

# AITSL Privacy Policy

## Introduction

The purpose of this policy is to provide you with information on how we collect, use, retain and disclose your Personal Information.

## Policy statement

The Australian Institute for Teaching and School Leadership Limited (**AITSL**) is subject to the Privacy Act 1988 (Cth) (the Privacy Act) and to the requirements of the Australian Privacy Principles (APPs) contained in Schedule 1 of the Privacy Act.

The APPs regulates how AITSL can collect, hold, use and disclose personal information and how you can access and correct that information.

The APPs only apply to information about living individuals, not information about corporate entities such as businesses, firms or trusts. Detailed information and guidance about the APPs can be found on the Office of the Australian Information Commissioner website.

The purpose of this policy is to:

- describe the types of personal information that we collect, hold, use and disclose
- outline AITSL's personal information handling practices
- explain our authority to collect your personal information, why it may be held by us, how it is used and how it is protected
- notify whether we are likely to disclose personal information to overseas recipients and, if possible, to whom
- provide information on how you can access your personal information, correct it if necessary and complain if you believe it has been wrongly collected or inappropriately handled.

As a Commonwealth company, AITSL is exempt from the requirements of the [General Data Protection Regulation](#) (GDPR), with the exception of data collected, stored and used in Australia from a European Union (EU) citizen living in the EU for activities of a commercial nature.

## Who this Policy applies to?

This policy applies to:

- a person who accesses AITSL's digital assets, such as websites and apps
- a person who posts on or participates on AITSL's social media platforms
- a person who applies for a skilled visa assessment
- a policy stakeholder who works with us
- a person who works with us to develop tools or materials provided on AITSL's digital assets or third party platforms
- a person whose information may be given to us by a third party, including Commonwealth, or State and Territory Government agencies.
- a current or past employee
- an academic or researcher who works with AITSL
- a participant in a program, or service delivered by us

- a contractor, grant recipient, consultant, or supplier of goods or services to us
- an applicant for a grant or a tenderer for a contract provided by us
- any other individual whose personal information we may collect, hold, use and disclose from time to time.

## What is covered under this policy

AITSL, including its employees, contractors and agents, is subject to the Privacy Act 1988 (Cth) (the Privacy Act) and to the requirements of the Australian Privacy Principles (APPs) contained in Schedule 1 of the Privacy Act.

The purpose of this privacy policy is to:

- describe the types of personal information that we collect, hold, use and disclose
- outline our personal information handling practices
- explain our authority to collect your personal information, why it may be held by us, how it is used and how it is protected
- notify whether we are likely to disclose personal information to overseas recipients and, if possible, to whom
- provide information on how you can access your personal information, correct it if necessary and complain if you believe it has been wrongly collected or inappropriately handled.

This privacy policy is not intended to cover AITSL's handling of commercially sensitive information or other information that is not defined in the Privacy Act as personal information.

**'Personal information'** means any information (or an opinion) about an identified individual or an individual who is reasonably identifiable, whether true or not and whether recorded in a material form or not.

AITSL collects a variety of personal information for the purposes of executing its purpose and meeting its obligations as a commonwealth company.

**'Sensitive information'** is a subset of personal information and under the Privacy Act includes information about your health, genetics, biometrics or disability, racial or ethnic origin, religious, political or philosophical beliefs, professional association or trade union memberships, sexuality or criminal record.

## Personal information

Personal information may be collected directly by AITSL, or by people or organisations acting on AITSL's behalf (e.g. service providers or suppliers). It may be collected directly from you, or on your behalf from a representative you have authorised.

AITSL may also obtain personal information collected by Australian Government agencies, state or territory governments, or from other third parties. This will only occur where you consent, where it is unreasonable or impractical to collect the information only from you or where AITSL are required or authorised to do so by law.

AITSL may collect your personal information through a variety of channels, including forms or notices, online portals, social media platforms, websites, apps, , electronic or paper correspondence and from data sharing, matching or linkage arrangements with other Australian Government and state and territory agencies, or from other third parties. In some instances, this may include incidental collection of information provided to AITSL, through data analytics undertaken in relation to AITSL systems.

AITSL may also collect your personal information if you:

- communicate with AITSL by telephone, mail or email
- attend a meeting or event conducted by AITSL or by people or organisations acting on AITSL's behalf (e.g. contracted service providers or suppliers)
- use our digital assets, such as websites
- participate in a survey administered by AITSL
- interact with AITSL on our social media platforms.

By signing paper documents or agreeing to the terms and conditions and disclaimers for electronic documents, website or portal use you are consenting to the collection of any personal information you provide to AITSL.

AITSL will only collect information for a lawful purpose that is reasonably necessary or directly related to one or more of our functions and activities, or where otherwise required or authorised by law. For example, AITSL may also collect, use and disclose personal information, including sensitive information, for the purposes of the [National Anti-Corruption Commission Act 2022](#).

When AITSL collect personal information, AITSL is required under the APPs to notify you of the purposes for which the information is collected, whether the collection is required or authorised by law, and any person or body to whom AITSL will disclose the information, including if those persons or bodies are located overseas.

