COMMONWEALTH OMBUDSMAN

Vet Student Loans Industry Code of Practice

August 2020

Privacy Impact Assessment Report – Contents

Introduction:
Role of the OAIC and purpose of a Privacy Impact Assessment.

PRIVACY IMPACT ASSESSMENT

Role of OAIC

Note: The Privacy Act gives the Information Commissioner (IC) a power to direct an agency to provide a PIA to the OAIC, if the Commissioner considers that a proposed activity or function of the agency might have a significant impact on the privacy of individuals. (s33D Privacy Act) This includes when the agency proposes to engage in a new activity or function, or substantively change an existing activity or function e.g. a substantive change to the system that delivers an existing function or activity.

What is a Privacy Impact Assessment (PIA)?

A Privacy Impact Assessment (PIA) is a systemic assessment of a project that may have privacy implications. The term project includes:

- policy proposal
- new or amended legislation
- new or amended program, system or database
- new methods or procedures for service delivery or information handing
- changes to how information is stored

The PIA identifies the impact that the project might have on the privacy of individuals and sets out recommendations for managing, minimising or eliminating adverse impacts. It will go beyond assessing the project's risk of non-compliance with privacy legislation and identify controls to mitigate the risk.

This PIA will also consider the broader privacy implications and risks, including whether the planned uses of personal information in the project will be acceptable to the community.

This PIA should be prepared with reference to the Commonwealth Ombudsman's Privacy Impact Assessment Guidelines (attached to the Privacy Policy)

VET Student Loans Industry Code of Practice

It is a function under section 20ZM of the *Ombudsman Act 1976*, (the Act) for the VET Student Loans Ombudsman (VSLO):

> *1 (c) to develop and promote, and to review from time to time, a code of practice relating to the following:*
>
> *(i) the provision of services to VET students by VET student loan scheme providers in relation to VET loan assistance;*
>
> *(ii) the handling of complaints made by VET students to VET student loan scheme providers in relation to VET loan assistance.*

1. Threshold Assessment

a) Will any personal information be collected? If yes, record a brief description of the personal information that will be collected, used or disclosed (such as name, address, date of birth, health information etc.).

The development of the VET Students Loans industry Code of Practice requires consultation with a broad range of external stakeholders.

Stakeholder contact information such as name, role, organisation, address, email, and phone number will be collected to facilitate the consultation process. The majority of this information will be obtained via publically available sources such as the Department of Education, Skills and Employment's VSL provider lists, training.gov.au and stakeholder websites.

The project will involve a two stage consultation process. The first stage is to obtain general information and views from stakeholders on any gaps and issues with the existing VET Student Loans regulatory framework and how a code of practice could add value. The second stage will involve seeking feedback from stakeholders on the draft Code of Practice. Both stages of the consultation process will not require the disclosure of any personal information, however it is possible in the provision of information and feedback to the Office that stakeholders may provide examples that could contain personal information.

Based on the above it has been determined that a Privacy Impact Assessment is required.

2. Plan the PIA.

General Description

Name of Program: VET Student Loans Industry Code of Practice
Date: 10 July 2020
Name of Section/Branch: Students Team, Industry Branch
PIA Drafter: Lisa De Marco
Email: lisa.demarco@ombudsman.gov.au Phone: 03 9667 2527
Program Manager: Sharna Ansah
Email: Sharna.ansah@ombudsman.gov.au Phone: 03 9667 2538

Definition – Project: For the purpose of this document, the term project is intended to cover the full range of activities and initiatives that may have privacy implications including:

- policy proposals,
- new or amened legislation, programs, activities, systems or databases,
- new methods or procedures for service delivery or information handling, or
- changes to how information is stored.

3. Describe the Project

A PIA needs a broad 'big picture' description of the project. It should be kept fairly brief.

The project is to develop a Vet Student Loans industry Code of Practice. The development of the Code of Practice requires consultation with a range of external stakeholders to inform the focus, content and objectives of the Code.

Consultation will occur in two stages. Firstly as a scoping activity and secondly to seek feedback on the draft Code of Practice.

The Code of Practice will be published for voluntary adoption by VET Student Loan scheme providers.

