.edu.au/policies-and-procedures

In order to ensure that we fully understand the nature of your complaint and the outcome you are seeking, we prefer that you make your complaint in writing.

Niche is likely to disclose personal information to overseas recipients;

Overseas Agents for payment of Commissions (overseas students)

Course Assessors (not located in Australia)

4. Responsibility

The Chief Executive Officer (CEO) is responsible for implementation of this policy and procedure and ensuring all staff and third party providers are fully trained in its operation and students are made aware of its availability prior to their enrolment in a course.

Niche Student Services is responsible for providing support on the application of this policy and maintaining this policy.

5. Policy

Full APP Privacy Policy

The information requested as part of enrolment and throughout the course duration is used only for administration and maintaining student records at Niche or the location of the delivery and assessment of the relevant training. This information is confidential with access generally only available to administration and lecturing/training staff.

Concerns about Privacy

Individuals have the option of not identifying themselves, or of using a pseudonym, when dealing with Niche in relation to a particular matter unless it is impractical to do so, or the required outcome relies on the student identifying themselves.

Collection of Solicited Personal Information

Niche will only collect personal information reasonably necessary for use of enrolling, administering and teaching the student; to fulfil any reporting requirements related to a student's study; and to conduct the administration of the RTO.

Niche will generally only collect personal information from the person and always only by lawful and fair means. Niche may collect information from someone other than the individual only with the consent of the student or as is required under an Australian law or a court/tribunal order.

Unsolicited Personal Information

If Niche received personal information and Niche did not solicit the information:

- If Niche determine within in a reasonable period that they could have collected the information by ordinary means as if Niche had solicited the information, Niche may use or disclose the personal information.
- If Niche determine within in a reasonable period that they could not have collected the information and the information is not contained in a Commonwealth record, Niche will destroy the information or ensure that the information is de-identified (if it is lawful and reasonable to do so).

Notification of the Collection of Personal Information

As soon as practicable after collecting personal information:

- not provided directly by the student
- It is reasonable to expect that the student may not be aware that the type of information may be collected

Niche will take steps to notify the individual of the information collected and the reason for collecting, holding and using the information, if it is reasonable to do so.

Dealing with Personal Information

Use or Disclosure

If Niche holds personal information about an individual that was collected for a particular purpose (the primary purpose), Niche will not use or disclose the information for another purpose (the secondary purpose) unless:

- a. the individual has consented to the use or disclosure of the information; or
- b. One of the below applies in relation to the use or disclosure of the information:
 - a. the individual would reasonably expect Niche to use or disclose the information for the secondary purpose and the secondary purpose is:
 - i. if the information is sensitive information — directly related to the primary purpose; or
 - ii. if the information is not sensitive information — related to the primary purpose; or
 - b. the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
 - c. a permitted general situation exists in relation to the use or disclosure of the information by Niche; or
 - d. Niche reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

Direct Marketing

Niche may use or disclose personal information (other than sensitive information) about an individual for the purpose of direct marketing if:

- a. Niche collected the information from the individual and the individual would reasonably expect Niche to use or disclose the information for marketing purposes;
- b. the individual consented to the use or disclosure of information for the purpose of direct marketing

When directly marketing to the individual Niche will provide a simple means by which the individual may easily request not to receive direct marketing communications from the organisation.

Cross-border Disclosure of Personal Information

Before Niche discloses personal information about an individual to a person (the overseas recipient):

- a. who is not in Australia or an external Territory; and
- b. who is not Niche or the individual;

Niche will take such steps as are reasonable in the circumstances to ensure that the overseas recipient does not breach the Australian Privacy Principles in relation to the information.

The above does not apply to the disclosure of personal information about an individual by Niche to the overseas recipient if:

- a. Niche reasonably believes 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. Niche expressly informs the individual that if he or she consents to the disclosure of the information, the above 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.

Adoption, use or Disclosure of Government Related Identifiers

Adoption of government related identifiers

Niche will not adopt a government related identifier of an individual as its own identifier of the individual unless required to do so by or under an Australian law or a court/tribunal order.

Use or disclosure of government related identifiers

Niche will not use or disclose a government related identifier of an individual unless:

- a. the use or disclosure of the identifier is reasonably necessary for to verify the identity of the individual for the purposes of the organisation's activities or functions; or
- b. the use or disclosure of the identifier is reasonably necessary for Niche to fulfil its obligations to an agency or a State or Territory authority; or
- c. the use or disclosure of the identifier is required or authorised by or under an Australian law or a court/tribunal order; or
- d. Niche reasonably believes that the use or disclosure of the identifier is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

Tax File Numbers

The following information is provided to comply with Niche's obligation under Rule 14(1) of the Privacy (Tax File Number) Rule 2015 (TFN Rule).

