

Privacy Policy

Smart Education Australia Pty Ltd ABN 89115129989

Introduction

We manage personal information in accordance with the *Privacy Act 1988* and *Australian Privacy Principles*. This condensed policy applies to information collected by Smart Education Australia Pty Ltd trading as Smart Teachers and Smart Leaders. We only collect information that is reasonably necessary for the proper performance of our activities or functions.

We do not collect personal information just because we think it could be useful at some future stage if we have no present need for it.

We may decline to collect unsolicited personal information from or about you and take steps to purge it from our systems.

By following the links in this document, you will be able to find out how we manage your personal information as an [APP Entity](#) under the [Australian Privacy Principles \(APPs\)](#). You will also be able to find out about the information flows associated with that information. If you have any questions, don't hesitate to [contact us](#).

1. APP Entity

Smart Education Australia PTY LTD, trading as Smart Teachers or Smart Leaders, manages personal information, as an APP Entity, under the [Australian Privacy Principles \(APPs\)](#). Because we are a contracted service provider to a range of Commonwealth, State and Territory government agencies, it sometimes becomes necessary for us to collect and manage personal information as an Agency under different privacy arrangements. If you wish to know whether this applies to you, please [contact us](#).

Information Flow

When we collect your personal information:

- we check that it is reasonably necessary for our [functions or activities](#) as a recruitment provider for schools, education institutions and education authorities throughout Australia, UK and international schools throughout the globe.
- we check that it is current, complete and accurate. This will sometimes mean that we have to cross check the information that we collect from you with third parties;
- we record and hold your information in our [Information Record System](#). Some information may be disclosed to [overseas recipients](#). If you are a candidate not based in Australia, please refer to our overseas privacy policy.
- we retrieve your information when we need to use or disclose it for our [functions and activities](#). At that time, we check that it is current, complete, accurate and relevant. This will sometimes mean that we have to cross check the information that we collect from you with third parties once again - especially if some time has passed since we last checked.
- subject to some exceptions, we permit you to [access](#) your personal information in accordance with APP:12 of the [\(APPs\)](#).
- we [correct or attach associated statements](#) to personal information in accordance with APP:13 of the [\(APPs\)](#).

- we destroy or de-identify your personal information when it is no longer needed for any [purpose](#) for which it may be used or disclosed provided that it is lawful for us to do so. We do not destroy or de-identify information that is contained in a [Commonwealth Record](#).

2. Kinds of information that we collect and hold

Personal information that we collect and hold is information that is reasonably necessary for the proper performance of our [functions and activities](#) as an education recruitment company and is likely to differ depending on whether you are:

- a [Workseeker](#)
- a [Client](#)
- a [Referee](#)

2.1 Work-seekers

The type of information that we typically collect and hold about work-seekers is information that is necessary to assess amenability to work offers and work availability; suitability for placements; or to manage the performance in work obtained through us and includes:

- Teacher applications for registration with Smart Education Australia PTY LTD
- Information relating to performance and conduct in the workplace
- Information about incidents in the workplace
- Workplace information including staff information
- Information relating to child protection including information relating to disciplinary proceedings, criminal clearances and registration with state teacher licensing authorities
- Information relating to dates of employment, statements of service including absenteeism or work leave
- Teacher qualifications
- Photo identification

2.2 For Clients

The type of information that we typically collect and hold about Clients is information that is necessary to help us manage the presentation and delivery of our services and includes:

- Physical and postal address
- Phone numbers, including mobile numbers of contacts on each client site
- Email address for client and contacts
- Client website
- Information relating to work and the workplace including job descriptions, person specifications, candidate engagement documents, job advertisements and promotional resources
- Enterprise bargaining agreements and/or any employment contracts shared by the client to Smart Education Australia Pty LTD
- Recruitment policies shared by the client to Smart Education Australia Pty LTD
- Feedback shared by the client to Smart Education Australia Pty LTD relating to candidates presented for employment

2.3 For Referees

The type of information that we typically collect and hold about referees is information that is necessary to help to make determinations about the suitability of one of our work-seekers for particular jobs or particular types of work and includes:

- Contact details including phone number and email addresses
- Feedback relating to a candidate's employment dates, performance suitability and declarations on child protection and conduct deemed reportable by [child protection legislation in Australia](#).

