

# Privacy Policy (Australia)

## INTRODUCTION

For customers based in Australia, the United States, and other countries (not including the European Union, United Kingdom and New Zealand which are subject to separate privacy policies set out on this website), this Privacy Policy “We” “Us” “EduLink AI” refers to EduLink AI Education Pty Ltd, a company registered in Australia, having its registered office at Level 1, 622 Harris Street, Ultimo, NSW, Australia 2007.

EduLink AI respects your privacy and is committed to protecting your personal data. This Privacy Policy will inform you as to how We look after your personal data where We collect your personal data from a third party or when you:

- visit our websites at <https://edulinkai.com/> (the “Site”, our “Website(s)”, the “EduLink AI Platform”), and all related web sites;
- download software and/or mobile applications (including tablet applications);
- use other services provided by us and on which a link to this Privacy Policy is displayed; or
- where you communicate with Us in written or oral means, such as email or phone.

When We use the word "Services" We mean the "EduLink AI" domain, all the other websites, products, services, provision of software, the EduLink AI Platform and applications made available by EduLink AI.

This Privacy Policy will also tell you about your privacy rights and how the law protects you.

It is important that you read this Privacy Policy together with any other Privacy Policy or fair processing policy We may provide on specific occasions when We are collecting or processing personal data about you so that you are fully aware of how and why We are using your personal data. This Privacy Policy supplements other notices and privacy policies and is not intended to override them.

## Definitions

“**Client**” means a customer of EduLink AI.

“**Client Data**” means personal data, reports, addresses and other files, folders or documentations in electronic form that a User or Client of the Services provides to us.

“**Public Area**” means the area of the Website, application or EduLink AI Platform that can be accessed by both Users and Visitors, without needing to log in.

“**Restricted Area**” means the area of the Website, application or EduLink AI Platform that can be accessed by Users only where they have logged in.

“**User**” means an employee, agent, student, parent, guardian or representative of a Client, who primarily uses the restricted areas of the Website, application or EduLink AI Platform for the purpose of accessing the Services.

“**Visitor**” means an individual other than a User, who uses the Public Area, but has no access to the Restricted Areas of the Website, application or EduLink AI Platform.

## Our role

For most personal data collected through our Website(s) traffic, where you submit a request or query directly to Us or where We market to you, We will be considered the holder of that personal data.

most personal data within the EduLink AI Platform, applications, or Website or where We provide services and online solutions to our Clients, access to the EduLink AI Platform (and Services) is through a service agreement with our Clients. From time-to-time, We may also provide Services where We request information directly from you.

If you have any questions as to your data or EduLink AI account, you may email [contact@edulinkai.com](mailto:contact@edulinkai.com). Emails must include the URL of the service/portal you are using as well as your full name and account ID (username).

## The data we collect about you

Personal data, or personal information, means any information about a living individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which We have grouped together below. Processing and collection of data will differ depending on your status, for example parent, education professional or student; some categories of data may not be collected with respect to parents or education professionals by EduLink AI such as race or ethnicity, religious or philosophical beliefs, sex life, identity, information about your health, and genetic and biometric data. The extent to which this data may be stored in EduLink AI may vary based on the data collection policies of the education institution. For more information on what data may be collected we recommend contacting the relevant education institution.

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender, city, profile picture URL, unique identifiers.
- **Contact Data** includes billing address, delivery address, email address and telephone numbers, geographic location.
- **Financial Data** includes bank account and payment card details and billing information.
- **Transaction Data** includes details about payments to and from you and other details of products and services you have purchased from Us.
- **Technical Data** includes device data, internet protocol (IP) address or other device address or ID, your login data, browser type and version, details of the web pages visited just before or after using a Service, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access this website.
- **Profile Data** includes your username and password, purchases or orders made by you, your interests, preferences, feedback, and survey responses.
- **Usage Data** includes information about how you use our website, products and services.
- **Location Data** includes information about your actual location.
- **Marketing and Communications Data** includes your preferences in receiving marketing from Us and our third parties and your communication preferences.

We also collect, use and share aggregated data such as statistical or demographic data, however this is de-identified. Aggregated data could be derived from your personal data but is not considered personal data in law as this data will **not** directly or indirectly reveal your identity. For example, We may aggregate your Usage Data to calculate the percentage of Users accessing a specific website feature. However, if We combine or connect aggregated data with your personal data so that it can directly or indirectly identify you, We treat the combined data as personal data which will be used in accordance with this Privacy Policy.

We do not provide areas within our platform designed to collect any information about criminal convictions and offences but may collect information in relation to court orders and directions.