4. Identify and consult with stakeholders

We intend to consult broadly with the government agencies and external organisations outlined below to ensure the Code of Practice we develop is meaningful and adds value to the sector:

- VET Student Loans providers
- VET Industry groups - Independent Tertiary Education Council of Australia (ITECA), TAFE Directors Australia, Australian Education Union
- VET Student bodies - Student Associations
- Department of Education, Skills and Employment (DESE)
- Australian Quality Skills Authority (ASQA)
- Training and Accreditation Council Western Australia (TAC)
- Victorian Registration and Qualifications Authority (VRQA)
- Tuition Protection Service (TPS)
- Australian Competition and Consumer Commission (ACCC)
- State and Territory consumer affairs and fair trading bodies

Provide key privacy elements

Key privacy elements to be managed are:

- Private information of external stakeholders such as business addresses and telephone numbers and any information they have communicated to our Office regarding the Code of Practice.

5. Map Information Flows

Describe and map the project's personal information flows.

VERIFICATION

Identity verification will not be necessary due to the nature of the information collected. Staff contact details of the organisations consulted will be included in emails to our Office.

COLLECTION

Personal information such as names, business addresses, phone numbers, email addresses, role title and organisational information. Personal information will not be requested when consulting with stakeholders to obtain general information and views on gaps and issues with the existing VET Student Loans regulatory framework and how a code of practice could add value, however it is possible a stakeholder could provide personal information as part of its response to the Office.

USE

Contact for VSL Code of Practice stakeholder consultation activities. No personal information provided by a stakeholder during the consultation process would be used in the Code of Practice.

DISCLOSURE

The Office will not be disclosing the contact or personal information received from a stakeholder as a result of the consultation process.

INFORMATION QUALITY

It is the responsibility of the stakeholder to provide accurate information. If the information provided is inaccurate this may affect our ability to effectively communicate with the stakeholder.

SECURITY

Information collected will be stored within Objective and will be accessed by Industry Branch staff as required.

RETENTION AND DESTRUCTION

Material will be retained and destroyed in accordance with the *Archives Act 1983.*

ACCESS AND CORRECTION

Code of Practice project documentation, including the personal information of stakeholders, will be stored in Objective and accessed only as needed. Information will be updated on an ad hoc basis.

6. Privacy Impact Analysis and Compliance Check

PRIVACY IMPACT ANALYSIS

The privacy impact analysis should attempt to determine whether the project has acceptable privacy outcomes, or unacceptable privacy impacts.

The information collected will have the potential to be used to identify specific persons, the organisations they work for, their role in the organisation, and their participation in consultation regarding the VSL Code of Practice development. We do not foresee that any of information collected will have particular sensitivity. We do not intend to publish the list of stakeholders, and the information will be appropriately stored. The project therefore has acceptable privacy outcomes.

ENSURING COMPLIANCE

You will need to consider whether your project complies with each of the Australian Privacy Principles (APPs).

#	Description of the privacy principle *(These can be deleted from your final report if they're not relevant to your project)*	Summary of personal information involved, use and process to manage	Assessment of compliance	Link to risk assessment (if required)
1	Principle 1 – Open and transparent management of personal information The agency must have a clearly expressed and up to date APP privacy policy about the management of personal information by the agency.	*Personal information which may include name, role title, phone number, email address and organisation's location.* *This information may be used by internal staff to undertake/complete tasks and prepare discussions.*	*Complies*	
2	Principle 2 – Anonymity and pseudonymity Individuals must have the option of not identifying themselves, or of using a pseudonym, note exceptions.to this rule apply.	*Personal information which may include name, role title, phone number, email address and organisation's location.*	*Complies* *As per subclause 2.2(b) of the Privacy Act 1988, it is impracticable for the Office to deal with individuals who are not identified or are recorded under a pseudonym.* *While the above normally applies to complainants, anonymous participation in the consultation would also be impracticable.*	
3	Principle 3 – Collection of solicited personal information Limits apply to only collect information where the information is reasonably necessary for or directly related to one or more of the agency's functions or activities.	*Personal information which may include name, role title, phone number, email address and organisation's location.* *This information may be used by internal staff to undertake/complete tasks and prepare discussions.*	*Complies*	