3. Purposes

The purposes, for which we collect, hold, use and disclose your personal information are likely to differ depending on whether you are:

- a [Work-seeker](#)
- a [Client](#)
- a [Referee](#)

The following sections are also relevant to our use and disclosure of your personal information:

- [Our Policy on Direct Marketing](#)
- [Recipients of Data](#)
- [Overseas Disclosures](#)

3.1 For Work-seekers

a. Purpose of processing and legal basis - the Company will collect your personal data (which may include sensitive personal data) and will process your personal data for the purposes of providing you with work-finding services. The legal bases we rely upon to offer these services to you are:

- Processing is necessary for carrying out the data controller's obligations under employment, social security or social protection law, or a collective agreement, providing for appropriate safeguards for the fundamental rights and interests of the individual. This is on the understanding that you may be entering into a contract with us to provide work-finding services to you.

b. Legitimate interest - where the Company has relied on a legitimate interest to process your personal data our legitimate interests is/are as follows:

- The Company is an employment business, which means we have a commercial interest in finding work for our work seekers in client and non-client educational establishments.
- The Company will contact you about free training opportunities that you may be interested in attending. We have a legitimate interest to enhance the skills of our current work force, to support your professional development and help you stay at the forefront of developments in the industry. Your data will not be shared with any third-party training provider without your prior consent.
- The Company will contact you to invite you to our free social events for staff. These events give you the opportunity to network with schools and other teaching staff and widen your professional contacts. The



Company has a legitimate interest to create a more engaged community of teachers who are loyal to the Company.

3.2 For Clients

Personal information that we collect, hold, use and disclose about Clients is typically used for:

- client and business relationship management
- recruitment functions
- marketing services to you
- statistical purposes and statutory compliance requirements

3.3 For Referees

Personal information that we collect, hold, use and disclose about Referees is typically used for:

- to confirm identity and authority to provide references
- Work-seeker suitability assessment
- recruitment functions

3.4 Our Policy on Direct Marketing

Smart Education Australia Pty Ltd will disburse direct marketing to personal details to introduce job vacancies, news, training and information relating to education in Australia and throughout the world. Recipients receive the option to “opt-out” of any or all direct marketing.

3.5 Recipients of Data

Smart Education Australia Pty Ltd will process your personal data and/or sensitive personal data with the following 3rd party recipients:

- Client and non-client schools and educational establishments for the process of providing work-finding services.
- The police and any child protection professionals in the event of an investigation into your conduct.

Your personal information may be disclosed to any company within the group*, for the purpose of processing of that personal information, using appropriately secure methods, for services provided.

*Any reference to the ‘group’ within this policy includes [Tes Global](#) and all/any of its direct or indirect UK or worldwide subsidiaries including, but not limited to Smart Education (Australia) Pty Ltd, Vision for Education, ABC Teachers, and Tes Prime.

We do not share personal information about you with government agencies, education institutions or anyone else unless one of the following applies:

- You have consented;

- You would reasonable expect, or have been told, that information of that kind is usually passed to those individuals, bodies or agencies;
- It is required or authorised by law;
- It will prevent or lessen a serious and imminent threat to somebody's life or health;
- The disclosure 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.

4 How your personal information is collected

The means by which we will generally collect your personal information are likely to differ depending on whether you are:

- a [Work-seeker](#)
- a [Client](#)
- a [Referee](#)

We sometimes collect information from third parties and publicly available sources when it is necessary for a specific purpose such as checking information that you have given us or where you have consented or would reasonably expect us to collect your personal information in this way.

Sometimes the technology that is used to support communications between us will provide personal information to us - see the section in this policy on [Electronic Transactions](#)

See also the section on [Photos & Images](#).

4.1 For Work-seekers

Personal information will be collected from you directly when you fill out and submit one of our application forms or any other information in connection with your application to secure work through us.

Personal information is also collected when:

- Components of your application require updating due to changes in:
 - Changes to client compliance requirements
 - Changes to state or national child protection or state licencing compliance requirements
- We also require information when:
 - You alter your availability or location preferences
 - Your reference checks become out-of-date and new referees are required to apply for work
 - You change your phone number and contact details

We may also collect personal information about you from a range of publicly available sources including newspapers, journals, directories, the Internet and social media sites. When we collect personal information about you from publicly available sources for inclusion in our records we will manage the information in accordance with the [APPs](#) and our Privacy Policy.

