



Data Access Guidelines

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1. Introduction

Overview

The Unique Student Identifier (USI) for the VET sector was agreed by the Council of Australian Governments (COAG) in April 2012 and has been implemented in partnership with states and territories. The USI came into effect on 1 January 2015 and is closely linked to Total VET Activity (TVA) reporting that commenced on 1 January 2014. All students who are participating in, or have completed nationally recognised training since 1 January 2015 must be assigned a USI reference number before they can receive certification of their training outcome, unless an exemption applies.

The USI allows an individual's name to be linked to training records in the National Vocational Education and Training (VET) Data Collection administered by the National Centre for Vocational Education Research (NCVER) and training activities undertaken at different training organisations, at different times through an individual's life, to be linked and used for authorised administrative and statistical purposes.

The Student Identifiers Registrar (the Registrar), a Commonwealth statutory office established by the Student Identifiers Act 2014 (the Act), administers the USI initiative nationally. The Registrar is appointed by the Commonwealth Skills Minister in consultation with the ministers responsible for skills in states and territories.

The Office of the Student Identifiers Registrar, located in the Commonwealth Department of Education, Skills and Employment, assists the Registrar in performing their functions. It also manages the USI Registry System which creates and stores the USIs and associated personal information.

Purpose of these Guidelines

The Unique Student Identifier Data Access Guidelines set out the arrangements under which data collected and collated under the Act might be requested, disclosed and/or used for research, consistent with the requirements of the Act and the *Privacy Act 1988*, including the Australian Privacy Principles (APPs), and the National VET Data Policy, and subject to the Registrar's approval. The processes and requirements set out in these Guidelines must be followed for the information to be lawfully used or released.

2. Guiding Principles

Data Collection

Registered Training Organisations (RTOs) are required to collect a USI from each individual undertaking nationally recognised training before they can issue a VET qualification or a statement of attainment, unless an exemption applies. RTOs are required to include the USI with their regular Australian Vocational Education and Training Management Information Statistical Standard (AVETMISS) training activity data submissions to the NCVER. Data collected from an individual to ensure the creation of a USI include: name; gender; date of birth; place and country of birth; email address; mobile and/or home phone number; and mailing address.

Unique Student Identifier and Privacy

The collection of individuals' personal data to assign a USI is undertaken in accordance with the privacy provisions of the Act and consistent with the requirements of the *Privacy Act 1988* and the APPs. In addition, the Act provides the Australian Information Commissioner with powers to ensure that an individual's privacy is not compromised.

Researchers requesting and/or receiving access to USI data must adhere to the requirements of the Act, the *Privacy Act 1988*, any state/territory or organisational privacy protocols and requirements, and these Guidelines.

The privacy of individuals should be considered carefully at all stages of the USI data collection, access, use and dissemination process, taking account of the potential public benefit that might be achieved through the proposed research.

The Office of the Student Identifiers Registrar complies with the Act and the *Privacy Act 1988* in its collection, management, storage and disclosure of the USI data collection. The Registrar will only release data where doing so is consistent with the requirements of the Act and the *Privacy Act 1988*. The Registrar may decline to release the requested data following consideration of the request and the recommendation of the VET Data Access Committee.

The USI Registry System retains only information about the name, date and place of birth and contact details of an individual, as well as an indication of the type of document that was used to create the USI. The USI Registry System does not retain any of the details from the identification document (ID) used to create a USI.

Similarly, where the individual has authorised another entity to create a USI on their behalf, such as a training organisation, that entity is required by law to destroy the personal information collected solely for that purpose as soon as possible after the USI application has been made, or should it no longer be needed for that purpose. The only exception to this requirement is where the entity is required under another law to retain the information.

To strengthen the USI privacy arrangements, personal details of individual USI account holders, which are stored in the USI Registry System, are held separately from the records of the training undertaken by individuals, which are stored in the data collection maintained by the NCVET. The USI is the link between the USI Registry System and the National VET Data Collection, which enables individuals to obtain a consolidated transcript of all their nationally recognised training completed from 1 January 2015.