### Types of Personal information collected

AITSL may collect and hold a broad range of personal information in records relating, but not limited, to:

- employment and personnel matters for our employees, labour hire workers and contractors
- performance of administrative functions
- individuals participating in programs, committees or Boards
- account creation
- management of contracts and funding agreements
- management of fraud and compliance investigations, and investigations into alleged corruption or unlawful activities
- management of audits (both internal and external)
- correspondence from members of the public to us
- complaints (including privacy complaints) made, and feedback provided to us
- the provision of legal advice by internal and external lawyers.

This personal information may include but is not limited to:

- your name, address and contact details (e.g. phone, email and fax)
- information about your personal circumstances (e.g. gender, occupation)
- information about your financial affairs (e.g. payment details, bank account details and information about business and financial interests)
- information about your identity (e.g. date of birth, country of birth, passport details, visa details, drivers licence)
- information about your employment (e.g. work history, referee comments, remuneration)
- information about your background (e.g. educational qualifications, the languages you speak and your English proficiency)
- information about your studies and training (e.g. training results, courses completed).

### AITSL digital assets

Your information – including personal information – is collected by a variety of software applications, services and platforms used by your device and AITSL to support service delivery.

This type of information collection is ‘passive’ (i.e. information not collected directly) and it does not directly relate to AITSL’s delivery of services. Your consent for your information to be collected and shared in this way is typically obtained at the time you first use an application or service on your device.

You can opt out of some of these passive data collections, including by:

- disabling / refusing cookies
- disabling JavaScript
- opting-out of Google Analytics
- disabling location services on your device.
- use private browsing modes (e.g., Incognito)
- adjust browser settings to limit third-party tracking

No attempt is made to identify you through your browsing other than in exceptional circumstances, such as an investigation into the improper use of our digital assets.

## **Sensitive information**

In carrying out its functions and activities AITSL may collect personal information that is sensitive information. The APPs impose additional obligations when collecting, using or disclosing sensitive information. AITSL may only collect sensitive information from you:

- where you provide your consent
- where required or authorised by law, or
- where a permitted general situation exists such as to prevent a serious threat to safety.

AITSL also may collect sensitive information where authorised to do so, for the purposes of: human resource management, preventing, detecting, investigating or dealing with corruption, misconduct and fraud, cyber-attacks, or other unlawful activities, and responding to inquiries by courts, tribunals and other external review bodies.

## **Purposes for which information is collected, held, used and disclosed**

AITSL collect, hold, use and disclose personal information for a variety of different purposes including:

- performing our management, employment and personnel functions in relation to our staff and contractors
- performing administrative functions
- policy development, research and evaluation
- delivering services to Commonwealth and state and territory government agencies
- complaints handling
- administering requests received by us under the Privacy Act
- preventing, detecting, investigating or dealing with corruption, misconduct and fraud, cyber-attacks, or other unlawful activities.

- program management
- maintaining effective working relationships with relevant stakeholders
- policy advice and support
- contract management
- management of correspondence with the public.

AITSL will use and disclose personal information for the primary purposes for which it is collected.

AITSL will only use your personal information for secondary purposes where we are able to do so in accordance with the Privacy Act. This may include where you have consented to this secondary purpose, or where the secondary purpose is related (or if sensitive information, directly related) to the primary purpose and you would reasonably expect us to use or disclose the information for the secondary purpose, where it is required or authorised by law or where a permitted general situation exists such as to prevent a serious threat to safety.

Likely secondary purposes for which AITSL may use or disclose your personal information include but are not limited to:

- quality assurance, auditing, reporting, research, evaluation and analysis,
- data sharing, data integration, data matching and promotional purposes,
- in connection with measures aimed at preventing, detecting, investigating, or dealing with corruption, misconduct and fraud, cyber-attacks, or other unlawful activities.

In the event AITSL's functions are incorporated into another entity (including a government department or government related organisation), AITSL may share your personal information with that entity on terms consistent with the APPs and the *Privacy Act 1988*.

## Disclosure of personal information overseas

AITSL will, on occasion, disclose personal information to overseas recipients. The situations in which we may disclose personal information overseas include:

- the publication on the internet of material which may contain personal information, such as reports, submissions and other documents; photographs, video recordings and audio recordings and posts and comments on our social media platforms (where consent has been given for this or we are otherwise permitted by law to provide this information)
- the provision of personal information to overseas researchers or consultants (where consent has been given for this or we are otherwise permitted by law to provide this information)
- the provision of personal information to recipients using a web-based service where data is stored on an overseas server, for example, AITSL may use Mailchimp for email subscriptions
- where people post and comment on AITSL's social media platforms.

AITSL will not disclose your personal information to an overseas recipient unless one of the following applies:

- the recipient is subject to a law or binding scheme substantially similar to the APPs, including mechanisms for enforcement, or
- you consent to the disclosure after being expressly informed that we are not able to take reasonable steps to ensure that the overseas recipient does not breach the APPs in relation to the information, or
- disclosure is required or authorised by law, or by an international agreement relating to information sharing to which Australia is a party, or

- it can be reasonably assumed that you have already consented to the terms and conditions of a third party provider (i.e. Facebook, Instagram, Pinterest etc)
- the disclosure is reasonably necessary for an enforcement related activity conducted by, or on behalf of, an enforcement body and the recipient performs similar functions.

