

# Privacy Policy

## LEG-PO-08

9 February 2024

### 1. Purpose

- 1.1 The purpose of this policy document is sets out how we collect, use, store and disclose your personal information. We are bound by the Australian Privacy Principles contained in the *Privacy Act 1988* (Cth).

### 2. Policy Scope

- 2.1 By providing personal information to us, you consent to our collection, use and disclosure of your personal information in accordance with this Privacy Policy and any other arrangements that apply between us.
- 2.2 In this Privacy Policy, 'us' 'we' or 'our' means a [Herga Group Company](#)

### 3. Definitions

**Employee** means any fulltime, part-time, or casual employee of the Company.

**Service** is the service provided by a Herga Group Company and includes the websites operated by a Herga Group Company.

**Personal Data** means data about a living individual who can be identified from those data (or from those and other information either in our possession or likely to come into our possession).

**Usage Data** is data collected automatically either generated by the use of the Service or from the Service infrastructure itself (for example, the duration of a page visit).

**Cookies** are small files stored on your device (computer or mobile device).

**Data Controller** means the natural or legal person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal information are, or are to be, processed. For the purpose of this Privacy Policy, we are a Data Controller of your Personal Data.

**Data Processors (or Service Providers)** means any natural or legal person who processes the data on behalf of the Data Controller. We may use the services of various Service Providers in order to process your data more effectively.

**Data Subject (or User)** is any living individual who is using our Service and is the subject of Personal Data.

## 4. Information Collection and Use

4.1 We collect several different types of information for various purposes to provide and improve our Service to you. Personal information includes information or an opinion about an individual that is reasonably identifiable. For example, personal information we collect may include:

- (a) name;
- (b) mailing or street address;
- (c) email address;
- (d) telephone number and other contact details;
- (e) age or date of birth;
- (f) credit card information;
- (g) Cookies and Usage Data;
- (h) your device ID, device type, geo-location information, computer and connection information, statistics on page views, traffic to and from the sites, ad data, IP address and standard web log information;
- (i) details of the products and services we have provided to you or that you have enquired about, including any additional information necessary to deliver those products and services and respond to your enquiries;
- (j) any additional information relating to you that you provide to us directly through our website or app or indirectly through your use of our website or app or online presence or through other websites or accounts from which you permit us to collect information;
- (k) information you provide to us through customer surveys; or
- (l) any other personal information that may be required in order to facilitate your dealings with us.

4.2 We may collect these types of personal information either directly from you, or from third parties. We may collect this information when you:

- (a) register on our website or app;
- (b) communicate with us through correspondence, chats, email, or when you share information with us from other social applications, services or websites; or
- (c) interact with our sites, services, content and advertising.

## 5. Job applicants

- 5.1 When you apply for a job or position with us we may collect certain information from you (including your name, contact details, working history and relevant records checks) from any recruitment consultant, your previous employers and others who may be able to provide information to us to assist in our decision on whether or not to make you an offer of employment or engage you under a contract.
- 5.2 This Privacy Policy does not apply to acts and practices in relation to employee records of our current and former employees, which are exempt from the Privacy Act.

## 6. Credit applications and credit reporting bodies

- 6.1 If you, or a company of which you are director or authorised representative, apply to us for credit, we may obtain a credit report about you from a credit reporting body.
- 6.2 When we request a credit report from a credit reporting body, we will provide information to the credit reporting body that identifies you, the company of which you are director or authorised representative, and we may give them information about the type and amount of credit applied for or provided to you (or your company).

## 7. Usage Data

- 7.1 We may also collect information on how the Service is accessed and used ("Usage Data"). This Usage Data may include information such as your computer's Internet Protocol address (e.g. IP address), browser type, browser version, the pages of our Service that you visit, the time and date of your visit, the time spent on those pages, unique device identifiers and other diagnostic data.

## 8. Location Data

- 8.1 We may use and store information about your location if you give us permission to do so ("Location Data"). We use this data to provide features of our Service, to improve and customise our Service.
- 8.2 You can enable or disable location services when you use our Service at any time by way of your device settings.

## 9. Tracking Cookies Data

- 9.1 We use cookies and similar tracking technologies to track the activity on our Service and we hold certain information.
- 9.2 Cookies are files with a small amount of data which may include an anonymous unique identifier. Cookies are sent to your browser from a website and stored on your device. Other tracking technologies are also used such as beacons, tags and scripts to collect and track information and to improve and analyse our Service.
- 9.3 You can instruct your browser to refuse all cookies or to indicate when a cookie is being sent. However, if you do not accept cookies, you may not be able to use some portions of our Service.

#### 9.4 Examples of Cookies we use:

- (a) Session Cookies. We use Session Cookies to operate our Service.
- (b) Preference Cookies. We use Preference Cookies to remember your preferences and various settings.
- (c) Security Cookies. We use Security Cookies for security purposes.

