



# Privacy Policy

Acorn PLMS

ACORN PLMS

(ACN 600 787 139)

# **PRIVACY POLICY**

As at January 2024

## 1. Background

This Policy is made in accordance with the *Privacy Act 1988* (Cth) and the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Cth).

The current version of this Policy is available from the Privacy Officer upon request. This Policy may be updated, amended or revised from time to time by Acorn PLMS and by continuing to interact with or receive services from Acorn PLMS you will be deemed to have accepted the terms of any updated, amended or revised policy.

Collection, use, disclosure and storage of Personal Information by Acorn PLMS is governed by this Policy and any person whose Personal Information is collected, used, disclosed or stored by Acorn PLMS agrees to the terms of this Policy.

## 2. Definitions and Interpretation

2.1. In this Policy, the following words have the corresponding meaning:

- (a) **“Clause”** means a clause in this Policy;
- (b) **“Direct Marketing”** means the use or disclosure of Personal Information for the purposes of communicating directly with an individual to promote goods or services;
- (c) **“Employees”** means employees, independent contractors, agents and consultants of Acorn PLMS;
- (d) **“Enforcement Body”** means an enforcement body as defined in section 6 of the Act;
- (e) **“Government Related Identifiers”** means an identifier of an individual that has been assigned by:
  - (i) an agency or its agent;
  - (ii) a State or Territory authority or its agent; or
  - (iii) a contracted service provider for a Commonwealth or State contract;

Examples of Government Related Identifiers include Medicare numbers, Tax File Numbers, Driver's Licence numbers, and Australian passport numbers.

- (f) **“Personal Information”** means information or an opinion about an identified individual, or an individual who is reasonably identifiable:
  - (i) whether the information or opinion is true or not; and
  - (ii) whether the information or opinion is recorded in a material form or not;

- (g) **“Privacy Officer”** means the Acorn PLMS employee who is responsible for overseeing privacy for Acorn PLMS, presently **Blake Proberts**;
- (h) **“Policy”** means this privacy policy as amended from time to time;
- (i) **“Pseudonym”** means a name, term or descriptor that is different to an individual’s actual name;
- (j) **“Acorn PLMS”** means Acorn PLMS (ACN 600 787 139)
- (k) **“Sensitive Information”** has the same meaning as in the Act; and
- (l) **“the Act”** means the *Privacy Act 1988* (Cth).

2.2. In this Policy, the following rules of interpretation apply:

- (a) a reference to the singular includes the plural and conversely;
- (b) where a word or phrase is defined, its other grammatical forms have corresponding meanings;
- (c) headings are for convenience only and do not affect interpretation;
- (d) a reference to any agreement or document is to that agreement or document as amended, novated, supplemented, varied or replaced from time to time, except to the extent prohibited by this Agreement;
- (e) a reference to any legislation or to any provision of any legislation includes any modification or re-enactment of it, any legislative provision substituted for it and all regulations and statutory instruments issued under it; and
- (f) mentioning anything after include, includes or including does not limit what else might be included.

### 3. Purpose

3.1. This Policy is intended to inform the community including, in particular, those persons whose Personal Information Acorn PLMS holds, of Acorn PLMS’s approach to collecting, using, disclosing and protecting the Personal Information that Acorn PLMS collects.

3.2. Acorn PLMS considers that protecting Personal Information is important and Acorn PLMS takes the right to privacy seriously.

### 4. Collection

4.1. Subject to clause 4.2 when dealing with Acorn PLMS, you may ask to not identify yourself or not use or disclose, or not let Acorn PLMS use or disclose, your Personal Information. Alternatively, when dealing with Acorn PLMS, you may use a Pseudonym, and require

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*\*Pursuit Technology Australia PTY LTD trading as Acorn PLMS*

Acorn PLMS to use a Pseudonym when dealing with you, in lieu of providing your Personal Information.