#	Description of the privacy principle *(These can be deleted from your final report if they're not relevant to your project)*	Summary of personal information involved, use and process to manage	Assessment of compliance	Link to risk assessment (if required)
4	Principle 4 – Dealing with unsolicited personal information Determine whether or not the agency could have collected the information under APP 3. If not, where it is lawful and reasonable to do so destroy or de-identify the information.	*All information collected is essential to consultation activiy.*	*Complies*	
5	Principle 5 – Notification of the collection of personal information Inform the person what information you are collecting, the purpose or use of the information and how they may access or complain about the use of the information. Also inform them if the agency is likely to disclose the information to overseas recipients.	*Personal information which may include name, role title, phone number, email address and organisation's location.* *The majority of personal information collected will be through publicly available sources, where this is not available the organisation will be advised that we require the personal information for the purpose of stakeholder engagement*	*Complies*	
6	Principle 6 – Use or disclosure of personal information Use it for the purpose you collected it for, unless one of the exceptions applies.	*Personal information which may include name, role title, phone number, email address and organisation's location.* *This information may be used by staff as part of the consultation activities.* *Stakeholders will have the option to opt out if they do not want to be contacted.*	*Complies*	

#	Description of the privacy principle *(These can be deleted from your final report if they're not relevant to your project)*	Summary of personal information involved, use and process to manage	Assessment of compliance	Link to risk assessment (if required)
7	Principle 7 – Direct marketing Information not to be disclosed for the purpose of direct marketing unless exceptions apply, e.g., consent.	*N/A*	*Complies*	
	Principle 8 – Cross-border disclosure of personal information. Requirement to ensure overseas recipient does not breach APPs note exceptions apply e.g., information is subject to a law similar to APP's.	*N/A*	*Complies*	
9	Principle 9 – Adoption, use or disclosure of government related identifiers. Only assign unique identifiers where permitted. Agency should not disclose identifiers unless permitted.	*N/A*	*Complies*	
10	Principle 10 – Quality of personal information. Ensure information is accurate, up to date, complete and relevant prior to using it.	*Stakeholders must inform the Office when updates to stored data are required.*	*Complies*	

#	Description of the privacy principle *(These can be deleted from your final report if they're not relevant to your project)*	Summary of personal information involved, use and process to manage	Assessment of compliance	Link to risk assessment (if required)
11	Principle 11 – Security of personal information. Take care of the information and protect it against loss, modification, or unauthorised disclosure and other misuse. When no longer required either destroy or de-identify it.	*Information collected will be stored within Objective and will be accessed by Industry Branch staff as required.*	*Complies*	
12	Principle 12 – Access to personal information People have a right to see their personal information noting exceptions apply, eg.,FOI exemptions.	*Personal information which may include name, role title, phone number, email address and organisations location.*	*Complies* *Information stored relating to stakeholders will be available on request.*	
13	Principle 13 – Correction of personal information Agency must take steps to correct personal information held, ensure information is up to date, accurate, complete and not misleading.	*Personal information which may include name, role title, phone number, email address and organisations location.*	*Complies*	

7. Privacy Management – Addressing Risks

A risk is something that could lead to the unauthorised collection, use, disclosure or access to personal information.

Use the table below to list each of the privacy risks identified and the mitigation strategies/tools that will be implemented to mitigate these. Add extra rows as required. Please specify the likelihood of the risk arising, the degree of impact it would have on individual's privacy if it occurred and an assessment (low/medium/high) of the residual risk. It may be helpful to categorise these risks into areas such as: governance, people, process, technology.

Risk Mitigation Table					
	Identified Risk	Mitigation Strategy	Likelihood	Impact	Risk Rating
1	Information recorded is accessed by unauthorised person/s.	Information to be stored within Objective and accessed by Industry Branch Staff on an as needs basis. Internal IT security policies already limit access to staff who have an operational need to access the information.	Unlikely	Low	Low

8. Recommendations

Summarise the recommendations to minimise the impact on privacy based on your risk assessment.

Ref	Recommendation	Agreed Y/N
R-01	Store personal information of stakeholders in Objective	
R-02	Redact/destroy any personal identifying information received from stakeholders in the course of consultation activities	
R- 03	Provide all project members a copy of this PIA.	

Signatures

Paul Pfitzner
Senior Assistant Ombudsman – Industry Branch

Signature

Date: 19/8/2020

Lisa Collett, Privacy Delegate

Signature

Date: