

## ACS Trust Mark Scheme Rules

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**Title**

ACS Trust Mark Scheme Rules

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**Approvals**

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# 1 Introduction

The Australian Computer Society (ACS) is the association for Australia's information and communications technology (ICT) profession. ACS represents all ICT practitioners in business, government and education.

Included in ACS's objectives is the advancement of professional excellence in information and communications technology and promoting, developing and monitoring the competence in the practice of information and communication technology by persons and organisations.

In order to achieve these objectives and to enable differentiation in the market of its members that provide information technology services, the ACS has established the ACS Trust Mark Scheme ('the Scheme').

This Scheme is for the registration of organisations that provide information technology services. To be registered, organisations must demonstrate that their service fulfils a set of requirements as outlined in this document, the *ACS Trust Mark Scheme Requirements*.

The Scheme is specifically aimed at small or medium sized organisations (SMEs) that provide IT services to their customers. Registration under the Scheme represents an independent assurance that these organisations have implemented and maintain a set of procedures and controls as part of their commitment to meeting the service requirements of their customers.

Registration under this Scheme can be used as a stepping stone towards obtaining certification to the requirements in AS/ISO 20000.1:2013, *Information technology - Service management - Service management system requirements*.

## 2 Scope of the Scheme

The ACS Trust Mark Scheme is for the registration of organisations that provide information technology services in accordance with these Rules and the *ACS Trust Mark Scheme Requirements*.

Organisations demonstrate their fulfilment of the Scheme requirements through a desk-top audit process that consists of submission and review of:

- a) a declaration of conformity;
- b) documentation about their service delivery processes;
- c) records demonstrating the control of their service deliver process including confirmation of the customer's service requirements and follow-up on customer feedback and complaints; and
- d) records demonstrating the competence of personnel and the management of suppliers.

Successful demonstration that the Scheme Requirements are fulfilled results in the granting of registration and the permission to use the ACS Trust Mark on communication and marketing materials.

Registration is renewable every two years subject to demonstrating ongoing fulfilment of requirements.

To recognise that there are many diverse types of information technology, registration is granted to cover one or more scopes. These scopes are defined in the ACS Trust Mark Scheme Requirements.

### 3 Terms and Definitions

Under this Scheme the following terms and definitions apply:

ACS	Australian Computer Society Incorporated (ACT) ARBN 160 325 931.
ACS Trust Mark	A mark owned by the Scheme Owner for representing to the market that the Approved Organisation has a registered service management system under the Scheme.
ACS Trust Mark Scheme Requirements	Requirements for information technology service management systems established by the ACS.
ACS Trust Mark Scheme Rules	The rules of the administration and operation of the ACS Trust Mark Scheme.
Appeal	A documented objection to a registration decision of an Approved Provider.
Applicant Organisation	Any legal entity that has submitted an application to be approved pursuant to the Scheme.
Application Form	A documented form (in electronic or hard copy format) prescribed from time-to-time by the Scheme Owner listing all the information and associated documentation that must be completed by the Applicant Organisation and submitted to an Approved Provider.
Approved Auditor	A person approved by the Scheme Owner to undertake audits pursuant to the Scheme Rules.
Approved Organisation	Any legal entity that has been recognised pursuant to the Scheme.
Approved Provider	Any organisation approved by the Scheme Owner to carry out activities pursuant to the Scheme Rules.
Authorised Representative	A person that is nominated by the Scheme Owner, Approved Provider, Applicant or Approved Organisation that is the formal contact point and whose up-to-date contact details are maintained on the Scheme Directory.
Complaint	A documented concern about the performance of the Scheme Owner, Approved Provider, Approved Auditor or other person affecting the Scheme, or about an Applicant or Approved Organisation.
Scheme	The ACS Trust Mark Scheme.
Scheme Directory	A directory that is owned by the Scheme Owner that lists all Applicant and Approved Organisations and gives the current status of registration and details of certificates.
Scheme Requirements	The set of specified requirements set by the Scheme Owner and revised from time-to-time, for which Organisations must demonstrate their fulfilment of in order to be granted or maintain registration.
Scheme Owner	Australian Computer Society Incorporated (ACT) ARBN 160 325 931.
Scope of Registration	A specific type of information technology service as defined in the ACS Trust Mark Scheme Requirements for which registration may be applied for and granted.

## 4 Scheme Ownership and Responsibilities

### 4.1 Scheme Ownership

The ACS Trust Mark Scheme ('the Scheme') is owned and administered by the Australian Computer Society Incorporated (ACT), ARBN 160 325 931.

Operation of the Scheme is undertaken through the involvement of the following parties:

- a) the Scheme Owner;
- b) Approved Provider(s);
- c) Approved Auditors; and
- d) Applicant and Approved Organisations.

These Scheme Rules form part of the legally enforceable agreement between the above parties.

### 4.2 Responsibilities of the Parties

#### 4.2.1 Scheme Owner

The responsibilities of the Scheme Owner include:

- a) establishing, maintaining and reviewing these Scheme Rules;
- b) notifying any changes to the Scheme and requirements to the parties and setting any transition deadlines or arrangements;
- c) administering and operating the Scheme in an impartial and objective manner;
- d) maintaining finances, reserves and insurances to ensure ongoing operation of the scheme and to cover liabilities arising from its administration and operation of the Scheme;
- e) appointing one or more Approved Providers to undertake registration activities pursuant to the Scheme;
- f) recognising one or more Approved Auditors and other personnel critical for the operation of the scheme; and
- g) managing information and communications, providing notices and maintaining confidentiality in accordance with the Scheme Rules.

#### 4.2.2 Approved Provider

The responsibilities of the Approved Provider are:

- a) carry out registration activities (including receipting applications, carrying out audits, making registration decisions, and issuing certificates in the prescribed formats) in accordance with the Scheme Rules and Requirements in an impartial and objective manner;
- b) administering any transitional arrangements associated with changes to the Scheme or registration requirements;
- c) identifying, analysing and managing any conflicts of interests arising from its activities and relationships, or the activities and relationship of other persons, bodies or organisation that may impact on the impartiality and objectivity of registration pursuant to the Scheme;
- d) maintaining finances, reserves and insurances to ensure ongoing delivery of registration activities and to cover liabilities arising from its administration and operation of the Scheme;
- e) ensuring the competency of Approved Auditors and other personnel critical for the operation of the scheme;



- f) managing information and communications, providing notices and maintaining confidentiality in accordance with the Scheme Rules.

#### *4.2.3 Approved Auditors*

The responsibilities of the Approved Auditors are:

- a) undertaking audits and other assessment activities as directed by the Approved Provider in an impartial, objective and timely manner;
- b) maintaining appropriate levels of competency to effectively perform the necessary audits;
- c) managing information and communications, providing notices and maintaining confidentiality in accordance with the Scheme Rules.

#### *4.2.4 Applicant and Approved Organisations*

The responsibilities of the Applicant and Approved Organisations are:

- a) to make applications to become registered;
- b) demonstrate their ongoing adherence to the requirements of the Scheme Rules and Requirements;
- c) undertake actions and provide access to information to enable audits and assessments to be undertaken including the closing out nonconformities in a comprehensive and timely manner;
- d) adhering to the terms of Scheme decisions and use of ACS Trust Marks; and
- e) managing information and communications, undertaking notice and maintaining confidentiality in accordance with the Scheme Rules.

## 5 Scheme Requirements

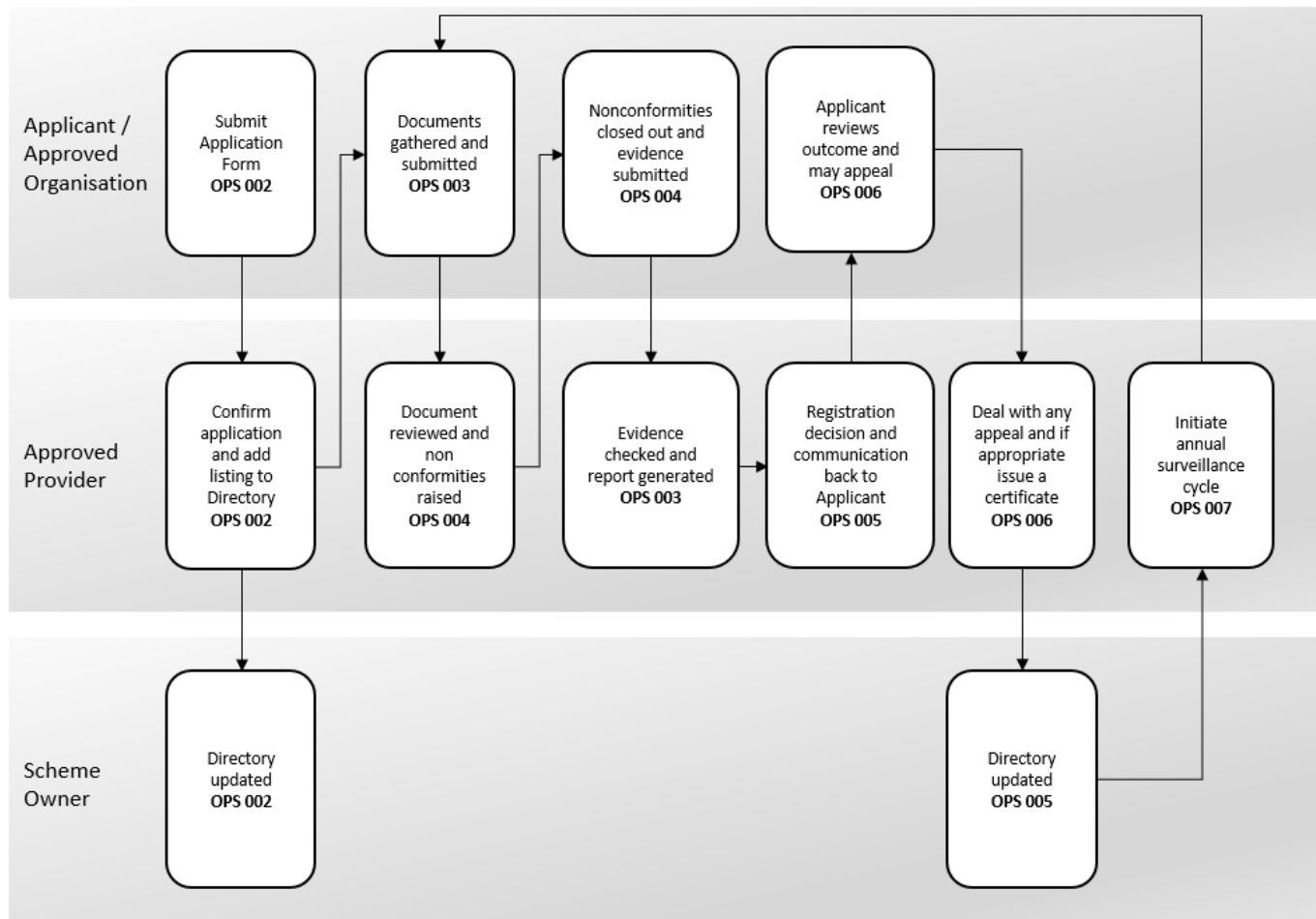
The Scheme Requirements under this Scheme include:

- a) ACS Trust Mark Scheme Rules (this document), known as the '*ACS Trust Mark Scheme Rules*'; and
- b) ACS Trust Mark Scheme Requirements, known as the '*ACS Trust Mark Scheme Requirements*'.

## 6 Registration Process

### 6.1 Registration process overview

The following flow chart gives an overview of the registration process:



### 6.2 Application

The Applicant Organisation shall submit an application in the prescribed Application Form to the Approved Provider and pay any relevant fees. The Application Form requires the Applicant Organisation to indicate which scope(s) of registration they wish to be approved for.

The Application Form includes a declaration to be signed by the Applicant Organisation committing it to:

- a) abide by the Scheme Rules;
- b) consistently demonstrate fulfilment of Scheme Requirements;
- c) nominate a formal Authorised Representative; and
- d) indemnify the Scheme Owner, Approved Provider, Approved Auditors and their personnel against any loss or damages incurred during the undertaking of registration activities in relation to the Applicant or Approved Organisation.

Where a separate management system is used at each site a separate application and registration shall be required for each site.

Where the same management system applies to two or more sites, only one application is required but each site must be separately listed.

### 6.3 Application review and confirmation

The Approved Provider shall review the submitted application and any associated documentation to confirm:

- a) the application and associated documents is complete;
- b) the registration being sought is covered under the scope of the scheme;
- c) that the Approved Provider has the competency and capacity to undertake the audit activities; and
- d) any associated fees have been paid.

Once the Approved Provider is satisfied the above conditions have been fulfilled it shall formally notify the Applicant Organisation of their application's acceptance and update the Scheme Directory accordingly.

### 6.4 Audit

The Approved Provider shall assign the application to an Approved Auditor for ongoing audit and management.

The audit shall be undertaken by the Approved Auditor. The Approved Auditor shall undertake a desk-top audit process that consists of reviewing the following submitted evidence against the Scheme Requirements:

- a) declaration of conformity;
- b) documentation about the organisation's service management system;
- c) records demonstrating the use of the service delivery processes including confirmation of the customer's service requirements and follow-up on customer feedback and complaints; and
- d) records demonstrating the competence of personnel and the management of suppliers.

The Approved Auditor shall contact the Applicant Organisation to request further documents (if required) in order for the Applicant Organisation to demonstrate its fulfilment of the Scheme Requirements.

### 6.5 Nonconformities

Nonconformities can arise through:

- a) failure of the Organisation to demonstrate their fulfilment of registration requirements through the registration process; or
- b) as the result of customer feedback or complaints about the organisation's nonfulfillment of Scheme Requirements.

If after requesting additional information from the Organisation, no further information is forthcoming within a specified period, the Approved Auditor may issue and communicate to the Organisation one or more formal nonconformities.

The nonconformities shall be categorised as follows:

- a) major nonconformity – a nonfulfillment of a requirement that affects the capability of the organisation to deliver its services in accordance with its processes with the outcome being a failure to achieve the agreed customer expectations (for example a significant doubt that effective process control is in place or products or services will meet specified requirements or a number of minor non-conformities associated with the same requirement or issue that could demonstrate a systemic failure and thus constitute a major nonconformity); or
- b) minor nonconformity - a nonfulfillment of a requirement that is against the organisations own processes but does not affect the outcome of being able to achieve the agreed customer expectations.

The Organisation must respond with evidence that the nonconformity has been adequately resolved through appropriate corrective action by the due date.

If the Organisation does not respond with sufficient evidence within the prescribed timeframe for minor conformities, the nonconformity may be escalated to be a major nonconformity and a revised due date notified to the Organisation.

If the Organisation does not respond with sufficient evidence within the prescribed timeframe for major nonconformities, the Approved Auditor shall note this in their Audit Report and recommend that the registration not be granted, or continued in the case of an existing registration.

## 6.6 Audit report

The Approved Auditor shall prepare an Audit Report containing:

- a) their audit findings in relation to each of the four components of the audit (see 6.4);
- b) any outstanding nonconformities; and
- c) a registration decision recommendation, including any conditions.

The Audit Report shall be submitted to the Approved Provider for review and a Registration Decision.

## 6.7 Decision

The Approved Provider shall assign each Audit Report to a person that is responsible for reviewing the Audit Report and making a Registration Decision.

The person reviewing the Audit Report and making the Registration Decision must be different from those persons involved in undertaking the audit, or preparing the Audit Report, and must not have had a relationship with the Applicant or Approved Organisation within the previous 12 months (e.g. as an owner, employee, contractor or consultant).

The Registration Decision shall be based on the application, any submitted documents or other correspondence and the Audit Report content and findings.

The Registration Decision to grant, decline, maintain, suspend, reduce or withdraw registration shall be communicated to the Applicant or Approved Organisation by the Approved Provider, along with a specified timeframe within which the Applicant or Approved Organisation may lodge an Appeal against the Registration Decision.

## 6.8 Appeals

Appeals may be lodged to the Approved Provider using the prescribed form by the Applicant or Approved Organisation against formal Registration Decisions.

