



# Higher Education Loan Program (HELP), Vocational Education and Training Student Loans (VSL) and Trade Support Loans (TSL) 2019–20, 2020–21 and 2021–22 financial years data matching program protocol

HELP, VSL and TSL - 2019-20, 2020-21 and 2021-22 financial years data matching program.

**Last updated** 5 July 2019

HELP, VSL and TSL- 2019-20, 2020-21 and 2021-22 financial years data matching program

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**At a glance**



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## At a glance

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This protocol has been prepared to meet the *Guidelines on Data Matching in Australian Government Administration 2014* (Guidelines) published by the Office of the Australian Information Commissioner (OAIC).

The Australian Government provides financial assistance in the form of income contingent loans through the:

- Higher Education Loan Program (HELP)
- Vocational Education and Training Student Loan program (VSL)

- Trade Support Loans (TSL).

These loans are established under the:

- *Higher Education Support Act 2003* with HELP commencing in January 1989
- Vocational Education and Training Student Loans Act 2016 (VSL Act) with VSL commencing in January 2017
- *Trade Support Loans Act 2014* with TSL commencing in July 2014.

In 2018 the *Higher Education Support Act 2003* and Vocational Education and Training *Student Loans Act 2016* were amended to separate VSL debts from other forms of Higher Education Loan Program debts and establish VSL as a separate income contingent loan, with a commencement date of 1 July 2019.

The laws are administered by the Department of Education and Training (Education), together with the Commissioner of Taxation who administers the collection of the loans on behalf of the Commonwealth.

Loan recipients do not commence repayment of their loans until they are earning an income above the minimum repayment threshold, which for the 2018-19 financial year was \$51,957. The repayment thresholds and rates for the compulsory repayment can be found at [ato.gov.au/thresholdsandrates](https://ato.gov.au/thresholdsandrates) Repayments are made to the ATO through the income tax system.

Under the *Student Loan (Overseas Debtors Repayment Levy) Act 2015* participants with new and existing HELP, VSL or TSL debts must:

- have updated their contact details and submitted an overseas travel notification using ATO online services via their myGov account if planning to or already reside overseas for 183 days or more in any 12 months
- lodge their worldwide income (Australian income and their non-resident foreign sourced income) or a non-lodgment advice.

For the 2019-20, 2020-21 and 2021-22 financial years the HELP, VSL and TSL data matching program will obtain Department of Home Affairs (DHA) overseas movement data for participants with existing HELP, VSL or TSL debts dating back to the commencement of that debt.

Correct identification of new and existing HELP, VSL and TSL debtors who leave Australia or have already departed, is a major component for successful targeting of communications, provision of self-help information and compliance activity to support the law change.

We have a responsibility to protect public revenue and to maintain community confidence in the integrity of the tax system. Undertaking the HELP, VSL and TSL data matching program will assist us taking steps to protect and maintain public revenue. We have been undertaking this data matching program for three years and intend to continue conducting this data matching program for a further three years.

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## Program objectives

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The objectives of this data matching program are to:

- ensure participants with a HELP, VSL or TSL debt impacted by the law changes are receiving guidance materials, self-help information and support
- ensure participants with a HELP, VSL or TSL debt impacted by the law changes are aware of their registration, lodgment and payment obligations
- use insight gained to further develop educational strategies intended to promote voluntary compliance and strengthen community confidence in the integrity of the tax system
- provide possible opportunities to satisfy the ATO's wider compliance activities of registration, lodgment, correct reporting and payment of taxation and superannuation obligations.

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# How the data will be used

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Under this data matching program DHA will provide overseas movement data for the HELP, VSL and TSL debtor population provided by the ATO.

The data will be used by the ATO to identify those HELP, VSL or TSL debtors that have left Australia and remain overseas. It is these HELP, VSL or TSL debtors that are subject to the obligations of registration, lodgment and/or repayment of their HELP, VSL or TSL debt.