Purpose of collection

A tax file number (TFN) is a unique identifier issued by the Commissioner of Taxation. Niche may collect TFNs for the following purposes:

- to administer the VET FEE-HELP and VET Student Loan scheme

You are not legally obliged to quote your TFN but there may be financial consequences where you chose not to quote it.

Certain Commonwealth legislation prohibits the collection, recording, use and disclosure of TFN information. Relevantly:

1. the TFN Rule and the Taxation Administration Act 1953 (Cth) (TAA) contain prohibitions on:
 - a. requiring, requesting or collecting TFN information for unauthorised purposes (TFN Rule 8(1) and subsection 8WA(1) of the TAA).
 - b. recording, using or disclosing TFN information unless permitted under taxation, personal assistance or superannuation law (TFN Rules 9 and 10; and subsection 8WB(1) of the TAA).

Individuals who consider that their TFN information has been mishandled may make a complaint to the Australian Information Commissioner (OAIC).

2. The Higher Education Support Act 2003 (HESA) is a taxation law within the definition contained in TFN Rule 6(2). In collecting, recording, using and disclosing tax file numbers under HESA the department, the Australian Taxation Office, VET providers must not contravene sections 8WA and 8WB of the TAA.

Further information

If you would like further information about protections surrounding tax file numbers you may wish to consult:

- The Office of the Australian Information Commissioner's website (<https://oaic.gov.au/privacy-law/privacy-act/tax-file-numbers>).
- The TFN Rule which regulates the collection, storage, use, disclosure, security and disposal of individuals' tax file number (TFN) Information. The TFN Rule is available on the Federal Register of Legislation website (<https://www.legislation.gov.au/Details/F2015L00249>).

Integrity of Personal Information

Quality of Personal Information

Niche will take such steps (if any) as are reasonable in the circumstances to ensure that the personal information that Niche collects, uses or discloses is accurate, up-to-date and complete and relevant.

Security of Personal Information

If Niche holds personal information, Niche 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. Niche holds personal information about an individual; and
- b. Niche no longer needs the information for any purpose for which the information may be used or disclosed by Niche; and
- c. the information is not contained in a Commonwealth record; and
- d. Niche is not required by or under an Australian law, or a court/tribunal order, to retain the information;

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

Access to, and Correction of, Personal Information

Access

If Niche holds personal information about an individual, Niche will, on request by the individual, give the individual access to the information except where:

- a. Niche reasonably believes 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 Niche 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 Niche 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. Niche 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;
 - 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 Niche in connection with a commercially sensitive decision-making process.

Dealing with Requests for Access

Niche will respond to the request for access to the personal information within a reasonable period after the request is made; and give access to the information in the manner requested by the individual, if it is reasonable and practicable to do so.

Niche will provide written notice of the reasons for any refusal to provide access to information and advise the individual how they can complain about the refusal.

Niche does not charge for giving access to personal information where access is not refused.

Correction of Personal Information

If Niche is 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 the individual requests the entity to correct the information; Niche will take such steps (if any) as are reasonable in the circumstances 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.

If Niche corrects personal information about an individual that the entity previously disclosed to another entity and the individual requests Niche to notify the other entity of the correction; Niche will take such steps (if any) as are reasonable in the circumstances to give that notification unless it is impracticable or unlawful to do so.

Niche will provide written notice of the reasons for any refusal to correct the personal information and advise the individual how they can complain about the refusal.

If a request is made Niche will respond within a reasonable period after the request is made and will not charge the individual for the making of the request, or correcting the personal information.

6. Statutory and Regulatory Compliance

The following should be considered when applying the Student Personal Information Policy:

- [Australian Privacy Act 1988](#)
 - [Australian Privacy Principles](#)
- [Children and Young Persons \(Care and Protection\) Act 1998](#)
- [ESOS Act 2000](#)
 - [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#)
- [Freedom of Information \(FOI\) Act, 1989](#)
- [Higher Education Support Amendment Act 2015](#)
- [Public Finance & Audit Act 1983](#)
- [Student Identifiers Act 2014](#)

7. Publication

Niche's privacy policy is made available on the Niche's website. A copy of the policy is available by sending a request to officemanager@niche.edu.au or by requesting one via phone or in person at the reception of Niche Head Office.

Policy Version Details	
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