

Privacy Policy

Overview

AKOSMS Pty Ltd ABN 67 468 767 112 trading as Essential Assessment (“Essential Assessment”, “we”, “us”, “our”) is committed to protecting your privacy. We have prepared this Privacy Policy to describe to you our practices regarding Personal Data (as defined below) we collect from users of our product accessible at www.essentialassessment.com.au and all related applications, platforms, services, products and websites (together the “**Product**”).

The processing of Personal Data shall always be in line with the Australian Privacy Principles (“APPs”) contained in the Privacy Act 1998 (“Privacy Act”), the General Data Protection Regulation (“GDPR”), and in accordance with country-specific data protection regulations applicable to Essential Assessment.

We have implemented a number of technical and organisational measures to ensure the most complete protection of Personal Data processed through the Product.

For the purpose of the GDPR:

- in respect of the Personal Data of the Product, that is not provided to us by Authorised Users (being teachers or staff and enrolled students) of our Subscribers (being learning institutions) the Data Controller is Essential Assessment;
- in respect of Personal Data of Authorised Users (being teachers or staff and enrolled students) of our Subscribers (being learning institutions) that use our Products, Essential Assessment may also process Personal Data on behalf of its Subscribers as a data processor or act as a joint data controller (as appropriate).

When working as a data processor Essential Assessment will be acting on the instructions of its Subscribers and will work hard to ensure that the Subscriber is fully GDPR compliant. You will need to review the privacy policy of that Subscriber as in this instance they will be the data controller, and we will only process Personal Data on behalf of our Subscribers in accordance with their instructions and not for our own purposes. Similarly, where we act as a data processor Essential Assessment has no direct control over the data collected by its Subscribers. This means that you should contact the Subscriber with any data controller requests. Where we act a joint data controller then we will share responsibilities with the Subscriber.

Definitions

Capitalised terms not defined in this Privacy Policy have the meanings given in our Product Terms and Conditions, unless otherwise inconsistent with the context. In addition, the following capitalised terms have the following meanings:

- a) “Anonymous Data” means data that is not associated with or linked to your Personal Data; Anonymous Data does not, by itself, permit the identification of individual persons. We collect Anonymous Data and Personal Data, as described below.
- b) “Personal Data” means any information that allows someone to identify you, including, for example, your name, address, telephone number, e-mail address, as well as any other non-public information about you that is associated with or linked to any of the foregoing data.
- c) “Sensitive Data” means Personal Data relating to a person’s physical or mental health, race or religion.

User Consent

Where we rely on your consent as the lawful basis to process your data we will always ask for you to positively affirm your acceptance. By clicking “I accept the Privacy Policy” or similar, or if we indicate

that by clicking a button you are accepting this Privacy Policy you acknowledge and agree to be bound by this Privacy Policy.

We note that certain contact or other data forms where consent is required to be given by you include no pre-checked checkboxes so that you are able to freely and affirmatively opt-in. In cases where we do not consider it practical to include a checkbox, we will indicate that by clicking a certain button you have agreed to the terms of this Privacy Policy. We will also provide you with notice on the Product specifically detailing what it is that you are consenting to in clear and plain language as well ensuring that each matter that requires consent is clearly distinguishable.

For all areas of the Product where consent is given it is just as easily able to be withdrawn through the appropriate account settings on the Product.

If you believe that consent has not been given freely or in breach of the terms of this Privacy Policy please contact us.

Children

Our Product is not offered to persons who cannot form legally binding contracts under applicable laws (except where parental/guardian consent is given). You must also be old enough to consent to the processing of your Personal Data in your country (in some countries we may allow your parent or guardian to consent on your behalf).

If you are under the age of 18 (or such other age as required in your country to give consent) we require parental/guardian consent, and by agreeing to these terms, you represent and warrant that prior to accepting a parent/ legal guardian has also agreed to these terms on your behalf.

Any information that is in breach of this provision will be deleted.

Types of Data We Collect

INFORMATION YOU PROVIDE TO US

1. Account Data

You do not need to create an account to browse the website and view our service offerings. If you wish to use the Product, you will however, need to create or have an account.

