

## Privacy Policy and Procedure

<b>Policy and Procedure Name</b>	Privacy Policy and Procedure
<b>Version</b>	2.2
<b>Approved By</b>	Chief Financial Officer
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### 1. Purpose and Scope

Gradability in accordance with the Australian Privacy Principles has a commitment to ensuring that all reasonable steps are taken to protect the privacy of its consumers and staff team. The following policy and procedure outlines how personal information is collected, used, disclosed, stored, destroyed.

The Privacy policy and procedure applies to staff, students, employers, clients and potential consumers and is used throughout all aspects of business operations.

The following policy and procedure should be read in conjunction with the Record Retention Policy and Procedure, Engagement and Monitoring of Third Party Providers Policy and Procedure” and the organisation’s Complaints and Appeals Policy and Procedure.

### 2. Abbreviations/Definitions

<b>AVETMISS</b>	The agreed national data standard for the collection, analysis and reporting of vocational education and training information. <sup>1</sup>
<b>Data breach</b>	Where personal information is held by an organisation and is lost or subjected to unauthorised access, use, modification, disclosure or other misuse. <sup>2</sup>
<b>Personal information</b>	Types of information that are specific to an individual for example name, address, contact or bank account details. <sup>3</sup>
<b>OAIC</b>	Office of the Australian Information Commissioner
<b>Sensitive information</b>	A type of personal information that is sensitive in its nature – for example race or ethnic origin, political opinion, religious belief or affiliation, medical history or criminal record. <sup>4</sup>

<sup>1</sup> NCVER (2014) Glossary of VET

<sup>2</sup> Office of the Australian Information Commissioner (2014) Australian Privacy Principles Guidelines

<sup>3</sup> Office of the Australian Information Commissioner (2014) Australian Privacy Principles Guidelines

<sup>4</sup> Office of the Australian Information Commissioner (2014) Australian Privacy Principles Guidelines

### 3. Policy and Procedure

In order to deliver a high quality education service Gradability is required to collect a variety of personal information from both consumers and staff members. Where personal and sensitive information is collected, it is stored, disclosed and destroyed in accordance with the Australian Privacy Principles. Personal data is any data about an identified or identifiable natural person, or any information that in combination with other non-personal information can reasonably be used to identify a natural person.

Gradability's websites may contain links to other websites and applications over which Gradability does not have control. Such links do not constitute an endorsement by Gradability and Gradability does not control the content or privacy policies or practices of such sites. Any access to and use of such linked websites is governed by the privacy policies of those third parties' websites.

## Controller

The data controller of [www.Gradability.com.au](http://www.Gradability.com.au) and any subpages thereto (e.g. <https://support.Gradability.com>) is Gradability, Level 6 11-17 York St Sydney, NSW Australia. If you have any questions on this Policy or any of our data processing practices, please contact [compliance@gradability.com.au](mailto:compliance@gradability.com.au)

The following principles underpin the organisations privacy policy and procedure:

- Gradability takes all reasonable steps required to protect and maintain personal and sensitive information.
- A robust governance framework is used to assess, plan, implement and review the protection of personal information against misuse, loss, inappropriate access, and inappropriate disclosure.
- Prior to the collection of personal and sensitive information the individual is told what information is to be collected and stored, the purpose of collection, if this information is to be disclosed to a third party and/or under what circumstances disclosure may occur.
- Once the individual is well informed consent is obtained for the collection of information.
- Personal and sensitive information is used only for the purpose of its collection and by staff who require the information in order to complete their duties.
- Individuals have access to their information when required and without charge.
- Personal information is stored in either an electronic or hardcopy format.
- Security measures such as unique password requirements and restricted file access are used to maintain and protect students/clients and employee's privacy.
- Gradability will only disclose personal information to a third party where written consent has been obtained from the individual.
- Where Gradability receives unsolicited information it is either destroyed or de-identified
- The Privacy policy and procedure is publically available on the website and a synopsis can be found in the student's handbook.
- Compliance to GDPR Data management and Privacy laws.

