

## *Privacy and managing the security of personal data*

### **Purpose**

This policy sets out the basis on which ELC will process any personal data collected from individuals, or that is provided to ELC by individuals or third parties. This policy sets out rules on data protection and the legal conditions that must be satisfied whenever we obtain, handle, process, transfer and store personal data.

The policy is based on relevant Australian federal and state legislation regarding the handling of personal information, including the Privacy Act 1988 and the Privacy Act and National Privacy Principles (2001) as well as the General Data Protection Regulation (GDPR) for persons residing in the European Economic Area.

### **Scope**

This policy applies to all staff and students of ELC. ELC staff must comply with this policy whenever they are involved in processing personal data.

### **Background**

In the course of its business ELC may collect information from students or potential students, either electronically or in hard copy format, including information that personally identifies individual users. ELC may also record various communications that students or potential students have with us. ELC is committed to protecting any personal information they hold relating to students, staff and other third parties from misuse, interference, loss, and from unauthorised access, modification or disclosure. It is also committed to detecting and responding to potential privacy breaches in a timely manner.

### **Policy**

#### **1. Collection of personal information**

##### **1.1 Why do we collect personal information?**

ELC will only collect personal information by fair and lawful means which is necessary for the functions of ELC and is committed to ensuring the confidentiality and security of the information provided to us.

In certain circumstances we will need to collect your personal data to meet our contractual obligations to you. We will collect this data so that we can make an offer to you to study with us or to work with us. When collecting your personal data, we'll endeavour to collect the minimum necessary for us to meet our contractual obligations.

The information supplied by individuals to ELC will only be used to:

- Provide information about study opportunities
- Enrol students into courses
- Maintain proper academic records
- Meet student visa compliance and legal obligations
- Deliver services at the student's request
- Provide support in respect of these services
- Process payments
- Send you vital school communications\*
- Consider an application for employment
- Hire and manage employees and contractors.

\*These service messages will not include any marketing content and do not require prior consent when sent by email or text message. We need to keep you informed as part of complying with our legal obligations.

In specific situations, we collect your personal data as part of undertaking our legitimate interests in a way which might reasonably be expected as part of running our business and, which does not materially impact your rights, freedom or interests.

- Keep you informed of school services and news
- Stay in touch with students as part of an alumni program
- Enable you to access and use our Site, associated applications and associated social media platforms;
- Send you promotional information about our products and services

If the law requires us to, we may need to collect and process your data for a number of reasons, for example to:

- Protect you and our business from fraud
- Meet the needs of immigration authorities
- Comply with our contractual or legal obligations
- Comply with Consumer Protection law

If any individual chooses not to give ELC certain information, then ELC may be unable to enrol the individual in a course or supply them with appropriate information.

## **1.2 What information do we collect?**

The main types of personal data ELC may collect in regard to a student enrolment are listed below:

- Personal information: names, date of birth, nationality, country of birth, mother tongue, gender
- Contact information: address, email address, phone number, emergency contact details
- Travel information: flight information, passport information / number
- Health information: health issues relevant to a student's travel arrangements or medical records and requests
- Passport number and visa (as relevant) for the purposes of visa assistance
- Banking details
- Further study plans (as relevant) for the purposes of designating an appropriate pathway
- Accommodation requirements and preferences (as relevant) in order to place you in appropriate accommodation

Note that personal data may include information ELC receives directly from you (for example, by completing forms or by corresponding with us by mail, phone, email or otherwise) and information we receive from other sources (for example, agents).

The types of personal data ELC may collect in regard to maintaining an enrolment include:

- Interactions with ELC staff (such as academic counselling)
- Assessment results
- Attendance records
- Holiday, deferral, suspension, cancellation and refund request information

The types of personal data ELC may collect in regard to employment include:

- Personal information
- Contact information
- Qualifications & work history
- Emergency contact details
- Your image, voice and written contributions
- Bank account details; tax file number; superannuation details

As you interact with our website and other platforms made available by the company, we may automatically collect technical data about your equipment, browsing actions and patterns.

## **2. Consent**

### **2.1 When do we collect your personal information?**

ELC records personal information:

- a. When you visit any of our website
- b. When you complete our enrolment form
- c. When you engage with us on social media
- d. When you contact us by any means with queries, comments etc.
- e. When you make an appointment with us
- f. When you've given a third-party permission to share with us the information they hold about you (e.g. an agent)
- g. When you visit our campus
- h. For employees we collect your personal data throughout the period of your employment with the Company

## **2.2 How do we inform you?**

We will inform the individual when we first collect the data or as soon as possible thereafter. If ELC receives personal information from other sources (such as an agent), we will provide the student with this information as soon as possible thereafter.

