

---

## 1. Introduction

Best Performance Pty Ltd ABN 98 109 828 159 and our Brand elastik (“we”, “our” and “us”) is committed to responsible privacy practices and to complying with the Privacy Principles contained in the Privacy Act 1988 (Cth) (“Privacy Act”) to the extent they apply to us.

This Privacy Policy sets out our policies on the management of personal information including how we collect personal information, the purposes for which we use this information, and to whom this information is disclosed.

We may change or update our Privacy Policy from time to time. At any time, the latest version of our Privacy Policy is available from our websites at <https://elastik.com/en-au/>. This Privacy Policy should be read together with any privacy policy or other fair processing notice which we may provide when collecting or processing your personal data.

## 2. What is personal information?

In this Privacy Policy, “personal information” has the meaning set out in the Privacy Act. Essentially, personal information is information or an opinion about an individual who is reasonably identifiable.

## 3. What types of personal data do we collect?

The types of personal information we collect from or about you depend on the circumstances in which the information is collected.

We may collect contact details including your name, address, email address, phone numbers and your date of birth / age, including in your capacity as a student as part of class lists that we receive from schools to whom we provide services. We may also collect answers you provide to questions we ask and other information in relation to your dealings with us. We collect other student data such as actual test results, provided to us by schools who receive this data from the Australian Curriculum, Assessment and Reporting Authority.

If you apply for employment with us, we may also collect information for the purpose of considering your application including your qualifications and resume as well as reference information from your nominated referees.

If you are an individual contractor to us, we may also collect information relevant to your engagement with us including qualifications, work history, resume, reference information from your nominated referees, bank details, feedback from supervisors and training records.

Except as described in this section, we do not generally require you to disclose any sensitive information (e.g. details of race, religious belief, sexual orientation or membership of a trade union) to us. If you do provide us with sensitive information for any reason, you consent to us collecting that information and using and disclosing that information for the purpose for which you disclosed it to us and as permitted by the Privacy Act and other relevant laws.

In addition to the types of personal information identified above, we may collect personal information as otherwise permitted or required by law.

---

#### **4. How do we collect your personal data?**

We collect personal information in a number of ways. The most common ways we collect your personal information are:

- directly from you when you provide it to us;
- from schools, who collect the personal information from you, or receive it from a government departments or authorities, including the Australian Curriculum, Assessment and Reporting Authority;
- via our website or when you deal with us online (including through our social media pages);
- from publicly available sources;
- from third parties (for example, from referees if you apply for a position as an employee or contractor with us).

Additionally, we take steps to securely store personal information. Our data is retained only for as long as necessary to fulfil the purposes outlined in this policy or as required by law. All personal information is stored with strong encryption and access controls to safeguard against unauthorised access, modification, or disclosure. We periodically review and securely delete personal data that is no longer required.

#### **5. For what purposes do we collect, use and disclose your personal data?**

The purposes for which we use and disclose your personal information will depend on the circumstances in which we collect it. Whenever practical we endeavor to inform you why we are collecting your personal information, how we intend to use that information and to whom we intend to disclose it at the time we collect your personal information. If the information has been collected by another party, such as a school, and provided to us, we endeavor to ensure that that third party has provided you with adequate information at the point of collection having regard to applicable legal requirements.

We may use or disclose your personal information:

- for the purposes for which we collected it (and related purposes which would be reasonably expected by you);
- for other purposes to which you have consented (whether that consent has been provided to us or provided to a third party who has collected the information and is providing the information to us); and
- as otherwise authorised or required by law.

In general we collect, use and disclose your personal information for purposes connected with our business operations. Some of the specific purposes for which we collect, use and disclose personal information are:

- to respond to you if you have requested information (including via our websites or via an email or other correspondence you send to us);
- to provide goods or services to our customers such as schools, or (directly or indirectly) to you;
- to analyse the personal information for the purpose of good and services provided to our customers;
- to administer rewards, surveys, competitions or other promotional activities or events conducted,

---

sponsored or managed by us or our business partners;

- to enable you to use our apps and other applications that you download;
- to enable you to participate in any loyalty or incentive programs that we operate;
- to improve our goods and services;
- to verify your identity, address and age or eligibility to participate in a marketing activity;
- to consider you for a job with us (whether as an employee or contractor) or in the context of other relationships with us;
- to address any issues or complaints that we or you have regarding our relationship; and
- to contact you regarding the above, including via electronic messaging such as SMS and email, by mail, by phone or in any other lawful manner.

## **6. Direct Marketing**

Direct marketing involves communicating directly with you for the purpose of promoting goods or services to you and to provide you with special offers. Direct marketing can be delivered by a range of methods including mail, telephone, email or SMS. We may use your personal information for direct marketing.

You can unsubscribe from our direct marketing, or change your contact preferences, by contacting us (see section 15 of this Privacy Policy).

