



ORAFOL AUSTRALIA PRIVACY AND CREDIT REPORTING POLICY

1. Introduction

- 1.1. ORAFOL Australia Pty Ltd ABN 24 065 420 706 (and its related body corporates and associates) (collectively referred to in this Policy as the "**Company**", "**We**", "**Us**") is sensitive to the concerns that you, our customers, may have with the confidentiality and handling of your personal, sensitive and/or credit-related information.
- 1.2. We take your privacy very seriously.
- 1.3. We are committed to complying with (as applicable) the *Privacy Act 1988* (Cth) (as amended by the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Cth)) ("**Privacy Act**") (including the Australian Privacy Principles contained in Schedule 1 of the Privacy Act) ("**Australian Privacy Principles**") and the *Privacy (Credit Reporting) Code 2014 (Version 2.1)* (Cth) (as may be amended from time to time) ("**CR Code**").
- 1.4. We ask that you take the time to read this document which sets out how we may collect, hold, use and/or disclose your personal, sensitive and/or credit-related information ("**Policy**"). A reference to an "**individual**" in this Policy is a reference to a person or an entity, as the case may be. A reference to "**you**" in this Policy is a reference to you, our customer, and any guarantors, contractors, legal entities and/or persons that may deal with us in relation to our provision of goods, services and/or credit to you.
- 1.5. Whilst you are allowed to deal with us on an anonymous basis or by using a pseudonym, there may be circumstances where you are required to identify yourself to us, for example, if we are required or authorised by or under an Australian law, or a court/tribunal order, to deal with you only if you have identified yourself or it is impracticable for us to deal with you if you have not identified yourself or if you use a pseudonym.

2. What is the Purpose of this Policy?

The purpose of this Policy is to inform you about:

- (a) the kinds of personal, sensitive and/or credit-related information that we may collect about you;
- (b) how we manage personal, sensitive and/or credit-related information;
- (c) how you can seek access to, and the correction of, personal, sensitive and/or credit-related information; and
- (d) how you can make a complaint relating to our handling of your personal, sensitive and/or credit-related information.

3. Your Consent to us

Important Notice: By agreeing to this Policy, you are deemed to have provided your consent to us in respect of all matters set out in this Policy, including as to how we may choose to collect, store, use and/or disclose your personal, sensitive and/or credit-related information in accordance with this Policy (or as otherwise permitted to us under the Privacy Act and CR Code). If you do not wish to provide your consent to any of the matters set out in this Policy, then please contact us immediately to discuss your concerns.

4. What is Personal, Sensitive and Credit Related Information?

- 4.1. This Policy applies to personal, sensitive and/or credit-related information collected by us.
- 4.2. Under this Policy:
 - (a) "**personal information**" means information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not and whether the information or opinion is recorded in a material form or not;
 - (b) "**sensitive information**" means personal information about an individual which is sensitive in nature which may include, for example, information or an opinion about an individual's political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, criminal record or health information; and
 - (c) "**credit-related information**" means personal information (other than sensitive information) that relates to the individual's eligibility to apply for credit, or the individual's application for credit with us or other credit providers, or the individual's existing credit accounts held with us or other credit providers, or any other credit-related matters. This information may include (and as otherwise permitted by the Privacy Act and CR Code):
 - (i) information that we obtain from a credit reporting body or credit report about you (or information which is derived from those sources) that has any bearing on your credit worthiness or eligibility to apply for credit;
 - (ii) your repayment history, default history, payment history and/or new arrangement history in respect of credit with either us or other credit providers;
 - (iii) the type of consumer and/or commercial credit, and the amount of credit, that you have applied for in your credit applications with either us or other credit providers; or
 - (iv) court proceedings, personal insolvency and publicly available information about you.
- 4.3. Any reference to personal information henceforth in this Policy refers to personal information, sensitive information and credit-related information, as defined in paragraph 4.2. above.

