

Policy Name:	IDENTIFICATION
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Reviewed:	

Purpose

To summarise HITsa's need to collect learner identification and the controls applied to storing and destroying this personal information.

Areas Affected

All learners who enrol to study at HITsa

Definitions

Identification - Generally speaking, an individual is 'identified' when, within a group of persons, he or she is 'distinguished' from all other members of the group. For the purposes of the Privacy Act, this will be achieved through establishing a link between information and a particular person.

Personal Identification – establishing the identity of an individual

Personal Information - The Privacy Act defines 'personal information' as:

'Information or an opinion about an identified individual, or an individual who is reasonably identifiable:
whether the information or opinion is true or not; and
whether the information or opinion is recorded in a material form or not.'

Unique Student Identifier (USI) - A USI is a learner's individual education number for life. It collates a record of the learner's vocational education and training (VET) undertaken in Australia. Learners at university, TAFE or doing other nationally recognised training all need a USI. Without one, the learner cannot receive Commonwealth financial assistance, qualifications or statements of attainment for completed studies - <https://www.usi.gov.au/>

General

Unique Student Identifier

As an RTO, collecting and reporting students' USI numbers is a requirement under Commonwealth legislation and a condition of registration. This applies to:

- new students
- pre-enrolled students
- continuing students
- school students completing nationally recognised training

HITsa must

- collect a USI from each student
- verify a USI supplied by a student
- ensure a student has a valid USI before issuing a qualification or statement of attainment for any nationally recognised training
- ensure the security of USIs and related documentation
- destroy any personal information which you have collected solely for the purpose of creating a USI on behalf of a student
- adhere to all USI legislative requirements

HITsa has developed an online enrolment form which requires USI entry as a compulsory field. A USI may be applied for by the student at time of enrolment if one is not currently held. Instructions are provided to the student on the enrolment form. This process reduces the need for HITsa to collect (and destroy) personal information.

JobReady has a USI verification process that can be run to identify errors or omissions to be addressed.

A USI cannot be used as an internal student identifier. At HITsa, JobReady creates default party IDs. USIs cannot be printed on qualifications and statements of attainment, student results or testamur documents.

Creating a USI

To create a USI a student will need a valid form of Australian identification.

Acceptable forms of identification:

- Australian passport
- non-Australian passport (with Australian Visa)
- Australian birth certificate - please note: a birth certificate extract or commemorative birth certificate *will not be accepted*
- Australian driver's licence
- Medicare card
- certificate of registration by descent
- Centrelink concession card
- citizenship certificate
- ImmiCard

The USI Registry System uses the Documentation Verification Service (DVS) to verify student details using their identification. Copies of ID are not required to be uploaded. The information that appears on the card or document is entered, and the DVS will verify the student's identity automatically.

A record or copy of the student's ID is not retained on the system, but some personal information which may also appear on the identification card or document is retained by the Student Identifiers Registrar. Their privacy policy is available here - <https://www.usi.gov.au/about-us/privacy>

From the RTO compliance point of view the confirmation of a student's identity is done through the USI system. Students are required to provide personal information (i.e. photo ID, address, medicare, etc) that is confirmed by the USI register. **RTOs are not required to maintain copies of students' ID on file (electronic or paper based), just to confirm that this evidence was sighted.** With this in mind, HITsa must still verify that the identification of the student presenting for enrolment matches the USI record provided on their enrolment form – they are one and the same.

Identification to confirm the match of individual and USI must be sighted by HITsa.

Confirmation of sighting of identification is completed by the RTO CoOrdinator (or other staff member) facilitating the learner's enrolment. Evidence of completion is done by documenting the identification document type observed, the document number, signature and date of the staff member sighting. This evidence will be saved in the student's party record in JobReady as part of the enrolment documentation.

More commonly, a student will enrol online, or HITsa will use the online enrolment process in lieu of paper forms. A photo of the student holding their photo identification is taken and uploaded. This is evidence of the student identification – student name matches that of the photo ID, and also the student identification on the USI record. No copies of this photograph are saved or stored anywhere but the student's party record in the student management system.

Other Identification Requirements

If HITsa receives funding from the state government, the funding contract may have additional identification requirements. Commonly these funding contracts require RTOs to **maintain evidence** to prove eligibility of students for funding support. Sighting identification is not sufficient. Normally this evidence includes Photo ID, evidence of address and working rights. HITsa's agreement requires this evidence to be kept for at least 5 years after the Expiry Date of the Agreement (Clause 17.5(a)).

