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Privacy and Registered Training Organisations

Lessons from an OAIC privacy assessment

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In today’s webinar:

1. About the OAIC and our privacy assessments
2. The RTO survey assessment
   a) Positive findings
   b) Areas for improvement
3. Navitas – lessons learned
4. Tips for good privacy practice
5. Q and A

About the OAIC

About the OAIC

- Privacy, freedom of information, information policy
- Far-reaching jurisdiction and diverse stakeholders
- A variety of regulatory functions and powers to promote privacy and enforce the Australian Privacy Principles (APPs)
- oaic.gov.au
- 1300 363 992

The legal framework

- RTOs are regulated by overlapping laws and regulations
- *Privacy Act 1988* (Cth)
- Various state and territory privacy laws apply to state and territory government agencies
- *Student Identifiers Act 2014* (Cth)

Privacy assessments (audits)

- A proactive measure
- Public and private sectors
- Flexible methodologies depending on the objective and scope
- oaic.gov.au/privacy-law/assessments/

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The RTO survey assessment

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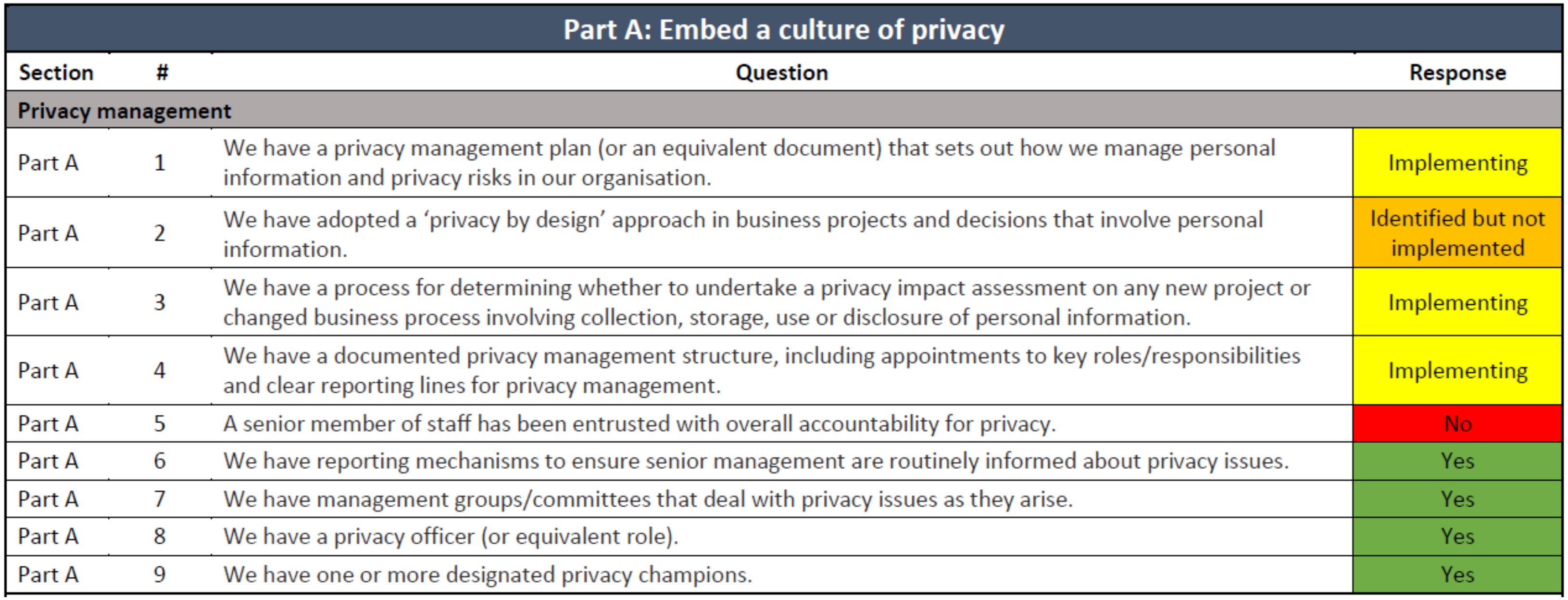
Scope

