



## PRIVACY POLICY

### Purpose of the policy

This is the privacy policy of Starbuck Excavation Pty Ltd ACN 169 208 780 and Starbuck Plant Hire Pty Ltd ACN 605 787 755 and our related entities.

The purpose of this policy is to clearly express an up to date policy about our companies' management of personal information.

We are committed to protecting your privacy and personal information. By submitting your personal information to us, or by using our website or services, you acknowledge and consent to us using your personal information in accordance with this policy.

We may update our privacy policy from time to time. The most current version of our privacy policy will always be displayed on our website. It is your responsibility to check our website from time to time to ensure that you agree with the terms of our privacy policy, as current.

This policy is intended to enhance the transparency of our companies' operations, notify you of your rights and our obligations and provide information regarding:

1. the kinds of personal information which we will collect and hold;
2. how we will collect, hold, use and disclose personal information;
3. the purpose for which we collect, hold, use and disclose personal information;
4. how you may access personal information that is held by us and seek correction of such information;
5. how you may complain about a breach of the Australian Privacy Principles (**APP**) or registered APP code (if any) that binds us and how we will deal with such complaint;
6. whether we are likely to disclose personal information to overseas recipients; and
7. if we are likely to disclose personal information to overseas recipients, the countries in which such recipients are likely to be located and if practical specify the countries in the policy.

This Privacy Policy sets out how we comply with its obligations under the *Privacy Act 1988* (as amended by the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*) (the **Act**).

### Acknowledgement

We acknowledge that we must take reasonable steps when handling personal information.

Whilst we cannot warrant that this policy will be followed in every instance we will endeavour to follow this policy on each occasion. Similarly, while we cannot warrant that loss, misuse or alteration of information will never occur, we will take all reasonable steps to prevent these things from occurring.

Our companies have taken reasonable steps to endeavour to comply with the APPs and the Act, some examples are noted below.

1. Implementation of this privacy policy.
2. Staff training and education.
3. Use of checklists to ensure that all APPs are complied with.

4. Clear and transparent procedures regarding handling of complaints and disclosure of information.

Our policy is available on our website however should you require a hardcopy please contact us and we will provide you with a copy.

### **The kinds of personal information which we will collect and hold**

#### *Collection*

It is our usual practice to collect personal information directly from the subject individual or their authorised representative(s).

Personal information means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether or not recorded in a material form, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Some examples of some personal information we might collect are:

1. name;
2. date of birth;
3. contact details (such as phone numbers, addresses, email addresses, and contact names);
4. payment details; and
5. driver's license details.

#### *Identification*

You may choose to interact with us using a pseudonym and/or not identify yourself.

In circumstances where we are required to do so, or are authorised by law, a court or tribunal to ask for your identification, we will request your personal information.

Further it is likely that it will be impractical for us to interact with you without some form of identification, and therefore we will request identification details from you at the beginning of each transaction.

For example we will not be able to open a commercial credit trading account or process a commercial credit application for you without obtaining identification details.

If you do not consent to the collection or your personal information, in accordance with this privacy policy, we may not be able to assist you with the provision of certain services.

### **How we will collect and hold your personal information**

We only collect and hold personal information by lawful and fair means.

In some circumstances, we may collect and hold personal information that has been collected from a third party or publicly available source. This will likely occur in instances where:

1. you have consented for this collection (which would usually be via our privacy statement and/or credit application form); or
2. you would reasonably expect us to collect your personal information in this way and it is necessary for us to collect this information for a specific purpose (such as the investigation of a complaint).

We will take steps to hold personal information in a manner which is secure and protected from unauthorised access.

Your information may be held in either a physical form or in electronic form on our IT system.

Where stored in a physical form, it is stored in lockable offices in secure premises, where access is restricted to unauthorised persons.

Where stored in electronic form on our IT system, we will take steps to protect the information against modification, disclosure or misuse by including such things as physical restrictions, password protections, internal and external firewalls, and anti-virus software.

We will also endeavour to ensure that our service providers have protection for electronic IT systems and other necessary restrictions.

We will endeavour to ensure our staff are trained with respect to the security of the personal information we hold and we will restrict any access where necessary.

While we retain information for as long as necessary in relation to the purposes for which it is collected, we will endeavour to destroy and de-identify the personal information once it is no longer required.

If we subsequently sell our business, personal information collected in the course of our business will be transferred to the new owner.

In the event we hold personal information that is unsolicited and we were not permitted to collect it, the personal information will be destroyed as soon as practicable.

