

Privacy Policy

1. OUTLINE

1.1 This Privacy Policy, which is subject to the Privacy Act and APPs to which we are bound, regulates how we collect, use and disclose *personal information*.

1.2 **Amendment.** We may change, vary or modify all or part of this Privacy Policy at any time in our sole discretion. It is your responsibility to check this Privacy Policy periodically for changes. If we adopt a new Privacy Policy:

1.2.1 we will post the new Privacy Policy on the Platform; and

1.2.2 it will then apply through your acceptance of it by subsequent or continued use of the Platform and/or our Services.

1.3 **Employee records.** This Privacy Policy does not apply to our acts and practices which relate directly to the employee records of our current and former employees.

2. PURPOSE

2.1 **Primary purpose.** We collect your *personal information* to lawfully carry out our functions and activities and provide you our Services (**Primary Purpose**).

2.2 **Related purposes.** In addition to the Primary Purpose, we may use the *personal information* we collect and you consent to us using your *personal information* to:

2.2.1 provide you with further information about the Services you requested and any other services you may be interested in, such as sending you newsletters;

2.2.2 personalise and customise your experiences with us;

2.2.3 help us review, manage and enhance our Services;

2.2.4 communicate with you, including by email, telephone and mail;

2.2.5 conduct surveys or promotions;

2.2.6 to process payments and administer your account;

2.2.7 investigate any complaints about or made by you, or if we have reason to suspect you have breached any relevant terms; or

2.2.8 as required or permitted by any law.

3. WHAT WE COLLECT

3.1 *Personal information* we collect about you may include your name, title, address, telephone number, gender, email address, location, driver's licence, bank account details, credit card details and other related financial information. For the purposes of this Privacy Policy '*your personal information*' includes any *personal information* provided by you relating to a minor under your guardianship.

3.2 We will only collect, hold, use or disclose your *sensitive information* with your consent. For the purposes of this Privacy Policy '*your sensitive information*' includes any *sensitive information* provided by you relating to a minor under your guardianship.

4. HOW WE COLLECT

4.1 **How we collect.** Your *personal information* may be collected:

4.1.1 when you complete an application, consent, purchase, account sign-up or similar form (including but not limited to a Student Details Form (Special Transport)), in paper, via our Platform, in person, or otherwise;

4.1.2 when you contact us to make a query or request;

4.1.3 when you participate in one of our Services, competitions or surveys;

4.1.4 from those who request our Services on your behalf, including your agents and representatives;

4.1.5 from publicly available sources of information;

4.1.6 from government regulators, law enforcement agencies and other government entities;

4.1.7 from business contacts, external service providers and suppliers;

4.1.8 from prospective employees; or

4.1.9 by other means as we will reasonably inform you of (as relevant).

4.2 **Third party collection.** If we collect any *personal information* about you from someone other than you, to the extent not already set out in this Privacy Policy, we will inform you of the fact that we will collect, or have collected, such information and the circumstances of that collection before, at, or as soon as reasonably practicable after we collect such *personal information*.

4.3 **Unsolicited information.** If we receive unsolicited *personal information* about you that we could not have collected in accordance with this Privacy Policy and the Privacy Act, we will, within a reasonable period, destroy or de-identify such information received.

4.4 **Anonymity.** You are not obliged to give us your *personal information*. If you would like to access any of our Services on an anonymous basis we will take reasonable steps to comply with your request, however:

4.4.1 you may be precluded from taking advantage of some of our Services; and

4.4.2 we will require you to identify yourself if:

a) we are required by law to deal with individuals who have identified themselves; or

b) it is impracticable for us to deal with you if you do not identify yourself or elect to use a pseudonym.

4.5 **Destruction.** We will destroy or de-identify your *personal information* if the purpose for which we collected the *personal information* from you no longer exists or applies. Where a relevant legal requirement otherwise applies, we will retain in a secure manner your *personal information* for a period of seven years after which we may destroy it.

5. USE

5.1 **Primary use.** We will only use and disclose your *personal information*:

5.1.1 for purposes which are related to the Primary Purpose; or

5.1.2 if we otherwise get your consent to do so, in accordance with this Privacy Policy and the Privacy Act.

5.2 We will not use your *personal information* for any purpose for which you would not reasonably expect us to use your *personal information*.

5.3 We will not sell, trade, rent or licence your *personal information* to third parties.

5.4 **Direct marketing.** At the time you provide your *personal information*, we will offer you a choice as to whether you want to receive direct marketing communications about services. If you choose not to receive these communications, we will not use your *personal information* for this purpose. We will otherwise only use or disclose your *personal information* for the purposes of direct marketing if:

5.4.1 we collected the information from you;

5.4.2 it is reasonable in the circumstances to expect that we would use or disclose the information for direct marketing purposes;

5.4.3 we provide you with a simple means to 'opt-out' of direct marketing communications from us; and

5.4.4 you have not elected to 'opt-out' from receiving such direct marketing communications from us.

