



Australian Children's
Education & Care
Quality Authority

Privacy Policy

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Version History

Version No.	Date	Approval	Comment
V0.1	23.12.11	CEO	Initial version
V0.2	14.06.12	CEO	Edited (section 3.4)
V0.3	14.11.12	CEO	Edited (sections 3.1, 3.4)
V0.4	March 2014	CEO	ACECQA Privacy Policy amended to reflect the <i>Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)</i>
V0.5	April 2018	CEO	ACECQA Privacy Policy amended to reflect the <i>Privacy Amendment (Notifiable Data Breaches) Act 2017</i> , which established the Notifiable Data Breaches (NDB) Scheme under Part IIIC of the Privacy Act.
V0.6	October 2021	CEO	Expanded section on 'Personal information' and added policy review cycle.

PRIVACY STATEMENT

ACECQA is committed to protecting personal information in accordance with our obligations under the *Privacy Act 1988*, the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* and the *Privacy Amendment (Notifiable Data Breaches) Act 2017*. This Privacy Policy outlines how ACECQA complies with its legislative obligations.

PERSONAL INFORMATION HANDLING PRACTICES

Legislative context

The *Education and Care Services National Law Act 2010* (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 and ACECQA for the purposes of the National Quality Framework (NQF). The National Law and the *Education and Care Services National Regulations* (the National Regulations) modify the way the Privacy Act applies for the purposes of the National Quality Framework.

The *Privacy Amendment (Enhancing Privacy Protection) Act 2012* was passed on 29 November 2012. This act introduced mandatory privacy principles – the Australian Privacy Principles (APPs) – which came into force on 12 March 2014.

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.

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 (this 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 disclose 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.

The Privacy Amendment (Notifiable Data Breaches) Act 2017 established the Notifiable Data Breaches (NDB) Scheme under Part IIIC of the Privacy Act. The NDB scheme came into effect on 22 February 2018 and applies to all agencies and organisations with existing personal information security obligations under the Privacy Act. This includes ACECQA. Section 265 of the National Law applies the *State Records Act 1998 (NSW)* to ACECQA and its functions.

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 Quality Framework
- promoting national consistency in its application
- processing applications for assessment of equivalent qualifications, skills assessments, reviews of assessments and applications for an Excellent rating and conducting reviews of rating levels
- training of regulatory authority staff
- 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 obtain personal information from another third party, for instance from other bodies administering the NQF, or a publicly available source. This will only occur where you consent, where it is unreasonable or impractical to collect the information only from you, or where we are required or authorised to do so by law.

In limited circumstances, ACECQA may receive personal information about third parties from individuals in documents provided to ACECQA. In these circumstances, ACECQA will attempt to ensure that the consent of those third parties is obtained prior to submission to ACECQA. Where unsolicited information is received by ACECQA, if the information does not relate to one or more of our functions or activities, and is not a record under the *State Records Act 1998 (NSW)*, we will destroy or de-identify the information. If the information does relate to any of our functions or activities, we will notify you of the intended uses and

disclosures according to the requirements of the APPs, unless it is impracticable or unreasonable for us to do so.

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 required or authorised by law
- a permitted general situation exists in relation to the use or disclosure of the information
- a permitted health situation exists in relation to the use or disclosure of the information
- it is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

Web traffic information is disclosed to Google Analytics when you visit our websites. Google stores information across multiple countries. When you communicate with ACECQA through a social network service such as Facebook or Twitter, the social network provider and its partners may collect and hold your personal information overseas.

Disclosure of personal information overseas

We may disclose personal information overseas where ACECQA:

- is required to confirm the validity of documents relating to your qualifications or skilled migration application
- requires further information from overseas agencies as it relates to your qualifications or skilled migration application.

We will only disclose your personal information to an overseas agency or authority where:

- 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
- a permitted general situation exists in relation to the use or disclosure of the information.

The countries to which we may provide personal information will vary depending on the circumstances of the application.

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. Access to your personal information held by us is restricted to authorised ACECQA staff, on a need to know basis.

When personal information is no longer required, it is deleted, destroyed in a secure manner or permanently de-identified, except where the information is required to be retained under the *State Records Act 1998 (NSW)*.

Our *Implementing ACECQA's Privacy Policy: Internal Privacy Procedures* sets out procedures and clear lines of authority for ACECQA staff in the event that ACECQA experiences a data breach of personal information (or suspects that a data breach has occurred).

Information access and correction

If an individual requests access to their personal information, or requests an amendment to their personal information, ACECQA will respond to the request within 30 calendar days. ACECQA will allow access or make the amendments, free of charge, 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 <https://www.acecqa.gov.au/freedom-of-information>.

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.

Complaints / Data breaches

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 (NECS) Privacy Commissioner. The Commissioner's website is <https://necopic.edu.au/>.

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 manages identified data breaches in accordance with the Notifiable Data Breaches scheme. The NDB scheme places an obligation on ACECQA to notify individuals whose personal information is involved in a data breach that is likely to result in serious harm. The NECS Privacy Commissioner must also be notified.

If you notify ACECQA about a data breach we will not disclose personal information about you unless you agree, or would reasonably expect us to.

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 info@acecqa.gov.au
- send an application to ACECQA by apply@acecqa.gov.au
- complete an online survey on ACECQA's website.

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 info@acecqa.gov.au with 'Unsubscribe' in the subject line of the email or by clicking 'Unsubscribe' at the end of the email, where applicable
- ACECQA reserves the right to change the frequency with which updates are forwarded to subscribers.

When an individual looks at an ACECQA website (www.acecqa.gov.au or www.startingblocks.gov.au), the hosting service provider makes a record of the individual's visit and logs (in server logs) the following information for statistical purposes:

- the individual's IP 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 hosting service provider's server logs.

ACECQA uses third party advertising providers for marketing and promotional services that may use cookies while accessing ACECQA's website. ACECQA only uses personal information collected by the websites for the purposes for which it was provided or for a purpose directly related to one of ACECQA'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
- a permitted general situation exists in relation to the use or disclosure of the information
- a permitted health situation exists in relation to the use or disclosure of the information
- it is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

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 websites 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 servers, hosted by our hosting service providers, are also password protected.

POLICY ACCESS

ACECQA will take such steps as are reasonable in the circumstances to make its privacy policy available free of charge and in such form as is appropriate, including making available on our website.

If a person or body requests a copy of ACECQA's 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.

This policy will have a two-year review cycle, or earlier if any legislative or administrative changes occur that impact the way ACECQA manages your personal information.