



Australian Children's
Education & Care
Quality Authority

Australian Privacy Principles (APP)

Privacy Policy

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DOCUMENT VERSION HISTORY AND APPROVAL

Version History

Version No.	Author	Date	Comment
V0.1	ACECQA	December 2011	Initial draft
V0.2	ACECQA	June 2012	Edited (section 3.4)
V0.3	ACECQA	November 2012	Edited (sections 3.1, 3.4)
V0.4	Board Secretary	March 2014	ACECQA Privacy Policy amended to reflect the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)
V0.5	ACECQA	November 2017	Updated contact details of the National Education and Care Services Privacy Commissioner

PRIVACY STATEMENT

ACECQA is committed to protecting personal information in accordance with our obligations under the *Privacy Act 1988* and *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Cth). This Privacy Policy outlines how ACECQA complies with its legislative obligations.

PERSONAL INFORMATION HANDLING PRACTICES

Background

The *Education and Care Services National Law (the National Law)* as enacted in all the states and territories established a national system to regulate education and care services for children. The Australian Children's Education and Care Quality Authority (**ACECQA**) is established by the National Law.

Section 263 of the National Law applies the *Privacy Act 1988* (Cth) (**the Privacy Act**) to regulatory bodies that undertake the administration of the 'national education and care services quality framework', including ACECQA. The National Law and the *Education and Care Services National Regulations (the National Regulations)* modify the way the Privacy Act applies to the national education and care services quality framework and to ACECQA.

The *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Privacy Amendment Act) was introduced to Parliament on 23 May 2012 and was passed with amendments on 29 November 2012.

The substantive reforms brought about by the amending Act, including the introduction of the Australian Privacy Principles (APPs), came into force on 12 March 2014.

ACECQA's obligations under the Privacy Act

ACECQA is required to comply with the APPs, which set out standards, rights and obligations in relation to collecting, handling, holding, disclosing, accessing and correcting personal information.

ACECQA's APP Privacy Policy

Under APP 1 – open and transparent management of personal information - ACECQA as an APP entity must have a clearly expressed and up to date policy (the APP privacy policy) about the management of personal information. The APP privacy policy is to contain the following information:

- a. the kinds of personal information that ACECQA collects and holds
- b. how ACECQA collects and holds personal information
- c. the purposes for which ACECQA collects, holds, uses and discloses personal information
- d. how you may access personal information that is held by ACECQA and seek the correction of such information
- e. how you may make a complaint about the way ACECQA collects, holds, uses or discloses personal information, and how ACECQA will deal with Privacy related complaints
- f. whether ACECQA is likely to disclose personal information to overseas recipients
- g. whether we will (or are likely to) disclose your personal information to overseas recipients and the countries where such recipients may be located.

Availability of APP Privacy Policy

ACECQA will take such steps as are reasonable in the circumstances to make its APP privacy policy available:

- (a) free of charge; and
- (b) in such form as is appropriate.

If a person or body requests a copy of ACECQA's APP privacy policy in a particular form, ACECQA will take such steps as are reasonable in the circumstances to give the person or body a copy in that form.

What is personal information?

In this policy, the definition of 'personal information' has the same meaning as defined by the Privacy Amendment Act:

information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and*
- (b) whether the information or opinion is recorded in a material form or not.*

Examples of personal information include a person's name and address, a photograph, details of someone's educational qualifications or an email address.

Personal information can only be information about a 'natural' person. It does not extend to other 'legal' persons, such as companies or businesses.

Collection and holding personal information

ACECQA only collects personal information for purposes which are directly related to its functions or activities, and only when it is necessary for or directly related to those purposes. These purposes include the following :

- guiding the implementation and administration of the national education and care services quality framework
- promoting national consistency in its application
- reporting to the Standing Council on School Education and Early Childhood
- processing applications for assessment of equivalent qualifications, reviews of assessments and applications for an excellent rating and conducting reviews of rating levels
- seeking feedback on ACECQA's functions and activities to improve its services
- for the purposes of research related to children's education and care
- selection, recruitment and engagement of staff, consultants and contractors.

ACECQA will usually collect personal information directly from the individual, either in person, in correspondence, in an application form, over the phone or over the internet. Sometimes ACECQA will collect personal information from another third party, for instance from other bodies administering the NQF, or a publicly available source.

In limited circumstances, ACECQA may receive personal information about third parties from individuals in the documents they provide to ACECQA. In these circumstances, ACECQA will attempt to ensure that the consent of those third parties is obtained if the information is required to be disclosed.

Use and disclosure

ACECQA will only use personal information for the purpose it was collected, or for a purpose directly related to one of ACECQA's functions or activities. ACECQA will not use or disclose personal information to government agencies, organisations or anyone else unless one of the following applies:

- the individual has consented
- the individual would reasonably expect, or has been told, that information of that kind is usually disclosed to that agency, organisation or person
- it is otherwise required or authorised by law
- it will prevent or lessen a serious and imminent threat to somebody's life or health
- it is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of public revenue.

