

Privacy Policy

1. OUTLINE

- 1.1 **Scope.** This Privacy Policy, which is subject to the Privacy Act and APPs, regulates how we collect, use and disclose *personal information*.
- 1.2 **Amendment.** We may change, vary or modify all or part of this Privacy Policy at any time in our sole discretion. It is your responsibility to check this Privacy Policy periodically for changes. If we adopt a new Privacy Policy:
- 1.2.1 we will post the new Privacy Policy on the Platforms; and
- 1.2.2 it will then apply through your acceptance of it by subsequent or continued use of the Platform and/or our Products and Services.
- 1.3 **Employee records.** This Privacy Policy does not apply to our acts and practices which relate directly to the employee records of our current and former employees.

2. PURPOSE

2.1 Primary and Secondary Purposes for collection.

We collect *personal information* from you and, subject to clause 3.3, you consent to us using your *personal information* (other than *sensitive information*) for the following Primary and Secondary Purposes:

Purpose/Activity	Type of <i>personal information</i>	Basis for use
To process and deliver Products and Services requested by you, including but not limited to: <ul style="list-style-type: none"> • preparing and delivering documents; • managing payments, fees and charges; and • collecting and recovering money owed to us 	<ul style="list-style-type: none"> • Identity • Contact • Financial • Transaction • Client 	<ul style="list-style-type: none"> • Performance of a contract with you • Legal and regulatory requirement • Necessary for our legitimate interests (e.g. to recover debts due to us)
To provide you with information about the Products and Services you requested and any other products and services you may be interested in	<ul style="list-style-type: none"> • Identity • Contact • Client • Marketing and Communications 	<ul style="list-style-type: none"> • Performance of a contract with you • Improvement of delivery of Products and Services to you
To personalise and customise your experiences with us	<ul style="list-style-type: none"> • Identity • Contact • Client • Technical • Marketing and Communications • Profile 	<ul style="list-style-type: none"> • Performance of a contract with you • Improvement of delivery of Products and Services to you

Purpose/Activity	Type of personal information	Basis for use
To help us assess an application submitted by you or on your behalf in relation to your employment	<ul style="list-style-type: none"> • Identity • Contact • Client • Technical • Profile • Financial 	<ul style="list-style-type: none"> • Performance of a contract with you • Legal and regulatory requirement • Necessary for our legitimate interests (e.g. to determine your suitability for employment with us) • Arranging for payment to you in accordance with your employment contract
To help us review, manage or enhance our Products and Services, and develop insights which may be used in reports or other content developed by us	<ul style="list-style-type: none"> • Identity • Contact • Client • Technical • Marketing and Communications • Profile 	<ul style="list-style-type: none"> • Necessary for our legitimate interests (e.g. to study how our customers interact with and use our Products and Services, to develop our Products and Services, to grow our business, and to inform our marketing strategy)
To communicate with you, including by email, mobile and in-application notifications	<ul style="list-style-type: none"> • Identity • Contact • Profile 	<ul style="list-style-type: none"> • Performance of a contract with you • Necessary for our legitimate interests (e.g. to resolve any matters that require additional services or attention by us in relation to the Products or Services delivered to you)
To process payments and administer your account, including to send you account related reminders	<ul style="list-style-type: none"> • Identity • Contact • Financial • Transaction • Client 	<ul style="list-style-type: none"> • Legal and regulatory requirement • Necessary for our legitimate interests (e.g. to recover debts due to us)
To investigate any complaints about or made by you, or if we have reason to suspect you have breached any relevant terms	<ul style="list-style-type: none"> • Identity • Contact • Financial • Transaction • Client 	<ul style="list-style-type: none"> • Legal and regulatory requirement • Necessary for our legitimate interests (e.g. to ensure that we continue to deliver Products and Services in accordance with industry best-practice)
To supply (whether for profit or otherwise) Third Parties with data collected by us to be used by those third parties for commercial, analytic or personal	<ul style="list-style-type: none"> • Identity • Contact • Transaction 	<ul style="list-style-type: none"> • Necessary for our legitimate interests (e.g. to encourage our business and revenue growth)

