

Privacy Policy - Nexacu

Last updated: 22/10/2019

1. We respect your privacy

Excel Consulting Solutions Pty Ltd (ABN 88 600 429 212) t/a NEXACU and its Related Bodies Corporate (as defined by the provisions of the *Corporations Act 2001* (Cth)) (**Nexacu, we, us** and **our**) is strongly committed to protecting your privacy when you interact with us, our content, products and services.

The purpose of this Privacy Policy is to explain:

- the application of this Privacy Policy;
- the kind of information Nexacu may collect about you, how we collect it, and how we use it;
- how we may disclose that information;
- how you can access the information we hold about you;
- when we may use your information to contact you;
- the protection of your personal information; and
- Nexacu's use of cookies to collect information, and how you can control or delete these cookies.

We comply with the Australian Privacy Principles and the *Privacy Act 1988* (Cth) (**Privacy Act**), which govern the way private sector organisations collect, use, keep secure and disclose Personal Information. This Policy **does not** govern the way that any third party company or organisation, including those which have links with Nexacu, deal with your Personal Information.

The Privacy Act defines "**Personal Information**" to mean any information or an opinion about an identified individual, or an individual who is reasonably identifiable whether the information or opinion is true; and whether the information or opinion is recorded in a material form.

This Privacy Policy sets out how we handle your Personal Information. If you have any concerns or questions, please contact us the address set out in **Section 11** and our privacy officer will resolve your concern or answer your question.

We recommend that you keep this information for future reference.

2. Kinds of Personal Information

We operate three main formats of training:

- (a) Public courses;
- (b) Online courses, including:
 - (1) live workshops and webinars;
 - (2) recorded workshops and webinars; and
 - (3) self-paced online courses;
- (c) Personalised in-house workplace training.

To deliver these training courses to you, we must collect your Personal Information. We will only use or disclose your Personal Information (as applicable) for the primary purposes for which it was collected, or as consented to by you.

At or around the time we collect Personal Information from you, we will endeavour to provide you with a notice which details how we will use and disclose that specific information.

We set out some common collection, use and disclosure instances in the table below:

Purpose	Type of Information	Uses	Disclosures
General enquiries and account creation	<ul style="list-style-type: none"> • Contact information: Such as your full name, Company name (if required), email address, phone number, city, any other personal information volunteered by you in the content of your enquiry • Account creation: All of the ‘contact information’, plus username and password • Customer Service: Any personal information collected in connection by our customer services department in processing and addressing your enquiry. 	<p>The uses we will make of Personal Information collected for this purpose include:</p> <ul style="list-style-type: none"> • Account creation: If you create an account with Nexacu and you provide us your Personal Information for this collection purpose, we will use it for: <ul style="list-style-type: none"> - Processing of account transactions. - Customer service related contact. - The uses listed under “<i>Marketing Services</i>”. - To create your unique ID and login to use when booking our services. • Quote: Using your contact information to provide you with a quote for the trainings you want to receive. • Services: the provision of our services to you including: <ul style="list-style-type: none"> - Using your Personal Information in order for you to use or find out about the products and services offered. - To provide customer service functions, including handling customer enquiries and complaints. • Marketing: using your Personal Information for the purposes set out in “<i>Marketing Services</i>” section below. • General administrative and security use: <ul style="list-style-type: none"> - To protect Nexacu’s websites from security threats, fraud or other criminal activities. - The use for the administration and management of Nexacu. - For Nexacu’s marketing and customer base analytics. - The maintenance and development of our products and services, business systems and infrastructure. - In connection with the sale of any part of Nexacu’s business or a company owned by an Nexacu entity. - To provide customer services to customers and for quality assurance purposes. 	<p>The types of disclosures we will make of Personal Information collected for the type of purposes listed include, without limitation, to:</p> <ul style="list-style-type: none"> • Service providers (including IT service providers and consultants) who assist Nexacu in providing our products and services. • Related Bodies Corporate of Nexacu (including related entities). • Third parties in connection with the sale of any part of Nexacu’s business or a company owned by an Nexacu entity. • As required or authorised by law.