Data Quality

ACECQA takes reasonable steps to ensure that personal information collected is accurate, up to date and complete. These steps include updating personal information on our records when we are told personal information has changed.

Data Security

ACECQA takes reasonable administrative, technical, personnel and physical measures to safeguard information in its possession against loss, theft and unauthorised use, disclosure or modification.

When personal information is no longer required, it is deleted, destroyed in a secure manner or permanently de-identified.

Access and Correction

If an individual requests access to their personal information, or requests an amendment to their personal information, ACECQA will allow access or make the amendments unless there are sound reasons under the *Privacy Act, Freedom of Information Act 1982 (Cth) (FOI Act)* or other relevant law to withhold the information.

If ACECQA does not agree to provide access to personal information the individual may be able to seek a review of the decision or appeal under the FOI Act.

If ACECQA does not agree to make requested amendments to personal information the individual may make a statement about the requested amendments that will be attached to the record.

There is more information about the FOI process in our **Freedom of Information Policy** which is located on our website at www.acecqa.gov.au.

Individuals can obtain further information about how to request access or changes to the information we hold about them by contacting ACECQA (see details below).

Anonymity and pseudonymity

Where practicable, individuals have the option of not identifying themselves or using a pseudonym when dealing with ACECQA.

Complaint

If you have concerns about how ACECQA has handled your personal information or believe there has been a breach of the Australian Privacy Principles, you can raise this with ACECQA

By email: privacy@acecqa.gov.au

By post: Privacy Contact Officer
ACECQA
PO Box A292
Sydney NSW 1235

ACECQA will attempt to resolve your concerns. If you are not satisfied, you are able to complain to the National Education and Care Services Privacy Commissioner. The Commissioner's website is www.necsopic.edu.au

The ACECQA website follows the [Guidelines for Federal and ACT Government Websites](#) issued by the Office of the Australian Information Commissioner.

There are risks in transmitting information across the internet. Individuals may contact ACECQA by phone or mail if they have concerns about making contact via the internet.

ACECQA WEBSITE COLLECTION

ACECQA does not collect personal information from individuals who only browse the website.

ACECQA will collect personal information from individuals that choose to complete online forms or contact us by email, for example when individuals:

- ask to be on an email list such as the [ACECQA email subscription](#)
- make a written enquiry to ACECQA by enquiries@acecqa.gov.au
- send an application to ACECQA by apply@acecqa.gov.au
- complete an online survey on ACECQA's website (eg. ACECQA's "Have your Say" page).

Email subscriptions and Conditions of Subscription

Your personal information is collected for the purpose of maintaining ACECQA's mailing lists and answering your queries. This information will not be disclosed except as authorised by law.

The following conditions apply to subscriptions to our mailing lists.

- Subscribers may cancel their subscription to the mailing lists at any time.
- A subscription can be cancelled by emailing enquiries@acecqa.gov.au with "Unsubscribe" in the subject line of the email
- ACECQA reserves the right to change the frequency with which updates are forwarded to subscribers.

When an individual looks at the ACECQA website, the internet service provider makes a record of the individual's visit and logs (in server logs) the following information for statistical purposes:

- the individual's server address
- the individual's top level domain name (for example .com, .gov, .org, .au, etc)
- the pages the individual accessed and documents downloaded
- the previous site the individual visited and
- the type of browser being used.

ACECQA does not identify users or their browsing activities except, in the event of an investigation, where a law enforcement agency may exercise a warrant to inspect the internet service provider's server logs.

The ACECQA website uses session cookies during a search query of the website. ACECQA's internet service provider does not employ cookies on the website except in those circumstances. The website statistics for this site are generated from the server logs.

When an individual closes their browser the session cookie set by the website is destroyed and no personal information is maintained which might identify an individual should they visit the website at a later date.

ACECQA only uses personal information collected by the website for the purposes for which it was provided or for a purpose directly related to one of ACECQA's 's functions or activities. ACECQA will not disclose personal information to government agencies, organisations or anyone else unless

- the individual has consented
- the individual would reasonably expect, or has been told, that information of that kind is usually disclosed to that agency, organisation or person
- it is required or authorised by law
- it will prevent or lessen a serious and imminent threat to somebody's life or health;
- it is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty.

When an individual's email address is received by ACECQA because they sent a message, the email address will only be used or disclosed for the purpose provided. It will not be added to a mailing list or used or disclosed for any other purpose without the individual's consent.

ACECQA maintains and updates personal information collected from or published on the website as necessary or when advised by individuals that their personal information has changed.

Individuals who choose to join ACECQA's email lists, complete online forms or lodge enquiries will have their contact details stored on password protected databases.

Staff members associated with website maintenance have access to the website's backend system which is password protected. The website server, hosted by our internet service provider, is also password protected.

For information about how to access or correct personal information collected on the website see access and correction above.