### 3.1 Types of information collected and held

The type of information we collect from you depends upon the type of interactions you have with our websites and Services, including the context of your interactions with Gradability, the choices you make as well as the Services you use.

You may choose to give us personal information directly in a variety of situations, such as if you request to receive information or a service from Gradability, if you apply for enrolment through our portal, or if you do business with us as a supplier or partner.

We may also collect information relating to your use of our websites and our Services through the use of various technologies. For example, when you visit our websites, we may log certain information that your

browser sends, such as your IP address, browser type and language, access time, and referring web site addresses. We may collect information about the pages you view within our websites and other actions you take while visiting us. In addition, some of our Services include technologies that allow us to collect certain information about product use.

We may also collect information that pertains to you indirectly through other sources, such as vendors or agents. When we do so, we ask the vendors or agents to confirm that the information was legally acquired and that we have the right to obtain it from them and use it.

Personal and sensitive information is routinely collected from staff and consumers for the purpose of either employment or enrolment.

i. Information collected for the purpose of employment

- Name
- Address
- Contact details
- Recent professional development activities
- Superannuation details
- Tax File Number
- Emergency contact
- Employment history
- Verification documentation and evidence
- Bank details
- Reference checks
- Vulnerable person checks - *National Police Clearance Checks, Working with Children Checks*
- Registration/ Licensing documentation
- Qualifications
- Insurance documentation

ii. Information collected for the purpose of enrolment in a qualification or program

- Name
- Indigenous status
- Address
- Unique Student Identifier (USI)
- Contact details
- Disability / additional needs requirements
- Emergency contact
- Schooling / qualifications completed
- Employment history/status
- Verification documentation and evidence
- Photo proof of identity
- Fee payment information- e.g. credit card information, banking details
- Language, literacy and numeracy assessments
- Vulnerable person checks – *National Police Clearance Checks, Working with Children Checks if required by host company*

### 3.2 How personal information is collected and stored

In general, your provision of any personal data or granting of consent to a processing activity is entirely voluntary. However, there are certain circumstances in which Gradability cannot take action without processing certain personal data, for example to process your enrolments, or to assist you with use of our Services, or to provide access to content, log in to your online Learning Management system or to contact the service for further information. In these cases, it will not be possible for Gradability to provide what you

request without the relevant personal information. In some circumstances, Gradability may need to terminate your ability to use the Services without access to your personal data. Gradability intends to notify you of whether such communication or data sharing is deemed mandatory and the impact of not sharing.

Individuals may disclose information through the website, over the telephone, via email, in person and by the completion of relevant forms. Written and/or verbal consent is obtained prior to collection of personal information obtained outside of the website personal data and stored appropriately (e.g. in the students/employee file or on the student management system). In this instance, only information disclosed by the individual is used in the collection of information. Relating to this instance, prior to the collection of this personal information the individual is told what information is to be collected and stored, the purpose of collection, if this information is to be disclosed to a third party and/or under what circumstances disclosure may occur.

The types of information collected or disclosed by the individual will vary depending on the method of collection, the purpose of that collection and the individual disclosing the information.

Forms used by Gradability to collect personal information from students include but are not limited to;

- Enquiry forms
- Application for credit transfer form
- Enrolment forms
- Assessment tasks submission forms
- Training plans/ Individualised learning and assessment plans

Documentation used by Gradability to collect personal information from staff team members include but are not limited to;

- Application documentation
- Trainer Professional Development Portfolio
- Staff details form
- Trainer Matrix
- Superannuation documentation
- Tax file declaration

Information is held in either a locked filing cabinet or electronically on the organisations hard drive or student management system. Access to information is limited to personnel with the correct authorisation and is only available to staff for the purpose of collection. Security measures such as unique password requirements and restricted file access are used to maintain and protect students/clients and employees privacy. Where staff team members leave the organisation their access to data is removed/deleted.