At the time ELC collects personal information about an individual, ELC takes reasonable steps to ensure that the individual is aware of:

- The identity and contact details of ELC
- The purposes for which the information is collected
- Their rights to gain access to the information
- Any government department that may be provided with direct access to personal information without the prior consent of the individual.

Information about how and why ELC processes personal data is provided to individuals:

- In this policy document
- In the terms and conditions forming part of the enrolment form
- In the student handbook
- During the student orientation
- Via the student app
- In the teacher handbook and employment contracts

## **2.3 How do we ask for consent?**

If we need to collect special categories of data from you in order to provide you with the services you require or meet our legal obligations, we will collect this data on the basis of your explicit consent.

Explicit Consent means that you have been presented with an option to agree or disagree with the collection, use, or disclosure of personal information. Students are presented with this option in the terms and conditions of enrolment.

Depending upon national and sometimes state law you may be called a “minor” when it comes to signing a contract or consenting for us to collect and process your personal data. This means you have not reached the legal age of consent. In Australia it is usual to require a person to be 18 years of age to have reached the legal age of consent. As part of protecting you and your rights, if the law says you are still a “minor”, we require your parents/guardians consent to directly collect and process your data.

By providing us with personal information, if you are an individual located in the EEA, you consent to the disclosure of your personal information to third parties that reside outside the EEA.

In specific situations, we can collect and process your data with your consent for example, when you tick a box to receive marketing material from us.

### **2.3 Withdrawal of consent**

If you have given us your consent to use your personal data, you have the right to withdraw that consent at any time.

In cases where we are processing your personal data on the basis of our legitimate interest (e.g. newsletters) you can ask us to stop.

You have the right to stop the use of your personal data for marketing activity through all channels, or selected channels.

### **3. Sharing of personal information**

The information that an individual provides may be disclosed to organisations that deliver services in conjunction with ELC. Information will not be disclosed outside of ELC unless we have been provided with the written authorisation for ELC to do so, or unless required or authorised by law.

Selected third parties with which ELC may share information are:

- Third parties where it is necessary to facilitate travel or accommodation (e.g. airport pickup and accommodation providers)
- The agent with whom you booked your course (as relevant)
- Legal bodies as permitted or required by law such as in compliance with a warrant or subpoena issued by a court of competent jurisdiction; and/or customs, immigration, labour department or other regulatory authorities
- IT companies supporting our websites and IT systems

- Insurance providers
- Regulatory authorities including ASQA, DET and DHA. This information includes personal and contact details, course enrolment details and changes and the circumstance of any suspected breach of a student visa condition

ELC may also disclose personal information about an individual if ELC reasonably believes that:

- The use of disclosure is necessary to lessen or prevent a serious threat to an individual's well-being and safety or serious threat to public health or safety
- Reason to suspect unlawful activity may be engaged in, then disclosure of personal information will be provided to authorities as part of the investigation.
- Disclosure to enforcement bodies is necessary to prevent, detect, investigate or prosecute criminal offences.
- It is necessary to investigate fraudulent or potentially fraudulent activity in our premises or systems.

ELC may also disclose personal data we hold to third parties:

- In the event that we sell or buy any business or assets, in which case we may disclose personal data we hold to the prospective seller or buyer of such business or assets.
- If we or substantially all of our assets are acquired by a third party, in which case personal data we hold will be one of the transferred assets.
- If we are under a duty to disclose or share a data subject's personal data in order to comply with any legal obligation, or in order to enforce or apply any contract with the data subject or other agreements; or to protect our rights, property, or safety of our employees, customers, or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction.

## **4. Storing personal data**

### **4.1 How does ELC ensure information held about you is accurate?**

ELC will ensure that personal data held is accurate and kept up to date. ELC will check the accuracy of any personal data at the point of collection and at regular intervals afterwards, taking all reasonable steps to destroy or amend inaccurate or out-of-date data.

Students are required to inform ELC of changes to their contact details in Australia (address, email and phone number) as well as the details of an emergency contact in Australia. Students can easily update these details via a QR code displayed prominently at the school and are also asked to confirm the accuracy of their contact information via email reminder every 3 months.