## 10. Why do we collect, use and disclose personal information?

### 10.1 We may collect, hold, use and disclose your personal information for the following purposes:

- (a) to enable you to access and use our website, services, products and/or app;
- (b) to operate, protect, improve and optimise our website, services, product and/or app, business and our users' experience, such as to perform analytics, conduct research and for advertising and marketing;
- (c) to send you service, support and administrative messages, reminders, technical notices, updates, security alerts, and information requested by you;
- (d) to send you marketing and promotional messages and other information that may be of interest to you, including information sent by, or on behalf of, our business partners that we think you may find interesting;
- (e) to administer rewards, surveys, contests, or other promotional activities or events sponsored or managed by us or our business partners;
- (f) to comply with our legal obligations, resolve any disputes that we may have with any of our users, and enforce our agreements with third parties; and
- (g) to consider your employment application.

10.2 We may also disclose your personal information to a trusted third party who also holds other information about you. This third party may combine that information in order to enable it and us to develop anonymised consumer insights so that we can better understand your preferences and interests, personalise your experience and enhance the products and services that you receive.

## 11. Do we use your personal information for direct marketing?

11.1 We and our carefully selected business partners may send you direct marketing communications and information about our service and/or products. This may take the form of emails, SMS, mail or other forms of communication, in accordance with the Spam Act and the Privacy Act.

11.2 You may opt-out of receiving marketing materials from us by contacting us using the details set out below or by using the opt-out facilities provided (eg an unsubscribe link).

## 12. Legal Basis for Processing Personal Data under the General Data Protection Regulation (GDPR)

- 12.1 If you are from the European Economic Area (EEA), our legal basis for collecting and using the personal information described in this Privacy Policy depends on the Personal Data we collect and the specific context in which we collect it.
- 12.2 We may process your Personal Data because:
- (a) we need to perform a contract with you;
  - (b) you have given us permission to do so;
  - (c) the processing is in our legitimate interests and it is not overridden by your rights; or
  - (d) to comply with the law.

## 13. Retention of Data

- 13.1 We will retain your Personal Data only for as long as is necessary for the purposes set out in this Privacy Policy. We will retain and use your Personal Data to the extent necessary to comply with our legal obligations (for example, if we are required to retain your data to comply with applicable laws), resolve disputes and enforce our legal agreements and policies.
- 13.2 We will also retain Usage Data for internal analysis purposes. Usage Data is generally retained for a shorter period of time, except when this data is used to strengthen the security or to improve the functionality of our Service, or we are legally obligated to retain this data for longer periods.

## 14. Transfer of Data

- 14.1 Your information, including Personal Data, may be transferred to and maintained on computers located outside of your state, province, country or other governmental jurisdiction where the data protection laws may differ from those of your jurisdiction.
- 14.2 If you are located outside Australia and choose to provide information to us, please note that we transfer the data, including Personal Data, to Australia and process it there.
- 14.3 Your consent to this Privacy Policy followed by your submission of such information represents your agreement to that transfer.
- 14.4 We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Policy and no transfer of your Personal Data will take place to an organisation or a country unless there are adequate controls in place including the security of your data and other personal information.

## 15. Disclosure of Data

### 15.1 Disclosure for Law Enforcement

Under certain circumstances, we may be required to disclose your Personal Data if required to do so by law or in response to valid requests by public authorities (e.g. a court or a government agency).

### 15.2 Legal Requirements

We may disclose your Personal Data in the good faith belief that such action is necessary to:

- (i) comply with a legal obligation;
- (ii) protect and defend the rights or property of a Herga Group Company;
- (iii) prevent or investigate possible wrongdoing in connection with the Service;
- (iv) protect the personal safety of users of the Service or the public; or
- (v) protect against legal liability.

## 16. Security of Data

The security of your data is important to us but remember that no method of transmission over the Internet or method of electronic storage is 100% secure. While we strive to use commercially acceptable means to protect your Personal Data, we cannot guarantee its absolute security.

## 17. Your Data Protection Rights under the General Data Protection Regulation (GDPR)

- 17.1 If you are a resident of the European Economic Area (EEA), you have certain data protection rights. We aim to take reasonable steps to allow you to correct, amend, delete or limit the use of your Personal Data.
- 17.2 If you wish to be informed about what Personal Data we hold about you and if you want it to be removed from our systems, please contact us.
- 17.3 In certain circumstances, you have the following data protection rights, the:
- (a) **right to access**, update or delete the information we have on you. Whenever made possible, you can access, update or request deletion of your Personal Data directly within your account settings section. If you are unable to perform these actions yourself, please contact us to assist you.
  - (b) **right of rectification**. You have the right to have your information rectified if that information is inaccurate or incomplete.
  - (c) **right to object**. You have the right to object to our processing of your Personal Data.

