

# Privacy Policy

## 1. About this policy

- 1.1. Learnmate Tutoring Pty Ltd ACN 608 761 682 (**Learnmate, we, us** or **our**) has designed this Policy to provide information about what kinds of Personal Information we may collect or hold, how we collect, use and disclose Personal Information, what choices you have regarding our use of that Personal Information, and how you can (and to what extent) access or amend that Personal Information.
- 1.2. In this Policy, the term **you** or **user** or **users** shall refer to students, tutors or any person or entity who views, uses, accesses, browses or submits any content or material to the Learnmate Platform.
- 1.3. By providing your Personal Information you agree that it will be used and disclosed by Learnmate in accordance with this Policy. Your use of the Learnmate Platform after the effective date of this document constitutes your acceptance of this Policy. If you do not agree to all the terms and conditions of this Policy, do not use the Learnmate Platform or provide us with your Personal Information.

## 2. Definitions

- 2.1. In this Policy:

**Personal Information** means information that is personal information as defined in the *Privacy Act 1988* (Cth) or that is information to which any other Privacy Laws apply.

**Privacy Laws** means all laws relating to privacy, confidentiality or use of any information about individuals, including:

- (a) the *Privacy Act 1988* (Cth) and the National Privacy Principles contained in schedule 3 to that Act or any approved privacy code that applies to any of the parties to this agreement;
- (b) the *Privacy and Data Protection Act 2014* (Vic) and the Information Privacy Principles contained in schedule 1 to that Act; and
- (c) the *Health Records Act 2001* (Vic) and the Health Privacy Principles contained in schedule 1 to that Act.

**Learnmate Platform** means the Learnmate website at [www.learnmate.com.au](http://www.learnmate.com.au), including its subdomains and any other website that we operate from time to time.

## 3. What Personal Information do we collect?

- 3.1. The types of Personal Information that Learnmate may collect about an individual will depend on the nature of your interaction with us (including whether the individual is a visitor to the Learnmate Platform, student, parent or legal guardian of a student, or a tutor of Learnmate). Personal Information that we collect may include (but is not limited to):

- (a) name;
- (b) date of birth;
- (c) contact details, including telephone numbers;
- (d) current address;
- (e) e-mail address;
- (f) gender;
- (g) year level;
- (h) identification information, including information relevant to verify working with children checks, teaching accreditations and other working rights verification documents;
- (i) payment details, such as credit card information or bank account details;
- (j) information from or in connection with your resume or job application if you apply for a position with us (including as a tutor on Learnmate);
- (k) profile photographs if you apply to list as a tutor on Learnmate;
- (l) photo or video interviews and submissions provided to Learnmate for marketing purposes and/or for publication on the Learnmate Platform;
- (m) call recordings, lesson recordings (whether audio or video) and/or still image captures from online tutoring lessons for the purpose of quality assurance and marketing;
- (n) professional training, accreditations or qualifications;
- (o) academic record;
- (p) geographical location (postcode, time zone);
- (q) Australian Business Number (ABN);
- (r) school affiliation; and
- (s) family relationship.

3.2. We may collect and record Personal Information about individuals such as:

- (a) our tutors, students, potential students and their parents or guardians;
- (b) our suppliers and potential suppliers and their representatives, directors, partners, proprietors and shareholders;
- (c) contractors, subcontractors and potential contractors and subcontractors and their representatives in relation to providing goods and services to us;
- (d) our employees and independent contractors past and present, including applicants; and
- (e) other people who have or may come into contact with Learnmate.

3.3. We are authorised to collect tax file numbers (**TFNs**) by the *Income Tax Assessment Act 1936* (Cth). It is not compulsory for you to provide your TFN for our products and services, but if you do not, taxation law may require that Learnmate make additional deductions to be made from any amounts payable by you to us from time to time.