Purpose	Type of Information	Uses	Disclosures
Courses (public and online)	<ul style="list-style-type: none"> • Contact and identifying information: <ul style="list-style-type: none"> - Such as your full name, Companyname, address, billing address (if different to address), email address, and phone numbers. - Alternative contact in the organisation (name, address and phone number). - Name and email address of each registered student. - Bank account (including bank statements), credit or debit card details. • Other personal information volunteered by you or any of the students connection with your Company during the transaction. • Transaction Sales: To the extent relevant to your transaction, we will collect: <ul style="list-style-type: none"> - Delivery information. - Billing and account details. - Payment card details. • Customer Service: Any personal information collected in connection by our customer services department in processing and addressing your enquiry. 	<ul style="list-style-type: none"> • Payments: The processing of any payments and refunds (if applicable), credit card authorisation, verification and debt collection. • Marketing: using your Personal Information for the purposes set out in “<i>Marketing Services</i>” section below. • General administrative and security use as detailed in the Uses column for “<i>General enquiries and account creation</i>”. 	<p>In summary, we may disclose this type of Personal Information to:</p> <ul style="list-style-type: none"> • Third parties connected with the sales process including ecommerce, payment gateway providers and financial institutions. • Service providers (including IT service providers and consultants) who assist Nexacu in providing our products and services. • Our contractors, agents and third party providers who undertake billing and payment services on our behalf. • Third party providers who assist us in providing our products and services to you. • Third parties, such as external debt recovery agents, court or other entities to which we are required by law to disclose Personal Information. • The parties listed in the Disclosure column for “<i>General enquiries and account creation</i>”.
Workplace training	<ul style="list-style-type: none"> • The same information as set out in ‘Courses (public and online)’ • Customised training: Personal information volunteered by you or anyone in your Company concerning the skills of your employees or contractors that we may need to consider in preparing customised training solutions 	<ul style="list-style-type: none"> • The same uses of information as set out in ‘Courses (public and online)’ 	<ul style="list-style-type: none"> • The same uses of information as set out in ‘Courses (public and online)’

Purpose	Type of Information	Uses	Disclosures
Marketing services	<ul style="list-style-type: none"> • Contact information: Such as your name, email address, current postal and residential addresses, phone numbers, country of residence (and, if applicable, age). • Social media activity: Personal Information collected as a result of your interactions with, or posts about, us on social media, including “likes”, comments posted, any of your oppositions or feedback, photos posted or uploaded, and other information pertaining to your social media activities which concern, or relate, to Nexacu. • Feedback and surveys: Any contact and identifying information provided to us as part of submitting any feedback or completing surveys for us, as well as any other Personal Information you volunteer as part of your feedback or survey answers. • Competitions: Any contact and identifying information provided to us as part of your entry into a competition. 	<ul style="list-style-type: none"> • General marketing and consumer analytics: Using your Personal Information: <ul style="list-style-type: none"> - To aggregate with other information and to then use it for marketing and consumer analytics. - To offer you updates on products, events or information that may be of interest to you. - For marketing and promotional activities by us (including by direct mail, telemarketing and email) such as our email alerts, quote follow-ups, training progress emails, product awareness information and newsletters. - For the Uses detailed above in “<i>General enquiries</i>”. • Online accounts or social media: If you create an account with Nexacu or participate in our social media platforms (such as Facebook, Twitter and Instagram) and you provide us your Personal Information, we will use it for: <ul style="list-style-type: none"> - Adding account holders to the marketing database. - Customer service related contact. - Responding to social media messages. - Fulfilling social media platform rules. • Notification of your entry, if you are a winner and monitoring of entrant types 	<p>We may disclose your Personal Information to:</p> <ul style="list-style-type: none"> • Third parties connected with the marketing process who assist us in providing our products and services to you. • The parties listed in the Disclosure column for “<i>General enquiries and account creation</i>”.

