

PRIVACY POLICY

This Privacy Policy is governed by the Australian Privacy Principles under the Privacy Act 1988 (Cth). This Privacy Policy does not create any rights or obligations for either you or us in addition to those imposed by the Privacy Act 1988 (Cth).

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- 1. Collection of Personal Information**
- 1.1 We collect personal information when you:
- (a) submit an enquiry form through our Website;
 - (b) interact with us through the phone, in person, via email or our Website and you provide us your details;
 - (c) purchase or subscribe to our products or services; or
 - (d) subscribe to our mailing list.
- 1.2 We collect and hold following types of personal information:
- (a) your contact information, such as your name, business name, postal address, email address, fax number and phone number;
 - (b) other information specific to our products or services such as products or services you have purchased or agreed to purchase from us, your opinions, statements and endorsements collected personally or via surveys and questionnaires; and
 - (c) if you are requesting products or services from us, we will collect any relevant payment or billing information (including but not limited to bank account details, direct debit, credit card details and billing address).
- 1.3 We will only collect your personal and sensitive information using fair and lawful means.
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- 2. Use of Personal Information**
- 2.1 We collect personal information to:
- (a) improve our products and services;
 - (b) provide our product or service to you;
 - (c) communicate with you;
 - (d) obtain feedback from you;
 - (e) offer you promotional products or market our product that you are or may be interested in;
 - (f) keep our customer database;
 - (g) to investigate any complaints that you make;
 - (h) to investigate whether you are in breach of our terms and conditions;
 - (i) verify your identity;
 - (j) comply with the law or to use your information as permitted under the law; and
 - (k) use your information for purposes that are related to the above.
- 2.2 With your permission, we may send you emails about us, our Business, new products and other updates.
- 2.3 We will not send you unsolicited commercial electronic messages in contravention of the Spam Act 2003 (Cth).
- 2.4 We may use the non-sensitive information you gave us for the purpose of promoting and marketing our Business to you if we:
- (a) use the information that you reasonably expected us to use for promoting and marketing our Business to you; and
 - (b) provide you a simple method to opt-out.
- 2.5 We will not contact you to promote or market our Business if you requested us not to.
- 2.6 You can unsubscribe from our mailing list at any

time by following the prompts in our emails or by contacting us directly.

3. Cookies

- 3.1 We may, from time to time, use 'cookies' which are small data file placed on your machine or device to store information. Please note that although cookies do not generally store personal and sensitive information, they may contain your IP address.
- 3.2 You agree that:
- (a) we may store cookies on your device; and
 - (b) we may issue and request cookies from your device to collect both personal and non-personal information.
- 3.3 We use cookies in many ways including:
- (a) authentication cookies that monitor whether you are logged in or not;
 - (b) session cookies that allow you to remain logged in and keep track of your activities until the browser shuts down;
 - (c) persistent cookies that help us monitor our services by recording your browser activities and they do not expire upon browser shut down; and
 - (d) flash cookies to personalise your experience.
- 3.4 We use cookies for many reasons including but not limited to:
- (a) improve the performance by reporting any errors that occur;
 - (b) provide statistics about how the Website is used;
 - (c) remember settings that you used on our Website;
 - (d) identify that you are logged into the Website; and
 - (e) link to social networks like Facebook;
 - (f) provide ads, links or services that are more

tailored to you.

- 3.5 You may disable and delete cookies in your browser if you do not want us to use cookies but doing so may detract from your enjoyment of our Website.

4. Security

- 4.1 We take reasonable precautions and follow industry best practices to protect your personal information from being inappropriately lost, misused, accessed, disclosed, altered or destroyed both physically and through computer security measures.
- 4.2 If we receive unsolicited personal and sensitive information, we may destroy it or ensure that it is de-identified if it is lawful and reasonable to do so.
- 4.3 We store our data on password-protected servers and our systems are protected by security features such as firewall and anti-virus, to ensure the protection and integrity of our data.
- 4.4 All email data is stored securely on our server that is password protected and only accessible by our authorised personnel.

5. Anonymity and Pseudonymity

- 5.1 You may interact anonymously or by using a pseudonym, for example when you:
- (a) call us;
 - (b) use our online forums that does not require membership; or
 - (c) email us,
- and you may refuse to give your details.
- 5.2 However, you must provide your true and accurate personal information when you:
- (a) purchase goods or services (including, for example, your age, date of birth, delivery address, etc);
 - (b) sign up for mailing list;
 - (c) lodge a complaint; and
 - (d) are required to provide personal information under the law.

