



Confidentiality and privacy

Introduction

By you registering for and/or sitting GAMSAT The Australian Council *for* Educational Research Ltd (ABN 19 004 98 145) of 19 Prospect Hill Road Camberwell Australia 3124 (collectively, **ACER, we or us**) will collect your personal information to prepare for, administer and finalise all activities to satisfy the purposes for which you may sit GAMSAT, including:

- a) investigating any suspected misconduct and determining and administering any consequences for misconduct;
- b) disclosing to the universities that require GAMSAT scores, the Central Applications Office and the Graduate Entry Medical School Admissions System and them collecting, storing, using, disclosing your personal information in accordance with their policies from time to time;
- c) disclosing anonymised data only to approved research bodies that have an interest in GAMSAT data. Any research report will include anonymised data only;
- d) ACER's contracted remote proctoring supplier for GAMSAT conducted online. By registering to sit GAMSAT you may need to, or ACER may, provide your Personal Information to the contracted remote proctoring supplier. Currently, ProctorU supplies such services. ProctorU is a company based in the United States. Personal Information you provide to ProctorU will be stored outside of Australia. You may view ProctorU's privacy policy at www.proctoru.com/privacy-policy. This privacy statement will be updated in the event the supplier changes.

(the Purpose).

In respect of any act or omission of ACER concerning your personal information, in pursuit of the Purpose, ACER may be subject to the:

- a) *Privacy Act 1988* (Cth) (**Privacy Act**); and/or
- b) Applicable European data law.

The personal information ACER collects in pursuit of the Purpose:

The information ACER may collect in pursuit of the Purpose about you includes your:

- a) Name;
- b) DOB;
- c) Sex;
- d) Address;



- e) Postcode;
- f) Country;
- g) Phone;
- h) Email;
- i) ID document type & Expiry,
- j) We ask if they are registered health professional;
- k) Preferred test centre;
- l) Country of Birth;
- m) Citizen/PR of AU, Citizen of NZ;
- n) Indigenous Australian;
- o) Language;
- p) Reside in ASGC-RA area (Remote/regional Med entry);
- q) Secondary schooling completed;
- r) Secondary schooling type;
- s) Highest Qualification completed;
- t) Year - First degree completed;
- u) Major Subject Area;
- v) University attended;
- w) registration information ;
- x) payment details;
- y) test answers and results;
- z) application (if any) for reasonable adjustments including health information;
- aa) identification information; and
- bb) communications with ACER relating to the Purpose.

(Personal Information/Data)

The Privacy Act:

To the extent of the applicability of the Australian Privacy Act to your Personal Information collected in pursuit of the Purpose:

You CONSENT to ACER:

- collecting and using any sensitive (such as health) information, for example, in case you need special consideration in sitting GAMSAT;
- collecting, storing, using, disclosing and transferring OUTSIDE OF AUSTRALIA, for purposes related to your registration, your personal information in accordance with its privacy policy specified at the end of this statement. YOU ARE NOTIFIED that the persons to whom the information is disclosed outside of Australia have no obligation to abide by the Australian Privacy Principles contained in the Privacy Act. The consequences of this may be, the:



- country of the person may not have similar privacy laws or measures by which you may pursue any of your rights in respect of privacy as that of Australia;
and
- person may not handle your personal information in the manner designated under the Australian Privacy Principles and you may not have any mechanism with which to seek redress.

Please note the remote proctoring advice above, in the purposed for collection concerning storage of your Personal Information in the United States of America.

Should you not wish to provide the above consents or wish to access and/or amend your personal information or wish to make a complaint related to privacy please contact the GAMSAT Office at gamsat@acer.org.

For further information concerning how ACER handles your personal information or what privacy rights you have please see: <https://www.acer.org/privacy>.

GDPR and other applicable European data law

To the extent of the applicability of the GDPR (which term includes other applicable European law) to your Personal Data collected in pursuit of the Purpose This notice tells you how we collect and process your personal data in connection with the GAMSAT test, including what we use it for and who we share it with. It also explains your rights in relation to the processing of your personal data. This Privacy Notice may be amended from time to time if our practices change.

