



# **Acorn LMS Privacy Policy**

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Acorn LMS is powered by Pursuit Technology Australia PTY LTD  
(ACN: 600 787 139)

## 1. BACKGROUND

This Policy is made in accordance with the Privacy Act 1988 (Cth) and the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth).

The current version of this Policy is available from the Privacy Officer upon request. This Policy may be updated, amended or revised from time to time by Pursuit Technology and by continuing to interact with or receive services from Pursuit Technology you will be deemed to have accepted the terms of any updated, amended or revised policy.

Collection, use, disclosure and storage of Personal Information by Pursuit Technology is governed by this Policy and any person whose Personal Information is collected, used, disclosed or stored by Pursuit Technology agrees to the terms of this Policy.

## 2. DEFINITIONS AND INTERPRETATION

**2.1** In this Policy, the following words have the corresponding meaning:

**(a) “Clause”** means a clause in this Policy;

**(b) “Direct Marketing”** means the use or disclosure of Personal Information for the purposes of communicating directly with an individual to promote goods or services;

**(c) “Employees”** means employees, independent contractors, agents and consultants of Pursuit Technology;

**(d) “Enforcement Body”** means an enforcement body as defined in section 6 of the Act;

**(e) “Government Related Identifiers”** means an identifier of an individual that has been assigned by:

(i) an agency or its agent;

(ii) a State or Territory authority or its agent; or

(iii) a contracted service provider for a Commonwealth or State contract;

Examples of Government Related Identifiers include Medicare numbers, Tax File Numbers, Driver’s Licence numbers, and Australian passport numbers.

**(f) “Personal Information”** means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

(i) whether the information or opinion is true or not; and

(ii) whether the information or opinion is recorded in a material form or not;

**(g) “Privacy Officer”** means the Pursuit Technology employee who is responsible for overseeing privacy for Pursuit Technology, presently **Blake Proberts**;

**(h) “Policy”** means this privacy policy as amended from time to time;

**(i) “Pseudonym”** means a name, term or descriptor that is different to an individual’s actual name;

**(j) “Pursuit Technology”** means Pursuit Technology Australia Pty Ltd (ACN 600 787 139)

**(k) “Sensitive Information”** has the same meaning as in the Act; and

**(l) “the Act”** means the Privacy Act 1988 (Cth).

**2.2.** In this Policy, the following rules of interpretation apply:

**(a)** a reference to the singular includes the plural and conversely;

**(b)** where a word or phrase is defined, its other grammatical forms have corresponding meanings;

**(c)** headings are for convenience only and do not affect interpretation;

**(d)** a reference to any agreement or document is to that agreement or document as amended, novated, supplemented, varied or replaced from time to time, except to the extent prohibited by this Agreement;

**(e)** a reference to any legislation or to any provision of any legislation includes any modification or re-enactment of it, any legislative provision substituted for it and all regulations and statutory instruments issued under it; and (f) mentioning anything after include, includes or including does not limit what else might be included.

### **3. PURPOSE**

**3.1.** This Policy is intended to inform the community including, in particular, those persons whose Personal Information Pursuit Technology holds, of Pursuit Technology's approach to collecting, using, disclosing and protecting the Personal Information that Pursuit Technology collects.

**3.2.** Pursuit Technology considers that protecting Personal Information is important and Pursuit Technology takes the right to privacy seriously.

### **4. COLLECTION**

**4.1.** Subject to clause when dealing with Pursuit Technology, you may ask to not identify yourself or not use or disclose, or not let Pursuit Technology use or disclose, your Personal Information. Alternatively, when dealing with Pursuit Technology, you may use a Pseudonym, and require Pursuit Technology to use a Pseudonym when dealing with you, in lieu of providing your Personal Information.

**4.2.** You acknowledge and accept that Pursuit Technology cannot practically provide services to a person who wishes to engage Pursuit Technology but who is not prepared to provide his or her Personal Information. You acknowledge and accept that for Pursuit Technology to perform or provide you with services, your Personal Information must be provided and must be correct and up to date so as to enable Pursuit Technology to verify your identity and provide such services.

**4.3.** Pursuit Technology collects Personal Information about you in order to provide its services to you and only where it is reasonably necessary to its functions and activities. Pursuit Technology may collect Personal Information such as your name, date of birth, contact details, passport details, driver's license details, employment details, financial information (such as bank account numbers), security clearances, police checks and information about how you use Pursuit Technology's services.

**4.4.** The full details of the Personal Information Pursuit Technology collects can be found in the questions that Pursuit Technology asks and in the forms, you have completed during your involvement with Pursuit Technology. Personal Information and Sensitive Information may also be collected by Pursuit Technology by accessing, developing or building programs or software for you.