All approved users of USI data must comply with:

- the Australian Privacy Principles set out in the *Privacy Act 1988* as though they are an agency; and
- the requirements of the Act,

when collecting, using, managing, storing and disclosing USI data that contains personal information.

'Personal information' is defined in the *Privacy Act 1988* as:

information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) *whether the information or opinion is true or not; and*
- (b) *whether the information or opinion is recorded in a material form or not.*

To ensure compliance with the requirements of the *Privacy Act 1988* and the Act, the Registrar will:

- (a) only release USI data where the identity of individuals is not apparent and cannot reasonably be ascertained (by providing de-identified or aggregated data). Generally, no data is provided where the cell value is less than 5. The Registrar reserves the right to implement disclosure control techniques where small random adjustments can be made to cell counts.
- (b) not release unit record files or data that identifies individuals (unless specifically authorised or required by law to do so).

In limited circumstances, the Registrar may be required or authorised by or under law to disclose personal information to third parties for certain purposes.

Under the Act, the Registrar is authorised to disclose personal information, including unit record files/identified USI data, to entities where the use or disclosure is for the purposes of research:

- (a) that relates (directly or indirectly) to education or training, or that requires the use of student identifiers or information about education or training; and
- (b) that meets the requirements specified by the Ministerial Council (including requirements as specified in the National VET Data Policy).

The Registrar will consider recommendations from the VET Data Access Committee about requests for access to USI data on a case-by-case basis. In addition to such recommendations of the VET Data Access Committee, the Registrar may seek legal advice or other expert opinion to inform the decision.

The Registrar's decision about whether to release data is final.

All parties receiving USI personal information/data in accordance with the above-mentioned requirements:

- (a) remain bound in relation to that information by the relevant governing provisions in the *Privacy Act 1988* and the Act;
- (b) remain bound in relation to that information by the conditions regarding security and confidentiality of data, and complaints procedures as specified below;
- (c) agree to use that information only for the purposes for which the information was disclosed and not to disclose (including by way of publishing or making the information available in the public domain) the information without the Registrar's written approval, except where the disclosure is required or authorised under law; and
- (d) agree not to disclose, including to publish, or to cause to be published USI data to any party for any purpose, unless authorised or permitted to do so by the Registrar or in accordance with the applicable Privacy law provisions (i.e. disclosure is required by or under law, consent for the disclosure has been obtained, etc.).

The Registrar may impose additional conditions on parties receiving personal information at his/her discretion and consistent with his/her powers as specified by the Act.

Security, Confidentiality and Complaints

The Registrar is the custodian of USI data and ensures it is stored securely and that only authorised officers have access to the data.

To protect the security and confidentiality of USI data, approved users of USI data must:

- (a) comply at all times with any security requirements notified by the Registrar relating to USI data;
- (b) store the USI data securely and protect the data from loss and unauthorised use and access;
- (c) ensure that only those people with a genuine need to view the data will have access to the data;
- (d) only retain the data while there is a genuine need to keep it, and then destroy the data;
- (e) not engage in any data-matching activities involving the data without the prior written consent of the Registrar;
- (f) not attempt to re-identify the data if it is provided in a de-identified or aggregated form;
- (g) not provide the data to any third parties without providing prior notification to the Registrar; and
- (h) not publish the data (in any medium) without providing prior notification to the Registrar.

Individuals or groups wishing to register a complaint regarding the use of USI data should in the first instance lodge that complaint with the data user concerned.

Entities/individuals authorised to receive USI data agree to address in an adequate and timely manner any complaints received in accordance with the above requirement.



Where an entity/individual receives such a complaint, the entity/individual will advise the Registrar of the complaint within 10 working days of its receipt. The entity/individual will also provide details of any action taken to resolve the complaint and the outcome of the complaint to the Registrar within 30 working days of the receipt of the complaint.

If individuals or groups are unsatisfied with the outcome of a complaint lodged with an entity/individual authorised to receive USI data as per above, they may raise the issue with the Registrar.

Entities/individuals authorised to receive USI data agree to co-operate with the Registrar to address complaints received in accordance with the above.

