

MP03 ATMC MARKETING PRIVACY POLICY

Abbreviations and Definitions:

ATMC (The Company)	Australian Technical and Management College
CCTV	Closed Circuit Television
HR	Human Resources
IT	Information Technology

The Australian Technical Management College (ATMC) Education Group is committed to maintaining the privacy of all individuals who we deal with.

1. Purpose

1.1. This Policy outlines how:

- 1.1.1. The ATMC Education Group collects, secures, uses, handles, and discloses your personal information.
- 1.1.2. Individuals can access their Personal information to correct or update it.
- 1.1.3. Individuals can make a complaint to the ATMC Education Group regarding the mishandling of personal information.

2. Scope

2.1. This Policy applies to:

- 2.1.1. All ATMC staff working for or on behalf of the Company.
- 2.1.2. All ATMC students and students studying with a partner university at the ATMC
- 2.1.3. Parents or guardians of ATMC students or prospective students who are under 18 years of age and School Students.
- 2.1.4. Third parties, such as customers, Business Partners, and Service Providers of the Company.

3. Definitions

- 3.1. In this Privacy Policy, “we”, “us”, or “our” means ATMC Education Group and each of its controlled entities in Australia and overseas.
- 3.2. The terms “you,” “your,” and “yours” refer to the user or viewer of the Website or user of the Services, as applicable.
- 3.3. ATMC Education Group online presence is defined as atmc.edu.au, atmc.edu.nz or any affiliated ATMC Education Group website or online presence through which you communicate with us (including through official the ATMC Education Group social media profiles)
- 3.4. **Australian Privacy Principles (APPs)** means the 13 Privacy Principles set out in Schedule 1 of the [Privacy Act 1988 \(Cth\)](#) which outline how APP entities must handle, use, and manage personal information.
- 3.5. **Business Partner** means a person who is part of a business partnership, collaboration, or similar arrangement with the ATMC Education Group.

- 3.6. **Direct marketing** means the use and/or disclosure of personal information to communicate directly with an individual to promote goods and services. A direct marketer may communicate with an individual through a variety of channels, including telephone, SMS, mail, email, and online advertising.
- 3.7. **Eligible Data Breach** means data breach where:
- 3.7.1. Both of the following conditions are satisfied:
 - 3.7.1.1. There is unauthorised access to, or unauthorised disclosure of, the information.
 - 3.7.1.2. A reasonable person would conclude that the access or disclosure would be likely to result in serious harm to any of the individuals to whom the information relates; or
 - 3.7.2. The information is lost in circumstances where:
 - 3.7.2.1. Unauthorised access to, or unauthorised disclosure of, the information is likely to occur; and
 - 3.7.2.2. Assuming that unauthorised access to, or unauthorised disclosure of, the information was to occur, a reasonable person would conclude that the access or disclosure would be likely to result in serious harm to any of the individuals to whom the information relates.
 - 3.7.3. **Express consent** means consent given explicitly, either orally or in writing. This could include a handwritten signature, an oral statement, or use of an electronic medium or voice signature to signify agreement.
 - 3.7.4. **Implied consent** arises where consent may reasonably be inferred in the circumstances from the conduct of the individual and the APP entity.
 - 3.7.5. **Notifiable Data Breach** means a scheme that requires agencies and organisations to notify individuals whose personal information is involved in a data breach that is likely to result in serious harm and to notify Australian Information Commissioner of Eligible Data Breaches.
 - 3.7.6. **OAIC** means the Office of the Australian Information Commissioner.
 - 3.7.7. **Overseas Recipients** means a person or entity who is not in Australia or an external Territory, and is not the entity or the individual, and includes the ATMC Education Group staff in subsidiary companies located overseas and education agents.
 - 3.7.8. **Service Provider** means a third party that provides services on behalf of the ATMC Education Group to the ATMC Education Group students and/ or staff under a written agreement.