If we collect personal information about you from someone else, we will advise you as soon as practicable that this information has been collected and the circumstances which surround the collection.

### **The purposes for which we collect and hold personal information**

We will endeavour to only collect and hold personal information which is relevant to the operation of our companies.

Our purpose for collecting or holding personal information about you is so that it may be used directly for our functions or activities.

We may use your personal information for the functions or activities of our companies, which include, among other things:

1. assessing credit applications;
2. reviewing existing credit terms;
3. assessing credit worthiness;
4. collecting overdue payments;
5. assessing credit guarantees (current and prospective);
6. internal management purposes;
7. administering accounts;
8. facilitating product and service reviews;

9. marketing;
10. sales and billing;
11. training; and
12. business development purposes and direct marketing.

We may also collect personal information (including sensitive information) for both the primary purposes specified herein and purposes other than the primary purposes, including the purpose of direct marketing.

Sensitive information means any information about your health, race, ethnic origin, sexual orientation or practices, professional or trade memberships, and political, religious, and philosophical beliefs.

We may also collect personal information from other credit providers, certain Credit Reporting Bodies (**CRBs**), and any other third parties for the purposes of our functions and activities including, but not limited to, credit, sales, marketing and administration.

#### **“Cookies” and the collection of personal information via our website**

When you visit our website, we may collect information about the session between your computer and our website through the use of “cookies”.

“Cookies” are text files which are stored on your computer (by your web browser) that record specific information, such as which pages you visit, the information you have searched for, or the device you are using to access our website.

We use “cookies” for the purposes of managing and improving our website, improving our business functions, and gathering demographic information about the persons who visit our website, among other things.

You may elect to disable or turn off “cookies” in your web browser, however, this may impact upon the services we are able to offer you on our website, and may impact upon your ability to access certain features of our website.

Our server will also automatically record your Internet Protocol address (**IP address**).

An IP address is a numerical designation assigned to each device connected to a computer network by your internet service provider. While IP addresses can be used to identify the general physical location of a computer, they are otherwise anonymous, and we will not use your IP address to identify you.

#### **The purposes for which we use and disclose personal information**

We will endeavour to only use and disclose personal information for the primary purposes noted above in relation to the functions or activities of our companies. In the course of doing so, we may disclose personal information to third parties (including, but not limited to, professional advisors, related entities, and contractors) as may be reasonably necessary to facilitate our businesses’ functions and activities.

In addition we may also use and disclose personal information (including sensitive information) for both the primary purposes specified herein and purposes other than the primary purposes, including the purpose of direct marketing.

Unless one or more of the below scenarios has occurred, we will take necessary steps to prevent personal information from being given to government agencies or other organisations.

1. You have provided your consent.
2. You would reasonably expect that your information would be so disclosed.

3. We have informed you that that your personal information will be provided to a third party.
4. We are required by law to provide your personal information to a government agency or other organisation.
5. The disclosure of the information will prevent a serious threat to somebody's life or health.
6. The disclosure of the information reasonably necessary for the enforcement of criminal law.

Further we will endeavour to only disclose personal information for the purpose in which it was collected, unless disclosure is reasonably necessary to:

1. assist in locating a missing person;
2. lessen or prevent a serious threat to life, health or safety;
3. take appropriate action with suspected unlawful activity or serious misconduct;
4. facilitate or assist with diplomatic or consular functions or activities;
5. assist certain defence force activities outside Australia;
6. establish or exercise a defined legal or equitable claim; or
7. facilitate or assist confidential alternative dispute resolution activities.

We will take steps not to disclose personal information for direct marketing purposes unless consent has been provided.

In any event you will be provided with an opt out option with respect to direct marketing should you wish to be excluded from direct marketing.

We will record this information on our opt out register.

We will endeavour not to use or disclose a government related identifier unless:

1. the use or disclosure of the identifier is reasonably necessary for us to verify your identity for the purposes of our activities or functions; or
2. the use or disclosure of the identifier is reasonably necessary for us to fulfil our obligations to an agency or a State or Territory authority; or
3. the use or disclosure of the identifier is required or authorised by or under an Australian law or a court/tribunal order; or
4. a permitted general situation (as that term is defined in the Act) exists in relation to the use or disclosure of the identifier; or
5. we reasonably believe that the use or disclosure of the identifier is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

#### *Disclosure to CRB's*

We may disclose personal information to a CRB in accordance with the permitted disclosures as defined under the Act.

We may disclose your Credit Information to the following CRBs listed below.

