

Tuition Protection Service Director’s Privacy Complaints Handling Policy

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1. Purpose

The Tuition Protection Service (TPS) Director is a Commonwealth statutory officer appointed under the *Education Services for Overseas Students Act 2000*.¹ The TPS Director is responsible for managing the tuition protection service and ensuring its sustainability. The TPS Director is supported by staff of the Department of Education, Skills and Employment (the department) and consultants, who assist in the performance of the TPS Director's statutory functions. This policy covers the TPS Director and staff and consultants handling personal information for the purposes of assisting the TPS Director.

The TPS Director is committed to maintaining the privacy of individuals' personal information and endeavours at all times to ensure compliance with obligations under the Australian Privacy Principles (APPs) set out in the *Privacy Act 1988* (Cth) (the Privacy Act). Relevantly, the APPs contain standards, rights and obligations in relation to the TPS Director's handling, holding, accessing and correction of personal information.

The TPS Director recognises that errors, misunderstandings and unexpected problems can occur. Consequently, the TPS Director is committed to providing an effective, efficient and responsive privacy complaints handling regime, which promotes transparency and openness.

2. Scope

Central to the TPS Director's privacy complaints handling regime is this document, known as the 'Tuition Protection Service Director's Privacy Complaint Handling Policy (Policy)' which, among other things, sets out the procedures the TPS Director will follow in the event a privacy complaint is received. A privacy complaint is taken to be a complaint made by or on behalf of an individual about an act or practice of the TPS Director (or staff and consultants), in relation to the individual's personal information (i.e. a living natural person and not, for example, a company), that is in breach of the TPS Director's obligations under the Privacy Act. These procedures are not intended to apply to requests for access to, or correction of, personal information held by the TPS Director.

3. Making a privacy complaint

3.1. What should I do before making a privacy complaint?

The TPS Director can only investigate privacy complaints in relation to its acts or practices. As such, please ensure your complaint falls within the scope of this Policy and refer to the [APPs](#) contained within the Privacy Act.

Please note that for the protection of everyone's privacy, the TPS Director only accepts complaints made by the persons directly affected or an authorised representative. If you wish to make a privacy complaint on someone's behalf, please provide proof of authority to do so.

¹ The TPS Director also holds the office of the Higher Education Tuition Protection Director and VSL Tuition Protection Director for the purposes of the *Higher Education Support Act 2003*, *Tertiary Education Quality and Standards Agency Act 2011* and *VET Student Loans Act 2016*.

3.2. How do I make a privacy complaint?

If you believe the TPS Director has not dealt with your personal information in accordance with an APP, you can make a privacy complaint in one of two ways:

By email to the following address: operations@TPS.gov.au

By mail:

Privacy Contact Officer
Tuition Protection Service
LOC: C50MA1
GPO Box 9880
Canberra ACT 2601

To ensure that the TPS Director fully understands the nature of your privacy complaint and the outcome you are seeking, the TPS Director prefers that you make your complaint in writing. To assist you to do this you may use the Privacy Complaint Form provided at [Attachment A](#).

3.3. What information should I include in my privacy complaint?

In order to properly and efficiently respond to your privacy complaint, you should ensure that your complaint contains enough information to enable the TPS Director to understand the nature of your complaint and the outcome you are seeking. Matters you may wish to address include:

- What happened?
- When did it happen or come to your attention?
- Where did it happen?
- Who was involved?
- What APPs do you believe have been breached?
- How do you believe your personal information has been mishandled?
- What outcome are you seeking?

3.4. Am I able to remain anonymous?

Please note, that while the TPS Director will generally accept anonymous complaints, if the TPS Director does not know your identity, it may not be possible for the TPS Director to properly investigate or respond to your complaint. An example of where an anonymous complaint would be investigated is where an alleged breach involved the privacy of multiple individuals, such as data leakage.

Third parties

It may be necessary to contact any third parties named in your privacy complaint in the course of conducting the investigation. This may necessitate disclosing the nature of your privacy complaint and your identity. You can advise us that you do not wish for the TPS Director to do this, however, please be aware that this may mean the TPS Director will not be able to properly investigate and resolve your privacy complaint.

3.5. How long will it take to resolve my privacy complaint?

The TPS Director will aim to acknowledge receipt of your privacy complaint within five business days of it being received by the TPS' Privacy Contact Officer.

How long it takes to investigate your privacy complaint and respond to you will ultimately depend on the nature and complexity of the issues involved. However, generally, the TPS Director will provide you with written notification of the outcome of the investigation into your privacy complaint within 20 business days. If, due to the nature of the issue, more time is required, the TPS Director will communicate this to the complainant.

3.6. What happens if I am not satisfied with the TPS Director's response?

If you are not satisfied with the way the TPS Director has handled your complaint in the first instance, you may contact the Office of the Australian Information Commissioner (OAIC) to refer your complaint for further investigation. Please note, the OAIC generally prefers that individuals complain to the agency in the first instance before complaining to the OAIC.