## **7. What happens if you don't provide personal information?**

Generally, you have no obligation to provide to us any personal information requested by us. However, if you choose to withhold requested personal information, we may not be able to do provide you with the products and services requested or allow you to participate in the marketing activities that depend on the collection of that information.

## **8. To whom do we disclose personal information?**

We disclose personal information to trusted third-party subprocessors to support our operations. These subprocessors help us provide our services in areas such as cloud infrastructure, data analytics, and AI tools. Section 16 of this privacy policy outlines our Sub-Processors. We may disclose your personal information to third parties in connection with the purposes described in section 5 of this Privacy Policy.

This may include disclosing your personal information to the following types of third parties:

- our employees and related bodies corporate;
- our contractors and other third parties that provide goods and services to us (including website and data hosting providers, and other suppliers);
- our customers, including customers who have provided your personal information to us in the first place, in order to provide services to those customers;
- our accountants, insurers, lawyers, auditors and other professional advisers and agents;
- payment system operators;
- if you are an individual contractor to us or a prospective employee, to our related companies and HR related service providers (e.g. for outsourced payroll processing);
- any third parties to whom you have directed or permitted us to disclose your personal information (e.g. referees);
- in the unlikely event that we or our assets may be acquired or considered for acquisition by a third party, that third party and its advisors;
- third parties that require the information for law enforcement or to prevent a serious threat to public safety; and

- 
- otherwise as permitted or required by law.

Where we disclose your personal information to third parties we will use reasonable efforts to ensure that such third parties only use your personal information as reasonably required for the purpose we disclosed it to them and in a manner consistent with the Privacy Principles under the Privacy Act.

If you post information to public parts of our websites or to our social media pages, you acknowledge that such information (including your personal information) may be available to be viewed by the public. You should use discretion in deciding what information you upload to such sites.

## 9. Does personal information leave Australia?

While we endeavour to store and process all personal information within Australia, some of our trusted sub processors may process or access personal information from international locations. For example, our sub processors AWS, OpenAI, and Microsoft may store and process data outside Australia in countries such as the United States, United Kingdom, and other regions where their global data centers operate. Any international transfers of personal information are conducted in compliance with Australian Privacy Principles, and we ensure that appropriate safeguards, such as Standard Contractual Clauses or equivalent, are in place to protect your personal information during these transfers.

## 10. How do we protect personal information?

We will take all reasonable steps to protect the personal information we hold from misuse, interference, loss, unauthorised access, modification, or disclosure. In particular:

- We store personal information in secure servers located within Australia and, where relevant, overseas through trusted subprocessors.
- Our sub processors comply with rigorous privacy and security standards (ISO 27001, SOC 1/2/3 certifications).
- In the event of a data breach likely to cause serious harm, we will notify the Office of the Australian Information Commissioner (OAIC) and affected individuals in accordance with the Notifiable Data Breaches scheme.

We will take reasonable steps to keep any personal information we hold about you secure. However, except to the extent liability cannot be excluded due to the operation of statute, we exclude all liability (including in negligence) for the consequences of any unauthorised access to, disclosure of, misuse of or loss or corruption of your personal information. Nothing in this Privacy Policy restricts, excludes or modifies or purports to restrict, exclude or modify any statutory consumer rights under any applicable law including the Competition and Consumer Act 2010 (Cth).

We retain personal information for the period necessary to fulfil the purposes outlined in this policy or as required by applicable law. Retention periods may vary depending on legal requirements or the nature of our services.

We train our staff on best practice data security measures upon induction and throughout their employment. Also, all providers and contractors are reminded of our privacy policy and data security rules.

Bi-monthly, we review the user database to determine if there are any unauthorised accounts.

We regularly conduct security audits and penetration testing to ensure the continued integrity of our systems and data protection measures

---

Our data is securely stored using Amazon Web Services in Sydney.

## 11. Accuracy of the personal information we hold

We try to maintain your personal information as accurately as reasonably possible. We rely on the accuracy of personal information as provided to us both directly (from you) and indirectly. We encourage you to contact us if the personal information we hold about you is incorrect or to notify us of a change in your personal information. Our contact details are set out in section 15 of this Privacy Policy

## 12. Links, cookies and use of our websites and applications

Our website may contain links to other sites. This Privacy Policy applies to our website and not any linked sites which are not operated or controlled by us. We encourage you to read the privacy policies of each website that collects your personal information.

We may use “cookies” and similar technology on our websites and in other technology applications. The use of such technologies is an industry standard, and helps to monitor the effectiveness of advertising and how visitors use our websites/applications. We may use such technologies to generate statistics, measure your activity, improve the usefulness of our websites/applications and to enhance the “customer” experience.

If you prefer not to receive cookies you can adjust your Internet browser to refuse cookies or to warn you when cookies are being used. However, our websites may not function properly or optimally if cookies have been turned off.