- APP 1
  - open and transparent management of personal information
  - APP privacy policy
- APP 5
  - notification of the collection of personal information

Methodology

- Agreed between the OAIC and the USI Office
- Selected five RTOs based on certain criteria
- Conducted via a self-administered smart form survey in November 2017



Part A: Embed a culture of privacy

Section	#	Question	Response
Privacy management			
Part A	1	We have a privacy management plan (or an equivalent document) that sets out how we manage personal information and privacy risks in our organisation.	Implementing
Part A	2	We have adopted a 'privacy by design' approach in business projects and decisions that involve personal information.	Identified but not implemented
Part A	3	We have a process for determining whether to undertake a privacy impact assessment on any new project or changed business process involving collection, storage, use or disclosure of personal information.	Implementing
Part A	4	We have a documented privacy management structure, including appointments to key roles/responsibilities and clear reporting lines for privacy management.	Implementing
Part A	5	A senior member of staff has been entrusted with overall accountability for privacy.	No
Part A	6	We have reporting mechanisms to ensure senior management are routinely informed about privacy issues.	Yes
Part A	7	We have management groups/committees that deal with privacy issues as they arise.	Yes
Part A	8	We have a privacy officer (or equivalent role).	Yes
Part A	9	We have one or more designated privacy champions.	Yes

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Navitas - participating in the privacy assessment

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Navitas Limited – the Audit landscape

- The audit process involved Navitas English Pty Ltd, a member of the Navitas Limited Group
- Increased data security and privacy regulation
- The audit coincided with Navitas Limited’s review of:
  - Global policies and procedures
  - Information security environment and IT architecture
  - Managing information, personal and commercial

Navitas Limited – the Audit process

- The OAIC is a key resource
- Protecting privacy and data sovereignty is a global phenomenon
- Getting to know another Regulatory Authority
- Objective, external perspective on our privacy management systems, processes and policies
- Breadth and depth of privacy management – holistic governance approach needed
- Embedding the Privacy Principles as standard ‘good practice’ is essential

Navitas Limited – key imperatives

- Enhance awareness and understanding of privacy principles
- Operationalise privacy principles – everyone is responsible for protecting privacy
- Embed ‘privacy by design’ into Company culture
- Standardise and regularise training for all staff
- Implement awareness of and need for Privacy Impact Assessment (PIA)
- Train staff – administrative and academic

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Assessment results

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Positive findings

- Clear processes for collecting and disclosing personal information
- Processes to ensure data quality
- Enabling students to access and correct their personal information
- Effective complaint handling mechanisms

Areas for improvement

- Privacy practices that move from operations up to the governance level
- Privacy training for new and existing staff
- Having privacy policies and collection notices available in alternative languages and formats

Areas for improvement

- Data breach response
- Information security
  - Policy reviews
  - Access monitoring

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Navitas – Lessons learned

Navitas Limited – What did the Audit change?

- Privacy fundamental to Company culture
- Global commitment to Privacy by Design (PxD) across all operational activity
- Privacy management and acceptance of APPs built into terms and conditions of employment
- Implementing the GDPR across all operating regions
- Privacy Management is not a ‘silo’ activity - it’s a global responsibility
- Getting it wrong is a costly business!

Navitas Limited – What's happening now?

- Developed and implemented Data Subject Access Request (DSAR) Procedure
- Established, implemented and tested Data Breach Management procedure – triage approach
- Implemented global privacy management platform
- Implemented compulsory staff training - managing personal information; reporting suspected breaches
- Privacy framework, policy and procedure revitalised in line with APPs and GDPR requirements

Navitas Limited – What’s happening now?