Purpose/Activity	Type of <i>personal information</i>	Basis for use
purposes	<ul style="list-style-type: none"> • Client • Technical • Marketing and Communications • Profile 	
To do anything else as required or permitted by any law	<ul style="list-style-type: none"> • Identity • Contact • Financial • Transaction • Client • Technical • Marketing and Communications • Profile 	<ul style="list-style-type: none"> • Legal and regulatory requirement • Necessary for our legitimate interests • Improvement of delivery of Products and Services to you

3. WHAT WE COLLECT

- 3.1 **Personal Information.** *Personal information* we collect about you may include identification information such as your name, address, email address, mobile phone number, financial and payment information and such other information necessary or convenient for delivering our Products and Services. We also may collect additional information as part of our collection of Identity, Contact, Financial, Transaction, Technical, Marketing and Communications, Client and Profile information used for the Primary and Secondary Purposes.
- 3.2 **Other information.** We may collect, and you consent to us collecting, information relating to you that is not *personal information*, such as data relating to your activity on our Platforms, including:
- 3.2.1 the Internet Protocol address and a component of the domain name used (e.g. .com or .net);
 - 3.2.2 the type of browser and operating system you used;
 - 3.2.3 the date and time you visited our Platforms;
 - 3.2.4 the web pages or services you accessed at our Website;
 - 3.2.5 the time spent on individual pages and our Website overall;
 - 3.2.6 which files you downloaded; and
 - 3.2.7 information about your computer and Internet connections using cookies.
- 3.3 **Sensitive information.** We will only collect, hold, use or disclose your *sensitive information* with your consent or if you volunteer your *sensitive information* to us. If we collect or hold your *sensitive information* in accordance with this clause, we may disclose such *sensitive information* to our Related Bodies Corporate. However neither us nor our Related Bodies Corporate may use or disclose your *sensitive information* to any Third Party except as required or permitted by law.

4. HOW WE COLLECT

- 4.1 **How we collect.** Your *personal information* may be collected:

- 4.1.1 when you complete an application, consent, purchase, account sign-up or similar form via our Platforms or otherwise;
 - 4.1.2 when you contact us to submit a query or request;
 - 4.1.3 when you post information or otherwise interact with the Platforms;
 - 4.1.4 when you participate in one of our surveys;
 - 4.1.5 from those who request our Products and Services on your behalf;
 - 4.1.6 from publicly available sources of information;
 - 4.1.7 from government regulators, law enforcement agencies and other government entities;
 - 4.1.8 when you complete an application for, or commence, employment with us;
 - 4.1.9 when negotiating or entering into a contracting relationship with us as an independent contractor or otherwise;
 - 4.1.10 from business contacts, external service providers and suppliers; or
 - 4.1.11 by other means reasonably necessary.
- 4.2 **Third party collection.** If we collect any *personal information* about you from someone other than you, to the extent not already set out in this Privacy Policy, we will inform you of the fact that we will collect, or have collected, such information and the circumstances of that collection before, at or as soon as reasonably practicable after we collect such *personal information*.
- 4.3 **Authority.** If you provide us with the *personal information* of another individual, without limiting any other provision of this Privacy Policy, you acknowledge and agree that the other individual:
- 4.3.1 has authorised you to provide their *personal information* to us; and
 - 4.3.2 consents to us using their *personal information* in order for us to provide our Products and Services.
- 4.4 **Unsolicited information.** If we receive unsolicited *personal information* about you that we could not have collected in accordance with this Privacy Policy and the Privacy Act, we will, within a reasonable period, destroy or de-identify such information received.
- 4.5 **Anonymity.** If you would like to access any of our Products and Services on an anonymous or pseudonymous basis we will take reasonable steps to comply with your request, however:
- 4.5.1 you may be precluded from taking advantage of some or all of our Products and Services; and
 - 4.5.2 we will require you to identify yourself if:
 - a) we are required by law to deal with individuals who have identified themselves; or
 - b) it is impracticable for us to deal with you if you do not identify yourself.
- 4.6 **Destruction.** Subject to a legal requirement to the contrary, we will destroy or de-identify your *personal information* if:
- 4.6.1 the purpose for which we collected the *personal information* from you no longer exists or applies; or
 - 4.6.2 you request us to destroy your *personal information*,
- and we are not required by law to retain your personal information.
- 4.7 **Website and Google Analytics.** We have integrated Google Analytics into the Platforms (see <http://www.google.com/analytics/> for details). We use Google Analytics Demographics and Interest Reports to obtain a more detailed understanding of our Platforms users and their potential needs. Data collected from such reports may be used to more accurately target marketing and advertising campaigns based on demographic information and more generally for the Primary Purposes and