When you create an account on the Product we collect your name, phone number, mailing or street address, telephone number, profession, occupation or job title, email address and other contact information.

School administrators will also create accounts for teachers and students. Where this is done, with the consent of such teachers and students, we may also collect details provided to us in respect of such users. This includes their email address, student names, pre-existing student identification numbers used by the school and any other information entered by a teacher or student through their account use.

At registration we will clearly label which information is required and which is optional to be provided at your discretion. We may also request you provide us with additional information after registration.

The legal basis for this processing is based on:

- your consent through your voluntary submission of the form and agreeing to these terms;
- the Personal Data being necessary for the performance of a contract to which you are a party;

- for carrying out pre-contractual measures; and/or
- any other legitimate interests as detailed below.

The registration of the account and voluntary provision of Personal Data is intended to enable us to offer you services that may only be available to registered users.

2. Data from your use of the Product

We collect content that you provide while using the Product. The information we collect includes information about your activity while using the Product. This includes when you use the Product to view and interact with content, when you create lists, and any other activity or actions that you take.

When you use the Product to create a classroom or school environment, we will also collect the details of each person added to facilitate the service request.

We use such information to assist in providing our services to you (including the provision of the Product).

The legal basis for this processing is based on:

- your consent through your voluntary use of the Product and agreeing to these terms;
- the Personal Data being necessary for the performance of a contract to which you are a party;
- for carrying out pre-contractual measures; and/or
- any other legitimate interests as detailed below.

This Personal Data is needed to enable us to provide the Product to you and to enable it to operate and otherwise to ensure your compliance with our terms.

3. Content you post and share

When you create or share content, or upload content such as images and text in the Product we will also collect this Personal Data.

We also collect information that you provide to us while participating in the Products and otherwise using the Product to communicate with other Authorised Users.

The legal basis for this processing is based on:

- your consent through your voluntary submission of the form and agreeing to these terms;
- the Personal Data being necessary for the performance of a contract to which you are a party;
- for carrying out pre-contractual measures; and/or
- any other legitimate interests as detailed below.

This Personal Data is needed to enable us to provide the Product to you and to enable it to operate. Certain functionality of the Product requires your personal information to function properly, for example in order for us to display the names of students we need to be able to collect this Personal Data.

Please note that the Product facilitates the interaction between users. As such we expressly request you carefully consider any communications that you receive on the Product.

4. Payment Data

If you make a payment for the Product (such as a subscription fee), we (or our third party service provider) will collect all information necessary to complete the transaction, including your payment

card information, bank account information and/or other billing information. We use this information to send to our third party payment gateways when you make payment for the Product.

The Personal Data we collect will be the data that you provide us when making payment.

The legal basis for this processing is based on:

- your consent through your voluntary submission of the form and agreeing to these terms;
- the Personal Data being necessary for the performance of a contract to which you are a party including the payment of goods or services; and/or
- any other legitimate interests as detailed below.

This Personal Data is needed to enable us to process your payment for your subscription to the Product. We retain information on your behalf, such as domain names, URLs, time zone preferences, service invoices, transactional history, messages and any other information that you store using your account.

5. Additional Data

If you provide us feedback or contact us via e-mail, or other means including by face-to-face meeting, by phone call, post, through social media or other communication or by contracting with us, we will collect your name and e-mail address, as well as any other content included in the e-mail or conversation, in order to send you a reply or otherwise process your request. We will store and process your communications and information as needed. When you participate in one of our surveys, we may collect additional profile information.

The legal basis for this processing is based on:

- either through your consent through your voluntary submission of the form and agreeing to these terms or by your voluntary submission of data to us in other means;
- the Personal Data being necessary for the performance of a contract to which you are a party;
- for carrying out pre-contractual measures; and/or
- any other legitimate interests as detailed below.

By submitting the form or making contact with us such Personal Data is transmitted on a voluntary basis and you consent to its collection.