## 4. How and when do we collect Personal Information?

- 4.1. We collect Personal Information to enable us to run the Learnmate business and Learnmate Platform, including to provide, market, sell and improve our products and services and for the specified purposes set out in clause 6. In some circumstances the collection of Personal Information may be required by law.
- 4.2. We may collect your Personal Information in the course of providing you with goods or services, or:
  - (a) when you use or buy our products or services;
  - (b) when you provide us, or you offer or apply to supply us, with goods or services;
  - (c) when you provide information to us in any way (including by completing a form, survey, entering a competition or disclosing information over the phone or via email);
  - (d) when you request information about us, our products or our services;
  - (e) when you provide feedback to us;
  - (f) when you visit or fill in a form on our Learnmate Platform (see clause 5 below);
  - (g) when you attend a tutoring lesson, correspond with a representative of Learnmate, correspond generally with a tutor or when correspondence between you and a tutor or representative of Learnmate is shared with Learnmate;
  - (h) when you (or your employer) provide that information to us in the course of conducting or administering our relationship with you, or when you are carrying out activities in connection with our business operations;
  - (i) when you submit a job application to us, including to be listed as an independently contracted tutor on Learnmate;
  - (j) when you otherwise contact us by telephone, fax, email, social media, post or in person; or
  - (k) where we are otherwise required or authorised by law to do so.

## 5. Information collected via the Learnmate Platform

### General

- 5.1. Personal Information may be collected by us and by our third-party services providers who assist us in operating the Learnmate Platform.
- 5.2. Various technological products and methods work together to create the Learnmate Platform and we may use, from time to time, those technological products and methods to track the visiting patterns of individuals accessing the Learnmate Platform, including but not limited to those set out below.

### Google Analytics

- 5.3. We use Google Analytics to help track and analyse how users of the Learnmate Platform use Learnmate and the Learnmate Platform, to determine the popularity of certain content and better understand online activity. Google Analytics generates statistical and other

information about your use of the Learnmate Platform by means of cookies, which are stored on users' computers. The information generated is used to create reports used and analysed by Learnmate for various purposes. Google will store this information.

- 5.4. You can opt out from Google Analytics reporting your visit date by installing the Google Analytics opt-out browser add-on here: (<https://tools.google.com/dlpage/gaoptout>).

## Hotjar

- 5.5. We use Hotjar in order to better understand our users' needs and to optimize this service and experience. Hotjar is a technology service that helps us better understand our users' experience (e.g. how much time they spend on which pages, which links they choose to click, what users do and don't like, etc.) and this enables us to build and maintain our service with user feedback. Hotjar uses cookies and other technologies to collect data on our users' behaviour and their devices. This includes a device's IP address (processed during your session and stored in a de-identified form), device screen size, device type (unique device identifiers), browser information, geographic location (country only), session duration and the preferred language used to display our website. Hotjar stores this information on our behalf in a pseudonymized user profile. Hotjar is contractually forbidden to sell any of the data collected on our behalf.
- 5.6. For further details, please see the 'about Hotjar' section of [Hotjar's support site](#).

## Cookies

- 5.7. The Learnmate Platform may use cookies from time to time. Cookies are small text files that are transferred to a user's computer hard drive by a website for the purpose of storing information about a user's identity, browser type or website visiting patterns. Cookies may be used on the Learnmate Platform to monitor web traffic, for example the time of visit, pages visited and some system information about the type of computer being used. We use this information to enhance the content and services offered on the Learnmate Platform.
- 5.8. Cookies are sometimes also used to collect information about what pages you visit and the type of software you are using. If you access the Learnmate Platform or click-through to the Learnmate Platform from a link in an email we send you, a cookie may be downloaded onto your computer's hard drive.
- 5.9. Cookies may also be used for other purposes on the Learnmate Platform.
- 5.10. You can configure your browser to accept all cookies, reject all cookies, or notify you when a cookie is sent. Each browser is different, so check the "Help" menu of your browser to learn how to change your cookie preferences.
- 5.11. If you disable the use of cookies on your web browser or remove or reject specific cookies from the Learnmate Platform or linked sites then you may not be able to gain access to all of the content and facilities in those websites.

## Web beacons

- 5.12. The Learnmate Platform and email communications may use small pieces of code called "web beacons" to track the visiting patterns, collect advertising metrics, count page views, promotion views or advertising responses of individuals accessing the Learnmate Platform or receiving our email communications.

- 5.13. Some browsers allow you to indicate that you would not like your online activities tracked by using “Do Not Track” indicators. The Learnmate Platform has not been built to receive or respond to Do Not Track indicators. Certain information may thus be collected by Learnmate using web beacons to improve your experience on the Learnmate Platform consistent with the terms of this Policy.