Secondary Purposes detailed in this Privacy Policy. We do not collect *personal information* about individuals by such methods; only aggregate data is collected and used for planning purposes.

- 4.8 **Cookies.** We may use 'cookie' technology to assist us to determine in the aggregate the total number of visitors to the Platforms on an ongoing basis and the types of internet browsers and operating systems used by users of the Platforms. This information is used to enhance the usability and functionality of our Platforms and for marketing, advertising and analytic purposes.

5. USE

- 5.1 **Primary use.** We will only use and disclose your *personal information*:
- 5.1.1 for purposes which are related to the Primary and Secondary Purposes; or
 - 5.1.2 if we otherwise get your consent to do so,
- in accordance with this Privacy Policy and the Privacy Act.
- 5.2 **Reasonable uses.** We will not use your *personal information* for any purpose for which you would not reasonably expect us to use your *personal information*.
- 5.3 **Third parties.** We may sell, trade, rent or licence your *personal information* (other than *sensitive information*) to third parties (and you consent to such selling, trading, renting or licensing), for use by the relevant third parties in relation to or in connection with direct marketing, analysis, data aggregation, further trading of your *personal information*, and anything else reasonably required or permitted by law.
- 5.4 **Direct marketing.** We may deliver direct marketing communications to you about our Products and Services and any other products or services you might be interested in. If you notify us that you do not want to receive these communications, we will comply with your instruction and will not use your *personal information* for this purpose.
- 5.5 **Right to use.** Subject to any other term of this Privacy Policy, we will only use or disclose your *personal information* for the purposes of direct marketing if:
- 5.5.1 we collected the information from you;
 - 5.5.2 it is reasonable in the circumstances to expect that we would use or disclose the information for direct marketing purposes;
 - 5.5.3 we provide you with a simple means to 'opt-out' of direct marketing communications from us; and
 - 5.5.4 you have not elected to 'opt-out' from receiving such direct marketing communications from us.
- 5.6 **Opt-out.** You may opt-out of receiving direct marketing communications by:
- 5.6.1 checking the relevant box on the form used to collect your *personal information*;
 - 5.6.2 clicking a link on the email communication sent to you; or
 - 5.6.3 contacting us using our contact details set out at clause 10.

6. DISCLOSURE

- 6.1 **How we disclose.** We may disclose *personal information* and you consent to us disclosing such *personal information* (other than *sensitive information*) for purposes which are related to the Primary and Secondary Purposes, or as otherwise set out in this Privacy Policy, including but not limited to:
- 6.1.1 Third Parties engaged by us to perform functions or provide Products or Services on our behalf;
 - 6.1.2 Third Parties that engage us to provide Products or Services to them;
 - 6.1.3 relevant regulatory bodies in the industry in which we or you operate;
 - 6.1.4 our professional advisors, including our accountants, auditors and lawyers;