5. What Personal Information do we Collect?

- 5.1. We will only collect **sensitive information** from you if it is necessary in the circumstances and you have consented to the collection of that information by us. We will not ask you for sensitive information revealing racial or ethnic origin, political opinions, religious or



philosophical beliefs, trade union membership or details of health, disability or sexual orientation or any other personal sensitive information, unless:

- (a) you consent to providing that personal information to us and the personal information is reasonably necessary for, or directly related to, one or more of the functions or activities that we carry out;
- (b) the collection of that personal information is specifically required or authorised by or under an Australian law or a court/tribunal order;
- (c) the collection is necessary to lessen a serious or imminent threat to your health or safety or the health or safety of another person;
- (d) a permitted general situation exists in relation to the collection of that personal information by us;
- (e) a permitted health situation exists in relation to the collection of that personal information by us; or
- (f) the collection of that personal information is necessary for the establishment, exercise or defence of a legal or equitable claim by us.

5.2. The type of **personal information** that we may collect from you will depend on the circumstances and the nature of the goods, services and/or credit that you have applied for, or that is being provided to you, but generally, the personal information that we may collect from you may include (and as otherwise permitted by the Privacy Act and the Australian Privacy Principles):

- (a) your contact details (such as your full legal name, entity details, age, gender, date of birth, residential and business addresses, telephone number and email address);
- (b) your trade, financial and/or billing information (such as your trade or occupation, assets, expenses, revenue, income, credit accounts, bank accounts and other relevant information);
- (c) your buying habits and transactional history with us or third parties (such as the goods and/or services you may have previously purchased and your payment history); or
- (d) other relevant information (which depends on the circumstances and may include information such as your driver's licence number, government identifiers information or other identifying information, if relevant to identifying you).

5.3. The type of **credit-related information** that we may collect from you or about you in relation to your eligibility to apply for credit, or your credit application with us or in relation to any other credit-related matter, may include (and as otherwise permitted by the Privacy Act and the CR Code):

- (a) the type and amount of credit, the name of the credit provider, and any information obtained from a credit reporting body or other person to assess your credit application;
- (b) the type, and amount of credit, that have been provided or will be provided to you by another credit provider or by us in relation to an existing credit account or another credit application;
- (c) the date that any credit contract entered with us or another credit provider commenced and the date that the credit contract will come to an end;
- (d) payments that you owe to us or another credit provider, in connection with credit provided to you or in relation to which you are a guarantor of another customer;
- (e) whether you have entered into new arrangements with us or other credit providers in connection with credit provided to you under the original credit contracts;
- (f) court and/or tribunal proceedings information, personal and/or corporate insolvency information (including information about you that is entered or recorded on the National Personal Insolvency Index) and other credit related publicly available information;
- (g) credit scores, ratings, summaries, evaluations and other information relating to your credit worthiness or eligibility to apply for credit from a credit reporting body or which is derived by us or the credit reporting bodies on the basis of this information; and
- (h) administrative information relating to credit, such as account numbers and customer identifier numbers.

5.4. There may also be certain laws which may require us to collect other personal information from you from time to time. Where these apply, we will provide you with information about our legal requirements when we collect that personal information from you.

6. How do we Collect your Personal Information?

6.1. There are a number of ways in which we may collect personal, sensitive and/or credit-related information from you or about you, which may include:

- (a) purchase orders;
- (b) credit application forms;
- (c) letters, emails and/or other electronic writing;
- (d) our website (including cookies);
- (e) telephone conversations;
- (f) when you purchase anything from us via your credit card;
- (g) directly from you, or your co-credit applicants, agents and/or any guarantors;
- (h) our agents;
- (i) other credit providers;



- (j) credit reporting bodies;
 - (k) third parties;
 - (l) information that is in the public domain; or
 - (m) information that is derived from your (or a related body's) usage, trade and transactional history on any account held with us or related body.
- 6.2. We will only collect personal information from someone other than yourself in the circumstances where it is unreasonable or impracticable for us to collect the personal information directly from you.
- 6.3. We will only collect personal information by lawful and fair means (and as otherwise permitted by the Privacy Act, the Australian Privacy Principles and the CR Code).