6. List Data

On the Product you may have the ability to subscribe to various newsletters and email notifications. We may collect the data when you input your details for subscription purposes which may include your name, email address and email preferences.

The Personal Data is processed for the purpose of informing you regularly by means of a newsletter or other offer form (depending on your selections). The Personal Data collected during the subscription will only be used for marketing materials or for reasons made known on the form.

The legal basis for this processing is based on:

- your consent through your voluntary submission of the form and agreeing to these terms; and/or
- any other legitimate interests as detailed below.

By submitting the form and voluntarily providing us with your data, you are providing consent to the use of such data by us. For the purpose of revocation of consent there is a corresponding unsubscribe link found in each subscription email. Please note that some features of the Product

may involve us providing, through the functionality within the Product, recommendations or suggestions for goods, services or benefits that we offer.

We may also collect Personal Data at other points on the Product that state that Personal Data is being collected. In some circumstances, Personal Data is provided to us by third parties such as our related entities, service providers or other organisations conducting activities on your behalf. With your expressed consent, your Personal Data may be used and disclosed to us this way. The purposes as outlined above may include the processing of such Personal Data to the extent necessary for us to comply with a law, regulation or legal request or to protect the safety of any person or to prevent fraud.

INFORMATION WE COLLECT FROM OTHERS ABOUT YOU

1. Content other people post and share

We also collect information, communications and information other people provide when they use the Product. This includes for example when a teacher shares information about a student, or a school administrator shares information about a teacher or student.

The legal basis for this processing is based on:

- your consent through your voluntary submission of the form and agreeing to these terms;
- the Personal Data being necessary for the performance of a contract to which you are a party including the payment of goods or services; and/or
- any other legitimate interests as detailed below.

This Personal Data is needed to enable us to provide the Product to you in a functional manner.

INFORMATION WE COLLECT AS YOU USE OUR SERVICES

1. Log Data

To make our Product more useful to you, our servers (which may be hosted by a third party service provider) collect information from you, including your browser type, operating system, Internet Protocol (IP) address (a number that is automatically assigned to your computer when you use the Internet, which may vary from session to session), domain name, geo-location information, and/or a date/time stamp for your visit.

This data may be processed for the purposes of operating our website, providing our services, improving our services, ensuring the security of our website and services, maintaining back-ups of our databases and communicating with you.

The legal basis for this processing is based on:

- the Personal Data being necessary for the performance of a contract to which you are a party;
- for carrying out pre-contractual measures; and/or
- the legitimate interests of carrying out our business, providing personalised service to you and any other legitimate interests as detailed below.

2. Google Analytics

We currently use Google Analytics as well as Google Analytics for Display Advertising. Google Analytics collects information anonymously and reports website trends without identifying individual visitors. Google Analytics uses its own cookie to track visitor interactions. Site owners can view a variety of reports about how visitors interact with their website so they can improve their website and how people find it. Please see the following links for more information about Google Analytics: <http://www.google.com/analytics/>, <http://www.google.com/privacy.html> and <http://www.google.com/analytics/tos.html>.

You can opt-out of Google Analytics for Display Advertising by going to the Google Ads Preferences Manager.

To opt out of these remarketing pixels and technologies please visit the [Network Advertising Initiative opt out page](#).

3. Facebook pixels

We currently use Facebook pixels for conversion tracking and custom audiences, in accordance with Facebook's terms which can be viewed here <https://www.facebook.com/customaudiences/app/tos/>.

To opt out of these remarketing pixels and technologies please visit the [Network Advertising Initiative opt out page](#).

4. Third party services

If you:

- use one of the integrated third party services and login with your credentials from such third party service ("Third Party Product"); or
- associate your account with your account at a Third Party Product, we may receive information about you from such Third Party Product, in accordance with such Third Party Product terms of use and privacy policy ("TPS Terms"). We may add this information to the information we have already collected from you via the Product. If you elect to share your information with these Third Party Products, we will share information with them in accordance with your election. The TPS Terms will apply to the information we disclose to them.