The Approved Provider shall appoint one or more competent persons to consider the merits of the appeal and make a final decision. The person appointed to do this shall not have otherwise been involved in undertaking the audit, preparing the Audit Report, or making the Registration Decision, and must not have had a relationship with the Applicant or Approved Organisation within the previous 12 months (e.g. as an owner, employee, contractor or consultant).

The final decision to accept or decline the Appeal shall be communicated to the Applicant or Approved Organisation by the Approved Provider.

## 6.9 Certificate

If the Registration Decision is positive and after the expiry of any period during which an Appeal may be lodged, or where the Applicant or Approved Organisation has indicated it will not appeal the Registration Decision, the Approved Provider shall issue a certificate in the prescribed format to the Approved Organisation and enter it into the Scheme Owner's Directory.

Certificates are valid for two years.

Only the copy of the certificate entered into the Scheme Directory is considered valid under this Scheme.

## 6.10 Scheme Directory

The Scheme Owner shall maintain an electronically available Scheme Directory that shall contain at least the following information:

- a) a listing of each Applicant and Approved Organisation, including the name of the Authorised Representative and their contact details; and
- b) a copy of the relevant certificates and their current status (e.g. Applicant, Current, Suspended, Withdrawn).

In making an application to be recognised, the Applicant Organisation agrees to the details above being made publicly available. This agreement also applies for any Registered Organisation, including those that are suspended or withdrawn.

## 6.11 ACS Trust Mark

The Scheme Owner owns and maintains ACS Trust Mark. Details of the ACS Trust Mark is maintained on the Scheme Owners website.

Approved Organisations holding a current certificate may replicate and use the relevant ACS Trust Mark on printed and electronic media, subject to the following requirements:

- a) the mark is not used to make or permit any misleading statement regarding registration;
- b) the mark is not used to make or permit the use of a certification document or any part thereof in a misleading manner;
- c) upon suspension or withdrawal of its registration, the Approved Organisation discontinues the mark's use in all advertising that contains a reference to registration;
- d) amends all advertising matter when the scope of registration has been reduced;
- e) does not allow reference to its management system registration to be used in such a way as to imply that the Scheme body approved a product (including its service) or process;
- f) does not imply that the registration applies to activities that are outside the scope of registration; and
- g) does not use its registration in such a manner that would bring the Scheme into disrepute and lose public trust

## 6.13 Surveillance and Re-registration

### 6.13.1 Surveillance

Surveillance under this Scheme consists of the Approved Organisation determining its ongoing compliance with the ACS Trust Mark Scheme Rules and ACS Trust Mark Scheme Requirements, and submitting an annual self-declaration of conformity to the Approved Provider.

The self-declaration shall as a minimum consist of:

- a) a statement that the Approved Organisation continues to fulfil the requirements of the ACS Trust Mark Scheme Rules and ACS Trust Mark Scheme Requirements;
- b) a copy of the customer feedback and/or complaints register;
- c) copies of all corrective actions undertaken that may have arisen from the any of the above activities; and
- d) a list of changes to personnel or suppliers that have impacted on the competence and type of services undertaken and what the organisation have done to manage these changes.

The Approved Provider shall check the submitted declaration and is able to request further information if necessary.

Failure to submit an annual self-declaration, or provide any requested information by the due date, or submission of evidence that clearly shows nonfulfillment of requirements, shall result in a nonconformity being raised.

If the annual self-declaration is found satisfactory by the Approved Provider this shall be communicated to the Approved Organisation and its registration shall be continued accordingly.

### 6.13.2 Re-registration

Prior to second anniversary of the date of registration, the Approved Provider shall contact each Approved Organisation inviting them to be re-register for the following two-year period.

The Organisation must indicate whether or not they wish to be re-registered, and if they do wish to be re-registered then effectively repeat all registration process steps except for those associated with an initial application (i.e. repeat registration process steps 6.4 to 6.11). In repeating these steps the reference to 'Applicant Organisation' shall be read as a reference to 'Approved Organisation'.

The result of a confirmed re-registration will be the issuing of a new certificate for the following two-year period and its entry by the Approved Provider into the Scheme Directory.