- Established global network of Data Protection Managers (DPM’s) in each operating region and global community of practice (CoP)
- PxD workshops developed and being implemented
- Privacy Notice translated into seven languages with more to come
- Revised approach to consent; complaints; accessing personal information
- PIA and DPIA embedded into Project and new initiatives design and development

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Tips for good privacy practice

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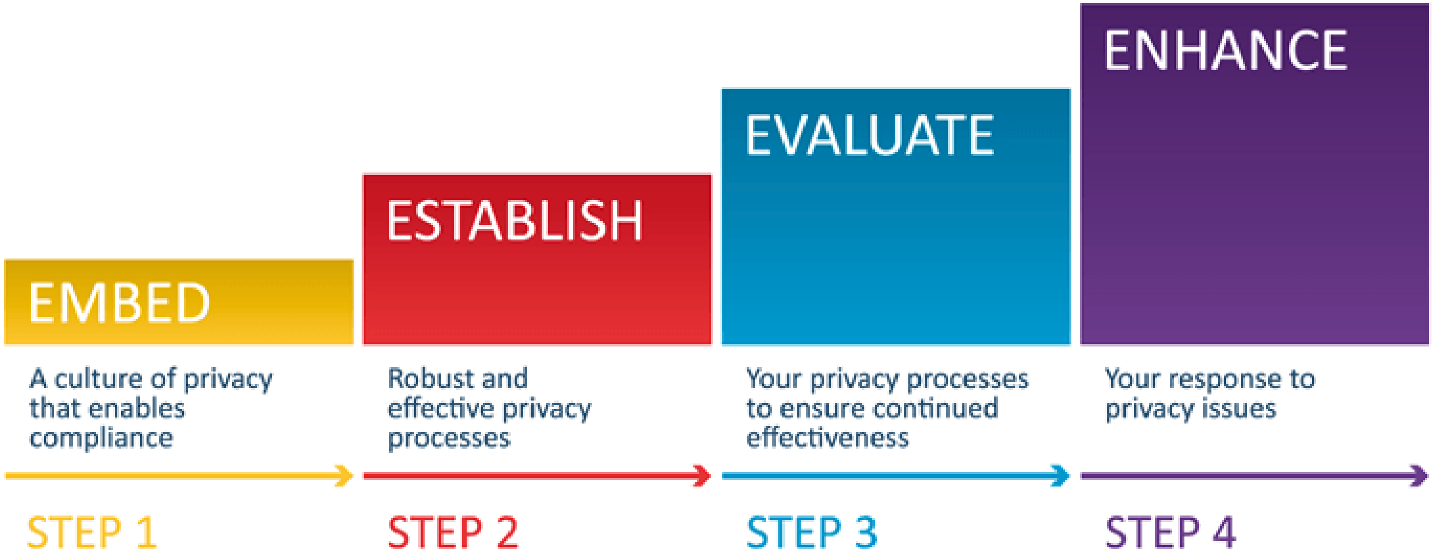
Privacy governance

- Appoint a ‘privacy champion’ amongst your senior leadership group
- Privacy management plans (PMPs) are a good way to document your approach to privacy governance
- PIAs can feed into PMPs
- Privacy Management Framework on our website