If a student or employee believes that any information held about them is inaccurate, out of date, incomplete, irrelevant or misleading, they should contact [admin@elc.edu.au](mailto:admin@elc.edu.au)

#### **4.2 How long does ELC keep your information?**

ELC will not keep personal data longer than is necessary for the purpose or purposes for which they were collected or as required by law. All reasonable steps will be taken to destroy, or erase from our systems, all data which is no longer required.

#### **4.3 How can I access any personal information ELC holds about me?**

The rights you have may be different depending on where you live in the world for instance, if you live in Australia you have the right to:

- Request anonymity and pseudonymity
- Request for information not to be used for marketing purposes
- Access and review personal data we hold about you
- Rectify/Correct any inaccurate personal information we hold about you

In the EU or EEA you have the right to:

- Access and review personal data we hold about you
- Rectify/correct any inaccurate personal information we hold about you
- Request a copy of data you supplied to us, in a machine readable format or for the transfer of this data to another company
- Request the restriction of processing of your personal data
- Object to us processing your personal data
- Request the erasure of your data, (right to be forgotten)
- Withdraw your consent for us to use your data at any time, but this will not affect any processing that has already taken place.
- Where we are using your information because we or a third party have a legitimate interest to do so, you have the right to object to that use though, in some cases, this may mean no longer using our services.

When receiving telephone enquiries, ELC will only disclose personal data we hold on our systems if the following conditions are met:

(a) We will check the caller's identity to make sure that information is only given to a person who is entitled to it (e.g. nominated next of kin)

(b) We will ask that the caller put their request in writing if we are not sure about the caller's identity and where their identity cannot be checked. You will be consulted before we disclose any information about you in this case.

## **5. Transferring information**

### **5.1 Transferring information across national boundaries**

ELC's head office is in Australia, but we will sometimes need to share your personal data across national boundaries. The transfer of data, inclusive of personal data, may include transferring it to our corporate office in Japan, to our enrolments office in Vietnam or to your agency in your home country. If we do transfer your personal data across an international border, we have procedures in place to ensure your data receives the same protection as if it were being processed inside your country of residence or Australia.

### **5.2 Residents of the EEA**

By providing us with personal information, if you are an individual located in the EEA, you consent to the disclosure of your personal information to third parties that reside outside the EEA.

If you are an individual in the European Economic Area (EEA), we collect and process information about you only where we have legal bases for doing so under applicable European Union laws. The legal bases depend on the services you use and how you use them. This means we collect and use your information only where:

- it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract;
- it satisfies a legitimate interest (which is not overridden by your data protection interests), such as for research and development, to market and promote our services and to protect our legal rights and interests
- you give us consent to do so for a specific purpose (for example we might ask for consent in order to provide you with our services)
- we need to process your data to comply with a legal obligation

Third parties used by ELC to collect and process data, such as Google Analytics or other relevant businesses may include parties that store data outside of Australia. We require that the third party either complies with the privacy shield principles set out in the GDPR or another mechanism set out by applicable EU & Swiss data protection laws for the transfer and processing of personal information.

## **6. Data security**

### **6.1 How do we look after your personal data?**



Access to your personal data is restricted we will take all reasonable security measures to protect it from unauthorised access, misuse or disclosure.

- Only people who are authorised to use the data can access it.
- Access is strictly limited to only those employees who must access the data in order to perform their responsibilities.
- Computers are individually password controlled.
- Access to the Student Management System is individually password controlled
- All computer users must ensure that individual monitors do not show confidential information to passers-by and that they log off from their PC when it is left unattended.
- No confidential information should be held on a laptop which is removed from a secure area. No confidential information should be held on a digital storage device that is removed from a secure area.
- Storage systems for paper copies are secured and access is managed through the company's access protocols.
- Personal data will only be transferred to a data processor if he/she agrees to comply with this policy and procedure, or if he/she puts in place adequate measures himself.
- We secure access to all transactional areas of our website using 'https' technology.
- Any stranger seen in entry-controlled areas should be reported.

Note that we cannot guarantee the security of any information that is transmitted to or by us over the Internet. The transmission and exchange of information is carried out at your own risk. Although we take measures to safeguard against unauthorised disclosures of information, we cannot assure you that the personal information we collect will not be disclosed in a manner that is inconsistent with this Privacy Policy.

## **6.2 Data Breach Response Plan**

A data breach occurs when personal information that an entity holds is subject to unauthorised access or disclosure or is lost. A data breach may be caused by malicious action (by an external or insider party), human error, or a failure in information handling or security systems. ELC will comply with the GDPR in respect of any data breach.