Under the *Privacy Act 1988*, individuals who believe their personal information has been mishandled have the right to lodge a complaint with the Office of the Australian Information Commissioner (OAIC).

Quality

The Registrar will make every effort to ensure that:

- (a) all procedures undertaken in the collection and subsequent composition of the USI data adhere to the highest possible standards;
- (a) the USI data is as complete and as accurate as possible prior to any approved disclosure; and
- (a) requests for access to USI data are assessed in a consistent and objective manner.

Accountability

USI data provided to approved users should only be used in accordance with the Unique Student Identifier Data Access Guidelines and only for the purposes for which the information was disclosed.

Ongoing Review

To ensure the Unique Student Identifier Data Access Guidelines remains a contemporary document and relevant to the emerging data needs of stakeholders, it will be reviewed periodically by the Registrar and may be amended at the Registrar's discretion.

The most recent version of the Unique Student Identifier Data Access Guidelines will be made available on the USI website at www.usi.gov.au. Users of USI data are responsible for ensuring that they comply with the most recent version of the Unique Student Identifier Data Access Guidelines.

Transparency

Clear documentation describing all of the procedures associated with access, use and disclosure of USI data will be publicised and made available to stakeholders via the USI website or in a suitable format to accompany data.

Documentation will also be available in alternate formats on request and for stakeholders who do not have ready access to the internet.

3. Access to USI data

Overview

Any requests for access to USI data must be made in writing to the Registrar in the first instance.

USI data comprises USIs and any personal information held by the USI Registry System.

The Registrar will forward the request to the VET Data Access Committee for consideration, taking account of the scope of data requested and the purpose for which it will be required.

The VET Data Access Committee will make a recommendation to the Registrar with regard to the request.

The Registrar will consider the VET Data Access Committee's recommendation and advise the applicant and the VET Data Access Committee of his/her decision with regard to the release of USI data. The decision will be at the Registrar's absolute discretion.

VET Data Access Committee

The VET Data Access Committee is established by the relevant Ministerial Council. It provides nonbinding advice on requests for access to unpublished identifiable data held by the Registrar and the NCVET. This may include requests for the disclosure of data containing USIs and/or personal information.

VET Data Access Committee membership comprises the NCVET Managing Director as Chair, a representative nominated by the Registrar, two Senior Officials (one from a jurisdiction, another from the Commonwealth), a privacy compliance expert and three registered training organisation representatives (one representing public RTOs, one representing enterprise RTOs and one representing private RTOs).

The VDAC will take a risk based approach and consult with data providers and government officials and convene any necessary reference/working groups to assist it in carrying out its work as required by the Chair.

Members will sign confidentiality agreements and must declare any conflict of interest on individual cases as they may arise.

The VET Data Access Committee meets as required, normally by teleconference.

When considering requests from entities/individuals for the release of USI data, the

VET Data Access Committee will take account of:

- (a) the stated purpose for the request;
- (b) the range of the request (e.g. duration of research, data parameters, target population, estimated time of data retention);
- (c) the public interest/benefit of the request;
- (d) the reasons why, where personal information has been requested, de-identified information cannot achieve the relevant purpose of the compilation or analysis of statistics activity;
- (e) ethical considerations relevant to the request;
- (f) the reasons why it is impractical to seek consent from the individual(s);
- (g) its confidence in the integrity and quality of USI data for the purposes of the research;
- (h) the likelihood that the potential value of USI data is realised over time;
- (i) whether the legitimate interests of USI data stakeholders are acknowledged and addressed;
- (j) the proposed method of publication of results of the research, including whether the applicant has agreed that information will not be published unless it is in a de-identified form; and
- (k) whether the risks and issues are identified and appropriate mitigation strategies developed to address these.

When determining its recommendation with regard to a request for the release of USI data, the VET Data Access Committee may include suggested caveats or requirements upon which the data release is contingent. The VET Data Access Committee may also request that the applicant obtain the approval of a relevant Ethics Committee prior to making a recommendation to the Registrar.

Student Identifiers Registrar

The Registrar may specify the form in which a request for access to USI data must be made, and require the request to include particular information. If a request for access to USI data does not meet the Registrar's requirements, it may not be considered.