Purpose	Type of Information	Uses	Disclosures
Human resources	<ul style="list-style-type: none"> • Contact information: Such as your name, e-mail address, current postal and residential address, phone numbers, country of residence, next of kin contact details. • Employee record information • Identifying information: Such as your photo, passport and residency details, date of birth, licence. • CV, resume or application related information: Such as the details provided in your resume or CV, your eligibility to work in Australia, visa details, your education, previous employment details, professional memberships or qualifications, parental consent to work forms. • Tax, superannuation and payroll information: Such as your Tax File Number and ATO Declaration, Superannuation details and financial institution details. • Background check information: Information obtained from you or third parties to perform background checks. • Medical or health information which you voluntarily provide to us as part of pre-employment or back-to-work medicals or such other information which maybe related to an incident which has occurred during the course of your employment or engagement with us. • Performance related information: Pre-employment testing and other information collected by Nexacu's systems in the course of the employee or contractor's engagement with Nexacu. • Information collected from referees 	<ul style="list-style-type: none"> • Pre-employment screening: Utilising the information collected for the purpose of assessing candidate suitability for role, including by obtaining: <ul style="list-style-type: none"> - Verification of your identity and age. - Criminal history background checks including publically available information from without limitation Facebook, Twitter, Instagram, YouTube. - Confirmation of eligibility to work in Australia. - Confirmation of education and qualifications. - Confirmation of previous employment. - Consideration regarding medical leave. • Administration and performance monitoring use: Utilising the information collected for the purpose of: <ul style="list-style-type: none"> - Dealings related to the employer/employee relationship or the contractor/principal relationship (as the case may be). - Use of such information whether or not the employment or contractor relationship is prospective, current or past. - Use of such information to monitor systems, performance and time usage and internet usage. - The use of your Personal Information collected in the administration and management of Nexacu. - In connection with the sale of any part of Nexacu's business or a company owned by an Nexacu entity. 	<p>We may disclose your Personal Information to:</p> <ul style="list-style-type: none"> • Relevant superannuation company. • Government agencies, including but not limited to The Australian Taxation Office, Centrelink and Department of Human Services. • Relevant Worker's Compensation organisation (e.g. WorkCover, etc). • Third party referees provided by you in connection with an application made to Nexacu. • Service providers engaged to assist Nexacu in the administration of its business (including IT service providers, HR software provider and payroll providers), if any. • Recruitment agents used in connection with your application with us. • Third parties in connection with the sale of any part of Nexacu's business or a company owned by a Nexacu entity. • Third party parties in connection with obtaining any background checks, pre-employment screening. • Financial institutions for payroll purposes. • As required or authorised by law.

3. Collecting & holding Personal Information

3.1 Collection generally

As much as possible or unless provided otherwise in this Privacy Policy or a notification, we will collect your Personal Information directly from you.

We may collect your Personal Information from you in a variety of ways, including: by email, website and forms. When you engage in certain activities, such as filling out a survey or sending us feedback, we may ask you to provide certain information. It is completely optional for you to engage in these activities.

Depending upon the reason for requiring the information, some of the information we ask you to provide may be identified as mandatory or voluntary. If you do not provide the mandatory information or any other information we require in order for us to provide our products or services to you, we may be unable to provide our products or services to you in an effective manner, or at all.

3.2 Other collection types

We may also collect Personal Information about you from other sources, such as:

- (a) when we collect Personal Information about you from third parties or competitions; or
- (b) when we collect Personal Information about you from publically available sources including but not limited to, court judgments, directorship and bankruptcy searches, Australia Post, White Pages directory, and social media platforms (such as Facebook, Twitter, Google, Instagram etc).

3.3 Notification of collection

If we collect details about you from someone else, we will, whenever reasonably possible, make you aware that we have done this and why, unless special circumstances apply, including the following circumstances:

- (a) where information is collected from any personal referee you have listed on any application form (including any employment application) with Nexacu;
- (b) where information is collected from publically available sources including but not limited to court judgments, directorship and bankruptcy searches, social media platforms (such as Facebook, Twitter, Google, Instagram etc.); or
- (c) as otherwise required or authorised by law.

3.4 Unsolicited Personal Information

In the event we collect Personal Information from you, or a third party, in circumstances where we have not requested or solicited that information (known as unsolicited information), and it is determined by Nexacu (in its absolute discretion) that the Personal Information is not required, we will destroy the information or ensure that the information is de-identified. However, where unsolicited Personal Information is collected in relation to your future potential employment with Nexacu, we may keep this Personal Information.

3.5 How we hold your Personal Information

Once we collect your Personal Information, we will either hold it securely and store it on infrastructure owned or controlled by us or with a third party service provider who have taken reasonable steps to ensure they comply with the *Privacy Act*. Refer to **Section 9 (Data security and quality)** for more information.

3.6 Cookies and IP addresses

If you use our website, we may utilise "cookies" which enable us to monitor traffic patterns, trends and to serve you more efficiently if you revisit our website. In most cases, a cookie does not identify you personally but may identify your internet service provider or computer.

We may gather your IP address as part of our business activities and to assist with any operational difficulties or support issues with our services. This information does not identify you personally.

However, in some cases, cookies may enable us to aggregate certain information with other Personal Information we collect and hold about you. We extend the same privacy protection to your Personal Information, whether gathered via cookies or from other sources, as detailed in this Privacy Policy.

You can set your browser to notify you when you receive a cookie and this will provide you with an opportunity to either accept or reject it in each instance. However, if you disable cookies, you may not be able to access certain areas of our websites or take advantage of the improved web site experience that cookies offer.