4. When do we collect personal information?

- 4.1. The ATMC Education Group collects information when you:
- 4.1.1. Visit any of our websites
 - 4.1.2. Complete application forms (either online, on paper or at a third-party office)
 - 4.1.3. Engage with us on social media of any kind
 - 4.1.4. Contact us by any means with queries or comments
 - 4.1.5. Book any kind of appointment with us
 - 4.1.6. Book to attend an event either virtual or face to face
 - 4.1.7. Have given a third-party (such as an education Agent or other education provider) permission to share with us the information they hold about you
 - 4.1.8. Attend a college, campus, or office, which may have CCTV systems operating for the security of students, visitors, and staff.

5. What personal information do we collect?

- 5.1. Information collected varies from your basic contact details collected at enquiry through to sensitive details which may be collected during application (as either a student or employ) and/or enrolment.
- 5.2. Your contact details i.e., your:
 - 5.2.1. Name
 - 5.2.2. Gender
 - 5.2.3. Date of birth
 - 5.2.4. Postal address (can be a postal box number and/or a street address)
 - 5.2.5. Social media contacts
 - 5.2.6. Telephone number/s (mobile and landline)
- 5.3. Identity and Immigration documentation i.e., your:
 - 5.3.1. Passport
 - 5.3.2. Drivers' licence
 - 5.3.3. Identity card
 - 5.3.4. Visa details
- 5.4. Your bank account details.
- 5.5. Your educational history inclusive of but not limited to your:
- 5.6. Current qualifications
 - 5.6.1. Grades
 - 5.6.2. Institution/s you studied at
 - 5.6.3. Most recent study experiences
- 5.7. Details of your interactions with us, such as:
 - 5.7.1. Details of enquiries and comments you make in the web pages you visit or when you contact us by social media, email, telephone or in person
 - 5.7.2. Information gathered by the use of 'cookies' in your web browser. (Learn more about our ['cookie policy'](#))
- 5.8. Additionally, for employment and / or enrolment purposes:
 - 5.8.1. Next of Kin details
 - 5.8.2. Health information

6. The collection and storage of sensitive information

- 6.1. Sensitive information is a sub-set of personal information that is given a higher level of protection under the [Australian Privacy Principles](#). The information defined as sensitive can be found at S.6 of the [Privacy Act 1988 \(Cth\)](#)
- 6.2. The type of sensitive information we may collect about you includes:
 - 6.2.1. Information about your racial or ethnic origin.
 - 6.2.2. Information identifying your religion.
 - 6.2.3. Professional associations or memberships.

- 6.2.4. Your health information (such as details of an allergy, accessibility requirements or a doctor's certificate); and
- 6.2.5. Any other sensitive information you provide to us.
- 6.3. We will not collect sensitive information about you without first obtaining your consent. Provided you consent to the collection of your sensitive information, we will only collect, hold, use and disclose your sensitive information for the following purposes:
 - 6.3.1. The primary purpose for which it is collected (determined based on the collection and any privacy collection notice provided at the time of collection);
 - 6.3.2. Secondary purposes that are directly related to the primary purpose for which it was collected, including disclosure to the third parties listed at section 8. 'Disclosure of information to third parties'
 - 6.3.3. As reasonably needed to provide our services to you
 - 6.3.4. To contact emergency services, or to speak with your family, partner, or support person where we reasonably believe there is a serious risk to the life, health or safety of you or another person and it is impracticable for us to obtain your consent; and
 - 6.3.5. If otherwise required or authorised by law.

7. Consent

- 7.1. Where necessary and as required by law, the ATMC Education Group may seek specific consents from an individual to collect, use and disclose the individual's information
- 7.2. Consent must be sought when:
 - 7.2.1. The ATMC Education Group collects Sensitive Information about an individual unless the collection of the information is required or authorised by or under an Australian law or a court/tribunal order.
 - 7.2.2. The use or disclosure of Personal Information is not directly related to the primary purpose of collection, unless:
 - 7.2.2.1. The individual would reasonably expect the ATMC Education Group to use or disclose the information for the secondary purpose or the use; or
 - 7.2.2.2. The disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order.
 - 7.2.3. The ATMC Education Group collects and uses Personal Information, such as testimonials or photos of an individual in marketing or advertising materials.
 - 7.2.4. Note: consent is only required where the person's identity is clear or can reasonably be ascertained from an image or a video, and in case of testimonials, where the testimonial contains personally identifiable information.
 - 7.2.5. The use or disclosure of Personal Information is for the purpose of direct marketing unless certain exceptions under the law apply.
 - 7.2.6. The ATMC Education Group discloses Personal Information about an individual to an Overseas Recipient, unless:
 - 7.2.6.1. The Overseas Recipient of the information is subject to a law that has the effect of protecting the information similar to the APP; and

