

# GetFresh Merchants Pty Ltd - Privacy Policy

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## 1. Privacy Commitment

Thank you for visiting our Website and for reviewing our Privacy Policy. GetFresh Merchants Pty Ltd ACN 606 247 492 recognise the importance of protecting your privacy and the personal information in our care. We have created this Privacy Policy in order to demonstrate our commitment to your privacy. We may amend, update or revise this Privacy Policy from time to time. The most current version of our Privacy Policy will be posted on our website <https://www.getfreshmerchants.com.au/> and will be effective from the date of posting.

This Privacy Policy, together with our Terms and Conditions (also available on our Website <https://www.getfreshmerchants.com.au/>) represents how we manage your personal information in accordance with the Privacy Act 1988 (Cth) (“the Act”). Our Privacy Policy seeks to safeguard the privacy of your personal information in accordance with the Australian Privacy Principles (“the APP’s”) contained within the Act. This Privacy Policy sets out the kind of information we hold and how we collect, hold, use and disclose that information (including personal information and sensitive information).

This Privacy Policy also includes our Credit Reporting Policy which sets out how we collect, hold, use and disclose Credit Information to comply with our credit reporting obligations under the Act and the Credit Reporting Code registered under section 26S(1) of the Privacy Act 1988 (Cth) (“the Code”).

In addition to this Privacy Policy, we may also have specific and additional privacy provisions that apply to certain activities or promotions. In the event of any inconsistency between the provisions of this Privacy Policy and those other specific and additional provisions, the specific and additional provisions provided to you or published on our website will apply.

Our terms and conditions also discuss how we deal with your Private Information and Credit Information. In the event of any inconsistency between the provisions of this Privacy Policy and the provisions in our terms and conditions, this Privacy Policy will apply.

## 2. Kinds of Information collected

**2.1.** We may collect both personal and sensitive information from you.

**2.2.** Personal information is any information about you that identifies you or by which your identity may be reasonably determined. The kinds of personal information that may be collected from you includes, but is not limited to, your full name, address, phone number, the name of the company you are employed by or associated with, email address, payment details, transaction details relating to your purchase of our Goods, your date of birth and driver’s licence number where required (for example, to comply with age restrictions or in order to verify your identity when you apply for credit terms). By collecting this personal information we are able to contact you when necessary, identify and protect your information from unauthorised use and provide the best possible service.

**2.3.** From time to time, you may provide us, and we may collect from you, the personal information of a third party. Where you provide the personal information of third parties, you agree that you will ensure that those persons are aware of this Privacy Policy and have consented to the provision of that personal information. To the extent we comply with our obligations under this

Privacy Policy, you indemnify us and agree to keep us indemnified from any costs, expense, loss or liability we suffer from using the third party's private information that you provide to us.

**2.4.** Sensitive information includes information or an opinion about an individual's race, religion, political or trade association, among others. The kinds of sensitive information we may collect from you can include, but is not limited to your tax file number, medical history or affiliations. We will only collect sensitive information in circumstances where you have consented to the collection and if the information is reasonably necessary for us to provide our services.

### **3. Collection of Personal Information**

**3.1.** We will collect your personal information directly from you, online and from third parties.

**3.2.** We may collect your information to provide Goods to you at your request and to ensure that you receive the best possible service.

**3.3.** We will only collect personal information about you:

- from you (including via online enquiry forms you submit, our direct discussions with you, any emails, blogs, letters, faxes or other correspondence you send to us and when subscribing to our online publications);
- if you have created an online account including an account to facilitate the exchange of payment information with us, from your use of that online account;
- from any person authorised by you to provide such personal information to us (such as your personal representatives);
- from third party contractors and suppliers we engage to help us provide Goods to you;
- from external sources where the information is publicly and readily available;
- from third parties (for example, Credit Reporting Agency);
- otherwise in the course of us providing Goods to you.

**3.4.** As an example, and without limiting the types of personal information we collect, we may collect the following personal information (a) name, address, and contact details such as telephone number and email address, (b) details of your employer, your role within your place of employment, and other persons in the employ of your employer who have authority to deal with us and (c) payment information such as your, bank account details and card details.