Where a prospective student completes an online enquiry or payment, the student's privacy is protected by:

- a) Security certificate attached to our URL (<https://>).
- b) Unique Application Reference ID for students to track their applications. Using the Reference ID, students are able to return and complete the full application/enquiry at a later date.
- c) Different levels of system access for staff depending on role and permissions given based on their responsibilities.
- d) Student payments are processed by Ezipay Pty Ltd, an external provider. Details of Ezipay's privacy & security policies are located <https://www.ezipay.com/privacy-security/>.
- e) Once a student has enrolled they have unique password to access their student portal (more than 5 incorrect password attempts will lock the account).
- f) Australian and international privacy laws

### 3.3 Use and processing of personal data and information

If you use our website, we may use various website navigation information including tracking technologies such as cookies and web beacons to collect and store information from you. Website navigation information includes: standard information from your Web browser (such as browser type and browser language), language choices, time zone, your Internet Protocol (IP) address, actions you take on our websites, URL and page metadata, installation data (such as the operating system type and application version), system crash information, system activity and hardware settings. We may also automatically collect and store certain information in activity logs such as: details of how you use our websites, your search queries, and your IP address.

Gradability is permitted to process your personal data under applicable data protection law as follows:

*Providing the requested information or services.* If you request information on our Services, order our Services or become our business partner, we typically ask you to provide your personal contact information such as name, business email address, business telephone number, company name and address, job title, role and, if payment is to be made to Gradability, financial and billing information, such as billing name and address, credit card information, bank details or other payment information. We use the personal data only to process your order or to provide the requested Service. Specifically, this includes: taking the necessary steps prior to entering into a contract, responding to your enquiries, processing or providing customer feedback and support, information about changes to our Services and other related notices or disclosures as required by law.

We collect, share and use your data collected from our websites principally for the following purposes:

- Provide you with the information you have requested;
- Process, fulfil and follow up on enrolments, transactions and requests for products, services, support, and information;
- Contact you with information about Gradability and affiliated third-parties;
- Communicate, interact and build our relationship with you for purposes such as marketing and product support and course enrolment;
- Verify your authority to enter and use our Services;
- Engage in market research and analysis;
- Measure, analyse and improve our products and services, the effectiveness and user experience of our websites, and our advertising and marketing;
- Comply with legal and reporting requirements;
- Provide targeting advertising, including the use of re-targeting technology; and
- Deter, detect, and prevent fraud and other prohibited or illegal activities.
- Link or combine information that we collect from multiple sources to provide you with a service that you require or to improve our services to you.
- Data sharing between our CRM (Customer Relationship Management system), SMS (Student Management System) and our LMS ( Learning Management System),

If you choose to provide us with information, including personal data, you understand that we are storing this and/or transferring it to Gradability locations, internally between management systems and to affiliates or service providers. Gradability complies with applicable law when transferring your personal information outside of the country where the information has been collected. For data originating from a European Union member state, Gradability uses a variety of data transfer mechanisms (including standard contractual clauses) for this purpose.

Gradability may invite you to participate in questionnaires and surveys generally designed to improve its services. Personal information in these surveys is only used for the purpose of its collection.

*Usage Data details.* In the course of providing our Services to you, we may collect, use, process and store usage data such as number of sessions, users, number of users, page views, number of page views per sessions, average session duration, bounce rate, percentage of new sessions, language of user, country, city, new versus returning users, browser type, operating system, internet service provider, IP address, screen resolution size, Service used, Service version number and mobile device brand. The usage data is collected and processed in order to create and compile anonymised, aggregated datasets and/or statistics about the Services for the following purposes:

- to maintain and improve the performance and integrity of our Gradability services,
- to understand which Services are most commonly preferred by customers and how customers interact with our Services,
- to identify the types of Services that may require additional maintenance or support,
- to comply with regulatory, legislative and/or contractual requirements,
- to inform quality improvement and assurance initiatives.

Please note that such aggregated datasets and statistics will not enable you or any living individual to be identified.

