

# PRIVACY POLICY

## PURPOSE

The Privacy Act protects personal information about individuals including personal credit information handled by organisations subject to the Privacy Act. The ten Australian Privacy Principles (APPs) in the Privacy Act set the minimum standards for handling personal information. This policy outlines Emerald compliance with the Act and the APPs.

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## DOCUMENT CONTROL

Executive Owner	Policy Implementation Officer	Last Review Date
Rita Williams	Josh Whiting	November 2015

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Emerald Grain Pty Ltd (ACN 109 203 054) and its subsidiary companies (**Emerald, Us, Our or We**) recognise that your personal information is important to you. Emerald's policy on the collection, use and disclosure of an individual's personal information in accordance with the Australian Privacy Principles as set out in *Privacy Act 1988 (Act)* and the 2012 amendments to the Act is set out below. This Policy also deals with Emerald's collection, use and disclosure of your credit information if you apply for credit with us (refer to the Credit Information Management section of this Policy).

By providing information, or otherwise dealing with Emerald after this Policy has been brought to your attention, you acknowledge and consent to the collection, use, storage or disclosure of your personal information in accordance with this Policy and the Act.

## Part I - PERSONAL INFORMATION

### Why does Emerald collect, hold, use and disclose your personal information

Emerald collects personal information of individuals for the purposes of:

- recruitment and employment ("**Employment Information**"); and
- administering the services it provides to grower sellers and customers ("**Business Information**").

Personal information may be used for a number of purposes connected with Our business operations, which include:

- recruitment, employment and human resource management purposes;
- payment for Commodity purchased by Emerald;
- debt recovery;
- assessing an application for Credit in accordance with our credit information management policy below;
- carrying out market and product analysis and marketing Our products and services generally; and
- contacting you about and providing you with Our products and services and other [customer/grower] care related activities
- the operation and administration of any online accounts that you have with Emerald including Grain Mate;
- in connection with any reward programmes and competitions;
- purposes relating to any third party acquisition or potential acquisition of an interest in Emerald or its assets;
- carrying out any activity in connection with a legal, governmental or regulatory requirement that Emerald has to comply with, or in connection with legal proceedings, crime or fraud prevention, detection or prosecution.

We may also use and disclose your personal information for other purposes related to those described above which would be reasonably expected by you.

There are exemptions under the Act for particular types of personal information for example employee records. Emerald will handle such personal information relying on the exemptions under the Act. Any permitted handling of personal information under such exemptions will take priority over this Privacy Policy to the extent of any inconsistency.

### What kinds of personal information does Emerald collect and hold?

The kinds of personal information We collect and hold may include:

- in relation to Employment Information - date of birth, CVs and resumes, education, qualification, language skills, medical information and emergency contact details; and
- in relation to Business Information - personal information identifying the grower sellers and customers of commodities such as name, address, date of birth, telephone number, email address, Internet Protocol address, server address, domain name and information on browsing activity, farm and crop details, payment details, information on business combinations, and credit related information.

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As part of the employment application process, you may be required to undergo certain assessments such as background checks, psychometric screening, aptitude testing, medical testing and the like. This process would likely involve the collection of health information and possibly other sensitive information. This information may be used in the assessment of your suitability for the role you have applied for.

## How does Emerald collect and hold your personal information?

Emerald collects personal information in a number of ways but usually directly from you including when you:

- provide Us your details to manage your account;
- contract with Emerald;
- set up an account with Emerald;
- participate in any reward programmes or competitions;
- browse Our website or step through Our online contracting process on Our website;

We employ reasonable commercial physical and electronic security measures to protect any records that We hold which contain your personal information or sensitive information.

Emerald stores personal information on its IT systems and servers operated by Salesforce. We may also engage third party service providers to assist in storing and processing certain types of personal information for Us. Some of these service providers may be located overseas, or use facilities located overseas to provide us with services. Emerald also stores hard copy documents on which personal information is contained at its head office and various site offices in accordance with its document management and archiving policy.