5.5 You may opt out of receiving such communications by:

5.5.1 clicking a link on the email communication sent to you; or

5.5.2 contacting us using our contact details below.

5.6 We may offer you the opportunity to receive information from third parties regarding products or services that may be of interest to you. If you choose to receive such information, we may forward messages from such third parties to you. If we do so, we will not provide such third parties with any of your *personal information*.

6. DISCLOSURE

6.1 **How we disclose.** We may disclose *personal information* and you consent to us disclosing such *personal information* to:

6.1.1 third parties engaged by us to perform functions or provide products or Services on our behalf;

6.1.2 your referees and former employers;

6.1.3 our professional advisors, including our accountants, auditors and lawyers;

6.1.4 our related bodies corporate;

6.1.5 persons authorised by you to receive information held by us;

6.1.6 a government authority, law enforcement agency, pursuant to a court order or as otherwise required by law;

6.1.7 a party to a transaction involving the sale of our business or its assets; and

6.1.8 any persons as required or permitted by any law.

6.2 We will not disclose your *sensitive information* without your consent, unless there is a need to disclose such information in accordance with the Privacy Act or to comply with any other law or regulatory requirement.

6.3 **Overseas disclosure.** We do not send your *personal information* to overseas recipients.

7. ACCESS + CORRECTION

7.1 **Access.** You have a right to access your *personal information*, subject to certain exceptions provided for in the Privacy Act.

7.2 If you require access to your *personal information*, please contact us using our contact details below.

7.3 You are required to put your request in writing and provide proof of identity.

7.4 We are not obliged to allow access to your *personal information* if:

7.4.1 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;

7.4.2 giving access would have an unreasonable impact on the privacy of other individuals;

7.4.3 the request for access is frivolous or vexatious;

7.4.4 the information relates to existing or anticipated legal proceedings between you

- and us and would not ordinarily be accessible by the discovery process in such proceedings;
- 7.4.5 giving access would reveal our intentions in relation to negotiations with you in a way that would prejudice those negotiations;
- 7.4.6 giving access would be unlawful;
- 7.4.7 denying access is required or authorised by or under an Australian law or a court/tribunal order;
- 7.4.8 we have reason to suspect that unlawful activity, or misconduct of a serious nature relating to our functions or activities has been, is being or may be engaged in and giving access would be likely to prejudice the taking of appropriate action in relation to the matter;
- 7.4.9 giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- 7.4.10 giving access would reveal internal evaluative information in connection with a commercially sensitive decision-making process.
- 7.5 If you make a request for access to *personal information*, we will:
- 7.5.1 respond to your request within a reasonable period; and
- 7.5.2 if reasonable and practicable, give access to the information in the manner requested.
- 7.6 If we refuse to give access to the *personal information* because of an exception or in the manner requested by you, we will give you a written notice that sets out at a minimum:
- 7.6.1 our reasons for the refusal (to the extent it is reasonable to do so); and
- 7.6.2 the mechanisms available to complain about the refusal.
- 7.7 **Correction.** We request that you keep your *personal information* as current as possible. If you feel that information about you is not accurate or your details have or are about to change, you can contact us using our contact details below and we will correct or update your *personal information*.
- 7.8 If you otherwise make a request for us to correct your *personal information*, we will:
- 7.8.1 respond to your request within a reasonable period; and
- 7.8.2 if reasonable and practicable, correct the information in the manner requested.
- 7.9 If we refuse a request to correct *personal information*, we will:
- 7.9.1 give you a written notice setting out the reasons for the refusal and how you may make a complaint; and
- 7.9.2 take reasonable steps to include a note with your *personal information* of the fact that we refused to correct it.

8. SECURITY + PROTECTION

- 8.1 In relation to all *personal information*, we will take all reasonable steps to:
- 8.1.1 ensure that the *personal information* we collect is accurate, up to date and complete;
- 8.1.2 ensure that the *personal information* we hold, use or disclose is, with regard to the relevant purpose, accurate, up to date, complete and relevant; and
- 8.1.3 protect *personal information* from misuse, loss or unauthorised access and disclosure.
- 8.2 We have put in place suitable physical, electronic and managerial procedures to safeguard and secure your *personal information*. We store your *personal information* on a secure server behind a firewall and use procedures including security

software and encrypted databases accessible only by authorised personnel to protect your *personal information* from unauthorised access, destruction, use, modification or disclosure.