- 6.1.5 our Related Bodies Corporate;
 - 6.1.6 persons authorised by you to receive information held by us, which for the avoidance of doubt includes but is not limited to our business partners and sponsors that we may have commercial arrangements with from time to time including Third Parties who we contract with for our independent commercial purposes
 - 6.1.7 a government authority, law enforcement agency, pursuant to a court order or as otherwise required by law;
 - 6.1.8 a party to a transaction involving the sale of our business or its assets; or
 - 6.1.9 parties you have consented to us disclosing your *personal information* to, or would otherwise reasonably expect us to disclose your *personal information* to.
- 6.2 **Non-identifiable information.** We may share non-personally identifiable information publicly and with our partners (e.g. relevant Third Party suppliers or service providers, publishers, advertisers, sponsors, or connected sites). For example, we may share information publicly to show trends about the general use of our Products and/or Services.
- 6.3 **Overseas disclosure.** We may in some circumstances send your *personal information* to overseas recipients to enable us provide our Products and Services to you.
- 6.4 **Overseas recipients.** Overseas recipients that may handle or process your data include (but are not limited to) persons performing payroll functions and the server hosts of our email services, cloud storage services and the Platforms.
- 6.5 **Reasonable protections.** If we send your *personal information* to overseas recipients, we will take reasonable measures to protect your *personal information* from misuse, interference, loss, unauthorised access or modification. However, you acknowledge and agree that if we disclose your *personal information* to overseas recipients, we are not obliged to take reasonable steps to ensure overseas recipients of your *personal information* comply with the Privacy Act and the APPs.
- 6.6 **GDPR.** If we become aware that you are a citizen of, or are located within, the European Union at the time when we collect *personal information* about you, or at the time when we propose to transfer *personal information* about you overseas, we will take steps to ensure (to the extent relevant) that we comply with Articles 45 to 49 of the European General Data Protection Regulation in relation to the transfer of your *personal information* overseas. However, you acknowledge that as we conduct our business from and predominantly within Australia, you are required to provide us with written notice of our need to comply with the General Data Protection Regulation in relation to your *personal information* if you wish for us to take steps that are not already set out in this Privacy Policy.

7. ACCESS + CORRECTION

- 7.1 **Access.** If you require access to your *personal information*, please contact us using our contact details set out at clause 10. You may be required to put your request in writing and provide proof of identity.
- 7.2 **Exceptions.** We are not obliged to allow access to your *personal information* if:
- 7.2.1 it would pose a serious threat to the life, health or safety of any individual or to the public;
 - 7.2.2 it would have an unreasonable impact on the privacy of other individuals;
 - 7.2.3 the request for access is frivolous or vexatious;
 - 7.2.4 it relates to existing or anticipated legal proceedings between you and us and would not ordinarily be accessible by the discovery process in such proceedings;
 - 7.2.5 it would reveal our intentions in relation to negotiations with you in a way that would prejudice those negotiations;
 - 7.2.6 it would be unlawful;
 - 7.2.7 denying access is required or authorised by or under an Australian law or a court/tribunal order;

