



BENCHMARK
CANTERBURY

BENCHMARK CANTERBURY PTY LTD PRIVACY POLICY

1 About our Privacy Policy

- 1.1 This policy was last modified on **7 August 2017**.
- 1.2 The privacy of your Personal Information is important to **Benchmark Canterbury Pty Ltd (ACN 616 501 083)**. We respect your rights to privacy and rights under the Privacy Act and are committed to complying with the requirements of Privacy Legislation in the collection and handling of your Personal Information.
- 1.3 This policy explains how we collect and handle your Personal Information and describes the kinds of Personal Information we collect, use, disclose and our purposes for doing so.
- 1.4 Generally, Personal Information is information which may be used to reasonably identify you. For example, your name, address, date of birth, gender, email address, telephone number is generally considered to be Personal Information. Personal Information may also include information we collect about your individual preferences.
- 1.5 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 agreement or arrangement between us.
- 1.6 This policy applies to your use of our Website as well as your other dealings and engagements with us and sets out how and why we collect your Personal Information during your interactions with us. For the avoidance of doubt, unless stated otherwise, this policy will govern our collection of your Personal Information irrespective of the forum.

TAKE NOTICE THAT YOUR CONTINUED USAGE OF OUR WEBSITE AND/OR SERVICES WILL BE TAKEN TO INDICATE YOUR ACCEPTANCE OF THE TERMS OF THIS PRIVACY POLICY INsofar AS IT RELATES TO OUR WEBSITE.

- 1.7 This policy is not intended to cover categories of information that are not contemplated by the Privacy Legislation.

2 Why we collect Personal Information

- 2.1 We collect Personal Information so that we can provide you with products and services and better your experience with us. We only collect Personal Information if it is reasonably necessary for us to carry out our functions and activities.
- 2.2 The purposes for which we collect and hold your Personal Information include:
- (a) To deliver products and services to you;
 - (b) To respond to individual's and company's requests;
 - (c) In connection with your attendance or participation in functions, events or activities which we are involved in;
 - (d) To manage our relationship with you, evaluate our business performance and build our customer database;

- (e) To provide you with information about our products, services, functions, events or activities;
- (f) To process transactions;
- (g) To enable you to participate in a promotion, competition, survey and / or enable you to subscribe to mailing lists/newsletters and interact or follow our social media pages, including Twitter, Facebook and Instagram;
- (h) To provide you with aftermarket services, such as seeking your feedback, addressing any further requests you may have in connection with our services;
- (i) To conduct research, compile or analyse statistics relevant to the operations of our business;
- (j) To facilitate our internal business operations, including fulfilment of any legal and regulatory requirements;
- (k) To create backups of our business records;
- (l) To maintain a customer database or similar record;
- (m) For direct marketing purposes as set out below; and
- (n) To manage our Website operated in conjunction with our business, including analysing data collected from our Website concerning site visits and activities of users on our Website. This helps us run our Website more efficiently and give you a better experience online. We use information from third party services such as Google Analytics to help further improve your experience in using our Website.

2.3 We may also use your Personal Information for other purposes not listed above but this will be made clear to you at the time we collect your Personal Information.

2.4 If you choose not to provide us with Personal Information, we may be unable to assist you.

3 What kinds of Personal Information we collect

3.1 The kinds of Personal Information we collect will depend on the type of interaction you have with us. Generally, the kinds of Personal Information we collect may include:

- (a) Your name, address (postal and residential), place of employment, occupation, email address, telephone number(s), date of birth and gender;
- (b) Your individual preferences in respect of the services we provide you;
- (c) Details of your device you have used to access any part of our website;
- (d) Demographic information;
- (e) Details as to whether you have taken up any products or offerings we have made;
- (f) Whether you have a connection with others whose personal information we may collect or hold;
- (g) What, how and when you have dealt with us or expressed an interest in buying from us;
- (h) Any stated preferences for our products or services you have provided to us; and
- (i) Credit card and direct debit details for your bank account should you elect to pay us via this method.

- 3.2 In the course of providing you with professional services, we may also have a need to collect additional Personal Information (for instance, financial details or credit information).
- 3.3 We collect Sensitive Information from you when you complete our Health Questionnaire and when you notify us of any serious illness or injury. The collection of this Sensitive Information is necessary for us to properly advise you about fitness training or to tailor any programs for you. Your Sensitive Information may be stored on a central database which is accessible by our management and staff.