4.2 For Clients

Personal information about you may be collected:

- when you provide it to us for business or business related social purposes;
- when you register interest in our company and our services at a conference

- when you are referred to us by another client or education authority

We may also collect personal information about you from a range of publicly available sources including newspapers, journals, directories, the Internet and social media sites. When we collect personal information about you from publicly available sources for inclusion in our records we will manage the information in accordance with the [APPs](#) and our Privacy Policy.

4.3 For Referees

Personal information about you may be collected when you provide it to us:

- in the course of our checking work-seeker references with you and when we are checking information that we obtain from you about work-seekers;

We may also collect personal information about you from a range of publicly available sources including newspapers, journals, directories, the Internet and social media sites. When we collect personal information about you from publicly available sources for inclusion in our records we will manage the information in accordance with the [APPs](#) and our Privacy Policy.

4.4 Photos & Images

We will not request that you supply photographs, scan photo ID, or capture and retain video image data of you in cases where simply sighting photographs or proof of identity documents would be sufficient in the circumstances.

4.5 Electronic Transactions

Sometimes, we collect personal information that individuals choose to give us via online forms or by email, for example when individuals:

- ask to be on an email list such as a job notification list
- register as a site user to access facilities on our site such as a job notification board
- make a written online enquiry or email us through our website
- submit a resume by email or through our website
- complete online application and/or compliance forms

It is important that you understand that there are risks associated with use of the Internet and you should take all appropriate steps to protect your personal information. It might help you to look at the OAIC's resource on [Internet Communications and other Technologies](#)

You can contact us by land line telephone or post if you have concerns about making contact via the Internet.

5 Data Retention

The company will retain your personal data only for as long as is necessary for reasonable legal or business purposes. The company and group offer work-finding services including permanent placements where the length of service is longer, so our data retention period is greater. Please note that we may be required, in certain circumstances to retain your information indefinitely (for example under child protect legislation). We will take all necessary steps to ensure that the privacy of information is maintained for the period of retention.

Type of employment record	Statutory or code of practice reference	Format	<u>Retention period</u> or recommendation
Job applications and interview records of unsuccessful candidates	The Information Commissioner: Employment Practices Code Part 1: recruitment and selection (1.7.5)	Paper or electronic	A short period, 12 months after notifying unsuccessful candidates (unless it is the public interest that we keep records)
Candidate record including sensitive and/or personal data.	N/A	Paper or electronic	7 Years after your last work assignment with the Company or from the date you cleared
Candidate Record including sensitive and/or personal data.	N/A	Paper or electronic	Indefinitely where this is in the public interest or for the protection of children
Personnel and training records	N/A	Paper or electronic	While employment continues and up to six years after employment ceases
Written particulars of employment, contracts of employment, and changes to terms and conditions	N/A	Paper or electronic	While employment continues and up to six years after employment ceases

5.1 Your Rights

Please be aware that you have the following data protection rights:

The right to be informed about the personal data the Company processes about you;

- The right to access the personal data the Company processes about you;
- The right to rectification of your personal data;
- The right to erase your personal data in certain circumstances;
- The right to restrict processing of your personal data;
- The right to data portability in certain circumstances;
- The right to object to the processing of your personal data that was based on a public or legitimate interest;
- The right to withdraw consent at any time

6 How your personal information is held

Personal information is held in our [Information Record System](#) until it is no longer needed for any purpose for which it may be used or disclosed at which time it will be de-identified or destroyed provided that it is lawful for us to do so.

We take a [range of measures](#) to protect your personal information from:

- misuse, interference and loss; and
- unauthorised access, modification or disclosure.

6.1 Our Information Record System

We store information on an internal server, managed by a dedicated in-house IT Team. In addition, Smart Education Australia uses a secure, online database only accessible by staff holding the permissions and credentials to access the database.