#### **Lesson recording software**

- 5.14. We may use third party software and tools, such as Lessonspace, to capture the audio and video from a lesson through a user’s computer camera and or microphone, to record information about a user's interactions on the Learnmate Platform or applications to understand as close as possible to how the user actually experienced it, including information such as mouse movements, clicks, typing (including chat), functions and tools used and any issues faced, troubleshooted, resolved and unresolved.
- 5.15. We use this information for quality assurance and complaints handling purposes (including to conduct randomised lesson checks and reviews or in response to a customer or tutor complaint), to debug errors, optimise pages, enhance the user experience and support customers. We do not generally use this information to identify individuals, though such session information may become Personal Information; for example, if we identify a particular lesson that is the subject of a complaint, customer support query or for quality assurance purposes.

#### **Third party content (e.g. social media links)**

- 5.16. Some content on the Learnmate Platform may include applications made available by third parties, such as social media buttons, links to third party applications (such as an online lesson platform) or links that allow you to share content or links to the Learnmate Platform through the relevant third party platforms.
- 5.17. Third party applications themselves may facilitate collection of information through your interaction with the applications and sometimes even if you do not interact directly with them.
- 5.18. We are not responsible for the technical operation of these applications or the collection and use practices of the relevant third parties. Please visit the relevant third party websites to understand their privacy practices and options they may make available to you in relation to their collection of your Personal Information.

## **6. How is your Personal Information used?**

- 6.1. We may use the Personal Information we collect about you in the course of conducting the Learnmate business, administering and operating the Learnmate Platform, to operate our business efficiently, and to market, sell and improve our products and services for the benefit of our customers.
- 6.2. We may collect, hold and use your Personal Information to:
- (a) identify and communicate with you;
  - (b) enable us to provide you with requested information, products or services;
  - (c) match and allocate a student and a tutor;

- (d) provide a tutor with a student's relevant information to connect and understand the specific requirements of a student;
- (e) provide a student with access to lesson notes from a tutor;
- (f) provide a student with a tutoring lesson recording (if requested and available);
- (g) otherwise assist customers by providing them with information and support;
- (h) collect and process payments;
- (i) help us to manage and enhance products or services we provide to you;
- (j) help us to manage and enhance goods and services we procure from our suppliers and subcontractors;
- (k) help us manage and respond to a general or specific shareholder enquiry;
- (l) process share applications and service shareholders' needs;
- (m) provide facilities and services a shareholder may request;
- (n) personalise and customise your experiences on the Learnmate Platform;
- (o) manage and administer any account you may hold with us;
- (p) manage and maintain credit accounts for the provision of goods or services on credit;
- (q) promote and market our products and services to you;
- (r) provide you with information that we believe may be of interest to you or that you may be interested in receiving, including advertising material, regarding us, our clients, and our business partners;
- (s) conduct research for the purposes of improving existing products or services or creating new products or services;
- (t) help us research the needs of our customers to enable us to market our products and services with a better understanding of your needs and the needs of customers generally;
- (u) notify and assess insurance claims, pay settlements and finalise claims, and determine liability;
- (v) protect you and us from fraud;
- (w) provide for the safety and security of workers and onsite visitors;
- (x) help us manage our business operations;
- (y) assist with business support purposes including maintenance, backup and audit;
- (z) process any job application submitted by you;
- (aa) respond to any queries or complaints you may have;
- (bb) investigate, review, mitigate risks associated with, and inform you of, a data or other security breach involving your personal information; or
- (cc) comply with our statutory and legal obligations.

6.3. Personal Information may be aggregated for internal and external reporting (including in compliance with local laws), for marketing and advertising, product and service improvement and statistical and analytical purposes. Information might be identified or de-

identified depending on the nature of the reporting and purpose for use of the relevant data.