We will take reasonable steps to keep any personal information that We hold about you secure from misuse, interference and loss, and from unauthorised access, modification or disclosure as required by the Privacy Act and in accordance with Our document management and archiving policy.

However, except to the extent that liability cannot be excluded due to the operation of statute, We exclude all liability (including in negligence) for the consequences of any unauthorised access to your personal information or sensitive information. Please notify Us immediately if you become aware of any breach of security.

While you are not obligated to provide any personal information (including sensitive information) requested by Emerald, if you choose not to do so where We require this information, We are unlikely to be able to provide you with the services that you require.

## How does Emerald receive and disclose your personal information?

Emerald may disclose or receive personal information or documents about you:

- to/from its related bodies corporate, who will protect and use the personal information only in accordance with this policy;
- to/from companies that are contracted by Emerald to operate *Emerald Grain* storage facilities;
- as required by law or law enforcement agencies;
- in relation to Employment Information (including sensitive information) – to/from third parties such as referees to verify the accuracy of any personal information in your application, third party service providers to assist Us with assessing your application and human resource and payroll services providers who have agreed to keep the personal information confidential;
- in relation to Business Information - to/from service providers or other contractors, in relation to the goods or services provided to you, and who have agreed to keep the personal information confidential;
- to Our accountants, auditors and lawyers;
- to your nominated agents or representatives;

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- to/from credit reporting agencies in relation to extending credit or accepting supporting guarantees; and from National Grower Register Pty Ltd, provided you have authorized disclosure of your registration details to Us in Our capacity as a registered user of the data base.

Information about disclosure of personal information to overseas recipients is set out at Part III of this Policy.

We will not use your personal information other than described above unless for a reasonably related purpose as permitted under the *Privacy Act*, or We otherwise have your consent.

## How can you access or correct personal information or complain about a breach of the APPs?

Please refer to Part III of this Policy.

## Part II - CREDIT INFORMATION MANAGEMENT POLICY

The following policy (Credit Information Management Policy) applies to individuals who apply for commercial credit from Emerald (the Credit Provider) and contains important information about how Emerald collects, stores, uses, manages and protects your credit information (PCI).

By:

- enquiring about the provision or the continuation of Credit;
- applying for the provision of Credit;
- accepting or continuing to accept Credit from Us;
- acting, or applying to act, as guarantor for a person applying for Credit from Us,

after this Policy has been brought to your attention, you acknowledge and consent to the collection, use, storage or disclosure of your PCI by Us in accordance with this Policy and the Privacy Act.

If you **do not** agree to Us handling your PCI in the manner set out in this Policy you should not provide Us with any of your PCI.

### What do the different terms in this Policy mean?

**Credit** means a contract, arrangement or understanding under which either payment of a commercial debt owed by one person to another is deferred for at least 7 days, or where a person incurs a commercial debt to another person, and defers the payment of the debt for at least 7 days.

**Credit Information** is essentially information about your credit worthiness and can include personal information such as your name, address, repayment history, defaults on payment and court proceedings.

**Credit Eligibility Information** means credit reporting information that was disclosed to Us by a credit reporting body such as Dun and Bradstreet (**CRBs**) or CP Derived Information.

**CP Derived Information** means your personal information that is derived by Us from credit reporting information We receive from CRBs that has a bearing on your credit worthiness.

**PCI** includes Credit Information, Credit Eligibility Information and CP Derived Information.

Generally words and phrases in this Policy are used in accordance with or as they are defined in the Privacy Act.

### What kinds of PCI might Emerald collect and hold?

We may collect, hold and disclose different PCI depending upon how you interact with Us. If you apply to receive Credit from Us, or offer to act as a guarantor, We may collect, hold and disclose PCI about you. This may include:

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- your personal information that identifies you - name, date of birth and address;
- repayment history information;
- a statement that an information requests has been made to credit reporting bodies;
- the type of commercial credit, and the amount of credit, sought in your application to Us as a Credit Provider;
- defaults on payments information;
- information about court proceedings or personal insolvency relating to Credit;
- publicly available information about creditworthiness; and
- any credit score or credit risk assessment indicating a CRB's or Our analysis of your credit worthiness.