8.3 If you suspect any misuse or loss of your *personal information* please contact us immediately.

9. PLATFORM

9.1 **Third party links.** When you are using our Platform you could be directed to other sites outside of our Service that are beyond our control. This includes links from advertisers and other customers that may use our logo under licence. These other websites may send their own cookies to users, collect data or collect your *personal information*. This Privacy Policy is strictly limited to *personal information* that we collect (whether via the Platform or otherwise). We are not responsible for any third party websites or their content. Please check the privacy policy of any relevant third party website when accessing other websites via our Platform.

9.2 **Own risk.** You acknowledge that the security of communications sent by electronic means or by post cannot be guaranteed. We cannot accept responsibility for misuse, loss or unauthorised access to your *personal information* where the security of information is not within our control.

9.3 **Click stream data.** When you visit our Platform, our server may collect certain anonymous information known as *click-stream data*, including: the type of browser and system you are using; the address of the site you have come from and move to after your visit; the date and time of your visit; and your server's ISP address.

9.4 We may collect this information for statistical purposes to find out how our Platform is used and navigated, including the number of hits, the frequency and duration of visits, most popular session times. We may use this information to evaluate and improve our Platform's performance.

9.5 **Cookies.** Our web server may send cookies to your machine when you visit our Platform, or request information. The cookie is stored on your machine and does not give us any *personal information*. However, we can use cookies to identify your computer and aggregate data which allows us to analyse traffic patterns on our Platform to provide you with a better experience on our Platform by improving the content and making it easier to use.

9.6 Most browsers automatically accept cookies, but you can usually refuse cookies or selectively accept certain cookies by adjusting the preferences in your browser. Please refer to your browser instructions or help screen to learn how to do this. If you turn off cookies, be aware that there may be some features of our Platform that will not be available to you.

9.7 **Web beacons.** Our Platform may contain electronic images known as *Web beacons*, or *single-pixel GIFs*, which originate from third party media and research companies. *Web beacons*, which use cookie technology, permit these third parties to compile aggregated statistics for us about how visitors use our Platform and to gauge the effectiveness of our advertisements. No *personal information* is collected or shared through the use of *Web beacons* on our Platform, nor does the information collected permit us to identify you. The aggregated data that is collected will be used by us for marketing research purposes.

10. COMPLAINTS

10.1 If you have a complaint about how we collect, use, disclose, manage or protect your *personal information*, or consider that we have breached the Privacy Act or APPs, please contact us using our

contact details below. We will respond to your complaint within 14 days of receiving the complaint.

10.2 Once the complaint has been received, we will try to resolve the matter in a number of ways:

10.2.1 **Request for further information:** We may request further information from you. You should be prepared to provide us with as much information as possible, including details of any relevant dates and documentation. This will enable us to investigate the complaint and determine an appropriate solution.

10.2.2 **Discuss options:** We will discuss options for resolution with you and if you have suggestions about how the matter might be resolved you should raise these with our Privacy Officer.

10.2.3 **Investigation:** Where necessary, the complaint will be investigated. We will try to do so within a reasonable time frame. It may be necessary to contact others in order to proceed with the investigation. This may be necessary in order to progress your complaint.

10.2.4 **Conduct of our employees:** If your complaint involves the conduct of our employees we will raise the matter with the employees concerned and seek their comment and input in the resolution of the complaint.

10.3 After investigating the complaint, we will give you a written notice about our decision.

10.4 You are free to lodge a complaint directly with the Office of the Australian Information Commissioner (OAIC) online, by mail, fax or email. For more information please visit the OAIC website at <http://www.oaic.gov.au/privacy/making-a-privacy-complaint>.

11. CONTACT

11.1 If you have any privacy queries, please contact our Privacy Officer:

Privacy Officer

Fiona Hemmings

P: (02) 6760 9084

E: office@fionasminibuses.com.au

12. INTERPRETATION + DEFINITIONS

12.1 **Personal pronouns:** Except where the context otherwise provides or requires:

12.1.1 the terms **we**, **us** or **our** refers to **Fiona's Mini Bus Rentals**; and

12.1.2 the terms **you** or **your** refers to a user of the Platform and/or a customer to whom we provide the Services.

12.2 Terms italicised and defined in the Privacy Act have the meaning given to them in the Privacy Act.

12.3 **Defined terms:** In this Privacy Policy unless otherwise provided, the following terms shall have their meaning as specified:

APPs means any of the Australian Privacy Principles set out in Schedule 3 of the Privacy Act.

Platform means our website at www.fionasminibuses.com.au.

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

Privacy Policy means this privacy policy as amended from time to time.

Services means services provided by us from time to time, including short and long term mini bus hire and assisted school travel.