- 4.2. You acknowledge and accept that Acorn PLMS cannot practically provide services to a person who wishes to engage Acorn PLMS but who is not prepared to provide his or her Personal Information. You acknowledge and accept that for Acorn PLMS to perform or provide you with services, your Personal Information must be provided and must be correct and up to date so as to enable Acorn PLMS to verify your identity and provide such services.
- 4.3. Acorn PLMS collects Personal Information about you in order to provide its services to you and only where it is reasonably necessary to its functions and activities. Acorn PLMS may collect Personal Information such as your name, date of birth, contact details, passport details, driver's licence details, employment details, financial information (such as bank account numbers), security clearances, police checks and information about how you use Acorn PLMS's services.
- 4.4. The full details of the Personal Information Acorn PLMS collects can be found in the questions that Acorn PLMS asks and in the forms you have completed during your involvement with Acorn PLMS. Personal Information and Sensitive Information may also be collected by Acorn PLMS by accessing, developing or building programs or software for you.
- 4.5. In some situations Acorn PLMS may need to collect Personal Information about you from a third party including but not limited to collecting such information from human resource data management systems. If Acorn PLMS needs to collect Personal Information about you from any third party not mentioned in this Policy Acorn PLMS will first endeavour to obtain your consent. If that is not possible Acorn PLMS will only obtain your Personal Information from a third party if that is necessary for us to do our job or comply with laws or regulations. In any event, Acorn PLMS will inform you and will use such Personal Information only in accordance with this Policy.
- 4.6. If Acorn PLMS receives Personal Information about you from any third party not mentioned in this Policy which is information Acorn PLMS did not request, Acorn PLMS will determine whether it is entitled to collect that information and:
  - (a) if Acorn PLMS is not entitled to collect the Personal Information – Acorn PLMS will destroy or de-identify the Personal Information;
  - (b) if Acorn PLMS is entitled to collect the Personal Information – Acorn PLMS will deal with the Personal Information in accordance with this Policy.
- 4.7. Acorn PLMS will take any reasonable steps to ensure that the Personal Information collected about you is accurate, current and complete.
- 4.8. If you provide Acorn PLMS with another person's Personal Information, you guarantee that you have that person's consent to disclose such information and have informed that person

of the existence of this Policy.

- 4.9. Except as permitted under the Act, Acorn PLMS will only collect Sensitive Information about you with your consent and for purposes including, but not limited to, your employment with Acorn PLMS or where relevant to your matter with Acorn PLMS. For the purpose of providing services to a client, for example developing applications, Acorn PLMS might collect Sensitive Information. If you provide Acorn PLMS with Sensitive Information about any person, you guarantee and warrant that you have that person's consent to disclose to Acorn PLMS such information. You further warrant that you have informed that person of the existence of this Policy and that Acorn PLMS may collect such information where required or reasonable to perform the services.

## **5. Storage of Information**

- 5.1. Subject to Clause 7 below, all of the Personal Information held by Acorn PLMS about you is held on Acorn PLMS's ASIO t4+ certified servers which are approved by the Information Security Registered Assessors Program and hosted in Canberra. Information may be stored in hard copy or electronic format in facilities that Acorn PLMS owns and operates itself, or that are owned or operated by Acorn PLMS's service providers.
- 5.2. Only authorised Acorn PLMS personnel, contractors and Employees only ourselves may access your Personal Information and only for the purposes set out in this Policy.
- 5.3. Acorn PLMS will take reasonable steps to maintain the security of your Personal Information; however you should be aware of the many information security risks that exist and take appropriate care to safeguard your Personal Information.
- 5.4. Acorn PLMS will take all reasonable steps to protect Personal Information from:
  - (a) misuse, interference and loss; and
  - (b) unauthorised access, modification or disclosure.
- 5.5. Once Acorn PLMS no longer has a need for your Personal Information Acorn PLMS will either destroy or de-identify it, unless:
  - (a) the Personal Information is part of a Commonwealth record; or
  - (b) Acorn PLMS is required by law or Court order to retain the Personal Information.
- 5.6. Acorn PLMS will retain, securely and confidentially, Personal Information for at least 5 years in accordance with any record keeping obligations Acorn PLMS may be required to comply with from time to time.

## 6. Use and Disclosure

- 6.1. Acorn PLMS may use or disclose your Personal Information in order to:
- (a) manage and administer the services it provides to you;
  - (b) enable third parties engaged by Acorn PLMS to provide services on Acorn PLMS's behalf;
  - (c) assist you with enquiries;
  - (d) charge you for the services Acorn PLMS provides and collect any amounts you may owe to Acorn PLMS, including any debt recovery action; and
  - (e) ensure that Acorn PLMS's internal business operations are running smoothly including any reporting or legal requirements it may be required to fulfil.
- 6.2. Acorn PLMS may also make ancillary use of your Personal Information for purposes other than those described above where:
- (a) you would reasonably expect Acorn PLMS to use or disclose the information;
  - (b) you have consented to Acorn PLMS's ancillary use or disclosure of your Personal Information; or
  - (c) the use or disclosure is authorised by the Act, any other Australian law or Court order.
- 6.3. Acorn PLMS is not likely to disclose Personal Information to an overseas recipient unless you have requested or consented for Acorn PLMS to do so.
- 6.4. Acorn PLMS will only disclose your Personal Information to an overseas recipient where:
- (a) Acorn PLMS has taken reasonable steps to ensure that your Personal Information will only be used or disclosed in accordance with this Policy;
  - (b) Acorn PLMS believes that the overseas recipient is subject to laws which would protect your Personal Information in a substantially similar way to this Policy;
  - (c) you have consented to Acorn PLMS disclosing your Personal Information to an overseas recipient; or
  - (d) the use or disclosure is authorised by the Act, any other Australian law or Court order.