4 How we disclose Personal Information

- 4.1 We may disclose Personal Information collected from you:
- (a) To our related entities, third party suppliers, consultants, employees, agents, contractors, sponsors, government agencies or other third parties to satisfy the purposes for which the information was collected for (as outlined in clause 2 of this policy) or for another purpose if that other purpose is closely related to the primary purpose of collection and an individual would reasonably expect us to disclose the information for that secondary purpose;
 - (b) When your authorised representative, such as an accountant or lawyer, contact us in connection with providing you with services;
 - (c) If the disclosure is requested by a government agency or the courts and we are obliged to comply;
 - (d) To any other person, with your consent (express or implied);
 - (e) To any person to whom our assets or business (or any part thereof) is transferred to.
- 4.2 In addition to the above, we will disclose your Personal Information if we are required to do so under law or if the disclosure is made in connection with either the normal operation of our business in a way that you might reasonably expect, for example to process an insurance claim, or if such disclosure is incidental to IT services being provided to our business, or in connection with any insurance or warranty claim or for the resolution of any dispute that arises between you and us. This disclosure may involve your Personal Information being transmitted overseas.
- 4.3 We may also disclose your Personal Information if you choose to participate in online or “app” based service offerings whereby your Personal Information may be disclosed to and stored in software which is operated by a third party intermediary as part of your dealings with us. Personal Information disclosed in this may be transmitted offshore, including to the United States of America. When you provide your personal information to us, you consent to the disclosure of your personal information outside of Australia and acknowledge that we are not required to ensure that the overseas recipients treat that personal information in compliance with Privacy Legislation. We will, however, take reasonable steps to ensure any overseas recipient we deal with personal information in a manner consistent with the APPs.
- 4.4 In the event of a restructure or sale of our business (or part of our business), we may disclose Personal Information to the buyer without your consent subject to compliance with the Privacy Legislation. If we sell the business and the sale is structured as a share sale, you acknowledge that this will not constitute the ‘transfer’ of Personal Information.
- 4.5 We will not sell, trade or rent your Personal Information to any third parties for marketing purposes without your consent.

5 How we collect and store data and transmit Personal Information

- 5.1 We usually collect and store information in paper, physical and electronic form provided by you in person or when you communicate with us by telephone, email, web-based form, letter, facsimile or other means, including:

- (a) When you contact us over the phone;
 - (b) When we provide you with our services via telephone, email or our website;
 - (c) When we provide you with assistance or support for our products or services;
 - (d) When you participate in our functions, events, activities or social media pages;
 - (e) When you request that we provide you with information concerning our products or services; and
 - (f) If you complete any forms requesting information from you, complete any survey or provide feedback to us concerning our products or services.
- 5.2 Where practicable we will only collect information from you personally.
- 5.3 Please note that we use our own and third party computer servers including our website hosts, data backups and payment gateway(s), which may be located overseas and as such your Personal Information will likely be stored and transmitted overseas as part of the normal operation of our business.
- 5.4 We will endeavour to take all reasonable steps to keep secure and protect any Personal Information which we hold about you, including:
- (a) Securing our physical premises and digital storage media;
 - (b) Placing password protection and access control over our information technology systems and databases to limit access and protect electronic information from unauthorised interference, access, modification and disclosure; and
 - (c) Taking regular back-ups of our electronic systems.
- 5.5 Notwithstanding that we will take all reasonable steps, data transmission over the internet is never guaranteed to be completely secure. In the circumstances, we do not warrant the security of any information you transmit to us or from any online services.
- 5.6 We also collect information from your computer automatically when you browse our Website. This information may include:
- (a) the date and time of your visit;
 - (b) your domain;
 - (c) locality;
 - (d) operating system;
 - (e) the server your computer is using to access our Website;
 - (f) your browser and version number;
 - (g) search terms you have entered to find our Website or enter on our Website;
 - (h) pages and links you have accessed both on our Website and on other websites;
 - (i) the last website you have visited;
 - (j) the pages of our Website you access; and

(k) your IP Address.