5. Submission data

To make our Product more useful to you, we may collect Personal Data about your input on the Product by extracting this information from your account.

This data may be processed for the purposes of monitoring your use of the Product and compliance with our terms. We may then use that data in aggregate (i.e. anonymised) in order to determine metrics associated with our Product, and otherwise to improve our Product.

The legal basis for this processing is based on the legitimate interests of carrying out our business, providing personalised services to you and any other legitimate interests as detailed below.

INFORMATION WE COLLECT AS A DATA PROCESSOR

1. Subscriber Data

If you are an Authorised User subscribed under a licence of one of our Subscribers we may collect information about you from that Subscriber. This includes information at an account level if they are creating an account for you, or otherwise provide your details to us.

Our Subscribers may also have integrated our services into their systems or vice versa. This means we may collect Personal Data that our Subscribers may send to us either manually or automatically (or permit us to access) through the integration of our system.

As a data processor we follow the instructions of our Subscribers in connection with the processing of all of such information. Our Subscribers generally permit us to process such data in connection with the provision of services to them and otherwise on the terms set out in this Privacy Policy.

The legal basis for this processing is based on:

- your consent through your voluntary submission of the form and agreeing to these terms;
- the Personal Data being necessary for the performance of a contract to which you are a party including the payment of goods or services; and/or
- any other legitimate interests as detailed below.

This Personal Data is needed to enable us to provide the Product to you in a functional manner.

Use of Your Personal Data

In general, Personal Data you submit to us is used either to respond to requests that you make, or to aid us in providing the Product in a personalised, safe and efficient manner. We collect, use, store and share your Personal Data in the following ways:

- to conduct our business;
- to facilitate the Product and to enable the features of the Product to be utilised and enjoyed, subject always to our Terms and Conditions;
- to operate the Product and provide services or information to you including to:
 - allow your account to be set up;
 - assist in streaming and personalising information for you;
 - enable us to process your orders for the Product;
 - enable us to process your personal data;
 - facilitate the interaction between students, teachers and family members;
 - manage our relationship with you, including information about similar products or terms and conditions or send you an email reminder that a task you have performed on our Product remains uncompleted such an incomplete form;
 - enable you to communicate with us regarding your use of the Product;
 - confirm your identity;
 - notify you about activity on and updated to your account or your child's account;
 - providing educational assessment and curriculum resources to students and teachers;
 - provide information about you to our contractors, employees, consultants, agents or other third parties for the purpose of providing the services to you;
 - communicate with you about your account, or any transaction;
 - allow you to input data into the Product;
 - allow your use to be restricted and limited as required;
- administer contracts including to negotiate, execute and or manage a contract with you;
- on an aggregated non-identifiable basis, to:
 - help Essential Assessment understand its market position;
 - assist with marketing our Product to others, including in respect of any online advertising; and
 - deliver a statistical result to help with general Essential Assessment announcements;
- for any marketing purposes;
- to facilitate the creation of and security of your account;
- identify you as a user in our system;
- research, develop and improve our Product;
- customise content to match your preferences;
- prevent suspended users from re-registering;
- send you a welcome e-mail to verify ownership of the e-mail address provided when your account was created (or other registration process in place);
- provide you with access to protected areas of the site and to authenticate your account;

- send you administrative e-mail notifications, such as security or support and maintenance advisories;
- respond to your inquiries and requests;
- to make telephone calls to you, from time to time, as a part of secondary fraud protection or to solicit your feedback;
- to send newsletters, surveys, offers, and other promotional materials related to our Product and for other marketing purposes of Essential Assessment;
- detect, investigate and prevent potentially unlawful acts or omissions or acts or omissions with the potential to breach our Terms and Conditions, this Privacy Policy or any other policy;
- enforce our Terms and Conditions, this Privacy Policy or any other policy;
- verify information for accuracy or completeness (including by way of verification with third parties);
- comply with our legal obligations, a request by a governmental agency or regulatory authority or legally binding court order;
- combine or aggregate your Personal Data with information we collect from third parties and use it for the purposes set out this Privacy Policy;
- aggregate and/or make anonymous your Personal Data, so that it cannot be used, whether in combination with other information or otherwise, to identify you;
- resolve disputes and to identify, test and resolve problems;
- notify you about the Product and updates to the Product from time to time;
- supply you with generalised, targeted or personalised marketing, advertising and promotional notices, offers and communications, and measure and improve our marketing, advertising and promotions based on your ad customisation preferences; or
- protect a person's rights, property or safety.