The Registrar, when determining whether to release USI data will take account of:

- (a) the requirements of the Act and the Privacy Act 1988;
- (b) the specified purpose for which the USI data is to be used;
- (c) the public interest/benefit of the request;
- (d) the range of the request (e.g. duration of research, data parameters, target population, estimated time of data retention);
- (e) the reasons why de-identified information cannot achieve the relevant purpose of the compilation or analysis of statistics activity;
- (f) ethical considerations relevant to the request;
- (g) the reasons why it is impractical to seek consent from the individual(s);
- (h) his/her confidence in the integrity and quality of USI data for the purposes of the research;
- (i) the likelihood that the potential value of USI data is realised over time;
- (j) the proposed method of publication of results of the research, including whether the applicant has agreed that information will not be published unless it is in a de-identified form;
- (k) whether the legitimate interests of USI data stakeholders are acknowledged and addressed;
- (l) whether risks and issues are identified and appropriate mitigation strategies developed to address these;
- (m) the recommendation of the VET Data Access Committee; and/or
- (n) anything else he/she considers relevant to the decision.

Public Interest Considerations

In weighing the public interest in relation to a data access request, the VET Data Access Committee and the Registrar should consider the following matters:

- (a) the degree to which the research is likely to contribute to public understanding of education and training and/or improved delivery of education and training services;
- (b) any likely benefits to individuals or the wider community that will arise as a result of the research being undertaken in the manner proposed;
- (c) the financial costs of not undertaking the research (to government, the public, the education and training system, etc.);
- (d) whether the risk of harm to an individual whose personal information is to be used in the proposed research is minimal. Where the research may not comply with an APP or APPs the proposal for that research must contain a reference to the relevant APP or APPs, the potential risks of harm and why the public interest in the research outweighs, to a substantial degree, the public interest in complying with the APPs; and
- (e) the risk that a person or a group could be identified in the published results.

Student Identifiers Registrar Decision

The Registrar, when making his/her decision about the release of USI data, may:

- accept the VET Data Access Committee's recommendation;
- disregard the recommendation;
- accept part of the recommendation;
- impose additional requirements to those recommended;
- request the applicant provide additional information;
- request the VET Data Access Committee undertake further investigation/consideration of the request; and/or
- request the advice of external individuals with expertise in a particular field.

The Registrar may also request that the applicant seek and obtain approval from a relevant Ethics Committee prior to making a final decision about the release of USI data.

Where an applicant has made multiple and/or consecutive/sequential requests for USI data over a period of time and the Registrar has granted one or more previous requests, the Registrar is not obliged to grant subsequent requests, nor will the Registrar incur any liability should a refusal impact on a research project/study.

The Registrar's decision about whether to release USI data is final.

The Registrar will advise the applicant in writing of his/her decision about whether or not the request for access to USI data will be granted. The advice will include details of the matters considered and, in the case of:

- refusal – the reason why the request has not been granted.
- grant – any requirements or conditions attached to the release of USI data.

Where the Registrar has imposed requirements and conditions to the release of USI data, the applicant must advise the Registrar in writing of his/her agreement to the additional conditions before the USI data will be released.

The timeframe for decision by the Registrar may vary depending on the nature of the data request and/or Office of the Student Identifiers Registrar operational requirements.

Office of the Student Identifiers Registrar

The Office of the Student Identifiers Registrar will receive all requests for access to USI data and note the details of each request in a Data Access Request Register it administers. The Office of the Student Identifiers Registrar, on behalf of the Registrar, will forward the data access request to the VET Data Access Committee for consideration.

Following the Registrar's consideration of and decision about the VET Data Access Committee's recommendation with regard to a request for access to USI data, the Office of the Student Identifiers Registrar will record the Registrar's decision in the Data Access Request Register and advise the applicant. Where it has been decided to grant the request, the Office of the Student Identifiers Registrar will arrange for the release of relevant data.

