

# PRIVACY POLICY

## Purpose

This policy describes the way ESS collects, holds, and uses Personal Information that is covered by the Privacy Act.

## Scope

This policy does not cover categories of Personal Information that are not covered by the Privacy Act.

## Outcomes

The intended outcomes of this policy are to provide information to:

- ensure ESS complies with the relevant legislation, policies, and standards.
- ensure consistent application of the policy.
- provide transparency in relation to ESS's approach to managing the privacy of personal information collected.

## Definitions

**Client** – means a student.

**ESS staff** – means all staff of ESS, including full-time, part-time, casual staff and contractors.

**Personal information** – means information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information is true or not, and whether recorded in a material form or not.

## Legislation

The following requirements are used as the basis for the policy.

- [National Vocational Education and Training Regulator Act 2011 \(NVR Act\)](#)
- Vocational Education and Training Act 1996 (WA)  
[https://www.legislation.wa.gov.au/legislation/statutes.nsf/main\\_mrtitle\\_1030\\_homepage.html](https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1030_homepage.html) [Freedom of Information Act 1982](#)
- [Privacy Act 1988](#)

## **Policy**

Energy Skills Solutions (ESS) is committed to protecting a client's personal information collected for purposes that are directly related to our functions or activities.

### **Personal information handling practices**

#### **Collection**

Generally, personal information is collected from a client for ESS to carry out our functions properly and efficiently.

ESS only collects personal information for purposes that are directly related to our functions or activities under the *National Vocational Education and Training Regulator Act 2011* (NVR Act) or *the Freedom of Information Act 1982* (FOI Act), and only when it is reasonably necessary for or directly related to ESS functions.

ESS usually collects personal information from the client, or the client's employer.

ESS can collect personal information from a third party, but only if the client consents to this collection, or they would reasonably expect us to collect their personal information in this way.

#### **Notification**

ESS will take reasonable steps to notify the client, or otherwise ensure the client is aware of the purpose for which the information is collected and the other parties it will be disclosed to.

#### **Use and disclosure**

Generally, ESS will only use personal information for the primary purposes for which it was collected. There are a few exceptions to this, such as when we have notified the client, or the client would reasonably expect, that information is usually used in this secondary way.

Information may also be shared with state and territory government and other Australian Government authorities, occupational licensing bodies, and others in accordance with the information sharing provisions contained in the NVR Act or the provisions of the Privacy Act.

#### **Direct marketing**

ESS will only use a client's personal information for direct marketing purposes or disclose a client's personal information to a third party for direct marketing purpose, where the client has provided ESS with their written consent.

#### **Data quality**

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

## **Data security**

ESS takes steps to protect the personal information we hold against loss, unauthorised access, use, modification, or disclosure, and against other misuse.

When no longer required, personal information is destroyed in a secure manner, or deleted in accordance with ESS's Records Management Policy.

## **Access and correction**

A client can request access to their personal information under the Privacy Act or the *Freedom of Information Act 1982*.

A client can also request that ESS corrects the personal information it holds about them. ESS won't charge for these requests and will respond within 30 days. ESS can refuse both access and correction requests in particular situations, however, if this occurs the reasons for this will be provided.

## **Complaints**

If a client wishes to lodge a complaint about how ESS handles personal information or if the client feels that ESS has breached the Privacy Act, the client can contact ESS and discuss the complaint or lodge a formal complaint.

ESS will manage the complaint in line with its client complaints policy and procedure.

ESS will take reasonable steps to ensure clients are aware of how to lodge a complaint about a breach of the Privacy Act.

## **Responsibilities**

ESS management is responsible for:

- implementing the policy
- monitoring compliance with the policy
- addressing any non-compliance to the policy
- reviewing the policy and changes to the policy
- complying with the policy

ESS staff are responsible for:

- identifying changes to the policy
- complying with the policy

All inquiries and issues related to the policy are to be directed to ESS.

# Document Management

## Author/Custodianship

Responsibilities	Name
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Ashleigh Andrews	Administration Coordinator
Administration	Administration support staff
Trainers	Trainer Assessors

## Document version history

Version	Date	Amendment
3.0	01/04/2024	General review and update

## Related/referenced documents

Document title	
<a href="#">National Vocational Education and Training Regulator Act 2011 (NVR Act)</a>	<a href="#">Freedom of Information Act 1982</a> <a href="#">Privacy Act 1988</a>
Vocational Education and Training Act 1996 (WA)	

**NEXT REVIEW DATE:**                      **1<sup>st</sup> APRIL 2026**

**APPROVED BY:**



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 (Signature of approving officer)

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