If you access the Product from a shared device or a device of a third party (such as in an internet café), your Personal Data may also be available to other persons who access that device.

CREATION OF ANONYMOUS DATA

We may create Anonymous Data records from Personal Data by excluding information (such as your name) that make the data personally identifiable to you. We use this Anonymous Data to analyse request and usage patterns so that we may enhance the content of the Product and improve Product navigation. Essential Assessment reserves the right to use Anonymous Data for any purpose and disclose Anonymous Data to third parties in its sole discretion.

USE OF YOUR INFORMATION AS A DATA PROCESSOR

As a data processor Essential Assessment follows the instructions of use provided by its Subscribers in connection with the processing of all of such information. If you have information regarding such use you should contact the Data Controller of such information.

Disclosure of Your Personal Data

We may disclose your Personal Data to third parties for the purposes contained in this Privacy Policy, including without limitation to:

1. Service Providers

We may share your Personal Data with service providers and licensors of software services utilised by us in the provision of the Product to:

- develop and improve our Product;
- provide you with the Product;
- to conduct quality assurance testing;
- to facilitate creation of accounts;
- to provide technical support;

- and/or to provide other services to Essential Assessment.

The service providers (and if necessary data processors) include:

- information technology service providers such as web host providers and analytical providers;
- Salesforce and other accounting and financial service providers;
- mailing houses;
- Calendly and other scheduling services;
- GotoWebinar and other content delivery services;
- organisations who carry out credit, fraud and other security checks;
- payment processors;
- hosting services;
- IT support providers;
- MailChimp and other email/marketing businesses engaged by us to disseminate materials to which recipients have consented; and
- specialist consultants.

We limit the information we provide to third parties to the information they need to help us provide or facilitate the provision of goods and services and associated purposes. We deal with third parties that are required to meet the privacy standards required by law in handling your Personal Data, and use your Personal Data only for the purposes that we give it to them.

2. Affiliates and Acquisitions

We may share some or all of your Personal Data with our parent company, subsidiaries, joint ventures, or other companies under a common control (“Affiliates”), in which case we will require our Affiliates to honour this Privacy Policy. In the event we are involved in a merger, acquisition or sale of assets we may disclose Personal Data collected by us to such entities that we propose to merge with or be acquired by, and will assume the rights and obligations regarding your Personal Data as described in this Privacy Policy.

3. Subscribers (account holders)

We may also share some or all of your Personal Data with your relevant learning institution (the Subscriber). At the direction of a Subscriber (through the Product) Essential Assessment shall disclose content (which may contain Personal Data) to other account holders. For example:

- School administrators will create account and share information with other users who require administration or access.
- Accounts that are able to create a classroom or school environment will share information of other users.
- Content from a student’s profile may also be shared with family members of that student or with a teacher.
- Teachers may share classroom or school content with family members for the relevant student.

Subscribers must make sure they have the appropriate permission for us to disclose any content (which may contain Personal Data) in the manner directed through the Product.

4. Third parties with your consent

We may disclose your Personal Data to third parties to whom you expressly ask to us to send the Personal Data to or to third parties you consent to us sending your Personal Data to.

Any information that you post or share or otherwise disclose to the Product, will be available to the relevant Subscriber (and other Authorised Users depending on the privacy settings of the

Subscriber). For example, if you input data into the Product, the relevant Subscriber may be able to see that you added such data.

We may also, with your consent or at your direction, disclose your Personal Data to your authorised representatives.

