

CDU GDPR Notice

Our commitment to privacy at CDU

At Charles Darwin University (“we”, “us”, or “our”), we regularly collect and use information, which may identify individuals (“personal data”), such as prospective and existing CDU students. We understand our responsibilities to handle your personal data with care, to keep it secure and to comply with Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 (“General Data Protection Regulation” or “GDPR”).

The purpose of this GDPR Privacy Notice (privacy notice) is to provide a clear explanation of when, why and how we collect and use personal data of EU residents. This privacy notice is not intended to override the terms of any terms of business agreement or other contract / memorandum of understanding that you have with us, or any rights you might have available under GDPR.

We may amend this privacy notice from time to time to keep it up to date, or to comply with legal requirements or changes in the way we operate. We will notify you about material changes by prominently posting a notice on our website.

This version of the privacy notice was published on 16 March 2022.

Who does this privacy notice relate to?

This privacy notice relates to the following types of individuals, who are EU residents and where we hold your personal data:

- Individuals who are current, future or former students;
- Representatives, agents and contacts associated with future, current and former students;
- Visitors to our website, Facebook pages, LinkedIn profile, Instagram and Twitter account, YouTube channel and any other CDU social media account;
- Individuals who contact us with a query, concern or complaint; and
- Individuals who request information from us or permit us to contact them for marketing purposes.

The privacy notice does not apply to CDU employees or sub-contractors. If you are one of these individuals, please refer to our [Privacy and Confidentiality Policy](#).

Who is responsible for looking after your personal data:

Charles Darwin University is a Data Controller, whose main office is at Casuarina Campus, Ellengowan Drive, Brinkin, NT 0909, Australia. We are a registered CRICOS Provider (No: 00300K NT/VIC and 03286A NSW), RTO Provider (No: 0373) and TEQSA Provider (ID PRV12069).

What personal data to we collect?

We collect your personal data and use it in different ways, depending on your relationship with us and how you have interacted with us. This can include information we receive from other third parties. We may hold the following types of personal data about you:

- **Identity and contact data:** for example, your name, date of birth, postal address, telephone number and e-mail address.
- **Payment and account data:** for example, your bank account or credit/debit card details.
- **Location data:** for example, your postal or IP address.
- **Correspondence data:** for example, copies of letters and e-mails we send you or you send to us, and notes or call recordings of any telephone conversations.
- **Internet data:** for example, information collected by cookies and other online technologies such as Google Analytics, as you use our website or contact us by online methods.
- **Information we obtain from other sources:** for example, from our partners and affiliates. This can include demographic data and interest-based data.
- **Complaint data:** for example, what the complaint was, how we investigated it and how we resolved it, including any contact with the relevant regulatory authority or other third party adjudicator services.

Some of our processes combine different sets of information we hold. This can include combining different data sets we have about you, or combining your information with that of other individuals.

Special category data

Certain types of information are known as “special category data” under GDPR, and receive additional protection due to their sensitivity, such as information that reveals your health or medical condition, criminal conviction history, race or ethnicity, your political views or your religious beliefs. We will only collect this information where we have a legal basis for doing so and where it is strictly necessary.

What purposes do we use your personal data for and what is our legal basis?

We are required to establish a legal basis to use your personal data. We use your information for the following lawful reasons:

- **To comply with a legal obligation:** for example, the requirements of our regulators, to fulfil your data rights under GDPR, handle complaints or concerns about data privacy or about our courses, services, staff or other students, and to comply with other legal requirements such as preventing money laundering and other financial crimes.
- **For our legitimate business interests:** for example, to offer courses or services, detect and prevent fraud, for statistical analysis, to monitor and improve our business and our courses and services, demonstrate compliance with applicable laws and regulations and some marketing activities. Where we rely on this lawful reason, we assess our business needs to ensure they are proportionate and do not affect your rights. In some instances, you also have the right to object to this kind of use.
- **With your consent:** for example, if you consent to us contacting you for marketing purposes. You can withdraw your consent at any time.
- **To protect vital interests:** in extreme or unusual circumstances, we may need to use your information to protect your life or the lives of others.
- **In relation to a contract:** for example, necessary for the performance of a contract you have with us, or in order to take steps at your request prior to entering into a contract.

Special category data

The processing of special category data requires an additional legal basis to the grounds set out above. This additional legal basis will typically be:

- your explicit consent;
- the establishment, exercise or defence by us or third parties of legal claims;
- where you have made your personal data manifestly publicly available;
- archiving for historical research or statistical purposes; or
- a substantial public interest exemption provided under local laws of EU Member States and other countries implementing GDPR, such as where the processing is to detect or prevent unlawful acts, or to prevent fraud.