We may also collect personal information about you that is not PCI which is be dealt with in accordance with Our standard Privacy Policy above.

## How does Emerald collect and hold your PCI?

We collect PCI about you:

- directly from you (when We contact you, when you contact Us, when We communicate with you, when you fill out a Credit Application Form, or an application to act as guarantor; and when you visit one of Our sites or offices);
- from third parties, including referees and accountants, who you have authorised to provide Us with information;
- from publicly available sources such as the Personal Property Securities Register; and
- from credit reporting bodies including Dun & Bradstreet and DBCC Pty Ltd | w: [www.dnb.com.au](http://www.dnb.com.au) | e: [pac.austral@dnb.com.au](mailto:pac.austral@dnb.com.au) | t: 1300 734 806.

Emerald stores PCI on its IT systems and servers. Emerald also stores hard copy documents on which personal information is contained at its head office and various site offices in accordance with its document management and archiving policy.

## Why do we collect, hold, use and disclose PCI?

Emerald may collect PCI for a number of reasons or purposes, including:

- set up an account and manage your accounts with Emerald;
- assessing an application for Credit;
- assessing an application to act as guarantor in relation to Credit;
- providing Credit;
- managing the provision of Credit and collection of repayments or enforcement of guarantees;
- assessing and dealing with what we reasonably believe to be a serious credit infringement; and
- assisting you to avoid defaulting on your obligations to repay a debt.

Our use of PCI may extend beyond these uses, but will be restricted to purposes that We consider to be reasonably related to those stated uses and activities and consistent with our obligations under Part IIIA of the *Privacy Act*.

Emerald may disclose your PCI to third parties for the reasons or purposes in this Policy including to:

- CRBs who assist us in assessing or processing applications for credit, and managing the credit We provide;
- other credit providers (with your consent) with an Australian link or an enforcement body where we believe there has been a serious credit infringement;
- potential guarantors;
- current guarantors where necessary to enforce a guarantee;
- debt collection agencies or other debt enforcement agency;

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- government authorities;
- our financial and legal advisors or other entities when we are assessing an application for credit or enforcing our rights relating to the provision of credit;
- our trade credit insurers;
- our related bodies corporate
- third parties as required by law; and
- the National Grower Register Pty Ltd or its agents.

Part IIIA of the *Privacy Act* places certain restrictions on when We may disclose your PCI to these organisations.

We will not disclose repayment history information about an individual unless permitted by the *Privacy Act*.

## Part III – INFORMATION APPLIES TO PERSONAL INFORMATION & PCI

The following information applies to both your personal information and, for those individuals who have applied for Credit with Emerald, your PCI.

### Can you access your personal information and PCI or request that it be corrected?

You may request access to or correction of the personal information and PCI that We hold about you by contacting Us by any of the methods as set out below (an *Access Request*).

Upon receiving an Access Request We may request further details from you to verify your identity. We reserve the right not to provide you with access to personal information and PCI if We cannot verify your identity to Our reasonable satisfaction.

An administrative fee may be charged to cover Our costs in providing you with access to your personal information and PCI more frequently than every 12 months. This fee will be explained to you before it has been incurred.

We will respond to your Access Request within a reasonable period of time by:

- providing you with access to your personal information and PCI; or
- rejecting your Access Request, and providing you reasons for this rejection.

Access Requests may be denied where:

- We believe your request is frivolous or vexatious;
- We are unable to verify your identity; or
- you have not paid any applicable administrative fee.

If you believe that the personal information and PCI that We hold is inaccurate or otherwise requires correction, you may send Us a correction request. We will review your personal information and PCI and respond to the request within a reasonable period of time, generally within 30 days of your request, unless We agree in writing to a longer time.

We will deal with any request for correction by correcting the information within 30 days from when the request is made, notifying you within a reasonable period of having corrected the information, and within a reasonable period give each recipient of the information written notice of the correction. If We decide not to correct the information, We will notify you, with reasons, within a reasonable time.