## 7 Changes, Suspension and Withdrawal of Registration

### 7.1 Changes to registration

Changes that may materially affect the Applicant or Approved Organisations' ability to fulfil the Scheme Requirements shall be considered by the Approved Provider. This consideration shall follow the steps identified in 6.4 – 6.11 suitably modified in depth of detail to reflect the nature of the change.

Changes that may materially affect the Applicant or Approved Organisations' ability to fulfil the Scheme Requirements include:

- changes in the Scheme Requirements, including the Scheme Rules;
- those circumstances listed in Clause 10 of these Scheme Rules related to changes that must be notified to the Approved Provider;
- results of customer or industry feedback or complaints;
- results of nonconformities or lack of action on nonconformities;
- voluntary requests for suspension or withdrawal from an Applicant or Approved Organisation; or
- a lack of response or a decision not be re-registered.

After due consideration of the changes the Approved Provider may take no action; require an audit; reconfirm the current registration; expand or reduce the scope of the current registration; suspend the registration or withdraw the registration.

### 7.2 Suspension of registration

For situations where the nature of the change would give rise to concerns at a level equivalent to a major nonconformity the Approved Provider may suspend the current application or registration until appropriate investigation and resolution has taking place.

In such cases the Applicant or Approved Organisations shall:

- a) fulfil the requirements of the Scheme Rules, especially 6.11; and
- b) not use their certificate or the ACS Trust Mark on any media to state or give the impression that they are currently registered.

### 7.3 Withdrawal of registration

In cases of serious misconduct by the Approved Organisation, or where its continued registration could result in reputational or potential liabilities and damages to the Scheme Owner or the Approved Provider, the Scheme Owner or the Approved Provider may at their own discretion, withdrawal registration.

In such cases the Applicant or Approved Organisation shall:

- a) fulfil the requirements of the Scheme Rules, especially 6.11; and
- b) not use their certificate or the ACS Trust Mark on any media to state or give the impression that they remain registered



## 8 Fees and Charges

Fees and charges associated with the Scheme shall be set and communicated from time-to-time by the Scheme Owner.

Certificates shall not be granted until all outstanding fees and charges have been paid

## 9 Complaints

There are several forms of complaints recognised under these Scheme Rules as follows:

- a) complaints received by Approved Organisations from their customers regarding the information technology services that they provide in accordance with their service management system;
- b) complaints made to the Scheme Owner or Approved Provider, normally by customers of the Approved Organisation or its competitors, regarding the information technology services that the Approved Organisation is providing in the market in accordance with their registered service management system;
- c) complaints made to the Scheme Owner or Approved Provider, by Applicant or Approved Organisation, or other parties, regarding the performance of the Scheme Owner or Approved Provider or any of its officers or Approved Auditors;
- d) misrepresentation of ACS registration.

A complaint shall be deemed to have been received when:

- a) a written complaint has been submitted from the complainant;
- b) the nature of the complaint corresponds to one of the categories listed above; and
- c) the complainant has direct or first-hand access to the basis of the complaint.

All complaints shall be addressed as quickly as possible.

### 9.1 Complaints - Applicant or Approved Organisations

Applicant and Approved Organisations shall have a complaints registration and resolution procedure, which allows for investigation of the complaint and undertaking corrective or preventative action. Records of complaint handling by the Applicant or Approved Organisation shall be made available for review during audits. The Applicant or Approved Organisation shall report the occurrence of such complaints annually to the Approved Provider.

### 9.2 Complaints - Scheme Owner or Approved Provider

In the first instance the Scheme Owner or Approved Provider will endeavour to identify and provide the complaint to the relevant Applicant or Approved Organisation for resolution.

Where the complainant is dissatisfied with the response, or if the Scheme Owner or Approved Provider is concerned about the Applicant or Approved Organisation's fulfilment of the Scheme Requirements, the Scheme Owner or Approved Provider may investigate the complaint further, including requesting any further information from the Applicant or Approved Organisation, undertaking any further audit activities at the expense of the Applicant or Approved Organisation.

### 9.3 Complaints about the Scheme Owner or Approved Provider's services or personnel

Complaints received by the Scheme Owner or Approved Provider in relation to its registration services and personnel shall be investigated by the Scheme Owner or Approved Provider in accordance with its complaints handling procedures.