7. Our use of Cookies

- 7.1. When you visit our website, we automatically collect certain non-personal data by various means, one of which is "cookies." A cookie is an alphanumeric string of text (a unique identifier) that our web-server stores in your computer by means of your web-browser. The cookie allows us to recognise your computer when you revisit our site. We can then improve your use of the site; for example by providing quick log-in, displaying only products, and saving you from retyping information in a standard form.
- 7.2. Cookies also allow us to analyse aggregate traffic on the site, in order to streamline navigation and keep the content accessible and valuable for all visitors. You can configure your browser to reject cookies but doing so may disable some of our website's features. Cookies do not contain personal data, nor can they read or transmit any data on your computer's hard drive. They can, nonetheless, be combined with personal data, that you knowingly provide, to create a profile. We do not use cookies in this manner without your express consent.
- 7.3. Regardless of cookies, all web-browsers transmit the IP address of the computer on which they are running (so that the web-server knows where to send the requested web page). We analyse IP addresses only in extraordinary circumstances to attempt to track hackers. We may also track your viewing habits to allow us to tailor your web surfing experience.

8. Our Use of Direct Marketing

- 8.1. You are hereby deemed to give your express consent to us to collect personal information from you or about you for direct marketing purposes (and to market directly to you, whether in relation to our goods and/or services or someone else's goods and/or services).
- 8.2. We will only directly market to you, provided that:
- (a) we advise you that you can be taken off the mailing list at any time;
 - (b) you have not previously asked us to be taken off the mailing list; and
 - (c) we display our contact details clearly in each direct marketing publication.
- 8.3. If you wish to be taken off any mailing list, please contact our Customer Service Department (noting that the contact details are contained at paragraph 16 below).

9. Why do we Collect Personal Information from you?

As a provider of goods, services and/or credit, we sometimes find it necessary to collect certain personal, sensitive and/or credit-related information from you. If you do not provide us with correct, relevant, up-to-date and complete personal information that we require, we may not be able to provide you with the goods, services and/or credit that you require.

10. The Purposes for which we Collect, Hold, Use, and /or Disclose your Personal Information

- 10.1. The purposes for which we may collect, hold, use and/or disclose your personal, sensitive and/or credit-related information will be as reasonably necessary for our business functions and/or activities (and as otherwise permitted by the Privacy Act, the Australian Privacy Principles and the CR Code) which may include the following purposes depending on the circumstances:
- (a) communicate with you about our goods, services and/or credit products;
 - (b) communicate with you about our new or improved goods, services and/or credit products;
 - (c) communicate with you in order to build and maintain our business relationship with you;
 - (d) conduct, monitor and analyse our business and internal operations;
 - (e) comply with an Australian law, court/tribunal order or any other regulatory, accounting, reporting or industry obligations;
 - (f) establish, exercise or defend a legal or equitable claim;
 - (g) process and respond to your requests, enquiries or complaints;
 - (h) assess your, or a co-credit applicant's, credit application;
 - (i) assess your, or a co-credit applicant's, credit worthiness;
 - (j) assess the guarantors' credit worthiness;
 - (k) determine whether to provide you with credit or accept any person as a guarantor;
 - (l) review existing credit accounts and credit terms;



- (m) provide goods, services and/or credit to you;
- (n) collect due and overdue payments and deal with credit defaults;
- (o) undertake debt recovery and enforcement activities, including in relation to guarantors;
- (p) participate in the credit reporting system and provide your personal information to credit reporting bodies in certain circumstances (as permitted under the Privacy Act and the CR Code);
- (q) obtain your personal information from credit reporting bodies and other credit providers (as permitted under the Privacy Act and the CR Code);
- (r) deal with serious credit infringements and assist other credit providers to do the same;
- (s) conduct marketing, sales and business development; or
- (t) conduct direct marketing.