**4.5.** In some situations, Pursuit Technology may need to collect Personal Information about you from a third party including but not limited to collecting such information from human resource data management systems. If Pursuit Technology needs to collect Personal Information about you from any third party not mentioned in this Policy Pursuit Technology will first endeavour to obtain your consent. If that is not possible Pursuit Technology will only obtain your Personal Information from a third party if that is necessary for us to do our job or comply with laws or regulations. In any event, Pursuit Technology will inform you and will use such Personal Information only in accordance with this Policy.

**4.6.** If Pursuit Technology receives Personal Information about you from any third party not mentioned in this Policy which is information Pursuit Technology did not request, Pursuit Technology will determine whether it is entitled to collect that information and:

**(a)** if Pursuit Technology is not entitled to collect the Personal Information – Pursuit Technology will destroy or de-identify the Personal Information;

**(b)** if Pursuit Technology is entitled to collect the Personal Information – Pursuit Technology will deal with the Personal Information in accordance with this Policy.

**4.7.** Pursuit Technology will take any reasonable steps to ensure that the Personal Information collected about you is accurate, current and complete.

**4.8.** If you provide Pursuit Technology with another person's Personal Information, you guarantee that you have that person's consent to disclose such information and have informed that person of the existence of this Policy

**4.9.** Except as permitted under the Act, Pursuit Technology will only collect Sensitive Information about you with your consent and for purposes including, but not limited to, your employment with Pursuit Technology or where relevant to your matter with Pursuit Technology. For the purpose of providing services to a client, for example developing applications, Pursuit Technology might collect Sensitive Information. If you provide Pursuit Technology with Sensitive Information about any person, you guarantee and warrant that you have that person's consent to disclose to Pursuit Technology such information. You further warrant that you have informed that person of the existence of this Policy and that Pursuit Technology may collect such information where required or reasonable to perform the services.

## **5. STORAGE OF INFORMATION**

**5.1.** Subject to Clause 7 below, all of the Personal Information held by Pursuit Technology about you is held on Pursuit Technology's ASIO t4+ certified servers which are approved by the Information Security Registered Assessors Program and hosted in Canberra. Information may be stored in hard copy or electronic format in facilities that Pursuit Technology owns and operates itself, or that are owned or operated by Pursuit Technology's service providers.

**5.2.** Only authorised Pursuit Technology personnel, contractors and Employees only ourselves may access your Personal Information and only for the purposes set out in this Policy.

**5.3.** Pursuit Technology will take reasonable steps to maintain the security of your Personal Information; however, you should be aware of the many information security risks that exist and take appropriate care to safeguard your Personal Information.

**5.4.** Pursuit Technology will take all reasonable steps to protect Personal Information from:

- (a)** misuse, interference and loss; and
- (b)** unauthorised access, modification or disclosure.

**5.5.** Once Pursuit Technology no longer has a need for your Personal Information Pursuit Technology will either destroy or de-identify it, unless:

- (a)** the Personal Information is part of a Commonwealth record; or
- (b)** Pursuit Technology is required by law or Court order to retain the Personal Information.

**5.6.** Pursuit Technology will retain, securely and confidentially, Personal Information for at least 5 years in accordance with any record-keeping obligations Pursuit Technology may be required to comply with from time to time.

## **6. USE AND DISCLOSURE**

**6.1.** Pursuit Technology may use or disclose your Personal Information in order to:

- (a)** manage and administer the services it provides to you;
- (b)** enable third parties engaged by Pursuit Technology to provide services on Pursuit Technology's behalf;
- (c)** assist you with enquiries;
- (d)** charge you for the services Pursuit Technology provides and collect any amounts you may owe to Pursuit Technology, including any debt recovery action; and
- (e)** ensure that Pursuit Technology's internal business operations are running smoothly including any reporting or legal requirements it may be required to fulfill.

**6.2.** Pursuit Technology may also make ancillary use of your Personal Information for purposes other than those described above where:

- (a)** you would reasonably expect Pursuit Technology to use or disclose the information;
- (b)** you have consented to Pursuit Technology's ancillary use or disclosure of your Personal Information; or
- (c)** the use or disclosure is authorised by the Act, any other Australian law or Court order.

**6.3.** Pursuit Technology is not likely to disclose Personal Information to an overseas recipient unless you have requested or consented for Pursuit Technology to do so.