We will notify you when We have made a correction at your request, or notify you in writing why We have not made the requested correction.

### Information we no longer require

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Where We no longer require personal information and PCI, and We are not under any legal obligation to retain the information, We will within a reasonable time destroy that information.

## Do we ever send your personal information or PCI overseas?

Emerald's operations are conducted primarily within Australia. It is possible that your personal information may be transferred overseas for the purposes listed above. Countries to which your personal information and PCI may be transferred to Our related bodies corporate in Japan and Singapore.

Emerald discloses certain personal information [and PCI] of certain individuals to its Cloud Computing service provider - Salesforce. The personal information and PCI is stored on the servers of Salesforce customer relationship management system in servers overseas.

We will take all reasonable steps to ensure that any personal information We provide to any overseas party is treated appropriately.

## Security of and access to your personal information and PCI

We will take reasonable steps to ensure that the personal information and PCI We collect, use or disclose is:

- accurate;
- complete;
- up-to-date; and
- stored in a secure environment protected from unauthorised access, modification or disclosure.

Upon your request, Emerald will provide you access to your personal information and/or PCI held by Us, except in certain prescribed circumstances, including emergency situations, specified business imperatives and law enforcement or other public interests. Information contained on the database may be amended by contacting Emerald – refer to Our contact details below.

## Cookies

We do not use "cookies" at this time, however We may decide to use "cookies" on Our website in the future. A cookie is a small file sent by a website and stored on a user's computer which enables the website to remember information about you and your preferences. A cookie can be used for, amongst other things, authentication and recognition purposes and storing site preferences. We would use cookies to provide you with website usage information as well as to assist Us to improve and develop the products and services We offer. The cookies We would use would not store personal data about you. If you disable cookies on your web browser, you may not be able to fully experience all features of the website.

## Links to Non-Emerald and Third Party websites

This website may contain links to other websites for convenience and information. We do not control those sites or their privacy practices, and We do not endorse or make any representations about third party websites. Any personal data provided to unrelated third parties is not covered by this policy.

## How to Complain About a Privacy Breach

If you believe Emerald has breached your right to privacy of personal information or PCI, you may complain to Emerald's Privacy Officer as a first instance, and, if We fail to respond, or you are dissatisfied with Our response, to the Office of the Australian Information Commissioner (OAIC) who investigates privacy complaints from individuals about Australian, ACT and Norfolk Island government agencies, and private sector organizations covered by the Privacy Act.

Before you can lodge a complaint with the OAIC, you will generally need to complain directly to the agency or organization you are complaining about and allow 30 days for it to respond. If you do not receive a response (after 30

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days), or you are dissatisfied with the response, you may then complain to the OAIC. Here is a link for more information on how to lodge a complaint with the OAIC: <http://www.oaic.gov.au/privacy/making-a-privacy-complaint>.

## How Emerald will deal with a complaint

Emerald is committed to keeping your personal information private, and in all cases We will treat your personal information and PCI with no less protection than that provided for by the Australian Privacy Principles and the privacy laws that are in force in Australia. However, if you believe We have breached your right to privacy of personal information or that we have failed to comply with the Credit Reporting Provisions of the Privacy Act or the Credit Reporting Code in relation to PCI, We will carefully review your complaint and aim to reply within 30 days of receipt of the complaint.

To make a complaint, please do so by contacting the Privacy Officer:

By telephone 03 9274 8888

By fax: 03 9274 8889

By email: [jwhiting@emeraldgrain.com](mailto:jwhiting@emeraldgrain.com)

By letter: Emerald Grain Pty Ltd Level 2, 600 Victoria St Richmond VIC 3121.

## Changes or updates to this policy

From time to time and in line with legislative changes, Our privacy policy and procedures will be reviewed and, if appropriate, updated. Changes come into effect from the time when they are brought to your attention, or when you next log on to Our website, whichever is earlier. You should review the Policy each time you visit our website to keep up to date on any changes

## How to contact Us

If you have any queries or concerns, please contact the Privacy Officer as above.