Veda Advantage  
Level 15, 100 Arthur Street  
NORTH SYDNEY NSW 2060  
Tel: 1300 921 621

NCI  
Level 2, 165 Grenfell St  
ADELAIDE SA 5000  
Tel: 1800 882 820

Illion  
Level 2, 143 Coronation Drive  
MILTON QLD 4064  
Tel: 07 3360 0600

Creditor Watch  
Level 13, 109 Pitt Street  
SYDNEY NSW 2000  
Tel: 1300 501 312

Experian  
Level 6, 549 St Kilda Road  
MELBOURNE VIC 3004  
Tel: 03 9699 0100

A copy of the credit reporting policy for the CRBs listed above will be available on their website or will be provided in hard copy upon request.

### **How you may access your personal information**

You are entitled to access your personal information held in our possession.

We will endeavour to respond to your request for personal information within a reasonable time period or as soon as practicable in a manner as requested by you. We will normally respond within 30 days.

You can make a request for access by sending an email or letter addressed to our Privacy Officer, details specified below.

The Privacy Officer  
Starbuck Excavation Pty Ltd  
42-46 Rushwood Dr  
CRAIGIEBURN VIC 3064  
Phone: (03) 8535 3070  
Email: [admin@starbuckexcavations.com.au](mailto:admin@starbuckexcavations.com.au)

With any request that is made we will need to authenticate your identity to ensure the correct person is requesting the information.

We will not charge you for making the request, however if reasonable we may charge you with the costs associated with your request.

You will only be granted access to your personal information where we are permitted or required by law to grant access. We are unable to provide you with access that is unlawful.

Further we are not required to and will not, give access to personal information to the extent that:

1. we reasonably believe that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
2. giving access would have an unreasonable impact on the privacy of other individuals; or
3. the request for access is frivolous or vexatious; or
4. the information relates to existing or anticipated legal proceedings and the information would not be accessible in normal discovery procedures; or
5. giving access would reveal the intentions of us in relation to negotiations and this disclosure would prejudice those negotiations; or
6. denying access is required or authorised by or under an Australian law or a court/tribunal order; or
7. we have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, or may be engaged in;
8. giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
9. giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or

10. giving access would reveal evaluative information generated within us in connection with a commercially sensitive decision-making process.

If we refuse access to the information, written notice will be provided to you setting out:

1. the reasons for the refusal (except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so); and
2. the mechanisms available to complain about the refusal; and
3. any other matter prescribed by the regulations.

### **Correction**

Should we hold personal information and it is inaccurate, out of date, incomplete, irrelevant or misleading, or incorrect you have the right to make us aware of this fact and request that it be corrected.

If you would like to make a request to correct your information please contact our Privacy Officer on the details above.

In assessing your request we need to be satisfied that the information is inaccurate, out of date, incomplete, irrelevant or misleading. We will then take all reasonable steps to ensure that it is accurate, up to date, complete and not misleading.

It is our normal policy to resolve any correction requests within 30 days. If we require further time we will notify you in writing and seek your consent.

Should we refuse to correct your personal information written notice will be provided to you setting out:

1. the reasons for the refusal (except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so); and
2. the mechanisms available to complain about the refusal; and
3. any other matter prescribed by the regulations.

We will endeavour to notify any relevant third parties of the correct personal information where necessary and required.

### **Complaints**

In the event that you wish to make a complaint about a failure of us to comply with our obligations in relation to the Act or the APPs please raise this with our Privacy Officer on the contact details above.

We will provide you with a receipt of acknowledgment as soon as practicable.

We will then endeavour to respond to your complaint and attempt to resolve the issues within 30 days.

In dealing with your complaint we may need to consult another credit provider or third party.

If you are not satisfied with the process of making a complaint to our Privacy Officer you may make a complaint to the Information Commissioner. Details of which are below.

Office of the Australian Information Commissioner  
GPO Box 5218 Sydney NSW 2001  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
Telephone: 1300 363 992  
Facsimile: 02 9284 9666

The Information Commissioner can decline to investigate a complaint on a number of grounds including, among other things, where the complaint wasn't made at first to us.

### **Disclosure to overseas recipients**

We may choose to, if permitted by law, share and/or disclose your personal information with recipients outside of Australia.

We are required to notify you with a list of any countries which personal information may be transmitted to, or disclosed where it is practical for us to do so.

At this point in time, we do not share and/or disclose any personal information to overseas recipients.

If you have any queries regarding our credit reporting policy or wish to find out more regarding any of privacy policies, please contact our Privacy Officer on the details list above.