- (d) **right of restriction.** You have the right to request that we restrict the processing of your personal information.
- (e) **right to data portability.** You have the right to be provided with a copy of the information we have on you in a structured, machine-readable and commonly used format.
- (f) **right to withdraw consent.** You also have the right to withdraw your consent at any time where We relied on your consent to process your personal information.

17.4 Please note that we may ask you to verify your identity before responding to such requests.

17.5 You have the right to complain to a Data Protection Authority about our collection and use of your Personal Data. For more information, please contact your local data protection authority in the European Economic Area (EEA).

## 18. To whom do we disclose your personal information?

18.1 We may disclose personal information for the purposes described in this privacy policy to:

- (a) our employees, related bodies corporate and associated entities;
- (b) third party suppliers and service providers (including providers for the operation of our websites and/or our business or in connection with providing our products and services to you);
- (c) professional advisers, dealers and agents;
- (d) payment systems operators (eg merchants receiving card payments);
- (e) our existing or potential agents, business partners or partners;
- (f) our sponsors or promoters of any competition that we conduct via our services;
- (g) anyone to whom our assets or businesses (or any part of them) are transferred;
- (h) specific third parties authorised by you to receive information held by us; and/or
- (i) other persons, including government agencies, regulatory bodies and law enforcement agencies, or as required, authorised or permitted by law.

## 19. Disclosure of personal information outside Australia

19.1 We may disclose personal information outside of Australia to third party suppliers and cloud providers located in New Zealand, the United Kingdom, Europe and the United States of America.

19.2 When you provide your personal information to us, you consent to the disclosure of your information outside of Australia and acknowledge that we are not required to ensure that overseas recipients handle that personal information in compliance with Australian Privacy Law. We will, however, take reasonable steps to ensure that any overseas recipient will deal with such personal information in a way that is consistent with the Australian Privacy Principles.

## 20. Service Providers

- 20.1 We may employ third party companies and individuals to facilitate our Service ("Service Providers"), provide the Service on our behalf, perform Service-related services or assist us in analysing how our Service is used.
- 20.2 These third parties have access to your Personal Data only to perform these tasks on our behalf and are obligated not to disclose or use it for any other purpose.

## 21. Analytics

- 21.1 We may use third-party Service Providers to monitor and analyse the use of our Service.
- 21.2 Google Analytics is a web analytics service offered by Google that tracks and reports website traffic. Google uses the data collected to track and monitor the use of our Service. This data is shared with other Google services. Google may use the collected data to contextualise and personalise the ads of its own advertising network.
- 21.3 You can opt-out of having made your activity on the Service available to Google Analytics by installing the Google Analytics opt-out browser add-on. The add-on prevents the Google Analytics JavaScript (ga.js, analytics.js and dc.js) from sharing information with Google Analytics about visits activity.
- 21.4 For more information on the privacy practices of Google, please visit the Google Privacy Terms web page: [Google Privacy Terms](#).

## 22. Links to Other Sites

- 22.1 Our Service may contain links to other sites that are not operated by us. If you click a third-party link, you will be directed to that third party's site. We strongly advise you to review the Privacy Policy of every site you visit.
- 22.2 We have no control over and assume no responsibility for the content, privacy policies, practices or use of cookies to track business processes by any third-party sites or services.

## 23. Children's Privacy

- 23.1 Our Service does not address anyone under the age of 18 ("Children").
- 23.2 We do not knowingly collect personally identifiable information from anyone under the age of 18. If you are a parent or guardian and you are aware that your Child has provided us with Personal Data, please contact us. If we become aware that we have collected Personal Data from children without verification of parental consent, we take steps to remove that information from our servers.

## 24. Changes to this Privacy Policy

- 24.1 We may update our Privacy Policy from time to time. We will notify you of any changes by posting the new Privacy Policy on this page.



24.2 We will let you know via email and/or a prominent notice on our Service, prior to the change becoming effective and update the "effective date" of this Privacy Policy.

24.3 You are advised to review this Privacy Policy periodically for any changes. Changes to this Privacy Policy are effective when they are posted on this page.

## 25. Contact Us

25.1 If you have any questions about this Privacy Policy, please contact the Privacy Officer:

(a) By email: [privacyofficer@upgsolutions.com](mailto:privacyofficer@upgsolutions.com)

(b) By telephone: 1800 800 874

25.2 Accessing or correcting your personal information

25.3 You can access the personal information we hold about you by contacting us using the information below. Sometimes, we may not be able to provide you with access to all your personal information and, where this is the case, we will tell you why. We may also need to verify your identity when you request your personal information.

25.4 If you think that any personal information, we hold about you is inaccurate, please contact us and we will take reasonable steps to ensure that it is corrected.

## 26. Variations

26.1 We may change our Privacy Policy from time to time by publishing changes to it on our website. We encourage you to check our website periodically to ensure that you are aware of our current Privacy Policy.