**3.5.** Through use of our Website, we may automatically record details including your internet address, domain name and the date and time of your visit to our Website (including the web pages viewed), your browser and operating system. If you link to our Website from another website then that information may also be recorded. We may also use cookies that are small pieces of information that allow an organisation to track websites browsed by you. If you do not want to allow cookies to be used to collect information, you may disable cookies on your computer by changing the security and privacy settings in your browser. However, if you do disable cookies, you may not be able to interact with our website or take advantage of the improved functionality that cookies enable.

**3.6.** Where you provide us with personal information of third parties (for example, your employer) you warrant to us that the relevant individuals have consented to you disclosing their personal information to us.

**3.7.** We will not collect personal information by unlawful means or means that are unfair or intrude to an unreasonable extent upon your personal affairs.

#### **4. Use of Personal Information**

**4.1.** How we use your personal information varies based on the services we are providing. We will only use your personal information for the purpose it was obtained (which may include to provide you with Goods, obtaining a report from a credit reporting agency, share with other providers of credit to you or credit reporting agencies) unless you consent to its use for another purpose or where an exception applies under the Acts. Generally, we may use your personal information:

- to establish and maintain our relationship with a customer or any guarantor of a customer;
- to assess and process an application and any order given by a customer;
  
- to provide Goods to you and keep a record of you, and process any payments you make to us;
  
- to provide credit to you;
  
- to accept payment from you or a guarantor, including sharing with our service providers to allow us to accept payment;
  
- to respond to queries from you or a guarantor;
  
- to perform our internal and external administrative functions;
  
- to enable us to perform our business activities and functions;
  
- to enforce our legal rights and to obtain professional advice;
  
- to comply with any law, industry standard or internal or external policy that affects us;
  
- to communicate with you or guarantor;
  
- providing you or guarantor with promotional and marketing information about us;
  
- to conduct market research;
  
- to deal with any complaints or enquiries;
  
- to respond to any request for information from any government authority;
  
- to perform, or supply, trade references in respect of a customer or a guarantor;
  
- to share information with a credit reporting agency;
  
- to share information with another provider of credit to you or a guarantor.

**4.2.** We may use personally identifiable information in a summative form to improve our supply of goods and make them more responsive to the needs of our customers. This statistical compilation and analysis of information may also be used by us or provided to others as a summary report for marketing, advertising or research purposes.

**4.3.** Information other than personal information collected when you visit our Website may be used to monitor usage of and decide how to improve and promote our Website, products and services (including online advertising).

**4.4.** We may also use the information collected to provide to you information (via email, facsimile or post) that has been requested by you personally. If at any time you receive material that you did not request and do not want to receive any such material anymore, please see paragraphs 13 and 14 of this Privacy Policy.

## **5. Disclosure of Personal Information**

**5.1.** We may disclose your personal information:

- to our personnel, contractors, agents and service providers (for example, information technology contractors, debt collection agencies, delivery or courier contractors, marketing consultants, recruitment and human resources consultants, and manufacturers and suppliers) but only (a) for the purpose of providing services to you, (b) as necessary to facilitate the operation of our business, and/or (c) for the purpose of storing your personal information;
- to the Australian Taxation Office, the Australian Securities and Investments Commission and other government bodies as required by law or as necessary to provide Goods to you;
- to third parties with whom we are affiliated for the purpose of those third parties providing you with information about their services and promotions;
- to credit reporting agencies and other providers of credit to you or guarantor;
- as required or authorised by law or to meet our professional standards;
- where it is unreasonable or impracticable to obtain the your consent and in our reasonable opinion disclosure is necessary to prevent or lessen a serious threat such as public health or safety;
- where the use or disclosure is reasonably necessary for the purposes of the establishment, exercise or defence of a legal or equitable claim.
- where we have reason to suspect that unlawful activity or misconduct of a serious nature that relates to our functions is being or has been engaged in and that in our reasonable belief the use or disclosure is necessary for us to take appropriate action in relation to the matter; • to any person with your consent;
- where your information is publicly available;
- where your information has been de-identified in a form or for statistical or research purposes;
- in connection with any sale of GetFresh Merchants and/or its related bodies corporate; and
- to our professional advisers but only so they can advise us in respect of the same.