- 7.2.8 we have reason to suspect that unlawful activity, or misconduct of a serious nature relating to our functions or activities has been, is being or may be engaged in and giving access would be likely to prejudice the taking of appropriate action in relation to the matter;
 - 7.2.9 it would likely prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body;
 - 7.2.10 it would reveal commercially sensitive information; or
 - 7.2.11 a relevant law provides that we are not obliged to allow access to your *personal information* (e.g. the European General Data Protection Regulation).
- 7.3 **Response to access request.** If you make a request for access to *personal information*, we will:
- 7.3.1 respond to your request within a reasonable period after the request is made; and
 - 7.3.2 if reasonable and practicable, give access to the personal information as requested.
- 7.4 **Refusal of access.** If we refuse to give access to the *personal information*, we will give you a written notice that sets out at a minimum:
- 7.4.1 our reasons for the refusal (to the extent it is reasonable to do so); and
 - 7.4.2 the mechanisms available to complain about the refusal.
- 7.5 **Correction.** We request that you keep your *personal information* as current as possible. If you feel that information about you is not accurate or your details have or are about to change, you can contact us using our contact details set out at clause 10.
- 7.6 **Response to correction request.** If you make a request for us to correct your *personal information*, we will:
- 7.6.1 respond to your request within a reasonable period after the request is made; and
 - 7.6.2 if reasonable and practicable, correct the information as requested.
- 7.7 **Refusal to correct.** If we refuse a request to correct *personal information*, we will:
- 7.7.1 give you a written notice setting out the reasons for the refusal and how you may make a complaint; and
 - 7.7.2 take reasonable steps to include a note with your *personal information* of the fact that we refused to correct it.
- 7.8 **EU Restriction.** If you are a citizen of, or are located within, the European Union at the time at which we collect *personal information* about you, or at the time at which you make a relevant request, we will take steps to ensure that we comply with a request by you to restrict our use of your *personal information* pursuant to Article 18 of the European General Data Protection Regulation. You acknowledge that, depending on the nature of the restriction you request, we may be unable to provide you with some or all of our Products and Services (or any part of any Product or Service) if we comply with your request. In such circumstances, we will advise you of our inability to provide or continue to provide you with the relevant Products and Services, and if you confirm that you would like us to comply with your request, we may terminate a relevant agreement or other document with you in relation to our Products and Services.

8. SECURITY + PROTECTION

- 8.1 **Reasonable protections.** In relation to all *personal information*, we will take all reasonable steps to:
- 8.1.1 ensure that the *personal information* we collect is accurate, up to date and complete;
 - 8.1.2 ensure that the *personal information* we hold, use or disclose is, with regard to the relevant purpose, accurate, up to date, complete and relevant; and
 - 8.1.3 protect *personal information* from misuse, loss or unauthorised access and disclosure.

- 8.2 **Security.** We require staff and service providers to respect the confidentiality of *personal information*. We store your *personal information* on a secure server behind a firewall and use security software accessible only by authorised personnel and service providers to protect your *personal information* from unauthorized access, destruction, use, modification or disclosure.
- 8.3 **Obligation to notify.** You must contact us immediately if you become aware of or suspect any misuse or loss of your *personal information*.

9. COMPLAINTS

- 9.1 **Complaint.** If you have a complaint about how we collect, use, disclose, manage or protect your *personal information*, or consider that we have breached the Privacy Act or APPs, please contact us using our contact details set out at clause 10. We will respond to your complaint within 14 days of receiving the complaint.
- 9.2 **Response and resolution.** Once the complaint has been received, we may resolve the matter in a number of ways:
- 9.2.1 **Request for further information:** We may request further information from you. Please provide us with as much information as possible, including details of any relevant dates and documentation. This will enable us to investigate the complaint and determine an appropriate solution.
- 9.2.2 **Discuss options:** We will discuss options for resolution with you and if you have suggestions about how the matter might be resolved you should raise these with our Privacy Officer.
- 9.2.3 **Investigation:** Where necessary, the complaint will be investigated. We will try to do so within a reasonable time frame. It may be necessary to contact others in order to proceed with the investigation. This may be necessary in order to progress your complaint.
- 9.2.4 **Conduct of our employees:** If your complaint involves the conduct of our employees we will raise the matter with the employees concerned and seek their comment and input in the resolution of the complaint.
- 9.3 **Notice of decision.** After investigating the complaint, we will give you a written notice about our decision.
- 9.4 **OAIC.** You are free to lodge a complaint directly with the OAIC online, by mail, fax or email. For more information please visit the OAIC website at oaic.gov.au.