## **Publishing certain material on the internet**

From time-to-time AITSL may publish material on the internet (in particular [www.aitsl.edu.au](http://www.aitsl.edu.au)), for example, AITSL's tools and resources. Publication on the internet by its nature may involve disclosure to overseas recipients in any country. Where you have agreed to AITSL publishing material on the internet that contains your personal information, AITSL will not be able to take steps to ensure that a recipient located overseas does not breach the APPs in relation to that published information. As such, by agreeing to the publication, you are consenting to your personal information being accessible overseas and acknowledge that APP 8.1 contained in schedule 1 of the Privacy Act will not apply to any use of that information.

## **Storage and data security**

### **Storage**

AITSL may store personal information in a range of paper-based and electronic records. Some electronic records may be stored in the cloud, including in cloud-based systems provided by our contractors.

Storage of personal information (and the disposal of information when no longer required) is managed in accordance with AITSL's Information Management Policy, and in some cases, standards issued by the National Archives of Australia.

### **Data security**

AITSL takes all reasonable steps to protect the personal information held in our possession against loss, unauthorised access, use, modification, disclosure or misuse.

Access to your personal information is restricted to authorised persons on a need-to-know basis.

Records containing personal information are protected in accordance with Australian Government security policies and AITSL's Information Management Policy.

We conduct regular audits to ensure we adhere to these policies.

### **Data quality**

AITSL takes all reasonable steps to ensure that the personal information we collect is accurate, up-to-date, complete, relevant and not misleading.

These steps include responding to requests to correct personal information when it is reasonable and appropriate to do so.

## **Unauthorised access, use or disclosure of personal information**

AITSL takes seriously and deals promptly with any unauthorised access, use or disclosure of personal information.

The Notifiable Data Breaches (NDB) scheme in Part IIIC of the Privacy Act, generally requires prompt notification of individuals whose personal information is involved in a data breach that is likely to result in serious harm. The Office of the Australian Information Commissioner must also be notified. AITSL complies with the NDB scheme when dealing with these types of data breaches.

AITSL also has regard to relevant guidance material issued by the Office of the Australian Information Commissioner when responding to any incidents involving the unauthorised access of, use or disclosure of personal information.

## Accessing your personal information and keeping your personal information up to date

You have a right under the Privacy Act to access personal information we hold about you. You also have a right to request corrections of any personal information that we hold about you if you think the information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

To access or seek correction of personal information we hold about you, please address your request to:

**Attention: AITSL's Privacy Officer**  
[privacy.officer@aitsl.edu.au](mailto:privacy.officer@aitsl.edu.au)

### Access and correction process

If you request access to or correction of your personal information, we must respond to you within 30 calendar days.

While the Privacy Act requires that AITSL give you access to or correct your personal information on request, it does set out circumstances in which we may refuse you access or decline to correct your personal information.

**If AITSL refuses to give you access or declines to correct your personal information we will provide you with a written notice which, among other things, gives our reasons for refusing your request.**

## Withdrawing your consent

You may withdraw your consent to AITSL's collection or processing of your personal information at any time in writing.

You can do so by:

- contacting AITSL at [privacy.officer@aitsl.edu.au](mailto:privacy.officer@aitsl.edu.au), or
- opting out of email newsletter communications by following the instructions in those emails or
- clicking UNSUBSCRIBE on emails or newsletters.

If you withdraw your consent to the use of your personal information, you may not have access to AITSL services or products. In some circumstances, where AITSL has a legal basis to do so, AITSL may continue to process your information after you have withdrawn consent.

Where you unsubscribe or opt out, you withdraw your consent AITSL may still hold and use your person data collected prior to you doing so.

## Complaints

If you think AITSL may have breached your privacy or you are unhappy with an access or correction process you may contact us to make a complaint using the contact details set out below. In order to ensure that we fully understand the nature of your complaint and the outcome you are seeking, we prefer that you make your complaint in writing.

Please be aware that it may be difficult to investigate or respond to your complaint if you provide insufficient detail. You may submit an anonymous complaint, however if you do it may not be possible for us to provide a response to you.

Complaints should be provided in writing with full details of the complaint and full contact details to:

**Attention: AITSL's Complaints Officer**  
[complaints.officer@aitsl.edu.au](mailto:complaints.officer@aitsl.edu.au)

AITSL will respond to your complaint in writing within 7 business days. AITSL may request further details relating to your complaint.

If you are unsatisfied with AITSL's response, you may wish to contact:

- the Office of the Australian Information Commissioner, or
- the Commonwealth Ombudsman

## Legislative context

- *Privacy Act 1988* (Cth)
- *Privacy and Other Legislation Amendment Bill 2024* (Cth)
- *Criminal Code Act 1995* (Cth)
- *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)*