- 7.2.6.2. There are mechanisms that the individual can access to take action to enforce that protection of the law; or
 - 7.2.6.3. The disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
 - 7.2.6.4. The disclosure of the information is required or authorised by or under an international agreement relating to information sharing to which Australia is a party; or
 - 7.2.6.5. The ATMC Education Group reasonably believes that the disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body, and the Overseas Recipient is a body that performs functions, or exercises powers, that are similar to those performed or exercised by an enforcement body.
- 7.3. Consent is not required if there is a Permitted General situation, for example, the ATMC Education Group reasonably believes that the collection, use, or disclosure is necessary:
- 7.3.1. To lessen or prevent a serious threat to the life, health, or safety of any individual, or to public health or safety.
 - 7.3.2. Where the ATMC Education Group has reason to suspect that unlawful activity, or misconduct of a serious nature that relates to the ATMC Education Group's functions or activities has been, is being or may be engaged in, the collection, use or disclosure is necessary in order for the ATMC Education Group to take appropriate action in relation to the matter; or
 - 7.3.3. The ATMC Education Group reasonably believes that the collection, use, or disclosure is reasonably necessary to assist any APP entity, body, or person to locate a person who has been reported as missing
- 7.4. Consent can be either express or implied depending on the circumstances.

8. Disclosure of information to third parties

- 8.1. The ATMC Education Group may disclose personal information to:
- 8.1.1. Third party service providers to enable them to provide their services, including (without limitation)
 - 8.1.2. Third parties we partner with to provide our Sites, including any third parties whose API(s) is or may be integrated into our Sites;
 - 8.1.3. Our employees, contractors and/or related entities;
 - 8.1.4. Our existing overseas representatives or business partners (such as universities);
 - 8.1.5. Courts, tribunals, regulatory authorities, and law enforcement officers, as required by law, in connection with any actual or prospective legal proceedings, or to establish, exercise or defend our legal rights;
 - 8.1.6. Third parties, including overseas representatives or sub-contractors, who assist us in providing information, products, services, or direct marketing to you;
 - 8.1.7. Third parties to collect and process data, such as Google Analytics, Facebook, and other relevant analytics/marketing businesses; and
 - 8.1.8. Any other third parties as required or permitted by law.

9. Anonymity and Pseudonymity

- 9.1. For most of its functions and activities the ATMC Education Group needs Personal Information from identifiable individuals to perform its operations, e.g., to deliver educational services, to conduct educational assessments, or to handle an inquiry or complaint etc.
- 9.2. Where practicable, an individual can choose not to identify themselves or to use a pseudonym. For example, if an individual calls the ATMC Education Group to make a simple enquiry, they are not required to provide their name and contact details unless this information is needed to provide a response.

10. Transferring data

- 10.1. The ATMC Education Group is a global company with offices in Australia, New Zealand, India, and the United Kingdom. This means that data may be transferred across jurisdictions for the purpose of conducting the ATMC Education Group business.
- 10.2. The transfer of data may include transferring it to:
 - 10.2.1. Our head office in Australia
 - 10.2.2. Other Company businesses in Australia and elsewhere within the ATMC Education Group global structure (intra-company transfers)
 - 10.2.3. International third parties for data storage purposes
- 10.3. 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.
- 10.4. For further information on the transfer of your personal data you can contact:
 - 10.4.1. privacy@atmc.edu.au

11. Storage, Security, and Disposal

- 11.1. The ATMC Education Group is a global company with offices in Australia, New Zealand, India, and the United Kingdom. This means that data may be stored in locations outside of Australia for the purpose of conducting the ATMC Education Group business.
- 11.2. Where the ATMC Education Group engages Service Providers either in our outside Australia to store Personal Information, the ATMC Education Group will seek assurance in its contracts with the Service Providers that they will comply with applicable privacy and data protection law
- 11.3. The ATMC Education Group has processes in place to limit access to Personal Information and to prevent unauthorised access, by using measures, such as: user identification, the encryption of data or different level of user access.
- 11.4. The ATMC Education Group will securely destroy or de-identify Personal Information it holds once the Personal Information is no longer needed for any purpose for which the information was collected. This requirement does not apply where the Personal Information is contained in a Commonwealth or state record (for the purposes of records retention laws) or where the ATMC Education Group is otherwise required by law to retain the information.

