

1 Definitions

- 1.1 **Personal Information** has the definition given to that term in section 6 of the Privacy Act.
- 1.2 **Privacy Act** means the Privacy Act 1988 (Cth) and its associated regulations.
- 1.3 **Website** means <https://www.essentialassessment.com.au>.

2 Purpose

This Privacy Policy is implemented by AKOSMS Pty Ltd ABN 67 468 767 112 trading as Essential Assessment (**Essential Assessment**).

We are committed to complying with our privacy obligations and have elected to act in accordance with the Privacy Act to ensure that you can trust and understand how we deal with your Personal Information. On this basis, we will collect, handle, store, disclose and otherwise deal with your Personal Information in accordance with the terms and conditions of this privacy policy and the Privacy Act. By using our website, resources or services or contacting us, you acknowledge that you understand and agree to the terms and conditions of this Privacy Policy.

3 Scope

The terms and conditions of this Privacy Policy apply to you as a user of our website, prospective subscriber, subscriber, employee or a member of the public who we do business with and covers all Personal Information we collect, handle, store, disclose and otherwise deal with.

4 Collection, use and disclosure

When we collect Personal Information we will, where appropriate and where possible, explain to you why we are collecting the information and how we plan to use it.

Due to the nature of our services, it will generally be inappropriate for you to use a pseudonym when dealing with us. For our services which require an account, you may not use a pseudonym.

We may not be in a position to provide you with our services if we are unable to collect, use and disclose your Personal Information in accordance with the terms and conditions of this privacy policy.

4.1 What information we collect

Generally, the Personal Information we collect from you may include, but is not limited to:

- your name, phone number, mailing or street address, telephone number, profession, occupation or job title, email address and other contact information;
- Personal Information from your interaction with the Product, the Website and its content, our services and our advertising, including without limitation device identifiers, device type, geo-location information, connection information, statistics on page views, traffic to and from the website and Product, mobile network information, time, date, referring URL, the type of operating system and browser, ad data, IP Address and standard web log data;
- email address of employees of the school;
- student names;
- pre-existing student identification numbers utilised by the school; and
- any other information provided by you to us, including without limitation through use of the Product or Website.

4.2 Why we collect information

The Personal Information we collect is necessary or desirable for us to provide you with our services, which include:

- administering and managing our services;
- providing our services to you, including subscriptions and free trials (if applicable);
- providing educational assessment and curriculum resources to students and teachers;
- making our online member portal available to you;
- assisting you in utilising our services;
- providing information to you about our business and services we offer;
- developing, improving and marketing our business and services;
- assisting us for research purposes;
- complying with our obligations under law, a request by a governmental agency or regulatory authority or legally binding court order;
- to conduct our business, generate content and provide customer support and payment services (including updates and improvements);

- to provide, administer, market and manage the Website and Product;
- to communicate with you and respond to your enquiries;
- to enforce this Privacy Policy or any other policy;
- to resolve disputes and to identify, test and resolve problems; and
- to protect a person's rights, property or safety.

If we are unable to collect, use and disclose your Personal Information in accordance with this Privacy Policy, we may not be able to effectively deliver our services to you and we may prohibit your access of the website.

We use information for the purposes for which it was given, for purposes which are directly related to or functions and activities. We do not use Personal Information for any purpose which would not be reasonably obvious or expected, unless such use is consistent with the Privacy Act.

4.3 How we collect information

We usually collect Personal Information directly from you. You may provide those details when you make an enquiry with us by phone or email, complete an application form, interact with our social media pages or utilise our services.

If we receive Personal Information which we no longer require or is not directly related to our functions or required to be maintained or stored under law, we may destroy or de-identify that Personal Information.

We collect information whenever you visit and/or use the Website, in which case we record information sent to use by your computer, mobile device or other device you are using to access the website. When you visit our website, our internet service provider automatically records the following information about you:

- your server address;
- the website you visited immediately prior to ours;
- your domain name;
- date and time of your visit to our website;
- pages you accessed and the information or documents you downloaded;
- type of browser you used; and
- any other information we request our internet service provider to record from time to time.

4.4 How we hold information

We will take all reasonable steps to ensure that the Personal Information we collect is stored in a secure environment and protected from unauthorised access, modification or disclosure.

We hold Personal Information both in hard copy form and electronically at our premises with various service providers that assist us with storing the Personal Information we collect. Electronic information is also stored on and backed up on a secure server that, to the best of our knowledge, is located in Port Melbourne, Victoria, Australia and is administered by Microsoft Azure.

We will take all reasonable steps to ensure that the information we collect is stored in a secure environment and protected from unauthorised access, modification or disclosure.

4.5 How we secure information

We secure Personal Information by limiting access to your Personal Information to our employees, contractors and agents who require your Personal Information to provide you with our services. Hard copy files are secured within premises protected by locks and security systems. Personal Information is also protected by secured sockets layers (SSLs), firewalls and passwords. The online member portal is also secured by user identifiers which require your login details to be entered to access your account.

Despite the above, the transmission and exchange of information via our Website is carried out at your own risk. We cannot guarantee the security of any information that you transmit to us or receive from us. Although we take measures to safeguard against unauthorised disclosures of information, we cannot assure you that information we collect will not be disclosed in a manner that is inconsistent with this Privacy Policy.