The primary use of the data is to support voluntary compliance through successful targeting of communications and provision of self-help information.

By identifying HELP, VSL and TSL debtors to whom the HELP, VSL and TSL overseas obligations apply we will assess their status against ATO records and other data we hold to identify debtors that may not be meeting their registration, lodgment and/or payment obligations.

Where a taxpayer is correctly meeting their obligations, the use of the data will reduce the likelihood of contact from us.

## **Find out about:**

- [What we will do before amending a return](#)

## **Previous programs**

We have conducted this data matching program since 2017. The previous program covering the 2016-17, 2017-18 and 2018-19 financial year financial years has broadly achieved its stated goals, including

- Correct identification of new and existing HELP and TSL debtors who leave Australia or have already departed
- successful targeting of communications, provision of self-help information and compliance activity to support the law change.

The reasons for conducting the HELP and TSL data matching program remain current.

# Data related matters

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## Data matching and user agency

We are the matching agency and in most cases the sole user of the data obtained in the course of this data matching program. The data matching program will be conducted on our secure systems in accordance with approved policies and procedures.

In very limited and specific circumstances we may be permitted by law to disclose individual records to other government agencies.

### Find out about

- [Our on-disclosure provisions](#)

## Data providers

The data will be obtained from the Department of Home Affairs (DHA) as the sole data provider.

## Data elements

On a monthly basis for the HELP, VSL and TSL debtor population during the, 2019-20, 2020-21 and 2021-22 financial years we will obtain DHA overseas movement data dating back to the date the debts were incurred, including:

- Identifying particulars for the HELP, VSL and TSL debtor population (name, date of birth, ATO/DHA identifiers)
- DHA overseas movement details (Passport number, passport country of issue, offshore status, departure and return dates) held on DHA system

## Number of records

The HELP, VSL and TSL debtor population affected by this data collection is expected to involve approximately 3 million individuals each financial year.

## Data quality

DHA have legislative obligations to administer customs, immigration and border protection functions which necessitate maintaining high quality data. The ATO quality assurance processes in conjunction with DHA ensure the integrity of the data is not compromised.

The data is supplied in accordance with reporting specifications including record layout and data format for each record. Data is transformed into a standardised format and validated to ensure that it contains the required data elements prior to loading to our analytical systems.

### Find out about

- [How we undertake data matching](#)
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## Data retention

The collection of data under this program occurs monthly and it is proposed to continue throughout the period July 2019 to June 2022.

Each month under this data matching program DHA provide overseas movement data for the HELP, VSL and TSL debtor population provided by the ATO. DHA overseas movement data dates back to when the HELP, VSL or TSL debtors in the monthly population originally incurred the debt. The data collection is refreshed monthly ensuring currency of the data. Through the refresh process the data supporting the 2019-20, 2020-21 and 2021-22 financial years of the data matching program is progressively updated. This data is required for the protection of public revenue.

We destroy data that is no longer required in accordance with the requirements of the Guidelines and the National Archives of Australia's General Disposal Authority 24 - Records relating to Data Matching Exercises.

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## Public notification of the program

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We will notify the public of our intention to undertake this program by:

- publishing a notice in the Federal Register of Legislation - Gazettes in the week commencing 1st July 2019 – refer to [Gazette notice content](#)
- publishing this data matching program protocol on our website at [www.ato.gov.au/dmprotocols](http://www.ato.gov.au/dmprotocols)
- ATO advise data providers they
  - should notify their clients of their participation in this program and provided written materials to assist with this
  - should update their privacy policies to note that personal information is disclosed to the ATO for data matching purposes
- DHA [Privacy policy](#) [↗](#) on their website includes that personal information is disclosed to ATO.



# Gazette notice content

## Commissioner of Taxation - Notice of a data matching program

The Australian Taxation Office (ATO) acquire overseas movement data from the Department of Home Affairs (DHA) for individuals with an existing HELP, VSL or TSL debt. The data matching program will be conducted for the 2019-20, 2020-21 and 2021-22 financial years.

