

57. PRIVACY POLICY

57.1. Introduction

JTI is committed to respecting an individual's right to privacy and ensuring that Personal Information is protected. This policy ensures that JTI meets its legal and ethical requirements in regards to the collection storage and disclosure of the personal information it holds in regards to individuals.

JTI is bound by the Privacy Regulation 2013, SLI 2013 No. 262 Regulations as amended, taking into account amendments up to Privacy Amendment (2015 Measures No. 2) Regulation 2015 JTI is committed to ensuring that all our business dealings comply with the National Privacy Principles and acknowledge the importance of keeping personal information confidential and secure.

If at any time JTI is required by law to release personal information, JTI must cooperate fully.

57.2. Why and How We Collect Personal Information

'Personal information' is information or an opinion relating to an individual, which can be used to identify that individual.

JTI collects personal information:

- To conduct business and manage the internal accounting and administration requirements of our business
- To ensure that client's needs are both acknowledged and met
- To comply with the legal obligations; and
- To help manage and enhance JTI's services

The personal information JTI collects may include name and contact details, age, financial details and other information that is relevant to the services JTI provide, or necessary to carry out an individual's instructions.

JTI collects personal information by gathering, acquiring or obtaining personal information from any source and by any means. In some instances, personal information may be provided to us by third parties so that JTI may provide advice and services.

JTI will try to collect information from an individual directly wherever possible. Where JTI collects information from another individual, JTI will, where possible, obtain this with the individual's consent.

An individual is under no obligation to give JTI personal information about the individual or anyone else. However, if the individual does not provide the information JTI request, it may affect JTI's ability to provide and administer its services.

57.3. Website Collection

JTI may collect personal information from its website through receiving subscription applications and emails. JTI may also use third parties to analyse traffic at the website, which may involve the use of cookies. Information collected through such analysis is anonymous.

57.4. Use Personal Information

When referring to '**use**' of personal information, it means use within JTI for the purposes outlined above.

JTI uses personal information for the primary purposes for which it is collected (as set out above), for reasonably expected secondary purposes which are related to the primary purposes, and in other circumstances authorised by the Privacy Act and the NPP.

For example, JTI may use personal information to:

- Provide an individual with a specific service
- Administer and manage the services it provides; or
- Provide information about other services that may be of benefit to the individual

57.5. Disclosure of Personal Information

When referring to 'disclose', it means providing the information to individuals outside of JTI.

The personal information about students enrolled in a Course with JTI may be shared with the Australian Government and designated authorities, such as ASQA (the RTO's registering body), Skills Victoria training, VET student loan and the National Centre for Vocational Education Research (NCVER). This includes personal details, contact details, course enrolment information, unit outcomes, AQF certification and statement issuance and information about training participation and progress.

JTI will not use or disclose to third parties any personal information obtained from an individual unless:

- It relates to the primary purpose of collection and where it would be expected of us
- The individual has consented to the use or disclosure
- JTI has reason to suspect unlawful activity
- It is required or authorised by law
- It is for the purpose of providing the individual with direct marketing material, such as articles that may be of interest, however, the individual may, by contacting JTI, request not to receive such information and JTI will uphold that request
- In the event that a sale of the business takes place, JTI may transfer the individual's personal information such as enrolment details to the purchaser of the business. The individual will be advised of any such transfer
- As part of JTI's regulatory or statutory obligations, it is required for government agencies, including the Australian Taxation Office, and other enforcement bodies
- It is to JTI's service providers (as is strictly necessary) to enable them to provide services to JTI, for example, auditors, legal and financial consultants; or
- It is to financial product providers, for example insurance companies and fund managers, in order to carry out the individual's instructions.

JTI will not disclose an individual's personal information to another person or organisation unless:

- They are aware that information of that kind is usually passed to that person or organisation.
- The individual has given written consent.

JTI's service providers are also bound by the Privacy Regulation 2013 Amendment.