6.2 Information Security

Our information security system is built around our data protection and privacy policy. This includes:

- Staff training
- "Clean desk" procedures
- Need-to-know and authorisation policies
- Just-in-time collection policies
- Password protection
- Policies on laptop, mobile phone and portable storage device security;
- Policy on timely culling
- Culling procedures including shredding and secure disposal etc.

7 Disclosures

We may disclose your personal information for any of the [purposes](#) for which it is primarily held or for a lawful [related purpose](#) .

We may disclose your personal information where we are under a legal duty to do so.

Disclosure will usually be:

- internally and to our related entities
- to our Clients
- to Referees for suitability and screening purposes.

7.1 Related Purpose Disclosures

We outsource a number of services to contracted service suppliers (CSPs) from time to time. Our CSPs may see some of your personal information. Typically our CSPs would include:

- Software solutions providers
- I.T. contractors and database designers and Internet service suppliers

- Legal and other professional advisors
- Email and newsletter senders

We take reasonable steps to ensure that terms of service with our CSPs recognise that we are bound by obligations to protect the privacy of your personal information and that they will not do anything that would cause us to breach those obligations.

7.2 Cross-Border Disclosures

Some of your personal information is likely to be disclosed to overseas recipients. We cannot guarantee that any recipient of your personal information will protect it to the standard to which it ought to be protected. The costs and difficulties of enforcement of privacy rights in foreign jurisdictions and the impracticability of attempting to enforce such rights in some jurisdictions will mean that in some instances, we will need to seek your consent to disclosure.

The likely countries, type of information disclosed, and recipients are indicated, so far as is practicable, in the following table:

Table

Country	Type of Information	Likely Recipients
Australia	All personal data held by us	Smart Education Australia Pty LTD staff Tes Global staff
The United Kingdom of Great Britain	All personal data held by us	Smart Teachers staff Tes Global staff

The company may only transfer the information you provided to us to countries outside the European Economic Area (EEA) for the purposes of providing you with work-finding services. We will take adequate steps to ensure the security of your information.

8 Access & Correction

Subject to some exceptions set out in privacy law, you can gain access to your personal information that we hold.

Important exceptions include:

- evaluative opinion material obtained confidentially in the course of our performing reference checks; and access that would impact on the privacy rights of other people. In many cases evaluative material contained in references that we obtain will be collected under obligations of confidentiality that the person who gave us that information is entitled to expect will be observed. We do refuse access if it would breach confidentiality.

For more information about access to your information, see our [Access Policy](#)

For more information about applying to correct your information, see our [Correction Policy](#)

8.1 Access Policy

Subject to some exceptions that are set out in privacy law, you can gain access to the personal information that we hold about you. Request for data requires a 30 day written request along with a full proof of identity clearance.

Important exceptions include evaluative opinion material obtained confidentially in the course of our performing reference checks containing information that is commercially sensitive or contains information relating to a person(s) other than yourself. We do refuse access if it would breach any confidentiality that attaches to that information or if it would interfere with the privacy rights of other people.

8.2 Correction Policy

If you find that personal information that we hold about you is inaccurate, out of date, incomplete, irrelevant or misleading, you can ask us to correct it by [contacting us](#).

We will take such steps as are reasonable in the circumstances to correct that information to ensure that, having regard to the [purpose](#) for which it is held, the information is accurate, up to date, complete, relevant and not misleading.

If we have disclosed personal information about you that is inaccurate, out of date, incomplete, irrelevant or misleading, you can ask us to notify the third parties to whom we made the disclosure and we will take such steps (if any) as are reasonable in the circumstances to give that notification unless it is impracticable or unlawful to do so.

9 Complaints

You have a right to complain about our handling of your personal information if you believe that we have interfered with your privacy.

For more information, see our [Complaints Procedure](#)

9.1 Complaints procedure

If you are making a complaint about our handling of your personal information, it should first be made to us in writing.

You can make complaints about our handling of your personal information to our Privacy Co-ordinator, whose contact details are info@smartteachers.com.au

Should you wish to exercise any of your [rights](#) listed in [5.1](#) , please email help@tes.com

You can also make complaints to the [Office of the Australian Information Commissioner](#)

Complaints may also be made to [RCSA](#) the industry association of which we are a member.

10 Contact Us

Smart Teachers Australia Pty Ltd
1800 734 758
info@smartteachers.com.au