When living and working overseas with a Higher Education Loan Program (HELP), Vocational Education and Training Student Loan (VSL) and/or Trade Support Loans (TSL) you are required to:

- update your contact details and submit an overseas travel notification if you have an intention to, or already reside overseas, for 183 days or more in any 12 months
- lodge your worldwide income or a non-lodgment advice.

The program will identify HELP, VSL and TSL debtors to whom the **HELP, VSL and TSL overseas obligations** apply. We will assess their status against ATO records and other data we hold to identify debtors that may not be meeting their registration, lodgment and/or payment obligations.

The data items that will be obtained are:

- Identifying particulars for the HELP, VSL and TSL debtor population (name, date of birth, ATO/DHA identifiers)
- DHA overseas movement details (Passport number, passport country of issue, offshore status, departure and return dates) held on DHA system

The HELP, VSL and TSL debtor population affected by this data collection is expected to involve approximately 3 million individuals each financial year.

The objectives of this data matching program are to:

- ensure participants with a HELP, VSL or TSL debt impacted by the law changes are receiving guidance materials, self-help information and support
- ensure participants with a HELP, VSL or TSL debt impacted by the law changes are aware of their registration, lodgment and payment

obligations

- use insight gained to further develop educational strategies intended to promote voluntary compliance and strengthen community confidence in the integrity of the tax system
- provide possible opportunities to satisfy the ATO's wider compliance activities of registration, lodgment, correct reporting and payment of taxation and superannuation obligations.

A document describing this program has been prepared in consultation with the Office of the Australian Information Commissioner. A copy of this document is available at [Data matching protocols](#)

The ATO applies the Office of the Australian Information Commissioner's *Guidelines on Data Matching in Australian Government Administration (2014)* which includes standards for data matching to protect the privacy of individuals. A full copy of the ATO's privacy policy can be accessed at [www.ato.gov.au/privacy](http://www.ato.gov.au/privacy)

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## Legal matters

**Last updated** 5 July 2019

### **Find out about:**

- ATO privacy policy
- [Making a privacy complaint](#)
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## Our on-disclosure provisions

Division 355 of Schedule 1 to the *Taxation Administration Act 1953* sets out the other government agencies we can disclose taxpayer information to, and the circumstances we are permitted to make those disclosures. These include agencies responsible for:

- state and territory revenue laws
- payments of social welfare and health and safety programs for determining eligibility for certain types of benefits and rebates
- overseeing superannuation funds, corporations and financial market operators to ensure compliance with prudential regulations
- determining entitlement to rehabilitation and compensation payments
- law enforcement activities to assist with specific types of investigations.

- policy analysis, costing and effectiveness measurement.

Each request for information by other agencies will be assessed on its merits and must be for an admissible purpose allowed for by taxation laws. In specific permissible circumstances on-disclosures may include de-identified datasets for statistical analysis.

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## How we undertake data matching

We use sophisticated identity matching techniques to ensure we identify the correct taxpayer when we obtain data from third parties. This technique uses multiple details to obtain an identity match. For example, where a name, address and date of birth are available all items are used in the identity matching process. Very high confidence matches will occur where all fields are matched.

Additional manual processes may be undertaken where high confidence identity matches do not occur, or a decision taken to destroy the data with no further action. Our manual identity matching process involves an ATO officer reviewing and comparing third party data identity elements against ATO information on a one-on-one basis, seeking sufficient common indicators to allow confirmation (or not) of an individual's identity. We commonly call this process manual uplifting.

Data analysts use various models and techniques to detect potential discrepancies, such as under-reported income or over-reported deductions. Higher risk discrepancy matches will be loaded to our case management system and allocated to compliance staff for actioning.

Lower risk discrepancy matches will be further analysed and a decision made to take some form of compliance or educational activity, or to destroy the data.

Destruction of data is conducted in accordance with the timeframes and requirements of the Guidelines and GDA24 or an extension of time is sought from the Information Commissioner.