Definitions

The following items used or referred to in this document are defined below:

- Data controller: the company, organisation or person that decides (jointly or alone) on the means and purpose of processing of personal data;
- Processing: any action including storage, collection, usage, destruction, combining, publishing or otherwise constitute any form of operation on personal data;and
- Personal data: any information related to an identified or identifiable natural living person.

Contact us

Please contact us if you have any questions or comments about this Notice or if you wish to exercise your rights under applicable privacy laws, which are explained further below.

You can contact us by:

- sending an email to dpo@acer.org; or
- calling +44 (0) 20 3909 0659



Data Protection Officer and ACER's compliance with the GDPR

Our registered Data Protection Officer (**DPO**) monitors and advises on compliance with the GDPR which applies to ACER's processing of personal data of individuals (known as data subjects) in the context of its UK operations or in relation to ACER offering data subjects ACER's products or services within the EEA.

Our DPO can be contact by email at dpo@acer.org.

Acer International United Kingdom Ltd (**ACER UK**) is the authorised EU Representative for ACER, which can be contacted as follows:

13-15 Canfield Place
London NW6 3BT
UNITED KINGDOM
Telephone: +44 020 3909 0659
Email: unitedkingdon@acer.org.

ACER UK is registered with the UK's Information Commissioners Office (**ICO**) under Z1280311 as both a data controller and data processor.

ACER UK is the data controller for our website and services provided through our website at the address shown above. However ACER is a processor when supplying GAMSAT services to universities.

On our website, you may find links to other third party websites not operated by us. This Privacy Notice **does not apply to them** – always check the Privacy Notice of any other third party website you enter.

What personal data do we collect and how?

The personal data we collect when you register to sit the GAMSAT includes that specified above.

Sometimes we may be required to collect special categories of data about you, such as your health information, if you apply for reasonable adjustments. We will only collect special categories of data from you or about you with your explicit consent, unless otherwise required or permitted by law.

By supplying special categories information about yourself, either directly or another authorised third party, you or the providing party will be taken to have given your explicit consent to our collection of that information to be used only for the specified purpose. When we obtain such information from a third party, we will insist that third party must obtain explicit consent from you before transfer occurs.

We will collect your personal data when you register to sit the GAMSAT or contact us in connection with your test.

Given the nature of our services to universities, we also collect personal data about you from the university to which you are applying. We may also collect information through secure web based application systems if you do certain assessments, and from other third parties where you have agreed with them that your information may be disclosed.



How we use and process the personal data we collect about you?

Basis for processing personal data	Purpose for processing
To perform our contract with you and respond to your related requests	We may use and process personal information under a contract with you to administer and provide the GAMSAT to you.
With your consent	<p>We may use your personal data for the purpose for which you have given your consent, which we will ensure we or third party have obtained prior to processing your information. For example, with your consent, we may communicate with you (through the consented communication channels, including email, mail or social networking forums) for the specific purpose:</p> <ul style="list-style-type: none"> • tell you about other ACER products, services and offers that may be of interest to you; or • invite you to events; or • run competitions and other promotions. <p>Consent can be withdrawn at any time without detriment. You can withdraw your consent for a specific communication channel by clicking on the 'unsubscribe' link in our communications or contacting us directly using the details above.</p>
In connection with our legitimate interests in carrying on our business	<p>We may use your information for our legitimate interests (where we have considered these are not overridden by your rights to privacy) by:</p> <ul style="list-style-type: none"> • investigating any suspected misconduct and determining and administering any consequences for misconduct; • publishing anonymised educational material; • research and statistical analysis, for the public interest; • operating and managing the ACER Foundation (public charities); • verifying identity or preventing or investigating any fraud or crime or suspected fraud or crime.
Under a legal obligation	We may use and process your personal data where we are required to do so by applicable laws, regulations or codes that apply to us.

What happens if you don't provide your personal data to us?

If you don't provide your personal data to us, we may not be able to:

- permit you to sit the GAMSAT;
- respond to your requests;
- manage or administer our GAMSAT services; or
- personalise your experience with us via the web site.



Who do we share your personal data with?