*Relationship Intelligence Products.* Gradability employs the use of legitimate relationship intelligence products that may collect supplemental usage data including without limitation IP address, company identifier, browser type, browser language and locale, operating system, device type, date and time of request, user id, and the person or company name being looked up. The supplemental usage data may be used for the following purposes:

- provide you with better service, more detailed and higher quality returned data, support service troubleshooting and performance improvement, and
- understand usage patterns and frequency.

Supplemental usage data will not be shared with third parties except for lookup parameters which may be provided to third party content providers in order to provide enriched data response.

*Personal information* is only for the purpose of its collection and by staff who require the information in order to complete the tasks associated with their role and function or to ensure that the services offered meet your needs.

i. Student personal information is used to:

- Identify individuals enrolled in a Gradability program
- Process application and enrolment requests including credit transfer applications
- Process payments for service delivered
- Monitor student progression and provide individualised support
- Enter student assessment results
- Identify students enrolled in a training product that is superseded
- Report data required by government (data provision and contractual data requirements).
- Monitor and evaluate organisational performance.
- Ensure certification documentation is awarded to the correct graduate
- Collection and reporting of AVETMISS data as required for all RTOs



- Marketing, market research, testimonials and analysis
  - Provide feedback on quality and inform improvements and change
- ii. Staff team members' personal information is used to:
- Ensure they have the correct qualifications, registration/licensing requirements to deliver and assess nationally recognised training.
  - To mitigate risk and ensure student safety
  - To support human resources processes and systems
  - Manage logistical requirements associated with training and assessment
  - Meet superannuation and taxation legislative requirements

Where students do not wish to use their name and contact details on assessment task submission sheets they are able to use their student or enrolment number.

### 3.4 Sharing your personal data

We may share data about you with other entities where the express purpose is business related in connection with the uses identified in this Privacy Policy. Our procedures are designed to provide a globally consistent level of protection for personal information. In some cases we may use suppliers located in other countries outside of Australia to collect, use, analyse, and otherwise process information on our behalf. We may also use subcontractors which provide services to us in connection with providing our Services to you. We put in place written contractual safeguards for the protection of your personal data with such identified suppliers, including obligations for processing in line with applicable legal requirements.

### 3.5 Direct Marketing

Gradability only uses or discloses personal information for direct marketing purposes unless otherwise specified in this Privacy Policy if consent has been gained directly from you. Individuals have the opportunity to be removed from circulation or subscription lists if they choose not to receive organisation related materials. We do not, in any event, sell or lease any of your personal information to any party.

Where you post information to our blogs, Facebook, social media environments or websites your information will be seen and shared with those audiences within those platforms. You may be required to create a user profile which may provide you with the option to display personal information to others. This includes, but is not limited to: your name, photo, social media accounts, postal address, email address, telephone number, personal interests, skills, and basic information about you or your company. All of the information that you post will be available to all visitors to our website. Gradability is not responsible for the personal information you choose to submit in these forums, this is your sole responsibility and Gradability will not be liable for this information in any way. You are not permitted to provide any personal information about other data subjects in those forums and blogs, and we also encourage you to limit any personal information about yourself to a minimum.

We may share your personal data based on good faith that disclosure of this information is necessary to investigate, prevent, or take action regarding legal activities, suspected fraud, or potential threats to the safety of any person or peoples. We may also use your data in litigation in which we are involved, to protect the safety of any person or entity, to protect the rights of any person or entity, to respond to judicial or government enquiry or as required by law.

Gradability may use your data after you have granted your consent in the following cases:

- We may use your name, email address, telephone number, job title and basic information about you or your employer to keep you up to date with the latest products and services on offer from Gradability.
- To provide additional training services, webinars, seminar or register for these events. If you do register for these events your personal information may be shared with other participants of the same event. We may also ask you to consent to sharing your participant information with sponsors of these events.

### **3.6 Disclosure of personal information**

Gradability only discloses information to a third party where written consent has been gained from the individual. Where possible, data is encrypted so that the student has a level of pseudonymity. Gradability does not disclose any individual's personal information to overseas recipients.

