

National Code 2007 - Standard 3.1d

Circumstances in which personal information about students may be shared

Disclaimer: The information provided by this notice is intended for use by registered providers only as a best practice guide for any collection, storage, use and/or disclosure of personal information by registered providers in complying with their obligations under the ESOS Act and National Code 2007. This is not legal advice on registered providers' obligations under the Privacy Act 1988

Why do providers need to inform students that their personal information may be shared?

Standard 3.1 requires registered providers and students to enter a written agreement which, amongst other things, requires registered providers to set out circumstances in which personal information about the student may be shared between the Australian Government and designated authorities and, if relevant, the Tuition Assurance Scheme and the ESOS Assurance Fund Manager.

What sort of information may be collected?

Personal information which registered providers will be required to collect from students includes:

- about the student: full name, gender, date and country of birth and nationality; and once the student has established an address in Australia, the student's residential address
- about the course: the CRICOS course code, agreed starting date and if the student didn't begin the course when expected; the expected completion date, and any termination of the student's enrolment prior to the expected completion date; and any change to the identity or duration of the course
- about course money: the amount of money the provider has received prior to issuing a CoE, and an estimate of the total amount the student will be required to pay to undertake the full course
- about health insurance: whether the student has paid for Overseas Student Health Cover (OSHC) before the course starts
- about English language proficiency: whether the student has undertaken a test to determine his or her level of understanding of English, the name of the test and the score the student received for the test
- about the student's visa: the DIAC office where the application for a student visa was made or is expected to be made; and if the student holds a student visa, the number of the visa; and once studying in Australia, the student's local DIAC office
- about the student's passport: if the student was in Australia when he or she became an accepted student, the student's passport number
- about any breaches of student visa conditions relating to attendance or satisfactory academic performance.

What is this information used for?

The information may be shared between the Australian Government and designated authorities and, if relevant, the Tuition Assurance Scheme and the ESOS Assurance Fund Manager for the purposes of:

- promoting compliance with the ESOS Act and the National Code;
- assisting with the regulation of providers;
- promoting compliance with the conditions of a particular student visa or visas, or of student visas generally; or
- facilitating the monitoring and control of immigration.

What should providers keep in mind when collecting personal information from students?

Registered providers should ensure that all students from whom such personal information is collected are made aware of the following:

1. the identity of the registered provider; and
2. the fact that the individual can gain access to his/her personal information; and
3. the purpose for which the information is collected; and
4. the agencies or organisations to which the registered provider usually discloses information of that type; and
5. any authority or law that requires the particular information to be collected; and
6. any consequences for the individual if all or part of the information is not provided.

Suitable wording to meet the requirements of the National Code 2007, Standard 3.1d

Below is an example of an appropriate notice to be displayed at the time of collection of personal information. Such a notice should be displayed prominently.

Information is collected on this form and during your enrolment in order to meet our obligations under the ESOS Act and the National Code 2007; to ensure student compliance with the conditions of their visas and their obligations under Australian immigration laws generally. The authority to collect this information is contained in the Education Services for Overseas Students Act 2000, the Education Services for Overseas Students Regulations 2001 and the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007. Information collected about you on this form and during your enrolment can be provided, in certain circumstances, to the Australian Government and designated authorities and, if relevant, the Tuition Assurance Scheme and the ESOS Assurance Fund Manager. In other instances information collected on this form or during your enrolment can be disclosed without your consent where authorised or required by law.