

MVA BENNETT

(ABN 48 647 105 185)

PRIVACY POLICY

1 OUR COMMITMENT TO YOUR PRIVACY

- 1.1** Under the *Privacy Act 1988* (Cth) and the Australian Privacy Principles (“**APP**”), MVA Bennett (ABN 48 647 105 185) (“**MVA Bennett**”) has obligations in respect to the collection, storage and use of personal information.
- 1.2** MVA Bennett is committed to protecting the privacy of:
 - (a) customers who purchase products and services from us, in person or otherwise; and
 - (b) any other person who provides us with personal information in the course of our business through our website, in person or otherwise.
- 1.3** By providing any personal information to MVA Bennett, you expressly represent and warrant to MVA Bennett that you accept this Privacy Policy.
- 1.4** More information on your rights under Australian law are available from the Office of the Australian Information Commissioner (“**OAIC**”) at <https://oaic.gov.au/>.
- 1.5** If you have any questions, concerns, or complaints about MVA Bennett handling of your personal information or this Privacy Policy, please contact our Privacy Officer at privacyofficer@mvaibennett.com.au.

2 WHAT INFORMATION DOES MVA BENNETT COLLECT AND HOW DOES IT USE IT?

- 2.1** MVA Bennett may collect anonymous information when you interact with our Website such as your browser name, IP address, device type, operating system and web log information. Such information does not identify you personally, and we only use this information for statistical purposes and to improve the contact and functionality of the Website, to better understand our users and markets, and to improve our services.
- 2.2** MVA Bennett may use cookies to identify your computer on your server and so that MVA Bennett can track your use on the Website. In some instances, cookies may collect and store personal information about you. We may use cookies to recognise you as a user of the Website, to customise our services and advertising, and to collect information in order to alleviate the risk of fraud and illegal conduct. You may set your browser to refuse cookies, or to alert you when cookies are being sent. However, if you do so please note that some parts of the Website may not function properly.
- 2.3** When you engage with us (in person, through our Website or otherwise), MVA Bennett may collect:
 - (a) Names, employment titles, contact details;
 - (b) Date of birth and gender;
 - (c) Information in identification documents (e.g. passport, driver’s licence);
 - (d) Tax file numbers and other government related identifiers;
 - (e) Assets and liabilities;
 - (f) Educational qualifications and employment history;
 - (g) Personal income;
 - (h) Visa and work permit status;

- (i) Bank account details;
- (j) Shareholdings and details of investments;
- (k) Superannuation details;
- (l) Tax and financial statements;
- (m) Information regarding insurance;
- (n) Personal information about your spouse and dependants.

2.4 When we collect, hold, use and disclose personal or sensitive information it must be done through lawful and fair means. Consent must be obtained to collect, hold, use and disclose personal information. We are not required to obtain your consent to collect, hold, use or disclose your personal or sensitive information if the collection is required or authorised by or under an Australian law or a court/tribunal order. There are other exceptions to the requirement of obtaining your consent in accordance with the Australian Privacy Principles. If you would like more information on these requirements, please contact our Privacy Officer.

2.5 MVA Bennett uses a variety of formats for the collection of personal and sensitive information. These include:

- (a) Requiring clients to complete a Client Profile or other forms;
- (b) Receipt of emails, letters and other correspondence;
- (c) Telephone calls;
- (d) Appointments in person;
- (e) Publicly available records;
- (f) Through a client's personal representative;
- (g) Through use of our website, such as via contact mailboxes or online enquiry forms, or through the registration process.

In every circumstance we will attempt to obtain such personal and sensitive information directly from you. If that is unreasonable or impracticable, we will attempt to obtain such information from other sources in accordance with Clause 2.4 above.

3 WHAT WE DO WITH THE INFORMATION WE GATHER

3.1 We require this information to understand your needs and to provide you with a better service, and in particular the following reasons:

- (a) internal record keeping, including tracking of sales, accounting and analytics;
- (b) we may use the information to improve our products and services; and
- (c) we may use the information to customise the Website according to your interests.

4 SENSITIVE INFORMATION

4.1 It may be necessary in some circumstances for MVA Bennett to collect sensitive information about you in order to provide specific services. The types of sensitive information we may collect include:

- (a) Health status;
- (b) Ethnic origin;
- (c) Details of any membership/s to professional associations;
- (d) Criminal record.