Courses that are linked to industry licences, such as construction white card, also require RTOs to maintain evidence of photo ID among other personal details. HITsa does not deliver any such courses.

The following extracts are from HITsa's SKILLS Agreement with the SA Minister for Innovation and Skills

- Participant Agreement (Attachment 2, part B, clause 14)
 - 14.1 The Recipient must enter into a Participant Agreement with the Participant. The Participant Agreement must include the "Standard Enrolment Questions" published in the Australian Vocational Education and Training Management Information Statistical Standard (AVETMISS) VET Provider Collection Specifications and include declarations by the Participant that the Participant has:
 - (a) honestly and accurately provided information and evidence for the purposes of enrolment and eligibility;
 - (b) consented to the collection, use and storage of personal information by the Recipient;
 - (c) been informed by the Recipient that the enrolment may impact their future entitlement to government subsidised Training; and
 - (d) agrees to the conditions of access determined through the Upfront Assessment of Need.

- Participant eligibility and suitability (Attachment 1, clause 7)
 - 7.1 The Recipient acknowledges and agrees that only persons that meet the Participant Eligibility Criteria specified for a particular Funded Activity are eligible to participate in that Funded Activity.
 - 7.2 Where Funded Activities are being delivered to Participants, the Recipient must conduct an assessment of the prospective Participant's needs and his or her willingness to complete the Funded Activity.
 - 7.3 The Recipient must not provide Funded Activities to a prospective Participant if:
 - (a) the Recipient cannot meet the needs of the prospective Participant identified in an assessment;
 - (b) the prospective Participant does not have the willingness to complete the Funded Activity.
 - 7.4 Where the Recipient has assessed a Participant as being suitable to participate in a Funded Activity, where applicable the Recipient must ensure that each Participant signs the appropriate form at commencement, completion or withdrawal as specified in Item 10 of the Funded Activities Annexure.
 - 7.5 The Recipient must retain the signed forms referred to in clause 7.4.

- Evidence to support payment (Attachment1, clause 17) / Complete and accurate records for each participants (Attachment 1, clause 17)

17. RECORDS

- 17.1** The Recipient must maintain full complete and accurate records about the Funded Activities delivered under this Agreement.
- 17.2** Where Funded Activities are delivered to Participants, the Recipient must maintain complete and accurate records for each Participant which include the details of the Funded Activities provided to the Participant.
- 17.3** The Recipient must provide substantiating evidence of the eligibility assessment of the Participant undertaken under clause 7.2, to the Minister upon written request.
- 17.4** The Recipient must retain evidence in support of each payment of Funding that it claims from the Minister.
- 17.5** The Recipient must keep all records and other documentation required to be kept by the Recipient under this Agreement and under any other legislation or statutory instrument, for a period of:
 - (a) at least five (5) years after the later of the Expiry Date of this Agreement; or
 - (b) such longer period required by law.

Student Identifiers Act 2014 (Cwh), Section 11(2) requires us to retain the personal information necessary to prove the student’s eligibility for funding support. It is only funded training that is the subject of this exclusion, with personal identification records required to be retained – See below.

11 Destruction of personal information collected for the purpose of making an application

- (1) If:
- (a) a registered training organisation, VET admission body or other entity is authorised by an individual to make an application under section 9; and
 - (b) the organisation, body or entity collects personal information about the individual for the purpose of making the application; and
 - (c) some or all of the personal information is collected solely for the purpose of making the application;

the organisation, body or entity must destroy the personal information collected solely for that purpose as soon as practicable after the application is made or it is no longer needed for that purpose.

- (2)** Subsection (1) does not apply if the registered training organisation, VET admission body or other entity is required by or under any law to retain the information.

Note: A contravention of this section is taken to be an interference with the privacy of an individual for the purposes of the *Privacy Act 1988* (see section 23 of this Act).

Summary of Student Identification Record Keeping

In summary, RTO Standards do not require copies of ID to be recorded or kept. In most cases, a confirmation of ID verification, either checkbox or declaration is enough.

HITsa's Funding Agreement has record keeping requirements that must be met, so Government subsidized training will require identification records to be securely kept.