Who do we share your personal data with?

Where applicable, we share your personal data with the following types of third parties when we have a valid reason to do so:

- Our Agents or appointed representatives;
- Partnered universities or organisations;
- Service Providers who help manage our IT and back office systems, or who provide platforms and portals for administering our courses and services and student details;
- Our regulators, which may include the Tertiary Education Quality and Standards Agency (TEQSA), Australian Skills Quality Authority (ASQA), Independent Commissioner Against Corruption (ICAC) and Information Commissioner NT; as well as other regulators and law enforcement agencies in the E.U. and around the world;
- Credit reference agencies and other organisations working to prevent fraud;
- Solicitors (who may be legal representatives for you, us or a third party claimant) and other professional services firms (including our auditors);
- Marketing fulfilment, webinar and customer satisfaction service providers, acting on our behalf in facilitating online events, providing marketing communications and capturing feedback from our students and other customers on our service levels; and
- Our Insurers who work with us to help manage the insurance claims process.

We may also make your information available to our Controlled and Associated Entities, who support us in providing our services to you. We and they will only disclose your personal data to third parties outside of the University in accordance with GDPR, or in an anonymised and/or aggregated format where necessary to support the purposes stated above.

International Transfers

For business purposes, to help prevent/detect crime or where required by Law or Regulation, we may need to transfer, or allow access to, your personal data to parties based overseas. These parties include partnered universities or other partnered organisations, insurers, re-insurers, service providers and law enforcement agencies. Where we do this, we will ensure that your information is transferred in accordance with GDPR requirements.

If the Data Protection laws of the country where we transfer your data are not recognised as being equivalent to GDPR, we will ensure that the recipient enters into a formal legal agreement that reflects the standards required. You have the right to ask us for more information about the safeguards we have put in place.

How long do we keep your personal data?

We will retain your personal data in line with the [CDU Records Management – Retention and Disposal Procedure](#). However, in some circumstances, we may retain your personal data for longer period of times, such as:

- where we are required to do so in accordance with legal, regulatory, tax or accounting requirements;
- so that we have an accurate record of your dealings with us in the event of any complaints or challenges; or
- if we reasonably believe there is a prospect of litigation relating to your personal data or dealings.

Where your personal data is no longer required, we will ensure it is either securely deleted or stored in a way which means it will no longer be used by the business.

What are your rights?

GDPR gives you rights relating to your personal data. You have the right to:

- Be informed;
- Gain access to their personal data;
- Rectify their personal data;
- Erasure of their personal data(also known as the 'right to be forgotten');
- Restrict the processing of their personal data;
- Data portability;
- Object to the processing of their personal data; and
- Not be subject to automated decision-making (or profiling).

You (the data subject) or a third party acting on our behalf, e.g., solicitor, person with parental or legal responsibility, or simply someone acting on your behalf, can make a Data Subject Rights Request. When exercising your rights, please note the following:

- We take the confidentiality of all records containing personal data seriously, and reserve the right to ask you for proof of your identity if you make a request.
- We will not ask for a fee to exercise any of your rights in relation to your personal data, unless your request for access to information is unfounded, repetitive or excessive, in which case we will charge a reasonable amount in the circumstances. We will let you know of any charges before completing your request.
- We aim to respond to any valid requests within one month unless it is particularly complicated or you have made several requests, in which case we aim to respond within three months. We will let you know if we are going to take longer than one month. We might ask you if you can help by telling us what exactly you want to receive or are concerned about. This will help us to action your request more quickly.

- Local laws may provide for additional exemptions, in particular to the right of access, whereby personal data can be withheld from you in certain circumstances, for example where it is subject to legal privilege.
- We do not have to comply with a request where it would adversely affect the rights and freedoms of other data subjects.

Your right to complain

If you are unhappy with how we have used your personal data, or if you believe we have failed to fulfil your data rights, you have the right to complain to us and can contact us to raise your concerns. If you remain unhappy with our response, you may raise a complaint with your local E.U.-based supervisory authority responsible for data protection and privacy.

How you can contact us

We take data privacy seriously and your opinion matters to us. The primary point of contact for all matters arising from this privacy notice, including requests to exercise data subject rights, is our Privacy Officer who can be contacted at privacy@cdu.edu.au.