4.6 When we disclose information

We may disclose information about you to:

- specific third parties that you have authorised to receive information held by us;
- our employees, related bodies corporate, contractors or external service providers for the operation of our website or business, fulfilling requests or responding to enquiries from you or providing products or services to you including, without limitation, web hosting providers, IT systems administrators, mailing houses, couriers, payment processes, data entry service providers, electronic network administrators, debt collectors, utilities providers and professional advisors such as accountants, solicitors, business

advisors and consultants’

- any relevant authority or enforcement body where we reasonably believe that such disclosure is necessary to bring legal action against anyone who has breached our terms and conditions or have engaged in any unlawful activity;
- such entities that we propose to merge with or be acquired by; or
- to any other person where otherwise required or permitted to by any law, including under the Privacy Act.

We will take all reasonable steps to ensure that Personal Information is only disclosed where necessary or permitted by law.

Generally we are unlikely to disclose your information to entities based overseas, however in limited circumstances this may occur (such as if our servers are located overseas). Such disclosure will comply with the Australian Privacy Principles.

5 Use of Cookies

We (or a third party providing services to us) may use cookies, pixel tags, "flash cookies", or other local storage provided by your browser or associated applications (each a "Cookie" and together "Cookies"). A Cookie is a small file that may be placed on your computer when you visit the Website. Cookies are used on some parts of the Website. Most browsers now recognise when a cookie is offered and permit you to refuse or accept it. If you are not sure whether your browser has this capability, you should check with the software manufacturer, your company's technology help desk or your internet service provider. If Cookies are disabled, we may not be able to provide you with the full range of our services.

Cookies may collect and store your Personal Information. You consent and acknowledge that we may collect your Personal Information through Cookies.

Cookies may be used to provide you with the services, including to identify you as a user of the Website, remember your preferences, customise and measure the effectiveness of the Website and our promotions, advertising and marketing, analyse your usage of the Website, and for security purposes.

You also may encounter Cookies used by third parties and placed on certain pages of the Website that we do not control and have not authorised (such as webpages created by another user). We are not responsible nor liable for the use of such Cookies.

The Website may also include links to third party websites (including links created by users or members) and applications and advertising delivered to the Website by third parties ("Linked Sites"). Organisations who operate linked sites may collect Personal Information including through the use of Cookies. We are not responsible nor liable for linked sites and recommend that you read the privacy policies of such linked sites before disclosing your Personal Information. For the avoidance of doubt linked sites are not subject to this Privacy Policy.

The Website is hosted by an online service provider which may change from time to time. Our service providers' use of Cookies is not covered by our Privacy Policy.

6 Archiving and destruction

All Personal Information is retained on file for the period of time required to fulfil our business needs and legal obligations. Where Personal Information is no longer required, it will be destroyed, deleted or disposed of in a secure manner.

7 Third parties

We do not make any representations or warranties in relation to any third party links that may be linked to our website or how such third parties will treat your Personal Information. You should obtain the relevant privacy policies from each third party in which you interact with before providing them with any Personal Information.

8 Access and correction

You are entitled to access the Personal Information we collect from you in some circumstances. You are also entitled to request that we correct any Personal Information about you which you believe is inaccurate, incomplete, irrelevant, misleading, out-of-date or otherwise incorrect.

Any request to access or correct your Personal Information must be made to us in writing and accompanied by the Personal Information we require in order to verify your identity. We will acknowledge your request in writing within thirty (30) days of the date of receipt.

We may deny your request in some circumstances. If this occurs, we will respond to you in writing providing reasons for such denial.

9 Notifiable Data Breaches

In the event that there is a data breach we will take all reasonable steps to contain the suspected or known breach where possible. We will take immediate steps to limit any further access or distribution where possible.

If we have reasonable grounds to suspect that the data breach is likely to result in serious harm to any individuals involved, then, if (and only if) we are required to do so under the Privacy Act:

- we will take all reasonable steps to ensure an assessment is completed within thirty (30) days of the breach;
- if remedial action is successful in making serious harm no longer likely, then no notification or statement will be made; and
- where we are aware of reasonable grounds to believe serious harm is likely, as soon as practicable, we will provide a statement to each of the individuals whose data was breached or who are at risk. The statement will contain details of the breach and recommendations of the steps each individual should take. We will also provide a copy of the statement to the Office of the Australian Information Commissioner.

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

10 Complaints

If you have any questions or concerns about this Privacy Policy, or believe that a breach of privacy has occurred, please contact us using the contact details below so that we may investigate such incident.

We will contact you in order to inform you of the outcome of any investigation concerning your personal Information and to discuss any concerns you may have and possible resolutions to those concerns.

We will resolve all complaints within a timely and reasonable manner.

We will treat all requests and complaints confidentially.

11 Contact us

Enquiries, concerns or complaints regarding this privacy policy are welcome. Please contact us at:

Position	Privacy Officer
Telephone	1300 449 025
Email	info@essentialassessment.com.au
Website	www.essentialassessment.com.au

We will acknowledge and respond to you in writing within thirty (30) days of the date of receipt.

12 More information and assistance

If we do not resolve your enquiry, concern or complaint to your satisfaction or you require more information or assistance in relation to any privacy matter, 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
Website	www.oaic.gov.au