Privacy governance



EMBED

A culture of privacy that enables compliance

STEP 1

ESTABLISH

Robust and effective privacy processes

STEP 2

EVALUATE

Your privacy processes to ensure continued effectiveness

STEP 3

ENHANCE

Your response to privacy issues

STEP 4

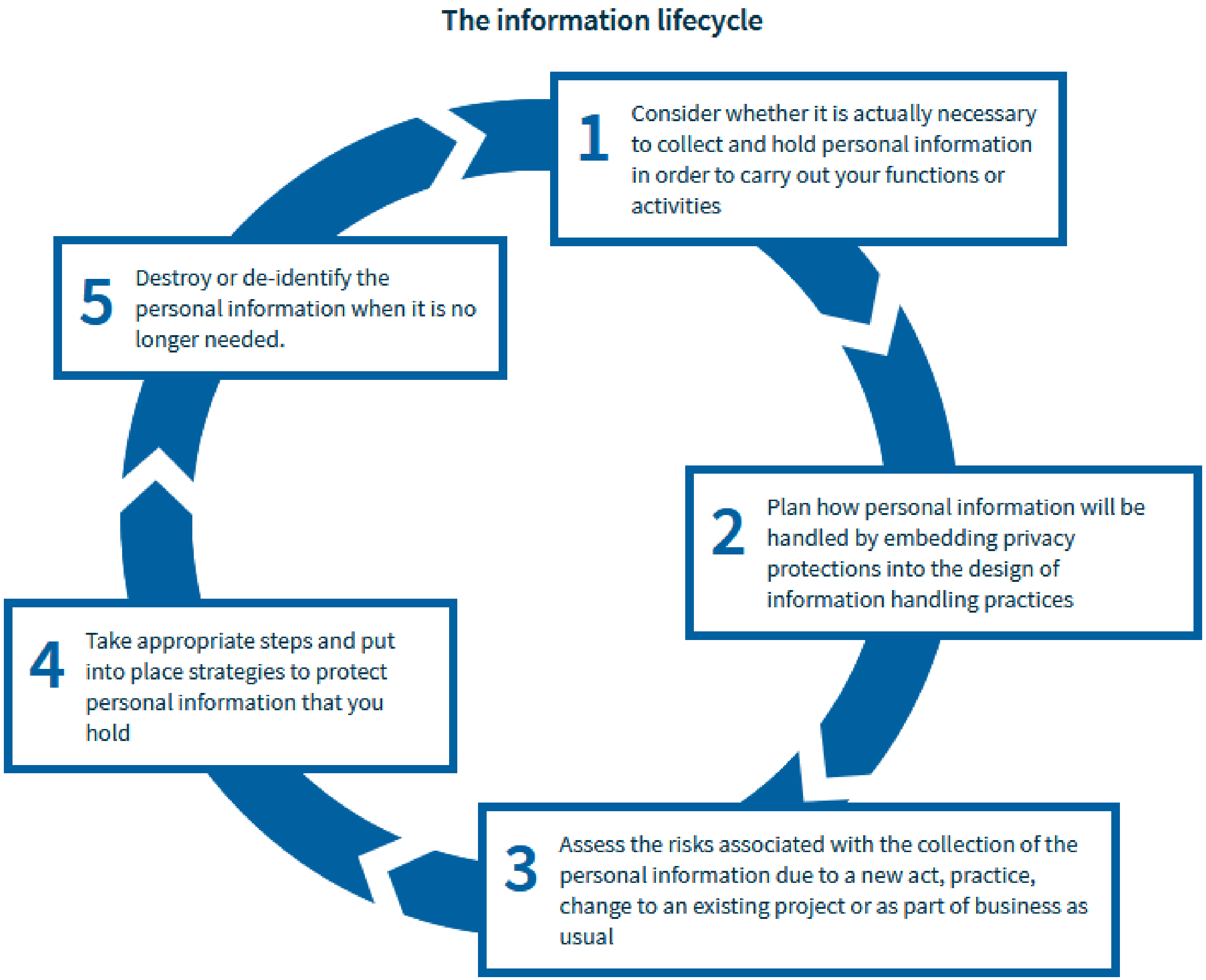
Privacy training

- For all staff: full time, part time, temporary and contractors
- Upon commencement and refreshed as necessary
- Reduce the potential for human error
- https://www.oaic.gov.au/agencies-and-organisations/training-resources/

Data breach response

- NDB scheme effective since 22 February 2018
- New notification obligations
- OAIC resources for agencies and organisations available online
- https://www.oaic.gov.au/privacy-law/privacy-act/notifiable-data-breaches-scheme

Personal information security



The information lifecycle

1 Consider whether it is actually necessary to collect and hold personal information in order to carry out your functions or activities

2 Plan how personal information will be handled by embedding privacy protections into the design of information handling practices

3 Assess the risks associated with the collection of the personal information due to a new act, practice, change to an existing project or as part of business as usual

4 Take appropriate steps and put into place strategies to protect personal information that you hold

5 Destroy or de-identify the personal information when it is no longer needed.

Q and A

Links to resources:

- Privacy Management Framework:

  https://www.oaic.gov.au/agencies-and-organisations/guides/privacy-management-framework

- Guide to securing personal information:

  https://www.oaic.gov.au/agencies-and-organisations/guides/guide-to-securing-personal-information oaic.gov.au