5. Other disclosures

Regardless of any choices you make regarding your Personal Data (as described below), Essential Assessment may disclose Personal Data if it believes in good faith that such disclosure is necessary: (a) in connection with any legal investigation; (b) to comply with relevant laws, regulations, enforceable governmental requests or to respond to subpoenas or warrants served on Essential Assessment; (c) to protect or defend the rights or property of Essential Assessment or users of the Product; (d) to investigate or assist in preventing any violation or potential violation of the law, this Privacy Policy, or Terms and Conditions; (e) to protect the safety of any person or to protect the safety or integrity of our platform including for security reasons; and (f) detect, prevent or otherwise address fraud, security or technical issues.

We may share your Personal Data with such third parties subject to obligations consistent with this Privacy Policy and any other appropriate confidentiality and security measures, and on the condition that the third parties use your Personal Data only on our behalf and pursuant to our instructions.

We will take reasonable steps to ensure that anyone to whom we disclose your Personal Data respects the confidentiality of the information and abides by the APPs the GDPR or equivalent privacy laws.

We will never sell or rent your Personal Data or otherwise set up ways to sell this Personal Data.

DISCLOSURE OF YOUR INFORMATION AS A DATA PROCESSOR

Where we act as a data processor the relevant Subscriber may also provide us with instructions with regards to disclosure.

If we can't collect your data

If you do not provide us with the Personal Data described above, some or all of the following may happen:

- we may not be able to provide the Product to you, either to the same standard or at all;
- we may not be able to run the competitions and promotions in a way that benefits you;
- we may not be able to provide you with information about products and services that you may want; or
- we may be unable to tailor the content of the Product to your preferences and your experience of the Product may not be as enjoyable or useful.

Cancelling your account

Authorised Users may delete their email addresses within their account. To remove or delete a Subscriber account, please contact us, as this process is completed by us.

If your account terminates (for whatever reason), the Personal Data associated with it may no longer be accessible to you. Any content you have posted from your account may still be available to other account holders that the content has been associated with. There may continue to be residual copies of such content due to ongoing data back-up and archiving.

If a Subscriber account is deleted, then the data will be removed in accordance with our existing policies.

Cookies Policy

We also use cookies and URL information to gather information regarding the date and time of your visit and the information for which you searched and which you viewed. "Cookies" are small pieces of information that a website sends to your computer's hard drive while you are viewing a web site. We may use both session Cookies (which expire once you close your web browser) and persistent Cookies (which stay on your computer until you delete them) to provide you with a more personal and interactive experience on the Product. Persistent Cookies can be removed by following Internet browser help file directions. Cookies may enable automatic logins when you visit in the future and may enable content customisation.

We use third party vendor re-marketing tracking cookies, including:

- Google Adwords tracking cookie; and
- Facebook pixel.

You can opt out of Google's use of cookies or device identifiers by visiting Google's Ads Settings. Alternatively, you may visit the Network Advertising Initiative opt-out page or control the use of device identifiers by using your device's settings.

Third parties, including Google and MailChimp may use cookies, web beacons, and other storage technologies to collect or receive information from the Product and elsewhere on the internet and use that information to provide measurement services and target ads. You can opt out of the collection and use of information for ad targeting using aboutads.info/choices

How long will cookies remain on my computer or mobile device?

The length of time that a cookie remains on your computer or mobile device depends on whether it is a "persistent" or "session" cookie. Session cookies last until you stop browsing and persistent cookies last until they expire or are deleted. Most of the cookies we use are persistent and will expire between 30 minutes and two years from the date they are downloaded to your device.

How do I control cookies?

You can control and manage cookies in various ways. Please keep in mind that removing or blocking cookies can negatively impact your user experience and parts of our Product may no longer be fully accessible.

Most browsers automatically accept cookies, but you can choose whether or not to accept cookies through your browser controls, often found in your browser's "Tools" or "Preferences" menu. For more information on how to modify your browser settings or how to block, manage or filter cookies can be found in your browser's help file or through such sites as: www.allaboutcookies.org.

Many of the third party advertising and other tracking services listed above offer you the opportunity to opt out of their tracking systems. You can read more about the information they collect and how to opt out through the privacy policy links listed above.