## 13. Use and Collection of Personal Data for AI Purposes

### What Personal Data We Collect

When you use our services or interact with our platforms, Elastik may collect personal data that could include:

Contact Information: Such as your name and email address

Usage Data: Including log data, or device information.

Student-Generated Responses: Written or other content submitted in response to activities or prompts, which is linked to an internal user ID. Even though these responses may not contain a student’s name, if the content is connected to a unique identifier that can be traced back to a specific student, we treat it as personal data.

We only gather the personal data necessary for training, improving, and operating our AI services, and we strive to collect the minimum amount of information required to achieve these purposes.

### Purposes for Processing Personal Data in AI

#### Elastik uses collected personal data to:

Develop and Train AI Models: Enhance functionality, accuracy, and personalisation of our Machine Learning (ML), Large Language Models (LLMs), or other AI systems.

Improve User Experience: Provide relevant recommendations, tailor features, and streamline service delivery based on user feedback and interaction patterns.

Maintain and Protect Services: Identify potential security threats and uphold service integrity.

---

### Retention Periods for Personal Data

**Storage Duration:** We retain personal data used in AI models only as long as necessary to fulfill the purposes outlined above or as required by law.

**Periodic Reviews:** We conduct regular reviews to ensure that data is not held for longer than necessary. When data is no longer needed, we take steps to securely delete or anonymise it.

### Who We Share the Data With

**Service Providers:** We may share personal data with trusted partners who assist in AI model development, analytics, or infrastructure. These providers are bound by contractual obligations to safeguard your information and use it solely for the purposes stated in this policy.

**Legal and Regulatory Disclosures:** We may disclose personal data if required to do so by law, court order, or other valid legal process.

### Individual Rights: Access, Rectification, and Restriction

**Access:** You have the right to request a copy of any personal data we hold about you that is used in our AI systems.

**Rectification:** If your personal data is inaccurate or incomplete, you can request that we update or correct it.

**Restriction or Objection:** You may object to or request the restriction of processing for certain AI uses, particularly if you believe the processing is not justified or is causing undue harm.

### How to Withdraw Consent

**Opt-Out Requests:** You can withdraw your consent for Elastik to use your personal data in AI processing at any time by contacting us at [privacy@elastik.com](mailto:privacy@elastik.com)

**Effect of Withdrawal:** Once we receive your withdrawal of consent, we will remove or anonymise your data from any ongoing AI processing, except where further retention is required by law or necessary for legitimate business interests that do not override your rights.

## **14. How can you access and correct personal information we hold about you?**

You may seek access to personal information which we hold about you by contacting us as described in section 15 of this Privacy Policy. We will provide access to that information in accordance with the Privacy Act, subject to certain exemptions which may apply.

We may require that the person requesting access provide suitable identification and where permitted by law we may charge an administration fee for granting access to your personal information. If you become aware that any personal information we hold about you is incorrect or if you wish to update your information, please contact us (see section 15 of this Privacy Policy).

## **15. Queries, comments and complaints about our handling of personal information**

If you have any questions, comments or complaints about our collection, use or disclosure of personal information, or if you believe that we have not complied with this Privacy Policy or the Privacy Act, please contact us (see section 15 of this Privacy Policy).

When contacting us please provide as much detail as possible in relation to your question, comment or complaint.

We will take any privacy complaint seriously and any complaint will be assessed with the aim of resolving any issue in a timely and efficient manner. We request that you cooperate with us during this process and provide us with any relevant information that we may need.

If you are not satisfied with the outcome of our assessment of your complaint, you may wish to contact the Office of the Australian Information Commissioner.

### 16. How can you contact us?

You can email us at [privacy@elastik.com](mailto:privacy@elastik.com) or by addressing all privacy complaints to:

Attention: Privacy Officer

Best Performance Pty Ltd

1/28 Hood Street, Subiaco, 6008

If you wish to seek access to or correct or update any personal information we hold about you, or to unsubscribe from our direct marketing, you can also contact us using the contact details listed above or at [privacy@elastik.com](mailto:privacy@elastik.com)

### 17. Sub processors

The table below lists Sub processors of elastik;

Sub processor	Service Provided	Location	Data Categories Processed	Purpose of Processing	Privacy Certifications
AWS	Cloud hosting, data storage, infrastructure services	Sydney, Australia; Global (data centres)	Personal and sensitive information, system logs	Secure data storage and hosting	ISO 27001, SOC 1/2/3, GDPR, CCPA
OpenAI	AI-based services for data analysis and content generation	Global	Anonymised student data, text-based interactions	AI model training and analysis	SOC 2 Type II, GDPR
Microsoft Azure	Cloud services and storage, machine learning tools	Australia, Global	Encrypted personal data, business operational data	Cloud infrastructure and AI tools	ISO 27001, SOC 1/2/3, GDPR
Faculty AI	AI tools for machine learning and analytics	United Kingdom	Aggregated and anonymised personal data	Machine learning model development and analytics	ISO 27001, GDPR, Cyber Essentials