57.6. Quality of Personal Information

JTI will take all reasonable steps to ensure that the personal information JTI collects uses or discloses is accurate, complete and current.

57.7. Protecting Personal Information

JTI will take all reasonable steps to protect personal information from misuse, loss, unauthorised access, modification or disclosure.

Personal information is stored securely whether in an electronic or physical form. The information is stored in secured premises and in electronic databases, which are password protected.

In the event that the individual ceases to be a client of JTI, any personal information that JTI holds will be held for a period of seven (7) years in order to comply with legislative and professional requirements. The information will then be disposed of securely and will be undertaken in accordance with the Public Records Act 1973 (Vic) (PR Act) and/or any other State legislated Public Records Act as required by other state authorities.

JTI ensure Privacy notices are added to the relevant forms and information such as enrolment forms, website etc.

JTI ensure there is an opt-out option on all marketing emails and correspondence sent to individuals in relation to marketing.

57.8. Openness

JTI will maintain, and review, clearly expressed policies on its management of personal information and make these readily available.

JTI will take reasonable steps, on request, to advise an individual of the sort of personal information JTI holds, its purpose, and how JTI collects, uses, stores and discloses that information.

57.9. Accessing and Correcting Personal Information

An individual has a right to ask JTI what sort of personal information JTI has about the individual and how JTI collects, stores and uses it.

JTI will provide the individual with access to personal information on request except where it:

- May have an unreasonable impact upon the privacy of others
- Relates to existing or anticipated legal proceedings with the individual who is the subject of the information and would not be accessible through discovery
- May reveal JTI's intentions and prejudice negotiations with the individual
- May prejudice investigation of any possible unlawful activity

JTI will, prior to providing access, require the individual to provide evidence of identity (Photo ID).

Where JTI has declined to provide information on the above grounds and the individual is not satisfied, the individual can use our Complaints Handling Procedure, which is activated by the individual contacting JTI Management. If the individual is

unsatisfied with JTI's response, the individual is entitled to contact the Office of the Privacy Commissioner.

Where records are to be mailed, they should only be mailed to the address that is held on file for that individual, unless alternate change of address information is provided along with proof of identity – such as a driver's license or utility bill.

No fee will be charged for an access request. The individual may be charged for reasonable expenses incurred in providing any information (such as search and photocopying costs).

JTI will take all reasonable steps to ensure that the information is correct, accurate and current.

JTI will correct personal information held if JTI discovers, or the individual is able to show JTI, that it is incorrect. If JTI is asked to correct it and it does not agree that it is wrong, JTI will explain its refusal to correct. In these circumstances, JTI will keep a statement with a record of the information regarded as inaccurate or out-of-date.

57.10. **Identifiers**

JTI will not use identifiers assigned by the Government, such as a tax file number, Medicare number or pension card number, for its own file recording purposes.

57.11. **Anonymity**

If JTI can (and if an individual wants to) it will deal with the individual anonymously.

Where it is lawful and practicable, JTI will allow the individual to enter into transactions with it on an anonymous basis.

57.12. **International Transfer of Personal Information**

JTI will not transfer personal information to individuals in a foreign country, unless the individual has consented to the transfer.

57.13. **Sensitive information**

'**Sensitive information**' includes information relating to an individual's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual references, criminal record, and also includes health information about an individual.

Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless agreed otherwise, or where certain other limited circumstances apply (e.g. where required by law).

JTI will not disclose personal information to others for the purpose of allowing them to direct market their products and services.

JTI will only collect sensitive information with an individual's consent unless the collection is required by law or to establish, exercise or defend a legal or equitable claim, or it is necessary to prevent or lessen a serious or imminent threat to the life or health of the individual who is the subject of the information.

57.14. **Policy Updates**

This privacy policy may be reviewed and updated from time to time without JTI giving notice to take account of new laws, new technologies, operational changes and practices, and the changing business environment.