**6.4.** Pursuit Technology will only disclose your Personal Information to an overseas recipient where:

- (a)** Pursuit Technology has taken reasonable steps to ensure that your Personal Information will only be used or disclosed in accordance with this Policy;
- (b)** Pursuit Technology believes that the overseas recipient is subject to laws which would protect your Personal Information in a substantially similar way to this Policy;

- (c) you have consented to Pursuit Technology disclosing your Personal Information to an overseas recipient; or
- (d) the use or disclosure is authorised by the Act, any other Australian law or Court order.

## **7. ACCURACY AND CORRECTION**

- 7.1.** Pursuit Technology will take all reasonable steps to ensure the accuracy of your Personal Information, however, it is your responsibility to ensure that Personal Information you provide to Pursuit Technology is accurate, up to date and complete.
- 7.2.** Pursuit Technology will correct Personal Information if it is satisfied that the information is inaccurate, out of date, incomplete, irrelevant or misleading having regard to the purpose for which the information is held.
- 7.3.** Pursuit Technology will correct or update your Personal Information if you request that Pursuit Technology do so.

## **8. DIRECT MARKETING**

**8.1.** Where Pursuit Technology has collected your Personal Information directly from you, Pursuit Technology will only use or disclose your Personal Information for the purposes of Direct Marketing if:

- (a) you would reasonably expect that your Personal Information would be used for the purposes of Direct Marketing; and
- (b) you have not advised Pursuit Technology that you do not want your Personal Information to be used for the purposes of Direct Marketing.

**8.2.** Pursuit Technology may use or disclose your Personal Information for the purposes of Direct Marketing if required to do so under the terms of a contract with a Commonwealth Department.

**8.3.** This Clause 8 is subject to the operation of other Direct Marketing legislation including the Do Not Call Register Act 2006 (Cth) and the Spam Act 2003 (Cth).

## **9. GOVERNMENT RELATED IDENTIFIERS**

**9.1.** Pursuit Technology will not adopt, use or disclose your Government Related Identifier except in situations permitted under the Act.

## **10. ACCESS TO PERSONAL INFORMATION**

**10.1.** You may request access to the Personal Information that Pursuit Technology holds about you and you may ask Pursuit Technology at any time to correct it where you believe it is incorrect or out of date. Pursuit Technology will not charge a fee for accessing or correcting your Personal Information.

**10.2.** To access Personal Information that Pursuit Technology holds about you, or to obtain more information about your rights or Pursuit Technology's Policy, please contact the Pursuit Technology Privacy Officer at

**Pursuit Technology**

**Level 7, AMP Building**

**1 Hobart Place New Acton, Canberra**

**Email: [hello@pursuittechnology.com.au](mailto:hello@pursuittechnology.com.au)**

## **11. HACKERS AND SPAMMERS**

**11.1.** Pursuit Technology will attempt to ensure its website and method of storing the Personal Information and Sensitive Information held by Pursuit Technology is a hack and spam free system by keeping up to date with web technology and integrating the latest in web security to our website. Internet hackers and spammers constantly invent new back door solutions to evade security measures and accordingly Pursuit Technology cannot guarantee against hackers or spammers.

## **12. COMPLAINTS**

**12.1.** If you believe that your privacy rights have been breached by Pursuit Technology, you may lodge a complaint with Pursuit Technology directly by contacting the Pursuit Technology Privacy Officer. The Pursuit Technology Privacy Officer will then review your complaint, decide what (if any) corrective action is required and then reply to you within a reasonable time from receipt of your complaint.

**12.2.** Pursuit Technology will use reasonable endeavours to resolve your complaint without needing to involve third parties, but you may be able to lodge a complaint with a relevant regulator, such as the Australian Information Commissioner ([www.oiac.gov.au](http://www.oiac.gov.au)).

## **13. WEBSITE PRIVACY POLICY**

**13.1.** Pursuit Technology, through its website hosts, records visits to the website and logs the following information for statistical purposes: the user's server or proxy address, the date/time/length of the visit and the files requested. The information is used to analyse our server traffic.

**13.2.** No attempt will be made to identify users or their browsing activities except where authorised by law. For example in the event of an investigation, an Enforcement Body may exercise its legal authority to inspect the internet service provider's logs.

**13.3.** If you send Pursuit Technology an email message Pursuit Technology will record your contact details and this information will only be used for the purpose for which you have provided it. Pursuit Technology will not use your email for any other purpose and will not disclose it without your consent. When users choose to join a mailing list their details are added to that specific mailing list and used for the stated purpose of that list only.

**13.4.** From time to time Pursuit Technology may use cookies on the website. Cookies are small pieces of information exchanged between your web browser and Pursuit Technology's website.