Personal information is information about an identified individual, or an individual who is reasonably identifiable. Information that is not about an individual on its own can become personal information when it is combined with other information, if this combination results in an individual becoming 'reasonably identifiable' as a result.

Examples of data breaches include:

- loss or theft of physical devices (such as laptops and storage devices) or paper records that contain personal information

- unauthorised access to personal information by an employee
- inadvertent disclosure of personal information due to 'human error', for example an email sent to the wrong person
- disclosure of an individual's personal information to a scammer, as a result of inadequate identity verification procedures.

This Data Breach Response Plan sets the 4 steps ELC will take if a data breach occurs.

### ***Step 1. Identify and contain the data breach***

If a staff member suspects a data breach, he/she should notify the Administration Manager who will (with members of the data response team as relevant) identify and contain the data breach to prevent any further compromise of personal information.

### ***Step 2. Assess the data breach***

The Administration Manager (with members of the data response team as relevant):

- Gathers facts
- Determines if there is a risk of serious harm to affected individuals now or in the future
- Where possible, takes action to remediate any risk of harm.
- Determines what affected individuals must be notified
- Determines how affected individuals should be contacted and managed
- Determines which external stakeholders should be contacted and who is responsible for liaising with them

### ***Step 3. Notify***

The Administration Manager (or delegated other) notifies affected individuals and relevant external stakeholders promptly.

### ***Step 4. Record and review***

The Administration Manager (with members of the data response team as relevant):

- Records the data breach
- Reviews the incident and considers what actions can be taken to prevent future breaches.
- Evaluates the success of the response

## **7. Our responsibilities as a 'controller' under the GDPR**

Controllers are defined by the General Data Protection Regulation (GDPR) as natural or legal persons, a public authority, agency or other body to which personal information or personal data has been disclosed, whether via a third party or not, and who determines the purposes and means of processing personal information. We are a controller under the GDPR as we collect, use and store your personal information to enable us to provide you with our goods and/or services.

As a controller, we have certain obligations under the GDPR when collecting, storing and using the personal information of individuals based in the EEA. If you are an individual located in the EEA, your personal data will:

- only be collected for the specific purposes we have identified in the 'collection and use of personal information' clause above and personal information will not be further processed in a manner that is incompatible with the purposes we have identified
- be collected in a way that is adequate, relevant and limited to what is necessary in relation to the purpose for which the personal information is processed
- be processed lawfully, fairly and in a transparent manner by us
- be kept up to date, where it is possible and within our control to do so
- be kept in a form which permits us to identify you, but only for so long as necessary for the purposes for which the personal data was collected
- be processed securely and in a way that protects against unauthorised or unlawful processing and against accidental loss, destruction or damage.

## 8. Third party links

Our website and information provided to students (e.g. via student handbook) contain links to other websites. We do not have any control over those websites and we are not responsible for the protection and privacy of any personal information which you provide whilst visiting those websites. Those websites are not governed by this policy.

## 9. Questions

We will take every privacy enquiry or complaint seriously and assess it with the aim of resolving all issues quickly and efficiently.

- For any requests regarding your personal data please contact: [admin@elc.edu.au](mailto:admin@elc.edu.au)
- To complain about an alleged breach of this Policy or our legal privacy obligations please provide as much information as possible so that we can investigate and respond to your concern promptly. Contact [admin@elc.edu.au](mailto:admin@elc.edu.au) and your enquiry will be sent to our data protection manager.

## **Definitions of data protection terms**

- Data is information which is stored electronically or in certain paper-based filing systems.
- Data subjects for the purpose of this policy include all living individuals about whom we hold personal data. All data subjects have legal rights in relation to their personal information.
- Personal data means information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual, or an individual who is reasonably identifiable.
- Data controller is the organisation which determines the purposes for which, and the manner in which, any personal data is processed. A data controller is responsible for establishing practices and policies in line with the Data Protection Legislation. We are the data controller of all personal data used in our business for our own purposes.
- Data processor is any organisation that is not an employee that processes personal data on our behalf and on our instructions.
- Processing is any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring personal data to third parties.
- Special categories of personal data include information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life. Special categories of personal data can only be processed under strict conditions, including a condition requiring the express permission of the person concerned. Information relating to the commission of, or proceedings for, any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings is subject to similar safeguards.
- Data breach is the unauthorised access or disclosure of personal information, or loss of personal information.