- 6.4. We reserve the right at all times to monitor, review, retain, and/or disclose any information as necessary to satisfy any applicable law.
- 6.5. Learnmate has no obligation to monitor the use of the Learnmate Platform, to collect or retain the content and substance of any user lesson, whether on the Learnmate Platform or in-person.
- 6.6. You consent to us using your Personal Information in the above ways and as set out in this Policy.
- 6.7. We may otherwise collect, use or disclose your Personal Information where the collection, use or disclosure is:
  - (a) in accordance with this Policy or any agreement you enter into with us; or
  - (b) required or authorised by law, including but not limited to the Australian Privacy Principles under the *Privacy Act 1988* (Cth).

## 7. Does Learnmate disclose your Personal Information?

- 7.1. Learnmate may disclose, or provide access to, your Personal Information to third parties in connection with the purposes described above. Depending on the circumstances and the nature of your engagement with us, we may disclose your Personal Information to our related entities, to third parties that provide products and services to us or through us, or to other third parties (such as your referee(s) in connection with a job application you have submitted).
- 7.2. We may also disclose your Personal Information to:
  - (a) any of Learnmate's tutors, internal divisions, business units or departments;
  - (b) your parent or guardian if you are younger than 15 years old;
  - (c) your nominated or appointed representatives or legal guardians;
  - (d) other organisations or individuals who assist us in providing products and services to you;
  - (e) professional service providers and advisors who perform functions on our behalf, such as lawyers;
  - (f) medical providers including medical and rehabilitation practitioners for assessing insurance claims;
  - (g) representatives, agents or contractors who are appointed by us in the ordinary operation of our business to assist us in providing goods or services or administering our business (such as for data storage or processing, printing, mailing, marketing, planning and product or service development);
  - (h) debt collecting agencies;
  - (i) banks, lenders, valuers, insurers, brokers, auditors, business consultants and IT service providers; and
  - (j) Government, regulatory authorities and other organisations as required or authorised by law.

- 7.3. We may also disclose your Personal Information to the Learnmate Platform host or software application providers in certain limited circumstances, for example when the Learnmate Platform experiences a technical problem or to ensure that it operates in an effective and secure manner.
- 7.4. As we continue to develop our business, we may buy, merge or partner with other companies or organisations, and in so doing, acquire customer Personal Information. In such transactions, Personal Information may be among the transferred assets. Similarly, in the event that a portion or substantially all of our business or assets are sold or transferred to a third party, we may also disclose certain information including your Personal Information to a purchaser or potential purchaser in connection with the sale or potential sale of us, our business or any of our assets, including in insolvency.

## 8. Overseas disclosures

- 8.1. Some of your Personal Information may be disclosed, transferred, stored, processed or used overseas by us, or by third party service providers. This may happen if:
  - (a) our offices or related entities are overseas;
  - (b) we outsource certain activities overseas;
  - (c) transactions, information, services or products have an overseas connection; or
  - (d) our computer systems including IT servers are located overseas.
- 8.2. You consent to the collection, use, storage, and processing of your Personal Information outside of Australia as set out in this Privacy Policy.
- 8.3. In particular, your Personal Information may be disclosed to third parties in the United States, and such other countries in which those parties or their, or our, computer systems may be located from time to time, where it may be used for the purposes described in this Privacy Policy. In these circumstances, you consent to the collection, use, storage and processing of your Personal Information in those countries, without us being responsible under the *Privacy Act 1988* (Cth) for such use (or for any breach). Where such parties are located overseas, you may have rights to enforce such parties' compliance with applicable data protection laws, but you might not have recourse against those parties under the Privacy Laws in relation to how those parties treat your Personal Information.

## 9. Other uses and disclosures

- 9.1. We may collect, use and disclose your Personal Information for other purposes not listed in this Policy. If we do so, we will make it known to you at the time we collect or use your Personal Information.

## 10. Marketing

- 10.1. You consent to us using your Personal Information for sending you information, including promotional material, about us or our products and services, operational updates or



changes to products and services (whether temporary or permanent) as well as the products and services of our related entities and third parties, now and in the future. You also consent to us sending you such information by means of direct mail, email, SMS and MMS messages.

- 10.2. If you do not want to receive marketing information from us, you can unsubscribe in any of the following ways:
  - (a) clicking on the 'Unsubscribe' or subscription preferences link in a direct marketing email that you have received from us;
  - (b) logging into your account on the Learnmate Platform and editing your communication preferences; or
  - (c) contacting us using the contact details specified in clause 17.
- 10.3. We may also send you email messages about the status of your account or any notices as required by law. You may not opt-out of receiving these administrative emails so long as you continue to use this voluntary service. If you wish to terminate your account, please contact us.