Where We need to collect personal data by law, or under the terms of a contract We have with you, and you fail to provide that data when requested, We may not be able to perform the contract We have or are trying to enter into with you (for example, to provide you with access to the EduLink AI Platform). In this case, We may have to cancel a product or service you have with us but We will notify you if this is the case at the time.

## How is your personal data collected?

We use different methods to collect personal data from and about you including through:

- **Direct interactions.** You may give us your personal data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:
  - apply for or use our products or Services;
  - create an account on our Website, EduLink AI Platform or through our applications;
  - Post personal data on our Website, applications or the EduLink AI Platform;

- Interact through the applications, EduLink AI Platform, our Website or with other Users (through communication or messaging capabilities);
- subscribe to our service or publications;
- request marketing to be sent to you; or
- give us feedback, make a customer service or helpdesk request or contact us.
- **Automated technologies or interactions.** As you interact with our Website, applications or the EduLink AI Platform, We will automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, “clear gifs”, “pixels”, “location services” or “beacons” and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies. Please see our Cookies Policy for further details.
- **Integrated Services.** You may be given the option to access or register for use of Services on the Website, EduLink AI Platform or applications through the use of your username and passwords for certain services provided by third parties (each, an “Integrated Service”), such as through the use of your Google account, authentication provider, or otherwise have the option to authorise an Integrated Service to provide personal data or other information to Us. You should check your privacy settings on each Integrated Service to understand what information that Integrated Service makes available to Us and make changes as appropriate. Please review each Integrated Service’s terms of use and privacy policies carefully before using their services and connecting to our Service.
- **Information collected through our Clients or Users.** A Client or User may store or upload information about you via the Website, applications, or EduLink AI Platform. EduLink AI does not necessarily hold a direct relationship with the individuals whose personal data it hosts as part of Client Data. Each Client/User is responsible for ensuring it has the appropriate legal basis to process such information and is responsible for providing notice to its customers and third parties concerning the purpose for which Client/User collects their personal data and how this personal data is processed in or through the Service as part of Client Data. This personal data may include Contact, Identity, Financial and Special Category Data.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources as set out below:
  - Technical Data from analytics providers such as Google who may be based outside of your service jurisdiction, advertising networks and search information providers.
  - Contact, Financial and Transaction Data from providers of technical, payment and delivery services such as Visa or MasterCard.
  - Contact, Financial and Transaction Data from credit rating agencies.
  - Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register based inside the EU or advertisers.
  - Other entities within the EduLink AI group structure (“EduLink AI Group”).

## How we use your personal data

We will only use your personal data when the law allows us to. Most commonly, We will use your personal data in the following circumstances:

- Where We need to perform the contract, We are about to enter into or have entered into with you or your school.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests. Legitimate interest means the interest of our business in conducting and managing our business to enable Us to give you the best service/product and the best and most secure experience. We make sure We consider and balance any potential impact on you (both positive and negative) and your rights before We process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how We assess our legitimate interests against any potential impact on you in respect of specific activities by contacting Us at [contact@edulinkai.com](mailto:contact@edulinkai.com)
- Where We need to comply with a legal obligation. This means processing your personal data where it is necessary for compliance with a legal obligation that We are subject to.

Generally, We do not rely on consent as a legal basis for processing your personal data although We will get your consent before sending third party (non-company associated) direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting Us.

We have set out below, in a table format, a description of all the ways We plan to use your personal data, and which of the legal bases We rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that We may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your personal data. Please contact us if you need details about the specific legal ground We are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of Data	Lawful Basis for Processing including Basis of Legitimate Interest
<b>Registration - To register you as a User or set up a new account.</b>	(a) Identity (b) Contact (c) Profile (d) Special Categories	Performance of a contract with you (Terms Of Use)
<b>Operations – for personal data other than Client Data to operate, maintain, enhance and provide all features of the Services, to provide the Services and information that you (or the Client) request, to respond to comments and questions and to provide support to Users of the Service, solely in accordance with the directions provided by the applicable Client or User.</b>	(a) Identity (b) Contact (c) Profile (d) Special Categories	This personal data will be processed by EduLink AI purely as Data Processor on behalf of its Client
<b>Duty of Care - to assist our Clients in the management their duty of care and enrolment obligations.</b>	(a) Identity (b) Contact (c) Transaction (d) Profile (e) Special Categories (medical records)	Necessary for our legitimate interests / Performance of a legal obligation
<b>Payments - to process and manage payments, fees and charges and collect and recover money owed to us</b>	(a) Identity (b) Contact (c) Financial (d) Transaction	(a) Performance of a contract with you (b) Necessary for our legitimate interests
<b>Interaction – to enable Users to interact with other Users of the Services.</b>	(a) Identity (b) Contact (c) Profile (d) Technical	Necessary for our legitimate interests
<b>Communications -which will include: (a) Notifying you about changes to our terms or Privacy Policy;</b>	(a) Identity (b) Contact (c) Profile	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests

<b>(b) for administrative purposes such as customer service, to address intellectual property infringement, right of privacy violations or defamation issues related to the Personal data posted on Website, EduLink AI Platform or applications;</b>	(d) Location	
<b>Marketing - To enable you complete a survey or leave a review or to enable us to provide you with updates, recommendations on promotions and events, relating to products and services offered by us, our Clients and by third parties we work with.</b>	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical	(a) Performance of a contract with you (b) Necessary for our legitimate interests
<b>Maintenance - To administer and protect our business and this Website, the applications and/or the EduLink AI Platform (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)</b>	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (b) Necessary to comply with a legal obligation
<b>Improvements - To deliver relevant content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you and to understand and analyse the usage trends and preferences of Visitors and Users to improve the Services, and to develop new products, services, features or functionality.</b>	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical (g) Location	Necessary for our legitimate interests
<b>Analytics - To use data analytics to improve our Websites, applications and/or the EduLink AI Platform, products/services, marketing, customer relationships and experiences</b>	(a) Technical (b) Usage (c) Location	Necessary for our legitimate interests
<b>Cookies and tracking technologies - to personalise our Services or provide customised content, and information or to monitor and analyse the effectiveness of Services and the aggregate site usage metrics and to track your entries, submissions, and status in any promotions or other activities on the Services.</b>	(a) Technical (b) Usage (c) Location	a) Necessary for our legitimate interests

### Change of purpose

We will only use your personal data for the purposes for which We collected it, unless We reasonably consider that We need to use it for another reason and that reason is compatible with the original purpose.

If We need to use your personal data for an unrelated purpose, We will notify you and we will explain the legal basis which allows Us to do so.

Please note that We may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## Data in relation to Children

The nature of the Services we provide means that We may collect, store and process personal data of children. We ensure that We have the necessary and appropriate technical and organisation measure to safeguard personal data in relation to children.

## Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. We have established the following personal data control mechanisms:

### Promotional offers from Us

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what We think you may want or need, or what may be of interest to you. This is how We decide which products, services and offers may be relevant for you (we call this marketing).

You will receive marketing communications from Us if you have requested information from Us or use our goods or Services and you have not opted out of receiving that marketing.

### Marketing from Clients through our Services

You acknowledge that our Clients may choose to notify you about the use of our services through our Website, applications or the EduLink AI Platform and acknowledge that while we provide this service, We do not necessarily control to whom communications are sent to. Should you not wish to receive communications from particular clients please contact them directly. If you are unable to find contact details for the client please contact us at [contact@edulinkai.com](mailto:contact@edulinkai.com) and We will provide these details to you.

### Third-party marketing

We will get your express opt-in consent before We share your personal data with any non-associated third party for marketing purposes.

## Cookies

We use cookies and other similar technologies. You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of the Website, applications or EduLink AI Platform may become inaccessible or not function properly. For more information about the cookies We use, please refer to our Cookie Policy.

## Disclosures of your personal data

We may share your personal data with the parties set out below for the purposes set out in the table above detailing how We use your personal data.

### Internal Third Parties

- Other companies in the EduLink AI Group who provide school related services, product or service assistance or ancillary services (including but not limited to hosting, support and maintenance).

### External Third Parties

- Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services who provide services to EduLink AI and the EduLink AI Group.
- Financial institutions (banks and schemes) for the purpose of providing financial transactions (including wallet services) and ensuring security and data protection compliance. We will share Transaction Data with our payment services providers only to the extent necessary for the purposes of processing your payments, card tokenisation, refunding such payments and dealing with complaints and queries relating to such payments and refunds.
- Google and other analytics providers for analytics services.
- (Other Customers) Statutory, regulatory and government bodies of which We are required to report to in certain circumstances for the relevant jurisdiction or delivery.