The Office of the Student Identifiers Registrar will:

- (a) manage the Data Access Request Register;
- (b) oversee the use of USI data and ensure the Unique Student Identifier Data Access Guidelines and related documents are published or easily accessible;
- (c) determine policies and processes for the disclosure, use and dissemination of USI data;
- (d) manage requests for disclosure to and appropriate use of USI data;
- (e) monitor and address risks and issues associated with the disclosure, use and dissemination of USI data; and
- (f) liaise with the NCVER with regard to data requests.

Data Access Request Register

Details the Data Access Request Register is to include:

- the name and contact details of the applicant;
- the purpose for which the data is required;
- the date the request was referred to the VET Data Access Committee for consideration;
- the date the VET Data Access Committee provided a recommendation to the Registrar;
- the terms of the recommendation;
- the Registrar's decision;
- the date the data was released; and
- the date the data was destroyed by the recipient.

Disclosure Requirements

Any request for USI data that is available in the public domain will be refused.

Any request for disclosure of unpublished USI data must be for an appropriate purpose and consistent with the guiding principles in the Unique Student Identifier Data Access Guidelines.

The Registrar, as the custodian of USI data, will determine at his/her absolute discretion whether to disclose unpublished USI data.

All organisations (government and non-government), researchers and/or individuals must obtain written approval from the Registrar to access unpublished USI data. The Registrar may also require applicants to enter into legally binding agreements, setting out terms of use, confidentiality requirements and any other requirements he/she considers appropriate, before access is granted.

Breach of the Unique Student Identifier Data Access Guidelines

The Registrar reserves the right to reject any request for USI data where an applicant fails to, or opts not to, comply with the requirements of these guidelines.

Process for Requesting USI Data

The process for disclosing unpublished USI data for which the Registrar is responsible is:

All data requests in email format or hard copy letters must be sent to:

- (a) **The Student Identifiers Registrar**
BusinessStrategy@usi.gov.au

or

The Student Identifiers Registrar
C/- Department of Education, Skills and
Employment
GPO Box 9880
ADELAIDE SA 5001

The applicant must ensure that the data request:

- (i) Is made in a form specified by the Registrar
- (ii) Clearly identifies what data is being requested and in what format it is to be provided.

- (iii) Where unit record files and/or data that identifies individuals is being requested (i.e. personal information), sets out which provisions of the *Privacy Act 1988*, the Act and/or other legislation the applicant considers authorises or requires the proposed disclosure of personal information.
 - (iv) Sets out the purpose for requesting the data and how the data will be used, including whether the data will contribute to the functions and objectives of the applicant and what benefit will be derived by the Office of the Student Identifiers Registrar/the applicant if the data is supplied.
 - (v) Sets out whether the data will be matched with any other data and describe the potential implications of this (including unintended consequences).
 - (vi) Describes whether the data will be disclosed by the applicant to any third parties and, if so, for what purpose.
 - (vii) States whether the data will be published, including in what medium, and the reason for the proposed publication.
 - (viii) Sets out how and when the data will be destroyed at the conclusion of the project/research.
- (b) The VET Data Access Committee will consider the data access request and its recommendation will inform the Registrar's decision whether to release the data and, if approved, the applicant will be informed and the Office of the Student Identifiers Registrar will manage the release of the USI data.
 - (c) The Office of the Student Identifiers Registrar will provide the appropriate documents (for example, relevant confidentiality agreements) for formal signature if deemed necessary.
 - (d) All original, completed and signed documents must be returned to the Office of the Student Identifiers Registrar.
 - (e) Depending on the circumstances, applicants may be given the option to re-apply (e.g. if the original application does not contain enough information).
 - (f) The applicant must advise the Registrar within 10 working days when USI data has been destroyed.



Fees and Charges

The Registrar may charge a minimal fee for providing access to USI data, associated with the labour and material costs of compiling the data.

If a fee is payable, the Office of the Student Identifiers Registrar will advise the applicant of the amount in a quotation form. The Office of the Student Identifiers Registrar will only release the data to the applicant after the applicant has agreed to the payment of the fee by signing and returning this quotation form. Following the release of the data, the Office of the Student Identifiers Registrar will send the applicant an invoice for payment.