11. We May Disclose your Personal Information to Third Parties

- 11.1. We will only grant access to others to view your personal information where we believe it is necessary, and in your best interests, for those people to view your personal information. In general, only our employees and/or subcontractors may view your personal information.
- 11.2. We may however disclose your personal information to third parties as reasonably necessary in relation to our business functions and/or activities (and as otherwise permitted by the Privacy Act and the CR Code) in the following circumstances:
- (a) the disclosure is required to give effect to the purposes for which we collected the personal information;
 - (b) we have your consent to that disclosure;
 - (c) we believe that the disclosure may lessen a risk of harm to your health or safety, or to the health or safety of another person or to public health or public safety;
 - (d) we are required by law to disclose the personal information;
 - (e) the disclosure is required for the enforcement of a criminal law or a law imposing a pecuniary penalty or for the protection of public revenue;
 - (f) to our agents and/or contractors provided the personal information is required by us to be kept confidential and used only for the purposes for which it is disclosed;
 - (g) to your co-credit applicant, guarantor or another security provider, if any;
 - (h) the agents that you may authorise to act on your behalf or that are otherwise connected with you (such as your accountant or legal representative);
 - (i) law enforcement and/or government regulatory agencies;
 - (j) entities providing services to us, including, without limitation, legal services, financial services, market research and data providers;
 - (k) entities who wish to be involved in our business and/or acquire an interest in our business;
 - (l) suppliers and/or retailers of any goods and/or services financed with credit we provide;
 - (m) financial institutions and/or entities such as banks and credit providers;
 - (n) identification service providers;
 - (o) insurers, assessors, underwriters, brokers and other distributors;
 - (p) organisations involved in debt assignment or securitisation arrangements; or
 - (q) debt collectors or other enforcement bodies.
- 11.3. We may also share your personal information with other members of the ORAFOL Group (which includes entities carrying on business under the name ORAFOL and derivatives of that name and/or other entities) which may have offices throughout the world including countries such as the United States of America, United Kingdom, Germany, Canada, Ireland, Turkey, United Arab Emirates, South Africa, Japan, China, Taiwan or India. If we transfer your personal information overseas, we will first obtain your written consent before doing so and will take reasonable steps to ensure that the overseas organisation complies with our Policy obligations to you.

12. We may Disclose your Personal Information to Credit Reporting Bodies

- 12.1. Credit reporting bodies are able, under the Privacy Act and applicable privacy regulations, to handle personal information relating to your credit. If we provide your personal and/or credit-related information to any credit reporting body, that credit reporting body may include your personal and/or credit-related information in reports to other credit providers to assist such other credit providers to assess your credit worthiness or eligibility to apply for credit. The personal and/or credit-related information that we provide to a credit reporting body or bodies may reflect adversely on your credit worthiness and this may negatively impact on your ability to obtain credit from other credit providers.
- 12.2. In addition to any other personal and/or credit-related information that we may be permitted to disclose to a credit reporting body under the Privacy Act and CR Code, please be aware, for example, that if you fail to meet your payment obligations to us in relation to consumer credit or you commit a serious credit infringement, we may be entitled to disclose this to the credit reporting body. We may provide personal and/or credit-related information about you (or any credit guarantor) to any or all of the credit reporting bodies set out



below. We may in the future disclose your personal and/or credit-related information to a credit reporting body not named below, however, before we do so, we will amend this Policy to contain the details of any such credit reporting body.

Equifax

<https://www.equifax.com.au/contact>
GPO Box 964
North Sydney NSW 2059
Tel: 138 332

Illion

<https://www.illion.com.au/>
PO Box 7405
St Kilda Rd Melbourne VIC 3004
Tel: 1300 734 806

Creditor Watch

<https://creditorwatch.com.au/>
GPO Box 276
Sydney NSW 2001
Tel: 1300 501 312

Experian

<https://www.experian.com.au/>
GPO Box 1969
North Sydney NSW 2060
Tel: 1300 783 684

12.3. For details on how these credit reporting bodies manage your personal and/or credit-related information, you may wish to review their respective privacy and credit reporting policies which are, or ought to be, available on their websites listed above.

12.4. You are also entitled to exercise the following rights under the Privacy Act:

- (a) **opt out of direct marketing pre-screenings**, by you contacting the relevant credit reporting body and requesting that you be excluded from direct marketing pre-screenings, if you do not want the credit reporting body to use your credit information to assist credit providers to market their goods and/or services to you and others; and
- (b) **request a ban (or non-disclosure) period**, if you believe on reasonable grounds that you have been or are likely to be the victim of fraud, in which case you may request from a credit reporting body or bodies that they not use or disclose your personal and/or credit-related information for a period of time.

13. How do we Hold and protect your Personal Information and Credit Card Details?

13.1. We may store your personal information in both hard and soft copy. Hard copy information is kept under lock and key. Soft copy information is stored on computer and is generally password protected.

13.2. To safeguard your credit card details, we will not collect or store your credit card details. Sensitive cardholder data is managed independently by either SecurePay Pty Ltd or Westpac Pty Ltd through the SecurePay or Westpac internet payment gateway. All credit card transactions are SSL encrypted by the payment gateway provider with fraud minimisation tools such as 3D Secure or FraudGuard for your added security.

