



Up-front Payments Tuition Protection

Privacy Notice

Personal information

The Department of Education, Skills and Employment (Department) is subject to the *Privacy Act 1988* (Privacy Act) and to the requirements of the Australian Privacy Principles (APPs) contained in the Privacy Act.

Your personal information is protected by law, including under the Privacy Act. Personal information is information or an opinion about an identifiable individual or an individual who is reasonably identifiable, whether true or not and whether recorded in a material form or not.

Who should read this notice?

You should read this notice if you are:

- A domestic student at a registered higher education provider (provider)
- Considering enrolling into a tertiary course with a provider

Collection of your personal information

Providers are required under the *Tertiary Education Quality Standards Act 2011* (TEQSA Act) to disclose certain personal information they collect about their students to the Department.

Purpose of collecting your personal information

Your personal information is required under the TEQSA Act and is collected for the purposes of administering up-front payments tuition protection and related purposes.

Up-front payments tuition protection provides protection and assistance to support domestic higher education up-front paying students if their private higher education provider defaults.

A provider defaults in relation to a domestic student if the provider:

- fails to commence a unit or course, or
- ceases to deliver a unit or course after the unit or course has started and before it has ended.

In the case of a provider defaulting in relation to a domestic up-front paying student, affected students will be assisted to either:

- complete their studies in an equivalent or similar unit and/or course with the same or another higher education provider, or



- receive a refund for the up-front tuition fee payments paid towards their unit that they were undertaking when their provider defaulted.

If the defaulting provider is unable to assist affected students, the Higher Education Tuition Protection Director from the Tuition Protection Service (TPS) will step in to assist students.

Personal information to be collected

The personal information private higher education providers must collect and disclose to the Department includes a domestic student's:

- name, date of birth, contact details and identifiers (e.g. Unique Student Identifier),
- study arrangements and details including enrolments and course progress, and
- payment arrangements, including tuition fees paid or payable, scholarships and payments by third parties.

More information about what personal information a private higher education provider collects and discloses to the Department in relation to up-front payments tuition protection can be found in sections 11 and 12 of the *Tuition Protection (Up-front Payments Guidelines) 2020*, available on the Federal Register of Legislation at <https://www.legislation.gov.au/Series/F2020L01635>.

Data minimisation

When collecting student personal information, the Department will limit the personal information to only that information which is reasonably necessary for the Department's functions and activities, unless otherwise authorised by law.

Failure to provide information

In the event that your private higher education provider defaults on a course or unit that you are enrolled in, and you have not provided some or all of the personal information requested to your provider, you may not have access to assistance through:

- provision of a suitable replacement unit or course or
- provision of a refund of any up-front tuition fee payments you made in relation to your units.

Disclosure of your personal information

Your personal information may be disclosed to third parties, including but not limited to:

- The Higher Education Tuition Protection Director in the event your provider defaults or is viewed by the Department to be at risk of defaulting. This is in order for the Higher Education Tuition Protection Director to assist affected students under the TEQSA Act.
- The Australian Government Actuary for the purposes of administering the up-front payments tuition protection levy payable by providers under the *Higher Education (Up-front Payments Tuition Protection Levy) Act 2020*



Your personal information may also be disclosed to other parties where you have agreed, or where it is otherwise permitted under the Privacy Act.

The Department will not disclose your personal information to overseas recipients.

Privacy Policy

For more information about how the Department will handle your personal information, please refer to the Department's Privacy Policy at <https://www.dese.gov.au/privacy> or by requesting a copy from the Department at privacy@dese.gov.au.

The Department's Privacy Policy contains information about you can access and correct your personal information held by the Department. The Privacy Policy also explains how you can make a complaint about a breach of the APPs and how the Department deals with such complaints.

To contact the Department about your personal information please email privacy@dese.gov.au or write to:

Privacy Officer
Legal Services
Department of Education, Skills and Employment
LOC: C50MA10
GPO Box 9880
Canberra ACT 2601.