Third Party Sites

When you click on a link to any other website or location, you will leave the Product and go to another site and another entity may collect Personal Data or Anonymous Data from you. We have no control over, do not review, and cannot be responsible for, these outside websites or their content and we are not responsible for the privacy practices of those third parties. Please be aware that the terms of this Privacy Policy do not apply to these outside websites or content, or to any collection of data after you click on links to such outside websites. The privacy policies and other terms that apply to those outside websites or their content may differ substantially from our Privacy Policy, so we encourage individuals to read them before using those outside websites.

Managing Your Personal Data

Subject to the Privacy Act and the GDPR you may request to access the Personal Data we hold about you by contacting us. All requests for access will be processed within a reasonable time.

1. Accessing or Rectifying your Personal Data

If required by law and if reasonably practicable, we may provide you with tools and account settings to access, correct, delete, or modify the Personal Data you provided to us. You can download and access certain information you provide to us by emailing us. In the event that you are unable to access your account to access or rectify your Personal Data, you may submit a request to us to correct, delete or modify your Personal Data and download the data for you.

Sometimes, we may not be able to provide you with access to all of your Personal Data and, where this is the case, we will tell you why. We reserve the right to charge a reasonable fee for searching for, and providing access to, your information on a per-request basis. We may also need to verify your identity when you request your Personal Data.

2. Deletion

We keep data for as long as it is needed for our operations. If you deactivate and delete your account your data will no longer be visible on your account.

If you wish to have us delete your data please contact us.

3. Object, Restrict, or Withdraw Consent

If you have an account on the website you will be able to view and manage your privacy settings. Alternatively, if you do not have an account, you may manually submit a request to us if you object to any Personal Data being stored, or if you wish to restrict or withdraw any consent given for the collection of your Personal Data.

You may withdraw your consent to the processing of all your Personal Data at any time. If you wish to exercise this right you may do so by contacting us.

You may withdraw your consent or manage your opt-ins by either viewing your account on the Product or clicking the unsubscribe link at the bottom of any marketing materials we send you.

4. Portability

We may provide you with the means to download the information you have shared through our services. If you require such information, please email us.

We may retain your information for fraud prevention or similar purposes. In certain instances we may not be required or able to provide you with access to your Personal Data. If this occurs we will give you reasons for our decision not to provide you with such access to your Personal Data in accordance with the Privacy Act and the GDPR.

There is no application fee for making a request to access your Personal Data. However, we may charge an administrative fee for the provision of information in certain circumstances such as if you make repeated requests for information or where the information is held by a third party provider.

Storage & Security of Your Personal Data

The Essential Assessment Product is hosted through Microsoft Azure whose servers are located in Australia. All data is stored in Australia.

Essential Assessment is committed to protecting the security of your Personal Data. We take all reasonable steps to protect Personal Data, including through internal and external security, restricting access to Personal Data to those who have a need to know, maintaining technological products to prevent unauthorised computer access and regularly reviewing our technology to maintain security. We choose technology partners based on their security and privacy policies and practices.

Personal Data stored in our system is protected by electronic and procedural safeguards. We take reasonable precautions to protect Personal Data (and other content) from accidental loss and theft by storing it in secure data centres with off-site backups. Communication between account holders and our servers is encrypted via industry-standard secure sockets layer (SSL).

The Product is protected by a secure and encrypted password that each account holder must choose themselves (or as given by an administrator). Account holders should never share their passwords. Essential Assessment is not responsible for any loss of data or breach of privacy if an account holder shares their password with someone else. We do not store your password on our servers.

Please do not disclose your account password to unauthorised people. No method of transmission over the Internet, or method of electronic storage, is 100% secure, therefore, while Essential Assessment uses reasonable efforts to protect your Personal Data, Essential Assessment cannot guarantee its absolute security.

International Transfer and Disclosure of Personal Data

Where we transfer Personal Data outside of the European Union or EFTA States, we ensure an adequate level of protection for the rights of data subjects based on the adequacy of the receiving country's data protection laws.