## 7. Accuracy and Correction

- 7.1. Acorn PLMS will take all reasonable steps to ensure the accuracy of your Personal Information, however it is your responsibility to ensure that Personal Information you provide to Acorn PLMS is accurate, up to date and complete.



- 7.2. Acorn PLMS will correct Personal Information if it is satisfied that the information is inaccurate, out of date, incomplete, irrelevant or misleading having regard to the purpose for which the information is held.
- 7.3. Acorn PLMS will correct or update your Personal Information if you request that Acorn PLMS do so.

## **8. Direct Marketing**

- 8.1. Where Acorn PLMS has collected your Personal Information directly from you, Acorn PLMS will only use or disclose your Personal Information for the purposes of Direct Marketing if:
  - (a) you would reasonably expect that your Personal Information would be used for the purposes of Direct Marketing; and
  - (b) you have not advised Acorn PLMS that you do not want your Personal Information to be used for the purposes of Direct Marketing.
- 8.2. Acorn PLMS may use or disclose your Personal Information for the purposes of Direct Marketing if required to do so under the terms of a contract with a Commonwealth Department.
- 8.3. This Clause 8 is subject to the operation of other Direct Marketing legislation including the *Do Not Call Register Act 2006* (Cth) and the *Spam Act 2003* (Cth).

## **9. Government Related Identifiers**

- 9.1. Acorn PLMS will not adopt, use or disclose your Government Related Identifier except in situations permitted under the Act.

## **10. Access to Personal Information**

- 10.1. You may request to the Personal Information the Acorn PLMS holds about you and you may ask Acorn PLMS at any time to correct it where you believe it is incorrect or out of date. Acorn PLMS will not charge a fee for accessing or correcting your Personal Information.
- 10.2. To access Personal Information that Acorn PLMS holds about you, or to obtain more information about your rights or Acorn PLMS's Policy, please contact the Acorn PLMS Privacy Officer at:

Acorn PLMS  
Level 6, 1 Farrell Place, Canberra ACT 2601  
Email: [hello@acorn.works](mailto:hello@acorn.works)



## **11. Hackers and Spammers**

11.1. Acorn PLMS will attempt to ensure its website and method of storing the Personal Information and Sensitive Information held by Acorn PLMS is a hack and spam free system by keeping up to date with web technology and integrating the latest in web security to our website. Internet hackers and spammers constantly invent new back door solutions to evade security measures and accordingly Acorn PLMS cannot guarantee against hackers or spammers.

## **12. Complaints**

12.1. If you believe that your privacy rights have been breached by Acorn PLMS, you may lodge a complaint with Acorn PLMS directly by contacting the Acorn PLMS Privacy Officer. The Acorn PLMS Privacy Officer will then review your complaint, decide what (if any) corrective action is required and then reply to you within a reasonable time from receipt of your complaint.

12.2. Acorn PLMS will use reasonable endeavours to resolve your complaint without needing to involve third parties, but you may be able to lodge a complaint with a relevant regulator, such as the Australian Information Commissioner ([www.oiac.gov.au](http://www.oiac.gov.au)).

## **13. Website Privacy Policy**

13.1. Acorn PLMS, through its website hosts, records visits to the website and logs the following information for statistical purposes: the user's server or proxy address, the date/time/length of the visit and the files requested. The information is used to analyse our server traffic.

13.2. No attempt will be made to identify users or their browsing activities except where authorised by law. For example in the event of an investigation, an Enforcement Body may exercise its legal authority to inspect the internet service provider's logs.

13.3. If you send Acorn PLMS an email message Acorn PLMS will record your contact details and this information will only be used for the purpose for which you have provided it. Acorn PLMS will not use your email for any other purpose and will not disclose it without your consent. When users choose to join a mailing list their details are added to that specific mailing list and used for the stated purpose of that list only.

13.4. From time to time Acorn PLMS may use cookies on the website. Cookies are small pieces of information exchanged between your web browser and Acorn PLMS's website.