4. Using & disclosing Personal Information

4.1 Use and disclosure details

We provide a detailed list at **Section 2** of some common uses and disclosures we make regarding the Personal Information we collect. We may also use or disclose your Personal Information and in doing so we are not required to seek your additional consent:

- (a) when it is disclosed or used for a purpose related to the primary purposes of collection detailed above and you would reasonably expect your Personal Information to be used or disclosed for such a purpose;
- (b) if we reasonably believe that the use or disclosure is necessary to lessen or prevent a serious or imminent threat to an individual's life, health or safety or to lessen or prevent a threat to public health or safety;
- (c) if we have reason to suspect that unlawful activity has been, or is being, engaged in; or
- (d) if it is required or authorised by law.

4.2 Use and disclosure procedures

In the event we propose to use or disclose such Personal Information other than for reasons set out in the above table at **Section 2** or as otherwise outlined in this Privacy Policy, we will first notify you or seek your consent prior to such disclosure or use.

Your Personal Information is disclosed to these organisations or parties only in relation to the products or services we provide to you or for a purpose permitted by this Privacy Policy.

We take such steps as are reasonable to ensure that these organisations or parties are aware of the provisions of this Privacy Policy in relation to your Personal Information.

4.3 Communications opt-out

If you have received communications from us and you no longer wish to receive those sorts of communications, you should contact us via the details set out at the top of this document and we will ensure the relevant communication ceases. Any other use or disclosure we make of your Personal Information will only be as required or authorised by law or as permitted by this Privacy Policy or otherwise with your consent.

5. Sensitive information

Sensitive information is a subset of Personal Information. It means information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political organisation, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, criminal record, health information about an individual, genetic information, biometric information that is to be used for the purpose of automated biometric verification or biometric identification or biometric templates.

Nexacu does not collect any sensitive information in providing its goods and services to you.

6. Direct Marketing

6.1 Express informed consent

You give your express and informed consent to us using your Personal Information set out in the “*General enquiries and account creation*”, “*Courses (public and online)*”, “*Workplace training*” and “*Marketing Services*” sections of the table at **Section 2** of this document above to provide you with information and to tell you about our products, services or events or any other direct marketing activity (including third party products, services, and events) which we consider may be of interest to you, whether by post, email, SMS, messaging applications and telephone (**Direct Marketing Communications**).

6.2 Inferred consent and reasonable expectations of direct marketing

Without limitation to paragraph 6.1, if you have provided inferred or implied consent (e.g. not opting out where an opt-out opportunity has been provided to you) or if it is within your reasonable expectation that we send you Direct Marketing Communications given the transaction or communication you have had with us, then we may also use your Personal Information for the purpose of sending you Direct Marketing Communications which we consider may be of interest to you.

6.3 Opt-out

If at any time you do not wish to receive any further Direct Marketing Communications from us or others under this **Section 6**, you may ask us not to send you any further information about products and services and not to disclose your information to other organisations for that purpose. You may do this at any time by using the “unsubscribe” facility included in the Direct Marketing Communication or by contacting us via the details set out at the top of this document.

7. Anonymity and pseudo-anonymity

To the extent practicable and reasonable, we will endeavour to provide you with the option of dealing with us on an anonymous basis or through the use of a pseudonym. However there may be circumstances where it is only practicable or reasonable for Nexacu to transact and correspond with you on a named basis. Your Personal Information may be required in order to provide you with our products and services, or to resolve any issue you may have.

8. Cross Border Disclosure

8.1 Cross border disclosures

Any personal information collected and held by us may be disclosed to, and held at, a destination outside Australia, including but not limited to the **United States of America, European Union Economic Area and New Zealand** where we utilise third party service providers to assist us with providing our goods and services to you. Personal information may also be processed by staff or by other third parties operating outside Australia who work for us or for one of our suppliers, agents, partners or related companies.

As we use service providers and platforms which can be accessed from various countries via an Internet connection, it is not always practicable to know where your information may be held. If your information is stored in this way, disclosures may occur in countries other than those listed above.

In addition we may utilise overseas IT services (including software, platforms and infrastructure), such as data storage facilities or other IT infrastructure. In such cases, we may own or control such overseas infrastructure or we may have entered into contractual arrangements with third party service providers to assist us with providing our products and services to you.