**5.2.** We will not sell, transfer, assign or rent your personal information. In order to operate the website and to deliver to you any Goods which you have requested, we may sometimes share your personal information with an affiliate or subsidiary or sub-contractor when necessary to deliver your requested items or services to you. We may need to disclose your

personal information where you have consented to us doing so in providing you with the Goods or where disclosure is necessary to achieve the purpose for which it was submitted.

**5.3.** We may need to disclose or transfer your personal information if GetFresh Merchants is acquired or merged with another entity.

**5.4.** GetFresh Merchants will, at all times, attempt to ensure that we do not disclose your personal information to a third party where consent for such disclosure has not been given. In all cases where we may be required to disclose information we will attempt to obtain your direct consent for such disclosure.

**5.5.** Please note that if at any time GetFresh Merchants is required by law to release information about you, we must cooperate fully. We may also disclose your information in order to investigate, halt, or take action regarding illegal activities.

## **6. Collection, use and disclosure of Sensitive Information**

**6.1.** We will only collect sensitive information from you directly as reasonably necessary and with your consent.

**6.2.** As an example, and without limiting the types of sensitive information we collect, we may collect sensitive information to employ you which may include (a) tax file number (b) medical history and (c) criminal record.

**6.3.** GetFresh Merchants will only retain your tax file number for a purpose authorised by Superannuation law, Taxation law or Personal Assistance Law.

**6.4.** Subject to paragraph 6.5, sensitive information will only be disclosed in accordance with the Act as follows: (a) for the primary purpose for which it was collected, (b) for a secondary purpose that is directly related to the primary purpose, or (c) as required by law. We will not disclose sensitive information without your prior written consent or unless required by law.

**6.5.** Information regarding your tax file number will only be disclosed to you personally and according to relevant laws (including, where you are an individual, in compliance with the Privacy (Tax File Number) Rule 2015 made under section 17 of the Act).

## **7. Direct marketing**

**7.1.** We may use or disclose your personal information for direct marketing purposes, being:

- to promote our Goods and provide you with information and marketing materials about other Goods that may be of interest to you.
- to provide information relevant to your type of business or other area of expertise or interest;
- to provide you with the opportunity to attend events that may be of interest to you; and
- any other new developments or matters that we believe may be of interest to you.

**7.2.** If you subscribe to receive information from our Website, then your e-mail address and other information that you provide will be recorded. GetFresh Merchants may, from time to time, use your personal information, such as your address and contact details, to provide you with marketing updates or information about the Goods that we offer.

**7.3.** If you do not wish to receive Direct Marketing communications from us, you can ‘opt out’ by clicking the ‘Unsubscribe’ link in our emails or other electronic communications, or sending an email to us at the contact details in paragraph 14 below with your contact details requesting that you no longer receive Direct Marketing materials from us. We will remove you from our Direct Marketing database as soon as reasonably practicable after receiving a request but in any event, within 30 days of receiving such a request.

## **8. Use of pseudonyms and unique identifiers**

8.1. In general, you are not required to provide personal information to us. Where reasonably practicable, you may have the option of not identifying yourself, or of using a pseudonym, when dealing with us in relation to a particular matter. However if you wish to receive information about our Goods, or to apply for employment, it may not be practical for you to use a pseudonym or otherwise not identify yourself and we may require you to provide certain personal information or credit information. If you do not provide some or all of the personal information or credit information requested, we may not be able to provide you with some or all of the services you request.

## **9. Cross-border disclosure**

**9.1.** Personal, sensitive and credit information which GetFresh Merchants collects may, from time to time, be stored and processed in and transferred between the countries abroad in which GetFresh Merchants has service providers or suppliers. This disclosure enables the use of your information in accordance with this Privacy Policy.