14. Your Ability to Access and Correct your Personal Information

14.1. Under the Privacy Act, you have the right to request access to, and/or the correction of, any personal information that we hold about you. You are entitled to specify how you wish to access your personal information, provided your request is reasonable and practicable.

14.2. In order to access your personal information, please contact our Customer Service Department. We verify the identity of anyone requesting access to personal information, so as to ensure that we do not provide personal information to a person or people that do not have the right to access that personal information.

14.3. When making your request, please ensure that your request for access to personal information is as specific as possible so that we may properly accommodate your request. We will use our best efforts to respond to your request within 30 days after your request is made or such longer period as may be agreed between us.

14.4. If your request for access to personal information relates strictly to personal information (other than credit-related information), then we may charge you a reasonable fee for providing access to your personal information. If however your request relates strictly to credit-related information, we will respond to your request at no cost, however we may charge you a reasonable fee for providing access to your credit-related information.

14.5. We will respond to any requests for the correction of personal information within a reasonable time, but in any event by no later than 30 days after the date that you make the request. We will not charge you for responding to your request or for correcting the information. If we refuse to correct personal information about you, we will provide reasons to you for such refusal.

14.6. If at any time you believe that any of your personal information that we hold is not accurate, relevant, complete and/or is out-of-date, please let us know by contacting our Customer Service Department by either telephone on (07) 3823 6000, or by way of email at sales.au@orafol.com or please send your request to us by way of post to 8 Blanck Street, Ormeau QLD 4208.

15. When we may Withhold Access to your Personal Information

15.1. Under the Privacy Act and the Australian Privacy Principles, we may withhold access to your personal information in a number of circumstances as follows:

- (a) providing access would pose a serious and imminent threat to the life, health or safety of a person or public health or public safety;
- (b) providing access would have an unreasonable impact on the privacy of other individuals;
- (c) the information is subject to confidentiality where the person who provided the information to us did so expressly on the condition that it remains confidential;
- (d) the request is vexatious or frivolous;
- (e) the information relates to existing or anticipated legal proceedings between us and you and the information would not be accessible by the process of discovery in those proceedings;
- (f) we are in commercial negotiations with you and the information would reveal our intentions in such a way as to prejudice those negotiations;

- (g) providing access would be unlawful or we are required by a law or a court/tribunal order to withhold access;
- (h) providing access could prejudice the investigation or detection by our organisation or by a government body of an unlawful activity or some serious or improper misconduct;
- (i) we have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities, or otherwise, has been, is being or may be engaged in;
- (j) giving access would be likely to prejudice the taking of appropriate action in relation to a matter;
- (k) giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- (l) giving access would reveal evaluative information generated by us in connection with a commercially sensitive decision-making process.

15.2. Where we do withhold your personal information, we may instead choose to give you a summary of that personal information. If we withhold access to your personal information, we will provide you with written reasons for withholding the personal information and we will consider whether the provision of access to an independent third party will meet both of our needs.

16. Complaints and Disputes

- 16.1. If you think we have breached the Privacy Act, the Australian Privacy Principles and/or the CR Code, or you wish to make a complaint about the way we handled your personal information, you should contact our Customer Services Department by either telephone on (07) 3823 6000, or by way of email at sales.au@orafol.com or send your complaint to us by way of post to 8 Blanck Street, Ormeau QLD 4208.
- 16.2. Your complaint will be investigated and the outcome of that investigation will be communicated to you within a reasonable time, but in any event by no later than 30 days after the date that you make the complaint (or such longer period as may otherwise be agreed between us).
- 16.3. Where your complaint relates to credit-related information, we may consult with a credit reporting body, other credit providers or third parties, in order to properly investigate and attempt to resolve your complaint.
- 16.4. If you are not satisfied with the outcome of our internal complaints procedure, you may wish to refer your complaint to the Office of the Australian Information Commissioner (website: www.oaic.gov.au).

17. Modification of this Policy

- 17.1. We may modify this Policy at any time in our sole discretion.
- 17.2. We will make all modifications available on our websites.
- 17.3. You may access a copy of this Policy (as amended from time to time) at <http://credit.orafol.com.au/> or request, by contacting the Customer Services Department, that a hard copy of the Policy be provided to you.