You have a right to refuse to provide us with your personal information or to anonymity or the use of a pseudonym. However, if you do refuse to provide such information, or request the

use of anonymity or a pseudonym we may be unable to complete or fulfil the purpose for which such information was collected, including providing you or our clients with the services we were engaged to perform.

5 STORAGE OF INFORMATION

- 5.1** MVA Bennett has adopted appropriate data collection, storage and processing practice, and has put in place security measures to protect against unauthorised access, alteration, disclosure or destruction of your personal information and data stored on our Website and servers.
- 5.2** We hold personal information in a combination of secure computer storage facilities and paper based files, and take steps to protect the personal information we hold from misuse, loss, interference, unauthorised access, modification or disclosure. MVA Bennett trains its employees carefully on handling personal information and confidentiality of such information. Once we have no purpose for holding your personal information, we will take all reasonable steps to destroy or de-identify the information.
- 5.3** MVA Bennett will only hold your personal information for as long as is reasonably necessary for the purpose for which it was collected, or to comply with any applicable legal or ethical reporting or document retention requirements.

6 SHARING OF PERSONAL INFORMATION

- 6.1** MVA Bennett may disclose, share or transfer personal information about you:
- (a) where you have asked for credit, to credit reporting bodies and other third parties for the purposes of:
 - (i) internal record keeping, including tracking of sales, accounting and analytics;
 - (ii) obtaining a credit report;
 - (iii) to notify other credit providers of a default by you;
 - (iv) to exchange information with other credit providers as to the status of this credit account, where you are in default with other credit providers; and/or
 - (v) to assess your creditworthiness including your repayment history in the preceding two years;
 - (b) if we are required to do so by law;
 - (c) if we receive a lawful request from law enforcement agencies or other government officials;
 - (d) when we believe disclosure is necessary to prevent physical harm or financial loss, or in connection with an investigation of suspected or actual illegal activity; or
 - (e) with other third parties with your consent or direction to do so.
- 6.2** MVA Bennett may disclose personal information to external service providers including IT service providers and external archiving services. Where we engage external service providers we take reasonable steps to ensure these providers comply with the APPs.
- 6.3** MVA Bennett may disclose personal information to overseas recipients in order to provide necessary legal services and for administrative or other business management purposes. Before disclosing any personal information, we take steps reasonable in the circumstances to ensure the overseas recipient complies with the APPs or is bound by a substantially similar

privacy scheme, unless you consent to the overseas disclosure or it is otherwise required or permitted by law.

- 6.4 MVA Bennett will take reasonable steps to ensure that each organisation that it discloses your personal information to is committed to protecting your privacy. By allowing MVA Bennett to disclose your personal information to other organisations, you also consent to the terms and conditions and privacy policies of these entities, which are available upon request. Please be aware that your personal information may continue to be used by third party organisations following termination of our agreement with them.
- 6.5 You should only provide us with someone else's personal information where you have their express consent to do so and it is for the purpose of us providing services to you. Matters in this policy should be communicated to any person whose information you collect and provide to us.
- 6.6 There may be circumstances where we are provided with personal information which we did not actively seek. An example may be misdirected mail, or an excess of documents provided to us by clients. In such situations, our Privacy Officer will make a determination on whether we could have obtained the information lawfully in accordance with the APPs. If the information was not lawfully obtained it will be destroyed or de-identified. We will use reasonable endeavours to notify the relevant person, whose information has been mistakenly received, if this situation arises.

7 DIRECT MARKETING

- 7.1 MVA Bennett may engage in direct marketing to you from time to time. MVA Bennett complies with the Spam Act (2003) (Cth).
- 7.2 When required, your personal information will only be used or disclosed for direct marketing where the information is not sensitive information, is collected directly from you and there is an easy means to opt out of such marketing (and such an opt out request has not been made), where you would expect MVA Bennett to use or disclose the information for direct marketing purposes; or you have consented to the use or disclosure of the information for direct marketing purposes.

8 DATA BREACHES

- 8.1 While MVA Bennett will take all reasonable endeavours to secure your data, there is the possibility of unauthorised access to, unauthorised disclosure of, or loss of your personal information that we hold ("**data breach**").
- 8.2 Under the Notifiable Data Breaches scheme ("NBD scheme"), where MVA Bennett has reasonable grounds to believe that there has been a data breach, and that it is likely to cause serious harm to one or more individuals, MVA Bennett will:
 - (a) notify the OAIC by way of the prescribed statement; and
 - (b) either:
 - (i) notify all individuals whose personal information was part of the eligible data breach; or
 - (ii) notify only individuals at risk of serious harm from the eligible data breach; or
 - (iii) if the above isn't practicable, publish a copy of the statement on our Website and take reasonable steps to publicise the contents of the statement.