**9.2.** Your information may be held by us in our servers (which are located within Australia) or by our service providers or suppliers (whose servers may be located in countries abroad). As at the date of this policy, GetFresh Merchants may provide some of your information to its Customer Management Relationship service provider who has servers abroad, including in the United State of America.

**9.3.** By using our website or services you are taken to have agreed and consented to such cross-border transfers of your personal, sensitive and credit information contemplated by this Privacy Policy and agree that sub-clause 8.1 of the APP does not apply to such disclosures by us.

**9.4.** GetFresh Merchants may also use various software and tools for storing and sharing your information to other third party service providers, contractors or agents. This can include, but is not limited to, the use of electronic file transfer systems, order tracking and online payment facilities.

## **10. Collection of Credit Information**

We may provide credit to you from time to time (for example, by giving you time to pay our account for Goods) and this may involve the collection of credit information. We may collect credit information about you (a) directly from you or from persons acting on your behalf (including via application forms submitted by you or on your behalf), and (b) from third parties, including credit reporting bodies and other credit providers, to assist us in determining whether we will provide credit to you.

## **11. Use and disclosure of Credit Information**

**11.1.** With your express consent, as required by law or court order and otherwise in accordance with Part IIIA of the Privacy Act 1988 (Cth) and the Code, we may use or disclose the credit information we have collected to:

- credit reporting bodies;
- other providers of credit to you;
- third parties that perform credit assessment and debt collection services on our behalf;
- our contractors, agents, service providers and suppliers; and
- current or prospective guarantors in relation to credit we may provide to you.

**11.2.** We may use or disclose credit information we have collected about you for the following purposes:

- to decide whether or not to provide credit to you;
- to assess your suitability to act as a guarantor for another credit facility;
- to collect outstanding debts and enforce guarantees; and
- to comply with our legal or regulatory obligations.

**11.3.** We may also use credit information we hold about you for internal management purposes and to respond to queries or complaints about our treatment of your credit information. We may disclose your credit information to credit reporting bodies if you fail to make payments to us or if you commit a serious credit infringement.

**11.4.** The credit reporting policies for such credit reporting bodies will be available on their websites. You have the right to contact any credit reporting bodies to whom we disclose your credit information and request that they do not (a) use your credit information for pre-screening purposes to determine your eligibility to receive direct marketing from credit providers, and (b) use or disclose your credit information if you have been or are likely to be a victim of fraud.

## **12. Holding and security of your Personal Information and Credit Information**

**12.1.** GetFresh Merchants endeavours to take all reasonable steps to keep secure any personal or sensitive information which we hold about you, and to keep this information accurate and up to date.

**12.2.** However, as the internet is not a secure environment, any information that you send to us via that method is sent at your own risk.

**12.3.** The security and privacy of your personal information is our priority. We may store your personal information and credit information in hard copy or electronic format. We take reasonable steps to:

- ensure that any personal information or credit information we hold or disclose about you is up to date, complete and correct; and

- protect your personal information and credit information from misuse, interference, loss, and unauthorised access, modification and disclosure using electronic and physical security measures such as:

- (a) placing passwords and varying access levels on databases to limit access and protect electronic information;

- (b) the use of firewalls, encryption, passwords and digital certificates;

- (c) providing locked cabinets and rooms for the storage of physical records; and

- (d) requiring our staff to undertake privacy and data protection training.

**12.4.** We will destroy or delete any of your personal information or credit information which we no longer need to retain noting that we are required by law to retain certain information for a number of years after we have ceased providing the services. If you email us any information (including personal information or credit information), it is sent at your own risk as it may not necessarily be secure against interception.

### **13. Accessing and correcting Personal Information and Credit Information**

**13.1.** We rely on the accuracy of the personal information and credit information you provide to us.

**13.2.** We may take steps to correct information held if we are satisfied that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

**13.3.** On your request, except to the extent that we are lawfully able to refuse such a request, we will provide you with access to personal information and credit information that we hold about you. All requests about the personal information or credit information that we hold should be made by email or in writing to us (see paragraph 14 of this Privacy Policy for our contact details). We will try to respond to your request within a reasonable period.