4. Contacts

Office of the Student Identifiers Registrar

Contact the Office of the Student Identifiers Registrar with any questions about the Unique Student Identifier Data Access Guidelines by writing to:

Director, Business Strategy
BusinessStrategy@usi.gov.au

or

Director, Business Strategy
Office of the Student Identifiers Registrar
C/- Department of Education, Skills and Employment
GPO Box 9880
ADELAIDE SA 5001

Appendix A

Data Request Form

Request for Access to Unique Student Identifier (USI) data:

Please read the Unique Student Identifier Data Access Guidelines before completing this Form.

This Form must be completed and submitted to the Student Identifiers Registrar before any data request will be considered.

This Form should be submitted electronically to:

The Student Identifiers Registrar
BusinessStrategy@usi.gov.au

or hard copy to

The Student Identifiers Registrar
Office of the Student Identifiers Registrar
C/- Department of Education, Skills and Employment
GPO Box 9880
ADELAIDE SA 5001

The Registrar will consider this data access request and aim to provide a response within twenty-five (25) working days, depending on the nature of the request and/or the Office of the Student Identifiers Registrar operational requirements. You may be contacted if additional information or time is required.

Please attach any additional information to the Form (e.g. where information exceeds available space provided by the Form).

1. Details of Applicant

(a) Agency/Organisation:

(b) Position

(c) Agency/Organisation contact

(d) ABN

(e) Address

(f) Telephone number

(g) Email address

2. Details of data required

(a) Detailed description of data required:

What information/data is required?

Provide detailed description of the information you require to be disclosed and specify whether it is to be identified or de-identified data.

- If you are requesting identified data specify why de-identified data cannot achieve the relevant purpose of the research.
- In the case of identified data, specify why it is impractical to seek consent from the individual(s)

g In what format do you want data to be provided?

g For what purposes do you request this information?

Provide details of the purpose of the data request, the intended uses and any derived benefits.

(b) Details of relevant legislative provisions, if applicable (for example, if requesting uni record files or data that identifies individuals):

Which legislative provisions would authorise the disclosure of this information for the above identified purpose?

(c) Specify any identified public interest in this request.

(d) Do you have the approval of an appropriate Ethics Committee to conduct this research/use USI data for the purpose proposed in this application? Yes No

If yes, provide details

(e) Who will have access to the data?

(f) How will the information be used?

(g) Will you engage in any data matching activities? Yes No

If yes, provide details.

(h) Will the data be disclosed to any third parties? Yes No

If yes, provide details.

(i) Will the data be published? Yes No

If yes, provide details.

(j) Have you requested this data before? Yes No

If yes, provide details.

(k) Specify how and when data will be destroyed at the conclusion of use.

3. Acknowledgement and declaration

(a) I acknowledge that I have read and understood the Unique Student Identifier Data Access Guidelines and I agree to be bound by these Guidelines in the event that my request is approved.

I declare that the information I have given on this form is true and correct in all regards.

Any data received will be used only for the purpose for which it was disclosed and will be accessed only by those authorised to use it.

Note: A person who knowingly provides false or misleading information or documents to the Commonwealth, or omits information causing the information provided to be misleading, or acts dishonestly with the intention of obtaining a gain for themselves or causes a loss to the Commonwealth, is guilty of an offence which is punishable by imprisonment.

4. Undertaking

(a) I undertake not to disclose or publish the data (in any medium) without the prior written consent of the Student Identifiers Registrar. I acknowledge that a breach of this undertaking may result in the rejection of future requests for data submitted by me or by the organisation I represent.

5. Signature

Full name of applicant:

Signature of applicant:

Date:

Comments:

Name of authorising officer:

Signature of authorising officer:

Date:

Privacy notice: The Office of the Student Identifiers Registrar is collecting personal information on this form in order to process the data request detailed above. Only authorised Office of the Student Identifiers Registrar personnel and members of the VET Data Access Committee will have access to this information. The Office of the Student Identifiers Registrar and VET Data Access Committee members will not disclose this information unless consent is obtained or where the disclosure is required or authorised under law.