12. Direct Marketing

- 12.1. The ATMC Education Group may use Personal Information collected directly from an individual for the purpose of direct marketing, provided that individual has opted in to receive such communications.
- 12.2. An individual can request not to receive direct marketing communications from the ATMC Education Group by opting out of receiving future emails or SMSs.
- 12.3. The ATMC Education Group provides information about how to opt out in each direct marketing communication.

13. Accessing and correcting personal information

- 13.1. You have the right to ask for access to personal information that the ATMC Education Group holds about you, and to ask that we correct or update that personal information.
- 13.2. Staff and Affiliates can ask for access or correction by emailing the Head of Human Resources.
- 13.3. Prospective, current, or past students or other individuals can email the Privacy Officer, using the contact details at the end of this policy.
- 13.4. The ATMC Education Group will ask you to verify your identity before we give you access to your personal information or correct it, and we will try to make the process as simple as possible. The ATMC Education Group will respond to access or correction requests within 30 days. We may charge a fee to cover our reasonable costs of locating and providing your personal information.
- 13.5. If you ask, we will ordinarily give you access to your personal information and take reasonable steps to correct it if we consider it is incorrect, unless there is a law that requires us not to. If we refuse to give you access to, or correct, your personal information, we will notify you in writing setting out the reasons.
- 13.6. If we make a correction and we have disclosed the incorrect personal information to others, you can ask us to tell them about the correction. We will do so unless there is a valid reason not to.

14. Making a complaint about handling of personal information

- 14.1. If you wish to complain to us about how the ATMC Education Group has handled your personal information, please email, or write to the Privacy Officer, using the contact details at the end of this policy. Please provide details of the date, time and circumstances of the complaint, and a proposal on how best to resolve the complaint.
- 14.2. The Privacy Officer will normally acknowledge receipt of your complaint within five business days, then complete an investigation and respond to your complaint within 30 days. The ATMC Education Group will determine what (if any action) we should take to resolve the complaint. If the matter is complex and the investigation will take longer, the Privacy Officer will write to let you know, with an estimate of when the ATMC Education Group expects to be able to respond.
- 14.3. If you are an ATMC Education Group student studying one of our partner universities courses your complaint may be forwarded to the appropriate partner for response. The Privacy Officer will notify you if this occurs.
- 14.4. If you are not satisfied with the way the ATMC Education Group handles your complaint:
 - 14.4.1. Within Australia

14.4.1.1. **You can contact the** Office of the Australian Information Commissioner (OAIC) as the primary Supervisory Authority by:

14.4.1.1.1. Calling +61 1300 363 992

14.4.1.1.2. Emailing: enquiries@oaic.gov.au or going online to www.oaic.gov.au

14.4.2. **For all other countries:**

14.4.2.1. Details of supervisory authorities in the countries in which the ATMC Education Group operates is available from: privacy@atmc.edu.au

14.4.2.2. When contacting the ATMC Education Group please ensure that you confirm in your email the business entity and country you are working for or studying in.

15. Notifiable Data Breach

15.1. In the case of an Eligible Data Breach the ATMC Education Group will inform the [OAIC](http://www.oaic.gov.au) and affected individuals in the manner required by the [Privacy Act 1988 \(Cth\)](http://www.austlii.edu.au/au/other/dfat/special/privacy/act1988.html)

Related Legislation

[Australian Privacy Principles.](#)

[Higher Education Standards Framework \(Threshold Standards\) 2021](#)

[Privacy Act 1988](#)

Related ATMC Education Group Policies / Processes /Forms

MP01 Website Privacy Collection Notice

MP02 Social Media Policy

MP04 Social Media Guidelines

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