We may share your personal data with other organisations consistent with the purposes for which we use and process your personal data as described above. This includes with the following types of entities:

- universities that require GAMSAT scores, the Central Applications Office and Graduate Entry Medical School Admissions System;
- entities who assist us in providing and administering our services (including hosting and data storage and remote proctoring suppliers); and
- where we are required to do so by law, government agencies, or individuals appointed by government agencies, responsible for investigating and resolving breaches of law, fraud, criminal activities disputes or complaints concerning our products or services.

Sharing personal data outside of the EEA

The main Administrative office for ACER is run from Australia with satellite offices overseas (see website for details). If we need to share some of the personal data we collect about you with organisations both inside and outside Australia, we will take steps to ensure the transfer of personal data is lawful and complies with one of the safeguarding mechanisms as mandated by GDPR law, for example through the use of Standard Contractual Clauses. All enquiries pertaining to the transfer of personal data outside the EEA and the specific safeguards can be directed to our EU representative, as outlined above.

How do we hold your personal data and keep it secure?

We hold your personal data in a combination of electronic and hard copy files depending on the service. We may store your personal data with one or more third party secure data storage providers.

We may combine personal data we receive about you with other information we hold about you. This includes information received from third parties. Where possible, we will anonymise (de-identify) personal data we collect from studies we carry out as part of our research activities.

We take all reasonable steps to protect the security of your personal data by the use of various methods, including password protection and secure storage. Where we store your personal data with a third party data storage provider, we require them to agree to keep it secure and only use or disclose it for the purpose for which the service was provided.

Please contact us immediately if you become aware or have reason to believe there has been any unauthorised use of your personal data that we hold.

What happens when we no longer need your personal data?



We generally keep your personal data for up to two years after you have taken the GAMSAT, or otherwise as required for our business operations or by applicable laws.

We may need to retain certain personal data after we cease providing you with services to enforce our terms, for fraud prevention, to identify issue or resolve legal claims, and for proper record keeping. When we no longer require your personal data, we'll ensure that your personal data is destroyed or de-identified.

We also retain a record of any stated objection by you to receiving ACER marketing for the purpose of ensuring we can continue to respect your wishes and not contact you further.

Your personal data rights

Under the GDPR or applicable law incorporating this legislation, you are afforded a number of rights, as detailed below.

How to access your personal data

Subject to applicable laws, you may request to know if ACER is processing your personal data, and if so, you may request access to your personal data (including in a structured, commonly used and machine-readable format). We will need to verify your identity before we can give you access. We will acknowledge receipt, and we will endeavour to deal with and respond to your request within one calendar month.

In certain circumstances, we are permitted by law to refuse access to your personal data. In such cases, we will give you a written explanation for our decision and information about how you can complain if you are not satisfied with our decision to the appropriate supervisory authority (eg ICO in the UK).

You will not be charged for making a request for your personal data. However, we may charge a fee to provide your personal data if the request is repetitive to cover administrative costs. We will inform you of any fee at the time your request is made.

How to correct your personal data

If you think that any personal data we hold about you is inaccurate, you may ask us to correct it. We will take reasonable steps to correct it unless we disagree with your reasons. If we refuse to correct your personal data we will give you a written explanation why.

Additional rights and choices

In certain circumstances, you can:

- obtain information about the processing of your personal data;
- ask us to erase your personal data, such as if you withdraw your consent and we are not otherwise legally entitled to retain it;
- object to, and ask us to restrict, our processing of your personal data, if the



legal basis is legitimate interest or public interest or we are applying profiling to your data, although we may continue to process your personal data while we verify your assertion or complaint;

- withdraw your consent or object to processing for direct marketing or profiling purposes;
- Raise a complaint with your supervisory authority about our handling of your personal data.

How do you make a complaint?

If you believe that we have not processed your personal data compliantly with the GDPR and failed to provide your rights as detailed above, please contact us initially using the contact details above for our EU representative. We will investigate any complaint, and notify you of our decision in relation to the complaint, as soon as practicable after it is received, but within 30 days.

If we are unable to satisfactorily resolve your concerns about our handling of your personal data, you have the right to make a complaint to the relevant European data protection authority (for example in the place you reside or where you believe we have breached your rights). The Supervisory Authority of our EU representative is the ICO, which will be able to investigate your complaint. The ICO can make use of the “One Stop Shop” mechanism to address complaints from residents within the EEA and outside the UK if that benefits the complainant and their home location.

Effective date: 15-11-2023