Where administrative action is proposed, additional checks will take place to ensure the correct taxpayer has been identified. The

taxpayers will be provided with the opportunity to verify the accuracy of the information before any administrative action is taken.

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## What we will do before we amend a return

Where we detect a discrepancy that requires verification we will contact the taxpayer - usually by telephone, letter or email.

Before any administrative action is taken, taxpayers will be provided with the opportunity to verify the accuracy of the information obtained by us. Taxpayers will be given at least 28 days to respond before administrative action is taken.

For example, where discrepancy matching identifies that a taxpayer is not reporting all of their income, but in fact they are reporting the income under another entity, the taxpayer will be given the opportunity to clarify the situation.

The data may also be used to ensure that taxpayer's are complying with their other taxation and superannuation obligations, including registration requirements, lodgment obligations and payment responsibilities.

In cases where taxpayers fail to comply with these obligations, after being reminded of them, escalation for prosecution action may be instigated in appropriate circumstances.

Where a taxpayer has correctly met their obligations, the use of the data will reduce the likelihood of contact from us.

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## How we protect your personal information

Our staff are subject to the strict confidentiality and disclosure provisions contained in Division 355 of Schedule 1 to the *Taxation Administration Act 1953* and include terms of imprisonment in cases of serious contravention of these provisions.

All ATO computer systems are strictly controlled, with features including:

- system access controls and security groupings

- login identification codes and password protection
- full audit trails of data files and system accesses.

For the HELP, VSL and TSL program we utilise a secure system to system facility to transfer the data between the data providers.

Where this is not possible, data providers will be requested to provide the data on a CD, DVD or USB media storage device encrypted to a standard that satisfies Australian government requirements. The media storage device will be password protected, with the password provided under separate cover.

Where the media storage device is not collected by an authorised ATO officer, an approved courier service will be used to collect the device. In remote locations not serviced by an approved courier service, the Australia Post 'Express Post Platinum' service will be utilised (providing both tracking and signature for delivery features).

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## **Our quality assurance framework**

Quality assurance processes are integrated into our procedures and computer systems and are applied throughout the data matching cycle.

These assurance processes include:

- registering the intention to undertake a data matching program on an internal register
- obtaining approval from the Data Steward and relevant Senior Executive Service (SES) officers prior to any activity being undertaken
- conducting program pilots or obtaining sample data to ensure the data matching program will achieve its objectives prior to full data sets being acquired
- notifying the Office of the Australian Information Commissioner of our intention to undertake the data matching program and request permission to vary from the data matching guidelines (where applicable)

- access to the data is restricted to approved users and access management logs record details of who has accessed the data
- quality assurance processes embedded into compliance activities include:
  - review of risk assessments, taxpayer profiles and case plans by senior officers prior to client contact
  - ongoing reviews of cases by subject matter technical experts at key points during the life cycle of a case
  - regular independent panel reviews of samples of case work to provide assurance of the accuracy and consistency of case work.

These processes ensure data is collected and used in accordance with our data management policies and principles, and complies with the Information Commissioner's data matching guidelines.

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## Why we undertake data matching

We have considered a range of alternatives to this data matching program to ensure entities are complying with their taxation and superannuation obligations. Relying only on data already held by the ATO is of limited value for the following reasons:

- the taxation system operates on willing participation so our data is derived from taxpayers that are correctly registered and meeting their lodgment obligations
- we have no other data to cross-reference to ensure taxpayers are meeting their registration obligations or reporting correctly other than by directly contacting every taxpayer.

This data matching program will allow us to identify taxpayers who are not fully complying with their obligations, as well as those that may be operating outside the taxation and superannuation systems. It will also reduce the likelihood of the ATO unnecessarily contacting taxpayers who are complying with their taxation obligations.

Data matching is an effective method of examining records of thousands of taxpayers to ensure compliance with lodgment and

reporting obligations that would otherwise be a resource intensive exercise.