We may disclose Personal Data to our related bodies corporate and third party suppliers and service providers located overseas for some of the purposes listed above. We take reasonable steps to ensure that the overseas recipients of your Personal Data do not breach the privacy obligations relating to your Personal Data.

Third parties located overseas are not permitted to (and are contractually obligated to not) access or use the Personal Data provided except for those limited purposes. We only choose reputable service providers and have agreements with such third parties that prevent them from using or disclosing to others the Personal Data we share with them, other than as is necessary to assist us. We may disclose your Personal Data to entities who may store or process your data overseas.

Notifiable Data Breaches

We take data breaches very seriously. Depending on where you reside our policy is:

1. If you reside in Australia:

In the event that there is a data breach and we are required to comply with the notification of eligible data breaches provisions in Part IIIC of the *Privacy Act 1988* (Cth) or any other subsequent sections or legislation which supersede this Part IIIC, we will take all reasonable steps to contain the suspected or known breach where possible and follow our notifiable data breach policies.

2. If you reside in the European Union or EFTA States:

We will endeavour to meet the 72 hour deadline as imposed by the GDPR, to report any data breach to the supervisory authority where a data breach occurs that will likely be a risk to you.

Further, where there is likely to be a high risk to your rights we will endeavour to contact you without undue delay.

We will review every incident and take action to prevent future breaches.

Automated individual decision-making, including profiling

If you reside in the European Union or EFTA States, you shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning you, or similarly significantly affects you, as long as the decision is not necessary for entering into, or the performance of, a contract between us, or is not authorised by Union or Member State law to which we are subject and which also lays down suitable measures to safeguard your rights and freedoms and legitimate interests, or is not based on your explicit consent. If you wish to exercise your rights please contact us.

Retention of Data

We keep Personal Data from active accounts as long as it is reasonably needed for our operations and to fulfill the purposes set out herein.

We take steps to regularly destroy Personal Data, however we may:

- a) in some cases, retain a copy of your Personal Data to comply with our legal obligations, resolve disputes, enforce our agreements and to comply with our trust and safety obligations. Personal Data retained for these purposes will be archived and stored in a secure manner after your account has been closed, and will not be accessed unless required for any of these reasons; and
- b) retain Personal Data in an aggregated, de-identified or otherwise anonymous form, such that there is no reliable way of identifying you from the information.

Contact Information

Essential Assessment welcomes your comments or questions regarding this Privacy Policy.

If you have a question regarding this Privacy Policy or you would like to make a complaint, please contact us by email by using our contact details on the Product or below.

If you reside in Australia:

You can confidentially contact our Privacy Officer at:

The Privacy Officer

Essential Assessment

Email: info@essentialassessment.com.au

Phone: 1300 449 025

If we do not resolve your enquiry, concern or complaint to your satisfaction or you require further information in relation to any privacy matters, please contact the Office of the Australian Information Commission at:

Telephone: 1300 363 992

Email: enquiries@oaic.gov.au

Office Address: Level 3, 175 Pitt Street, Sydney NSW 2000

Postal Address: GPO Box 5218, Sydney NSW 2001

Site: www.oaic.gov.au

If you reside in the European Union or EFTA States:

The data controller that is responsible for your Personal Data is:

Essential Assessment

Email: info@essentialassessment.com.au

Phone: 1300 449 025

You can confidentially contact our Data Protection Officer on the same details as noticed for our Privacy Officer above.

If you wish to raise a concern about our use of your information you have the right to do so with your local supervisory authority. Please see https://edpb.europa.eu/about-edpb/board/members_en for a list of local supervisory authorities.

Changes to This Privacy Policy

This Privacy Policy is subject to occasional revision and Essential Assessment reserves the right, at its sole discretion, to modify or replace any part of this Privacy Policy. It is your responsibility to check this Privacy Policy periodically for changes. Continued use of the Product shall indicate your acknowledgement of that it is your responsibility to review the Privacy Policy periodically and become aware of any modifications.