- Third parties to whom We may choose to transfer, sell or merge parts of our business or our assets. Alternatively, We may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this Privacy Policy.
- Our Client, with whom your access to the EduLink AI Platform, Website and applications has been granted may work with third parties to provide integrated extension services. For example: 1. We may provide integrated solutions to your schools approved school photography company, to facilitate student and staff photos and/or ordering. 2. We may provide integration with other school approved solution such as Google, Office 365 or other online services. As such We may pass your personal data to the third parties providing such integrated services for the purpose of providing such services only. Where possible and appropriate, We will prompt you ahead of providing these details.
- In addition to the specific disclosures of personal data set out above, We may disclose your personal data where such disclosure is necessary for compliance with a legal obligation to which We are subject, or in order to protect your vital interests or the vital interests of another natural person. We may also disclose your personal data where such disclosure is necessary for the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## International transfers

### Support and maintenance

Where the EduLink AI Group provides support and maintenance to you in relation to your use of the EduLink AI Platform, Website and/or applications, it may collect, store and process your personal data. Most support is provided by EduLink AI but in some circumstances (for example where the support required is excessive, complicated, required technical or other investigation or required out of hours), the support required may be provided by another entity within the EduLink AI Group. The EduLink AI Group comprises of entities across Australia, Canada, the UK and the European Economic Area (EEA) and as such your personal data in relation to any support or maintenance request you submit may be processed outside of Australia or the EEA. We ensure that We have the appropriate and adequate measures in place in relation to such processing of personal data outside of the EEA or your customer jurisdiction.

### Other data processing

You acknowledge that personal data that you submit for publication through our website or services may be available, via the internet, around the world. We cannot prevent the use (or misuse) of such personal data by others.

In some circumstances We may limit access to information or our services from locations or services We consider to be high risk, these include but are not limited to VPN services.

## Data security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, We limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where We are legally required to do so.

## Data retention

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes We collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period to ensure our compliance with law, rules or regulations and in the event of a complaint or if We reasonably believe there is a prospect of litigation in respect to our relationship with you. We have a data retention and storage policy in place in relation to how We process your personal data. If you require information in relation to our retention, please contact our support team.

To determine the appropriate retention period for personal data, We consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which We process your personal data and whether We can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

By law We have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for six years after they cease being customers for tax purposes.

In some circumstances you can ask Us to delete your data: see *your legal rights* below for further information.

In some circumstances We will anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case We may use this information indefinitely without further notice to you.

## Your Legal Rights

Under certain circumstances, you have rights under the privacy legislation in relation to your personal data. You may have the right to:

- Request access to your personal data. This enables you to receive a copy of the personal data We hold about you and to check that we are lawfully processing it.

- Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though We may need to verify the accuracy of the new data you provide to us.
- Request erasure of your personal data. This enables you to ask Us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask Us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where We may have processed your information unlawfully or where We are required to erase your personal data to comply with local law. Note, however, that We may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- Object to processing of your personal data where We are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where We are processing your personal data for direct marketing purposes. In some cases, We may demonstrate that We have compelling legitimate grounds to process your information which override your rights and freedoms.
- Request restriction of processing of your personal data. This enables you to ask Us to suspend the processing of your personal data in the following scenarios:
  - If you want Us to establish the data's accuracy.
  - Where our use of the data is unlawful, but you do not want Us to erase it.
  - Where you need Us to hold the data even if We no longer require it as you need it to establish, exercise or defend legal claims.
  - You have objected to our use of your data, but We need to verify whether We have overriding legitimate grounds to use it.
- Request the transfer of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for Us to use or where We used the information to perform a contract with you.
- Withdraw consent at any time where We are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, We may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

Many of our Services are intended for use by education organisations. Where the Services are made available to you through an organisation (e.g. your school or government), that organisation is the administrator of the Services and is responsible for the accounts and/or Service sites over which it has control. If this is the case, please direct your data privacy questions/requests to your administrator, as your use of the Services is subject to that organisation's policies. We are not responsible for the privacy or security practices of an administrator's organisation, which may be different than this policy.

If you wish to exercise any of the rights set out above, please contact Us at [contact@edulinkai.com](mailto:contact@edulinkai.com).

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

We try to respond to all legitimate requests within one month. Occasionally it could take Us longer than a month if your request is particularly complex or you have made a number of requests. In this case, We will notify you and keep you updated.

## Third-party links

The Websites, applications and/or the EduLink AI Platform may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our Websites, applications and/or the EduLink AI Platform, We encourage you to read the privacy policy of every website you visit.

## Contact details

If you have any questions about this Privacy Policy or our privacy practices, including any requests to exercise your legal rights, please contact the data privacy manager in the following ways:

### Australia and all other enquiries

EduLink AI Education Pty Ltd

Privacy Officer

Level 1, 622 Harris Street, Ultimo

ULTIMO, NSW 2007 AUSTRALIA

Email: [contact@edulinkai.com](mailto:contact@edulinkai.com)

## Complaints

If you have a complaint, please contact our relevant office on the details listed above.

You also have the right to make a complaint at any time to the relevant regulator or authority.

### For AU complaints

Office of the Australian Information Commissioner

GPO Box 5218 Sydney, NSW 2001

<https://www.oaic.gov.au/>

## Changes

We keep our Privacy Policy under regular review. This version was last on the date specified for this page.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.