10. CONTACT

- 10.1 Please forward all correspondence in respect of this Privacy Policy to:

Privacy Officer
Productivity Force Holdings Pty Ltd
Locked Bag 938
North Sydney NSW 2059
Australia
P: 02 9458 7829
E: company.secretary@nswbc.com.au

11. INTERPRETATION + DEFINITIONS

- 11.1 **Personal pronouns.** Except where the context otherwise provides or requires:
- 11.1.1 the terms **we**, **us** or **our** refers to Productivity Force Holdings Pty Ltd (ABN 71 616 060 596); and
- 11.1.2 the terms **you** or **your** refers to a user of the Platform and/or a customer to whom we provide the Products and Services.
- 11.2 **Italicised terms.** Terms italicised and defined in the Privacy Act have the meaning given to them in the Privacy Act.

11.3 **Defined terms.** In this Privacy Policy unless otherwise provided, the following terms shall have their meaning as specified:

APPs means any of the Australian Privacy Principles set out in Schedule 1 of the Privacy Act.

Client information includes information about how you use the Products and Services or our website, as well as *personal information* which can include Identity information, Contact information, Financial information, Transaction information and Profile information of you and/or your family members, beneficiaries, employees or employers, or other third persons about whom we need to collect *personal information* by law, or under the terms of a contract we have with you.

Contact information includes billing address, postal address, email address and telephone numbers (these details may relate to your work or to you personally, depending on the nature of our relationship with you or the company that you work for).

Financial information includes bank account, credit card, banking information and other payment method details, reasonably required details about your business such as Australian Business Number, insurance details, business references.

Identity information includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth, gender, your driver's licence number, job function and position, your employer or department.

Marketing and Communications information includes your preferences in receiving marketing from us and your communication preferences. This may include information about events to which you or your colleagues are invited, and your *personal information* and preferences to the extent that this information is relevant to organising and managing those events (for example, your dietary requirements).

Platforms means all or any of the relevant platforms, electronic interfaces (including the Products) and websites that are owned, provided and/or operated from time to time by us (including but not limited to the Website), regardless of how those interfaces and websites are accessed by users (including via the internet, mobile phone, mobile applications or any other device or other means).

Primary and Secondary Purposes means the primary and secondary purposes stated at clause 2.1.

Privacy Act means the *Privacy Act 1988* (Cth) as amended from time to time.

Privacy Policy means this privacy policy as amended from time to time.

Profile information includes your username and password, your interests, preferences, feedback, survey responses and all other information you provide through your use of the Products or Services, or otherwise through your contact or correspondence with us.

Products means products that we provide or offer from time to time.

Related Bodies Corporate has the meaning given to that term in the *Corporations Act 2001*(Cth).

Services means our labour hire services, recruitment services, training, development and placement of apprentices and trainees and any other services offered or performed by us from time to time.

Technical information includes (as relevant):

- (a) The Internet protocol (IP) address used to connect your computer to the Internet, your login information, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform;
- (b) Information about your visit to our website/Products, such as the full Uniform Resource Locators (URL), clickstream to, through and from our website/Products (including date and time), services viewed or searched for, page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), methods used to browse away from a page, any phone number used to call our central switchboard number, and direct dials or social media handles used to connect with our fee earners or other employees; and

- (c) Location data which we may collect through our website/Products and which provides your real-time location in order to provide location services (where requested or agreed to by you) to deliver content or other services that are dependent on knowing where you are. This information may also be collected in combination with an identifier associated with your device to enable us to recognise your mobile browser or device when you return to the website/App. Delivery of location services will involve reference to one or more of the following:
- (i) the coordinates (latitude/longitude) of your location;
 - (ii) look-up of your country of location by reference to your IP address against public sources; and/or
 - (iii) your Identifier for Advertisers (IFA) code for your Apple device, or the Android ID for your Android device, or a similar device identifier. See our cookie policy for more information on the use of cookies and device identifiers on the website/Apps.

Third Party means any party that is not us or one of our Related Bodies Corporate.

Transaction information includes details about payments to and from you and other associated information.

Website means *www.productivityforce.com.au* and all relevant sub-domains.