Data matching also assists us in effectively promoting voluntary compliance by notifying the public of areas and activities under scrutiny.

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## Costs and benefits of data matching

### Costs

There are some incidental costs to us in the conduct of this data matching program, but these will be more than offset by the total revenue protected. These costs include:

- data analyst resources to identify potential instances of non-compliance
- compliance resources to manage casework and educational activities
- governance resources to ensure that the Guidelines and the *Privacy Act 1988* are complied with, and quality assurance work to ensure the rigour of the work undertaken by analysts and compliance staff
- storage of the data.

### Benefits

Benefits from conducting this data matching programs include:

- maintaining community confidence in both the taxation and superannuation systems by creating a level playing field, as well as maintaining community confidence in the ATO's capacity to fairly administer those systems
- integrity of the taxation and superannuation systems – there are inherent risks in taxpayers not complying with their obligations, including those that deliberately abuse these systems – this program will assist the ATO in detecting, dealing with and deterring those that are not meeting their obligations
- enabling enforcement activity and recovery of taxation revenue – without undertaking this data matching program and subsequent



compliance activity there are no assurances that a wider risk to revenue does not exist.

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## Making a privacy complaint

Our [privacy policy](#) has detailed information about how we collect, hold and disclose data as well as information about what you can do if you are not satisfied with how your information has been treated. If a taxpayer is not satisfied with how we have collected, held, used or disclosed its personal information, they can make a formal complaint by:

- using the online complaints form at [www.ato.gov.au/complaints](http://www.ato.gov.au/complaints)
- phoning our complaints line on **1800 199 010**
- phoning the National Relay Service on **13 36 77** (if you have a hearing, speech or communication impairment)
- sending us a free fax on **1800 060 063**
- writing to us at:

ATO Complaints  
PO Box 1271  
ALBURY NSW 2640

If a taxpayer is not satisfied with the outcome of the privacy complaint, they can contact the Office of the Australian Information Commissioner. More details on the process can be found on the OAIC website at [How do I make a privacy complaint?](#) [↗](#)

### See also:

- [Your privacy](#)

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## Our lawful role

The Commissioner of Taxation has responsibility for ensuring taxpayers meet their taxation and superannuation obligations. Compliance with these obligations is a matter we take seriously and failure to address non-compliant behaviour has the potential to undermine community confidence in the integrity of the taxation and

superannuation systems and our capacity to administer those systems.

Our data matching program is one of the strategies used to identify and deal with non-compliant behaviour. Data matching programs also provide a degree of assurance that taxpayers are meeting their obligations.

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## **Our legal authority to undertake a data matching program**

### **Legislation**

ATO provide the HELP, VSL or TSL debtor population identifier details to DHA under section 355-50 of Schedule 1 of the *Taxation Administration Act 1953*.

DHA disclose overseas movement data under Part 6 - Secrecy and disclosure provisions of the *Australian Border Force Act 2015*.

Where appropriate to ensure statutory requirements are met, the data will be obtained under our formal information gathering powers contained in section 353-10 of Schedule 1 to the *Taxation Administration Act 1953*.

This is a coercive power that obligate the data providers to furnish the information requested. We will use the information for taxation and superannuation compliance purposes.

### **Privacy Act**

Data will only be used within the limits prescribed by Australian Privacy Principle 6 (APP6) contained in Schedule 1 of the *Privacy Act 1988* and in particular:

- APP6.2(b) – the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order.
- APP6.2(e) – the ATO reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

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## **Our commitment to you**

We are committed to providing you with accurate, consistent and clear information to help you understand your rights and entitlements and meet your obligations.

If you follow our information and it turns out to be incorrect, or it is misleading and you make a mistake as a result, we will take that into account when determining what action, if any, we should take.

Some of the information on this website applies to a specific financial year. This is clearly marked. Make sure you have the information for the right year before making decisions based on that information.

If you feel that our information does not fully cover your circumstances, or you are unsure how it applies to you, contact us or seek professional advice.

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