8.2 Informed consent

By submitting your Personal Information to Nexacu, you expressly agree and consent to the disclosure, transfer, storing or processing of your Personal Information outside of Australia. In providing this consent, you understand and acknowledge that countries outside Australia do not always have the same privacy protection

obligations as Australia in relation to Personal Information. However, we will take steps to ensure that your information is used by third parties securely and in accordance with the terms of this Privacy Policy.

The *Privacy Act* requires us to take such steps as are reasonable in the circumstances to ensure that any recipients of your Personal Information outside of Australia do not breach the privacy principles contained within the *Privacy Act*. By providing your consent, under the *Privacy Act*, we are not required to take such steps as may be reasonable in the circumstances. However, despite this, we acknowledge the importance of protecting Personal Information and have taken reasonable steps to ensure that your information is used by third parties securely and in accordance with the terms of this Privacy Policy.

8.3 If you do not consent

If you do not agree to the disclosure of your Personal Information outside Australia by Nexacu, you should (after being informed of the cross border disclosure) tell Nexacu that you do not consent. To do this, either elect not to submit the Personal Information to Nexacu after being reasonably informed in a collection notification or please contact us via the details set out at the top of this document.

9. Data security & quality

9.1 Nexacu's security generally

We have taken steps to help secure and protect your Personal Information from unauthorised access, use, disclosure, alteration, or destruction. You will appreciate, however, that we cannot guarantee the security of all transmissions or Personal Information, especially where human error is involved or malicious activity by a third party.

Notwithstanding the above, we will take reasonable steps to:

- (a) make sure that the Personal Information we collect, use or disclose is accurate, complete and up to date;
- (b) protect your Personal Information from misuse, loss, unauthorised access, modification or disclosure both physically and through computer security methods (including without limitation two-stage authentication); and
- (c) destroy or permanently de-identify Personal Information if it is no longer needed for its purpose of collection.

9.2 Accuracy

The accuracy of Personal Information depends largely on the information you provide to us, so we recommend that you:

- (a) let us know if there are any errors in your Personal Information; and
- (b) keep us up-to-date with changes to your Personal Information (such as your name or address).

We provide information about how you can access and correct your information in **Section 10**.

10. Access to and correction of your Personal Information

You are entitled to have access to any Personal Information relating to you which we hold, except in some exceptional circumstances provided by law (including the *Privacy Act* 1988 (Cth)). You are also entitled to edit and correct such information if the information is inaccurate, out of date, incomplete, irrelevant or misleading.

If you would like access to or correct any records of Personal Information we have about you, you are able to access and update that information (subject to the above) by the billing contact logging in to their account and manually changing basic details, or contacting us via the details set out in section 11.2.

11. Resolving Privacy Complaints

11.1 Complaints generally

We have put in place an effective mechanism and procedure to resolve privacy complaints. We will ensure that all complaints are dealt with in a reasonably appropriate timeframe so that any decision (if any decision is required to be made) is made expeditiously and in a manner that does not compromise the integrity or quality of any such decision.

11.2 Contacting Nexacu regarding complaints

If you have any concerns or complaints about the manner in which we have collected, used or disclosed and stored your Personal Information, please contact us:

Telephone: 1300 886 190
Email: info@nexacu.com.au
Address: Customer Service, Level 10, 333 Adelaide Street, Brisbane QLD 4000

Please mark your correspondence to the attention of the Privacy Officer.

12. Consent, modifications and updates

12.1 Interaction of this Policy with contracts

This Privacy Policy is a compliance document prescribed by law rather than a legal contract between two or more persons. However, certain contracts may incorporate all, or part, of this Privacy Policy into the terms of that contract. In such instances, Nexacu may incorporate the terms of this policy such that:

- (a) certain sections or paragraphs in this policy are incorporated into that contract, but in such a way that they do not give rise to contractual obligations onto Nexacu, but do create contractual obligations on the other party to the contract; and
- (b) the consents provided in this policy become contractual terms provided by the other party to the contract.

12.2 Acknowledgement

By using our website, purchasing a product or service from Nexacu, where you have been provided with a copy of our Privacy Policy or had a copy of our Privacy Policy reasonably available to you, you are acknowledging and agreeing:

- (a) to provide the consents given by you in this Privacy Policy; and
- (b) that you have been informed of all of the matters in this Privacy Policy.

12.3 Modifications and updates

We reserve the right to modify our Privacy Policy as our business needs require. We will take reasonable steps to notify you of such changes (whether by direct communication or by posting a notice on our website). If you do not agree to our continued use of your Personal Information due to the changes in our Privacy Policy, please cease providing us with your Personal Information and contact us via the details set out at the top of this document.