Absence of Photo Identification

For a range of reasons and circumstances, some students may face structural barriers or difficult circumstances that mean they cannot access or obtain standard identification documents, or they may have inconsistent personal details across their documents, such as name or date of birth.

Students who may be affected include:

- Aboriginal and Torres Strait Islander peoples
- people affected by natural disasters such as floods or bushfires
- people affected by family and domestic violence
- people experiencing periods of homelessness
- people who are or have recently been in prison
- refugees, asylum seekers and recent migrants to Australia (including people from culturally and linguistically diverse backgrounds)
- intersex, transgender and gender diverse people
- people living in remote areas
- people who have difficulty providing identification due to health or ageing-related reasons.

This is not an exhaustive list and there may be others who face barriers meeting standard identification requirements, while some may face multiple barriers.

The verification of identity and/or eligibility must still occur, so alternatives must be considered.

Alternatives may include -

Referee statements, if the referee is considered by HITsa to be reliable and independent.

A referee statement can take various forms. The statement must contain:

- the referee's signature
- the name of the referee
- how the referee knows the person
- the date the reference was provided
- the referee's position and contact details
- the referee's knowledge of the person's full name(s)
- the referee's knowledge of the person's residential address (if known)
- the referee's knowledge of the person's date of birth (actual or approximate)
- how long the referee has known the person and the approximate dates involved.

It should generally include:

- any relevant family connections with the person
- any other addresses where the person has recently resided
- any alternative names or previous names the person has been or is known by.

The referee statement may also include what the referee knows about the learner, such as details about the person's circumstances that have resulted in limited access to identification documents.

The following may help to establish that a referee statement is reliable and independent. These are suggestions and not mandatory requirements.

- Referee statements from an official of an organisation, using the organisation's official letterhead.
- A recent photograph of the learner included with the statement made on the official letterhead stationery of the organisation they represent, if practical.
- Referee statements witnessed by an independent person (especially if you are unsure whether the learner and the referee are independent of each other, or if there is the potential for undue influence on the learner). You may also wish to specify the minimum qualifications of witnesses, for example, a school principal or teacher.
- government correspondence, including from state and territory correctional service agencies where it involves persons in prison or recently released from prison
- a community ID or indigenous organisation membership card (for Aboriginal and Torres Strait Islander peoples), and
- a customer's self-attestation (statement) of their identity **as a last resort**, in instances of assessed low risk. This might be because the customer:
 - is experiencing homelessness
 - is experiencing or has experienced family or domestic violence
 - is a refugee who has arrived in Australia without identity documents
 - doesn't have any independent and reliable identity documents because the documents have been lost in a fire, flood or a natural disaster
 - can't nominate an independent referee who meets your customer identification requirements.

You must not rely on self-attestation if you know or suspect that it is incorrect or misleading. You must document the reasons why self-attestation was the selected method of identification and the efforts undertaken to obtain alternatives.

If the learner is connected to a Job Service Provider, their case manager offers an excellent opportunity for reference.

Example of referee template –

<https://www.austrac.gov.au/sites/default/files/2022-12/DRAFT%20example%20form%20%20Confirmation%20of%20Identity-%20customers%20without%20standard%20ID%20-%20AUSTRAC%20-%202014431953.pdf>

Proof of Identity – information requests

HITsa is the custodian of learners' personal information and has obligations to protect it from misuse. Prior to any information being shared with any party, HITsa must be assured that the learner's right to privacy is not being breached. The following policies are in place to protect this right –

- Learner approval to use photo images in marketing materials is obtained at time of enrolment
- Written permission to share information with specified parties is obtained from the learner prior to any information being disseminated to any third party
- Prior to information being shared over the phone, the identity of the caller is obtained.
 - If the caller is a third party, they must be nominated on the written permission referred to above. Their identity will be confirmed by requesting
 - Their name and position
 - The student's full name and date of birth
 - If the caller is a learner, their identity will be confirmed by requesting
 - Student full name
 - Date of Birth
 - Current Contact Details
 - Course Details
 - USI

- If a learner presents at HITsa to request personal information, they must present photo ID to prove their identity.

If this information cannot be provided, the RTO CoOrdinator must politely decline the request for information, explaining the obligation for HITsa to protect learner privacy.

END

Date	Version	Amendment(s)
20.03.23		Original Document – Replaces HITP0078/2, HITP0063/4