Office of the Australian Information Commissioner

Telephone: 1300 363 992
Email: via the OAIC [online enquiry form](#)²
Post: GPO Box 5218
Sydney NSW 2001

4. Privacy complaint handling process

The TPS Director is committed to quick and fair resolution of complaints. The TPS Director will ensure your complaint is taken seriously and investigated appropriately. You will not be victimised or suffer negative treatment if you make a complaint.

If a privacy complaint is received by the TPS Director, the following procedures will apply:

- If a verbal privacy complaint is received via telephone, the officer receiving the complaint will encourage you to submit your complaint in writing to the TPS Director's Privacy Contact Officer, using the TPS Director's Privacy Complaint Form. If you are not able to submit a written complaint, or would prefer not to, then the officer receiving the complaint will:
 - document your verbal complaint in writing;
 - record your contact details for the purposes of contacting you in relation to your privacy complaint. In order to respond to your complaint, you will be requested to provide a telephone number, as well as an email or postal address. You do not have to provide this information, but if you don't it may be difficult to properly respond to your complaint;
 - advise you that your complaint and contact details will be forwarded to the TPS Director's Privacy Contact Officer to allow assessing, investigating, conciliating and reporting on the privacy complaint;
 - refer the privacy complaint promptly to the Privacy Contact Officer.
- If a written privacy complaint is received, it will be promptly forward to the Privacy Contact Officer.
- The Privacy Contact Officer will:
 - acknowledge your privacy complaint within five business days of receipt;

² OAIC [Enquiry Form](#)

- liaise with you as appropriate to seek any relevant information necessary to investigate the privacy complaint and to identify the outcome you are seeking;
- brief the TPS Director and appropriate personnel on the privacy complaint;
- impartially assess and investigate the privacy complaint;
- appropriately document the investigation process;
- advise you of the outcome of the investigation and the proposed action, if any, the TPS Director intends to take;
- provide you with information on how to make a complaint to the OAIC if you are unhappy with the outcome of the TPS Director's investigation;
- if required, comply with the steps outlined in the Notifiable Data Breaches Scheme; and
- if the outcome of the investigation concludes that we appear to have mishandled an individual's personal information, take appropriate steps to ensure a similar incident does not occur again.

This form is to assist you in making a privacy complaint about an act or practice of the Tuition Protection Service Director (TPS Director) or staff or consultants assisting the TPS Director.

For the protection of everyone’s privacy the TPS Director only accepts complaints made by the relevant individual or an authorised representative. As such, if you wish to make a privacy complaint on someone’s behalf, please provide proof of authority to do so.

Complainant details

Name:	
Address:	
Home phone:	
Mobile:	
Email:	

If you are submitting this complaint on behalf of someone else, please include that person’s name and your relationship to that person below:

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NOTE: please submit proof of your authorisation with this form (e.g. written authorisation by the individual)

Complaint details

How do you believe your privacy has been breached?

(Please provide sufficient detail to enable the TPS Director to appropriately investigate your complaint, e.g. what happened, when did it happen or come to your attention, where did it happen, who was involved, what Australian Privacy Principles (APPs) do you believe have been breached, how do you believe your personal information has been mishandled?)

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What impact has this had on you?

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What outcome from the TPS Director are you seeking?

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Documents

Please attach copies of any documents you consider may assist the TPS Director to investigate your privacy complaint.

Complainant's signature	
Date:	

Lodgement

Mail:

Privacy Contact Officer
Tuition Protection Service
Location C50MA1
GPO Box 9880
Canberra ACT 2601

Email:

Privacy statement

The personal information collected from you on this form is collected by the Tuition Protection Service Director (TPS Director) or staff of the Department of Education, Skills and Employment (the department) and consultants supporting the TPS Director in the performance of the TPS Director's statutory functions for the purposes of assessing, investigating, conciliating and reporting on your privacy complaint. The TPS Director may collect information about you from other individuals or organisations involved in the complaint for the above purposes.

The information you give the TPS Director may be disclosed to the individuals or organisations named in the privacy complaint and, if necessary, to others who have information relevant to your complaint. In case of a challenge to the TPS Director's conduct connected with your privacy complaint, the TPS Director may need to disclose some of your personal information to a review body, for example, the Office of the Australian Information Commissioner or other court or tribunal. The TPS Director is not likely to disclose your personal information to any overseas recipients unless the complaint relates to a breach by an overseas contracted service provider.

You are not required to provide the TPS Director with your contact details and you may make a privacy complaint anonymously. However, the TPS Director may not be able to properly investigate your complaint or inform you of any action taken in response to your complaint.

The TPS Director's Privacy Policy contains information about how you may access your personal information held by the TPS Director. This Privacy Policy also contains information on how you can complain about a breach of the Australian Privacy Principles (APPs) and how the TPS Director will deal with such a complaint. The TPS Director's Privacy Policy can be found on our website.

operations@tps.gov.au