8.3 Where MVA Bennett suspects a data breach has occurred, we will immediately conduct an investigation and if one is found, will follow the above procedure.

8.4 For more information on the NBD scheme, please visit:
<https://www.oaic.gov.au/privacy/notifiable-data-breaches>.

9 THIRD PARTY WEBSITES AND CONTENT

9.1 This Website may contain links to other websites (“**Third Party Websites**”) and MVA Bennett may display content or information from other websites within frames on the Website (“**Third Party Content**”).

9.2 MVA Bennett is not responsible or liable for the handling, use or disclosure of any personal information collected by a third party (including information collected through a Third Party Website) and to the extent permitted by law MVA Bennett disclaims any liability resulting from the third party’s failure to handle, use and disclose your personal information in accordance with the *Privacy Act 1988* (Cth).

10 ACCESS TO THE PERSONAL INFORMATION WE HOLD ABOUT YOU

10.1 You have the right to access any personal information regarding you that MVA Bennett holds.

10.2 This is subject to some limited exceptions, which the Privacy Officer can provide further information on. Such requests should be made in writing to the Privacy Officer. We will acknowledge your request within 14 days and respond to it within a reasonable time.

10.3 MVA Bennett may charge a fee only to cover the cost of locating, retrieving, reviewing and copying any material requested.

10.4 MVA Bennett will not charge any fee to make the request or for us to give effect to the request.

10.5 If your request is approved, we will provide you with access to the information in the manner requested if it is reasonable and practicable to do so.

10.6 MVA Bennett endeavours to ensure that the personal information it holds is accurate and up-to-date. You are able to make a request to correct your personal information by contacting our Privacy Officer, or by telephoning or emailing us with your corrected information.

10.7 There may be limited circumstances where your request is refused or partially refused. If this occurs we will give you a written notice that sets out:

(a) The reasons for the refusal, including the reasons why access cannot be granted in an alternative way (except where it would be unreasonable to provide those reasons);

(b) How to make a complaint about the refusal;

(c) Any other matter as prescribed by the regulations. If your request to correct your personal information is refused you have the option of submitting a statement associated with your personal information. For more information contact our Privacy Officer.

10.8 If you consider that any action of MVA Bennett breaches this policy or the APPs, you are able to make a complaint. Once we have received your complaint, it will be assessed and acted upon within a reasonable time. To make a complaint please contact our Privacy Officer. If you are not satisfied with our response to your complaint, you may contact the Office of the Australian Information Commissioner at <https://oaic.gov.au/>.

11 HOW WE USE COOKIES

- 11.1** A cookie is a small file which asks permission to be placed on your computer's hard drive. Once you agree, the file is added and the cookie helps analyse web traffic or lets you know when you visit a particular site. MVA Bennett allows web applications to respond to you as an individual. The web application can tailor its operations to your needs, likes and dislikes by gathering and remembering information about your preferences.
- 11.2** MVA Bennett may use traffic log cookies to identify which pages are being used. This helps us analyse data about web page traffic and improve our Website in order to tailor it to customer needs.
- 11.3** Overall, cookies help us provide you with a better Website, by enabling us to monitor which pages you find useful and which you do not. A cookie in no way gives us access to your computer or any information about you, other than the data you choose to share with us. You can choose to accept or decline cookies. Most web browsers automatically accept cookies, but you can usually modify your browser setting to decline cookies if you prefer. However, this may prevent you from taking full advantage of the Website.

12 AMENDMENT OF THIS POLICY

- 12.1** MVA Bennett reserves the right at its sole discretion and at any time to amend this Privacy Policy by publishing the amended version on the Website.
- 12.2** Any amendment to this Privacy Policy will have immediate effect from the time that it is published by MVA Bennett on the Website. MVA Bennett will use its best endeavours to draw your attention to any amendments to the Privacy Policy (for example by email or by way of a notice when you log in to your account). By continuing to use the Website and/or Affiliate Program you are taken to have accepted the amended and most current Privacy Policy.
- 12.3** No other amendment to the Privacy Policy shall be of any effect without the written consent of MVA Bennett.