All complaints received by the Approved Provider shall be notified by the Approved Provider to the Scheme Owner.

### 9.4 Complaints about the misrepresentation of ACS registration

Complaints received by the Scheme Owner or Approved Provider in relation to misrepresentation of ACS registration shall be investigated by the Scheme Owner

## 10 Communications, Notices and Confidentiality

### 10.1 Communications

Except for information that is already provided publicly:

- a) in the Scheme Directory; or
- b) through legitimate use of the Certificate or the ACS Trust Mark pursuant to these Scheme Rules;
- c) all other information and communication pertaining to the Scheme shall be approved by the Scheme Owner prior to release.

In addition to the above information, the Scheme Owner shall make available to the public the following information:

- a) the ACS Trust Mark Scheme Rules;
- b) an outline of the registration process;
- c) information about the fees for registration;
- d) information on handling complaints and appeals.

Subject to the payment of any relevant fee or other undertaking, the Scheme Owner will make available to the parties (Approved Providers, Approved Auditors, Applicant and Approved Organisations) the following information as necessary:

- a) the ACS Trust Mark Scheme Requirements;
- b) appropriate forms, templates, guidance documents, marks etc.; and
- c) arrangements associated with changes to the Scheme and registration requirements, including deadlines for transition.

The Approved Provider shall inform Applicant and Approved Organisations of the following:

- a) acceptance of applications;
- b) any arrangements for audits and other assessments;
- c) arrangements for demonstration of appropriate close out of any nonconformities;
- d) registration decisions;
- e) arrangements for ongoing registration, including steps to be undertaken to address changes to Scheme Rules and Scheme Requirements; and
- f) any suspension or withdrawal of registration.

Applicant or Approved Organisations shall inform the Approved Provider of matters that may affect the capacity of the management system to continue to fulfil the Scheme requirements, including but not limited to changes to:

- a) the legal, commercial, organisational status or ownership;
- b) organisation and management (e.g. changes to key managerial, decision-making or technical staff);
- c) contact address and sites;
- d) scope of operations under the approved management system;
- e) major changes to the management system and processes; and
- f) any intention to voluntarily suspend or withdrawal from registration.

## 10.2 Notices

Each party shall nominate and maintain a formal Authorised Representative who is responsible for the receipt and transmission of all formal communication between the parties. Up-to-date contact details for the Authorised Representative are to be maintained on the Scheme Directory.

Formal communications between the parties shall be addressed to the relevant Authorised Representative and shall be in writing and transmitted through traditional mail or Email. The Scheme Owner may also utilise web notifications to convey formal communications.

## 10.3 Confidentiality

The Scheme Owner, Approved Providers, Applicant and Approved Organisations shall have legally enforceable agreements with all external and internal personnel (including any committees) to maintain all information associated with the Scheme and registration as confidential, except in relation to the following:

- a) information that is required to be submitted and transferred between the Scheme Owner, Approved Providers, Approved Auditors, Applicant and Approved Organisation, and audited in order to enable the Scheme to operate, including review of such information for the purposes of accreditation, peer assessment or other form of third-party recognition;
- b) upon request, the confirmation the status of an organisation as being an Applicant Organisation or an Approved Organisation;
- c) the information that is publicly available on the Scheme Directory; or
- d) any information that the Scheme Owner or the Approved Provider must disclose as required by the law, and in which case prior to such release of such information the Scheme Owner or Approved Provider shall inform the relevant Applicant or Approved Organisation of the intent to disclose that information.

## 11 Review and Changes to the Scheme

The Scheme Owner shall review the operation of the Scheme at least once every three years.

The Scheme Owner reserves the power to change the Scheme Requirements, including these Scheme Rules, at any time.

The Scheme Owner shall communicate any changes via the ACS website and all Approved Providers, Approved Auditors, and Applicant and Approved Organisations are obligated to demonstrate at their own expense their compliance with those changes within the timeframe set by the Scheme Owner.

## 12 Governing Law

All legally binding agreements between the Parties are to be construed as in accordance with, any matter related are to be governed by, the laws of New South Wales, Australia and the parties submit to the non-exclusive jurisdiction of the courts of New South Wales, Australia.