6. Disclosure of Personal Information

- 6.1 We only disclose your personal and sensitive information for purposes that are reasonably related to us or our Business.
- 6.2 We may disclose your personal and sensitive information to third parties, from time to time, to assist us in conducting our Business, including:
- (a) technology service providers including internet service providers or cloud service providers;
 - (b) couriers such as Australia Post and/or international postal service entities;
 - (c) data processors that analyse our website traffic or usage for us;
 - (d) agents that perform functions on our behalf, such as mailouts, debt collection, marketing or advertising;
 - (e) our related bodies corporate; and
 - (f) to persons, entities or courts as required under the law.
- 6.3 We may disclose your personal and sensitive information to third parties:
- (a) to provide the service you wish to use;
 - (b) to improve our Business, services, products and Website;
 - (c) to customise and promote our services which may be of interest to you;
 - (d) to comply with or as permitted under the law; or
 - (e) with your consent.
- 6.4 We do not sell email addresses or any other personal information to third parties for profit.
- 6.5 We may disclose your personal information if we are required by law to do so.

7. Accessing and Correcting Your Personal Information

- 7.1 You may request access to your personal information that we hold and we will:
- (a) verify your identity;
 - (b) charge you to cover the cost of meeting your request, if any, but not for the request itself; and
 - (c) within a reasonable period of time, comply with your request.
- 7.2 We may refuse to allow you to access your personal information if we are not required to do so under the Australian Privacy Principles.
- 7.3 You may request to correct your personal information that we hold and we will update your personal and sensitive information so that it is up-to-date, accurate, complete, relevant and not misleading.
- 7.4 If you would like to access or correct your personal information, please contact us by:
- (a) email: info@BanyanConstructions.com.au
 - (b) in writing: PO Box 325, Fyshwick ACT 2609
 - (c) phone: (02) 6241 3539

8. Third Party Services

- 8.1 Once you leave our Website or are redirected to a third-party website or application, you are no longer governed by this Privacy Policy or our website's Terms and Conditions.

9. Changes to this Privacy Policy

- 9.1 This Privacy Policy is reviewed from time to time to assure compliance with the Privacy Act 1988 (Cth). We reserve the right to update, change or replace any part of this Privacy Policy at any time and without notice.
- 9.2 You can review the most current version of the Privacy Policy at any time on our website. It is your responsibility to check the website periodically for

changes. Changes and clarifications will take effect immediately upon their posting on the website.

10. Complaints

10.1 If you believe we breached the Australian Privacy Principles under the Privacy Act 1988 (Cth) or a registered Australian Privacy Principles Code, you may lodge a complaint as follows:

- (a) firstly, contact us in writing to the email or postal address in clause 7.4 and include the following in your complaint:
 - (i) your contact details;
 - (ii) section or provision of the Australian Privacy Principles or Code that you believe we breached; and
 - (iii) our practice or policy that you believe breaches the relevant Australian Privacy Principle or Code,

and you must allow us a reasonable time, about 30 days, to reply to your complaint; and

- (b) secondly, you may complain to the Office of the Australian Information Commissioner if:
 - (i) you are not satisfied with our response; or
 - (ii) we do not respond to you within a reasonable time without sufficient explanation.

11. Definitions

11.1 Unless contrary intention appears:

- (a) **Australian Privacy Principles** means the principles under the Schedule 1 of the Privacy Act 1988 (Cth).
- (b) **Business** means Banyan Constructions Pty Limited and its associated entities and businesses.
- (c) **Sensitive Information** means sensitive information as defined under the Privacy Act

1988 (Cth).

- (d) **Personal Information** means personal information as defined under the Privacy Act 1988 (Cth).
- (e) **You** (whether in capitals or not) means the user of our Website and Your and Yours have corresponding meanings.
- (f) **We** (whether in capitals or not) means Banyan Constructions Pty Ltd and our related bodies corporate and Us and Ours have corresponding meanings.
- (g) **Website** means: www.banyanconstructions.com.au and any other website we operate where this Privacy Policy is published.

11.2 The word 'include' is used without any limitation.