**13.4.** If you satisfy us that personal information or credit information that we hold about you is misleading, inaccurate, out of date or incomplete, except to the extent that we are lawfully able to refuse such a request, we will correct the personal information and credit information that we hold about you. If it is reasonable and practicable to do so, we will give you access to your personal information and credit information in the manner that you request. We do not generally charge you for providing such access but may do so in certain circumstances.

**13.5.** In the event that we deny access to or refuse to correct your personal information or credit information that we hold, we will provide you with written reasons and the mechanisms available to complain about such refusal.

### **14. How to access and correct your Personal Information**

**14.1.** You may access and / or request that your personal information be edited or corrected by writing to one of the following:-

**Email:** [info@getfreshmerchants.com.au](mailto:info@getfreshmerchants.com.au)



**In writing:** Accounts Manager, GetFresh Merchants Pty Ltd, P.O. Box 1130, Canning Vale DC, WA-6970, Australia

**14.2.** By informing us of any changes to your personal information, you allow us to ensure that your information is accurate, upto-date and complete.

### **15. Third party websites**

**15.1.** When you leave our Website, you will be going to websites that are beyond our control. Our Policy does not apply to third party websites.

**15.2.** We confirm that this Privacy Policy only governs the handling of your personal information by GetFresh Merchants. We encourage you to read the privacy policies of any third party websites before disclosing any personal information to those third parties.

### **16. Changes to policy and complaints**

**16.1.** If you believe that we have breached our privacy or credit reporting obligations under the Act, or you are unsatisfied with the manner in which we have dealt with your personal information, you may make a complaint by emailing or writing to us at:

**Email:** [info@getfreshmerchants.com.au](mailto:info@getfreshmerchants.com.au)

**In writing:** Accounts Manager, GetFresh Merchants Pty Ltd, P.O. Box 1130, Canning Vale DC, WA-6970, Australia

**16.2.** GetFresh Merchants will, within fourteen days, respond to you and attempt to resolve with you your issues as they pertain to your personal information.

**16.3.** If you are still unsatisfied, you may wish to direct your complaint to the Office of the Australian Information Commission at <http://www.oaic.gov.au/> or alternatively:

**Phone:** 1300 363 992

**In writing:** The Office of the Australian Information Commissioner, GPO Box 5218, Sydney NSW 2001

### **17. Meanings**

In this Privacy Policy:

**17.1.** a reference to us, our or we is to GetFresh Merchants Pty Ltd;

**17.2.** Act mean the Privacy Act 1988 (Cth);

**17.3.** APP means the Australian Privacy Principles.

**17.4.** Credit Information includes identification information (for example, name, date of birth, driver's licence number, current and recent addresses and employment details), historical details of credit (including type and amount of credit sought or obtained) and repayment history, information about applications for credit, information about defaults and payment arrangements, details of insolvency proceedings, bankruptcy agreements, judgements and arrangements with creditors, information relating to activities and credit worthiness in Australia, information recorded on the National Personal Insolvency Index and opinions of credit providers regarding serious credit infringements;

- 17.5.** Personal Assistance Law has the meaning prescribed to it by the Privacy (Tax File Number) Rule 2015;
- 17.6.** Personal Information means information (including an opinion) about an individual whose identity is apparent or can reasonably be ascertained from the information whether true or not and whether or not recorded in a material form;
- 17.7.** Sensitive Information has the meaning given by the Act and includes Personal Information which relates to an individual's racial or ethnic origins, religious beliefs or affiliations, trade association, trade union membership, sexual orientation, criminal record and information as to an individual's health or biometric information.
- 17.8.** Superannuation Law has the meaning prescribed to it by the Privacy (Tax File Number) Rule 2015.
- 17.9.** Taxation Law has the meaning prescribed to it by the Privacy (Tax File Number) Rule 2015;
- 17.10.** Website means all of the pages located on the website you are currently viewing, being <https://www.getfreshmerchants.com.au>