## **11. Storage and security of Personal Information held by us**

- 11.1. We aim to keep your Personal Information secure. Any Personal Information that is collected via the Learnmate Platform or which is held on our computer systems is protected by safeguards including physical, technical (firewalls, SSL encryption) and procedural methods.
- 11.2. Unfortunately, even with these measures, Learnmate cannot guarantee the security of Personal Information. By using the Learnmate Platform, you acknowledge and agree that Learnmate makes no such guarantee, and that you use the Learnmate Platform at your own risk.
- 11.3. If we find that we no longer require or have no further need for your Personal Information we may de-identify it or remove it from our systems and destroy all record of it.

## **12. You can access and update your Personal Information**

- 12.1. You are generally entitled to access Personal Information that we hold about you. If you request access to your Personal Information, in ordinary circumstances we will give you full access to your Personal Information. Depending on the nature of the request, Learnmate may charge for providing access to this information, however such a charge will not be excessive. However, there may be some legal or administrative reasons to deny access. If we refuse your request to access your Personal Information, we will provide you with reasons for the refusal where we are required by law to give those reasons.
- 12.2. A request for access can be made by contacting Learnmate in any of the ways specified in clause 17.
- 12.3. We take all reasonable steps to ensure that any Personal Information we collect and use is accurate, complete and up-to-date. To assist us in this, you need to provide true, accurate,

current and complete information about yourself as requested, and properly update the information provided to us to keep it true, accurate, current and complete.

- 12.4. Please contact us in any of the ways specified in clause 17 if you believe that the Personal Information is inaccurate, incomplete or out of date, and we will use all reasonable efforts to correct the information.
- 12.5. It would assist us to ensure we properly understand your request, and allow us to respond more promptly, if requests are made in writing and include as much detail as possible.

## **13. How do we deal with complaints about privacy?**

- 13.1. If you feel that we have not respected your privacy or that we have conducted ourselves inconsistently with this Policy, please contact us as specified in clause 17 and advise us as soon as possible. We will investigate your privacy complaint or query within a reasonable period of time depending on the complexity of the complaint.
- 13.2. It would assist us to respond to your complaint promptly if it is made in writing. Please detail information relevant to your complaint.
- 13.3. We will notify you of the outcome of our investigation.

## **14. Minors**

- 14.1. Learnmate does not knowingly collect personally identifiable information from children under the age of 13. If you are under the age of 13, please do not provide your contact information or any other personally identifiable information to Learnmate. If you are the parent or legal guardian of someone under the age of 13 who may have provided us with information without your knowledge or consent, please contact us to have this information removed. All contact, including tutoring sessions, between a tutor and any minor should, of course, take place only in a supervised setting.

## **15. Your choices**

- 15.1. Please remember to help keep the Learnmate Platform secure by never sharing your username or password. If you think your password may have been compromised, please change it immediately or contact Learnmate for additional assistance.
- 15.2. Please note that Learnmate will bear no responsibility, and you agree to hold Learnmate harmless, if your Personal Information is accessed, shared or exploited because your username and password have been compromised.

## **16. Updates to this Policy**

- 16.1. We may, from time to time, review and update this Policy, including to take into account new laws, regulations, practices and technology (including but not limited to modifications

to the Learnmate Platform's features and functionality). All Personal Information held by us will be governed by our most recent Policy, posted on the Learnmate Platform. Any changes to this Policy may be advised to you by updating this page on the Learnmate Platform. We will aim to provide reasonable advance notice of such changes though this may not always be possible depending on the circumstances. We encourage you to check this page from time to time for any changes.

## **17. How to contact us about your Personal Information or this Policy**

### 17.1. If you:

- (a) have a query or concern about this Policy or our Personal Information handling processes;
- (b) wish to make a complaint in relation to a breach of your privacy;
- (c) would like to access your Personal Information held by us;
- (d) would like to update or correct your Personal Information held by us; or
- (e) would like to opt out of direct marketing, please contact us at [hello@learnmate.com.au](mailto:hello@learnmate.com.au).