In accordance with legislative and regulatory requirements Gradability is regularly required to provide information to State and Commonwealth government departments for the purpose of administration, research and quality assurance Gradability does not use or disclose government related identifiers.

### **3.7 Accessing and seeking correction of personal information**

Gradability acknowledges the rights of individuals to have access to their personal information under the Freedom of Information Act and provides opportunities to review this information on request.

Students and staff team members are encouraged to update their personal information as it changes to maintain the currency and accuracy of records/data. Where Gradability members identify/suspect that personal information is inaccurate, out of date, incomplete or misleading they will contact the individual for further clarification and action any rectifications as required. Students will be notified to access their student portal where they can update personal information. There is no charge to an individual who wishes to correct personal information or an associating statement.

If Gradability uses your personal data based on your consent or to perform a contract with you, you may further request from Gradability a copy of the personal data in a portable format that you have provided to Gradability and where processing is carried out by automated means.

### **3.8 Retention, restriction and Destruction of personal information**

Gradability's policy is to retain personal data no longer than (a) is necessary to fulfil the purposes for which the personal data is processed, (b) if processing is based on consent, until you withdraw your consent, or (c) if processing is based on a legitimate interest of Gradability, until you object to such processing.

Personal information is securely destroyed in accordance with the organisations Records Retention and Management policy and procedure. See this policy and procedure for more information. The duration of processing and storage of your personal data depends on the legal basis and reporting requirements according to Australian legislation. Gradability may need to retain data and personal information in accordance with National Vocational Education and Training Regulator Act 2011 and the Standards for RTOs 2015. However, if required by law we will retain personal data for a longer period of time. Gradability will also store data for a longer period of time if your data is required to assert, support or defend against legal claims. If this is the case, we will retain your data until the relevant retention period or until the claims related to your data have been settled. Gradability can only delete your personal data if there is no statutory obligation or prevailing right of Gradability to retain it. If you request that your personal data are deleted this will result in an inability to continue with any Gradability services that require the use of your data, including, but not limited to, enrolment and completion of a Gradability course.

You can also request that Gradability restrict further processing of your personal data without deleting said personal data for the following reasons:



- if you state that your personal data is incorrect, for the duration of the time Gradability need to verify the accuracy of the personal data
- if there is no legal basis for Gradability to process your personal data and you request it to be restricted
- if Gradability no longer needs your personal data but you as data subject claim that you require Gradability to retain such data in order to establish, exercise or defend a legal claim
- where Gradability processes your personal data on the basis of its legitimate interest and you object to the processing of your personal data for as long as it is required to review whether Gradability has a prevailing interest or legal obligation to process your personal data.

Should you request Gradability to withdraw a consent to use your personal data please note that any withdrawal has no effect on past processing of personal data up to the point in time of your withdrawal. Also, if use of our Services requires your consent and you have withdrawn your consent, Gradability will no longer be able to provide the Services to you.

### 3.9 Complaints and appeals

Feedback on the organisations compliance with the privacy policy and procedure is encouraged by contacting the Compliance Manager or by making a complaint. Where an individual wishes to make a complaint they are required to lodge the complaint in writing by letter or email to Compliance Manager, Level 6 11-31 York St, Sydney 2000 or email: [compliance@Gradability.com.au](mailto:compliance@Gradability.com.au). The Compliance Manager will acknowledge the complaint within 3 working days. Following a comprehensive investigation potential causes of the complaint will be identified, corrective actions taken to eliminate or mitigate the likelihood of future reoccurrence. The complainant will be informed. If the complainant is dissatisfied with the outcome of their complaint they can approach their state-based Training Ombudsman, the OAIC or ASQA for further information and/or action. See Complaints and appeals policy and procedure for more information.

You may object to Gradability using your personal data for the purposes set forth in this section of the Privacy policy and procedure at any time by sending your request to [compliance@Gradability.com.au](mailto:compliance@Gradability.com.au) Gradability will cease using your personal data unless litigation and legal reasons support the continuing use, storage and reporting of your personal data.