- 5.7 Please note that it may be possible for us to identify you from information collected automatically from your visit(s) to our Website. If you have registered an account with us, we will be able to identify you through your user name and password when you log into our website or any applications. Further, if you access our Website via links in an email we have sent you, we will be able to identify you.
- 5.8 We may use statistical analytics software tools such as Google Analytics and software known as cookies which transmit data to third party servers located overseas including in the United States of America. To our knowledge Google Analytics does not identify individual users or associate your IP Address with any other data held by Google.
- 5.9 If you do not wish to grant us the right to use cookies to gather information about you while you are using our Website, then you may elect to set your browser settings to disable cookies. This may cause parts of our Website to not function properly.
- 5.10 Please note that our Website may contain links to other websites, and your use of those websites is not covered by this privacy policy. We encourage you to review each website's privacy policy.

6 How we use Personal Information for direct marketing

- 6.1 We may contact you from time to time to inform you about existing and new products and services that we feel you may be interested in.
- 6.2 We will ensure that any e-mail that you are sent by us as direct marketing complies with the *SPAM Act 2003* (Cth) and contain an 'unsubscribe' option so that you can remove yourself from any further marketing communications.
- 6.3 You can also call or write to us to request that your details be removed from our direct marketing list. We will endeavour to remove your details from our direct marketing list within a reasonable time (ordinarily 5 business days).
- 6.4 Our direct marketing list may be operated by software and servers located overseas and as such your Personal Information may be sent overseas as part of our marketing.

7 Not identifying yourself

- 7.1 Because of the nature of our business, it is impracticable to deal with you on an anonymous basis or using a pseudonym.
- 7.2 We may be able to provide you with limited information in the absence of your identifying yourself but generally we will be unable to provide you with services unless you have identified yourself.

8 How to access or correct your Personal Information or make an enquiry or complaint

- 8.1 If you wish to access or correct the Personal Information we hold about you, or make a complaint, please contact us in writing and will try to resolve your concerns as soon as possible:

Privacy Officer
 Benchmark Canterbury Pty Ltd
 Shop 5, 1-3 Charles Street, Canterbury NSW 2193

or by email to info@benchmarkcanterbury.com

- 8.2 In order to disclose information to you in response to a request for access we may require you to provide us with sufficient comfort as to your identity. There are exceptions under the Privacy Legislation which may affect your right to access your Personal Information – these exceptions include where (amongst other things):-

- (a) access would pose a serious threat to the life, health or safety of any individual;
- (b) access would have an unreasonable impact on the privacy of others;
- (c) the request for access is frivolous or vexatious;
- (d) the information relates to existing or anticipated legal proceedings between you and us and the information would not otherwise be accessible by the process of discovery;
- (e) giving access would reveal the intentions of the entity in relation to negotiations with you;
- (f) giving access would be unlawful;
- (g) denying access is required or authorised by or under an Australia law or a court/tribunal;
- (h) the information relates to commercial sensitive decision making process; or
- (i) giving access would prejudice enforcement related action.

8.3 We may (depending on the request) charge you a fee to access the Personal Information, which we will inform you of at the time. All requests for Personal Information will be handled in a reasonable period of time (within **30 days** after the request is made).

8.4 If you wish to have your Personal Information deleted, please contact us using the details above and we will take reasonable steps to delete the information (unless we are obliged to keep it for legal or auditing purposes).

8.5 In the event that you believe that there has been a breach of the Privacy Legislation, we invite you to contact us as soon as possible.

8.6 If you are not satisfied with our handling of a complaint or the outcome of a complaint you may make an application to the Office of the Australian Information Commissioner or the Privacy Commissioner in your State or Territory.

9 Updates to this privacy policy

9.1 This policy may be updated from time to time and the most up to date version will be published on our Website.

10 Definitions used in this policy

Health Questionnaire

IP Address means a number automatically assigned to your computer and which is required when you are using the internet and which may be able to be used to identify you.

Personal Information has the meaning set out in the Privacy Act.

'we' 'our', 'us' and similar terms means Benchmark Canterbury Pty Ltd.

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

Privacy Legislation means such laws as may place requirements on the handling of Personal Information under the Privacy Act and the Australian Privacy Principles.

Sensitive Information

means health information we gather from you when you complete our Health Questionnaire or when you notify us of an illness or injury or other health matters.

'You', 'your'

and similar terms means, as the context requires:

- (a) You, during your usage of our Website; and/or
- (b) You, during your dealings with us as a customer; and/or
- (c) Any agent providing your Personal Information to us; and/or
- (d) Any agent dealing with us on your behalf.

'Website'

means <http://www.benchmarkcanterbury.com/> and other website as we may operate from time to time.