### 3.10 Use of Gradability website by children

Gradability does not intend for the use of their website by children under 16 years of age and thereby does not target audiences below the age of 16 years old. Gradability does not knowingly collect personal data from children under 16 years of age. Gradability supports and encourages parents and guardians to take an active role in their children's online activities and interests.

### 3.11 Governance mechanisms

Gradability has robust governance framework in place to ensure its compliance with the Australian Privacy Principles. The following governance framework underpins and supports the operationalisation of this policy and procedure:

- Risk assessments including privacy impact assessments are undertaken when required.
- Staff receive training on the handling of personal and sensitive information on employment commencement and as changes and/ or amendments occur.
- Staff who regularly handle personal information are provided with supervision and support from their line manager.
- Performance development and management processes ensure staff have the knowledge and skills required to complete their role requirements.

- Where an agent or contractor is collecting personal information from a consumer on behalf of Gradability systematic processes are implemented to monitor compliance and maintain the student's privacy– see Third party agreement's and monitoring policy and procedure.
- The Privacy Policy and Procedure is publically available on the website and a synopsis can be found in the student's handbook.
- The organisations privacy policy and procedure is reviewed and updated annually or where required.
- Gradability takes all reasonable steps required to protect and maintain personal and sensitive information in accordance with the Australian Privacy Principles and EU GDPR. If a data breach was to occur the organisation has a systematic approach to managing the critical incident in an open and transparent manner that manages risk effectively. The process for managing a data breach includes conducting a preliminary assessment and investigation, undertaking a risk assessment, notifying all relevant parties and developing an action plan to prevent potential future breaches. Where necessary, Gradability's compliance to trade sanctions, embargoes and export laws may also include:
  1. automated checks of any user registration data and other information a user provides about his or her identity against applicable sanctioned-party lists
  2. regular repetition of such checks whenever a sanctioned-party list is updated or when a user updates his or her information;
  3. blocking of access to Gradability's Services in case of a potential match;
  4. contacting a user to confirm his or her identity in case of a potential match.
- The organisations Continuous Improvement Committee and Compliance Manager monitor the effectiveness of the policy/procedure and is actively involved in its review.

### **3.12 General Business communications**

Gradability communicates with users of the service on a regular basis. Communications can take place via email or phone contact. These such communications are not marketing related but are required to conduct relevant business related services to ensure the delivery of our product and services. Marketing- related communication may be made by phone or email where you have opted in and in this instance you will be provided the opportunity to opt out if you do not want to receive any further marketing information from us.

### **3.13 Personal data transference**

If in the event that Gradability is acquired by or merged with another entity, if part of all of our assets are acquired or Gradability has gone into bankruptcy your information will be transferred to the acquiring entity for purposes that are similar to those that Gradability has originally used your information for.

### **3.14 Data received from third parties**

Our business partners or agents may register leads with us in which they provide contact details of prospective customers. Collected information may include: name, email address, contact details, phone number and services that you are looking for. We also may use such personal data to assist our business partners in responding to your requests.

We also may receive personal data from third parties such as marketing or advertising companies, organisers of events that provide us with such information as a part of their relationship with us. Such data could include contact details (such as name, company, title, company address, and email and phone number) and we use that information for evaluating a potential business relationship with you or for combining the information with personal data that we may have already collected about you.

### **3.15 Changes to Privacy Policy**

Gradability reserves the right to change, modify, add or remove portions of this Privacy Policy from time to time and in our sole discretion. We will also make changes to this Privacy Policy without notice to support compliance to legislative changes. Our policy is to alert you that changes have been made by indicating on the Privacy Policy the date it was last updated and by the version control indicators.

## 4. References.

- Australian Skills Quality Authority (2015) “Standards for Registered Training Organisations (RTOs) 2015”.
- Privacy Act 1988
- Privacy Amendment Act 2012
- Office of the Australian Information Commissioner Australian Privacy Principles (APPs)
- Office of the Australian Information Commissioner (2014) Guide to developing an APP privacy policy
- EU General Data Protection Regulation (GDPR)