

## Privacy Policy

### Piñata Farms

This Privacy Policy is current on and from August 2020.

#### 1. We respect your privacy

Piñata Farms Operations Pty Ltd (ACN 633 633 664) and its Related Bodies Corporate (as defined in the Corporations Act 2001 (Cth)) (Piñata Farms, we, us and our) respects your privacy and is committed to protecting it.

We comply with the Australian Privacy Principles and the Privacy Act 1988 (Cth) (Privacy Act), which govern the way private sector organisations collect, use, keep secure and disclose Personal Information.

The Privacy Act defines “Personal Information” to mean any information or an opinion about an identified individual, or an individual who is reasonably identifiable whether the information or opinion is true; and whether the information or opinion is recorded in a material form.

This Privacy Policy sets out how we handle your Personal Information. If you have any concerns or questions, please contact us the address set out in Section 12 and our privacy officer will resolve your concern or answer your question.

We recommend that you keep this information for future reference.

#### 2. Kinds of Personal Information

We will only use or disclose your Personal Information for the primary purposes for which it was collected, or as consented to by you.

At or around the time we collect Personal Information from you, we will endeavour to provide you with a notice which details how we will use and disclose that specific information.

We set out some common collection, use and disclosure instances in the table below.

Types of Information	Uses	Disclosures
<b>General enquiries and orders (via email, online form, post or phone)</b>		
<ul style="list-style-type: none"><li>• <b>Contact information:</b> Such as your name and email address.</li><li>• Other personal information volunteered by you in the content of your enquiry.</li><li>• <b>For orders:</b> Your company name (if applicable), designated contact, delivery address, email address, phone number and financial details.</li><li>• <b>Customer Service:</b> Any personal information collected in connection by our customer services department</li></ul>	<p>The uses we will make of Personal Information collected for this purpose include:</p> <ul style="list-style-type: none"><li>• <b>Services:</b> the provision of our services to you including:<ul style="list-style-type: none"><li>- Using your Personal Information in order for you to use the products and services we offer;</li><li>- To provide customer service functions, including handling customer enquiries and complaints.</li></ul></li><li>• <b>General administrative and security use:</b></li></ul>	<p>The types of disclosures we will make of Personal Information collected for the type of purposes listed include, without limitation, to:</p> <ul style="list-style-type: none"><li>• Service providers (including IT service providers and consultants) who assist Piñata Farms in providing our products and services.</li><li>• Related Bodies Corporate of Piñata Farms (including related entities).</li><li>• Third parties in connection with the sale of any part of</li></ul>

<p>in processing and addressing your enquiry.</p>	<ul style="list-style-type: none"> <li>- To protect Piñata Farms' websites from security threats, fraud or other criminal activities.</li> <li>- The use for the administration and management of Piñata Farms.</li> <li>- The maintenance and development of our products and services, business systems and infrastructure.</li> <li>- In connection with the sale of any part of Piñata Farms' business or a company owned by a Piñata Farms entity.</li> <li>- To provide customer services to clients and for quality assurance purposes.</li> <li>• <b>Delivery services:</b> To ensure that your order may be delivered in a timely manner to the correct location. To ensure payment for your order can be processed (including charging, credit card authorisation, verification and debt collection).</li> </ul>	<p>Piñata Farms' business or a company owned by a Piñata Farms entity.</p> <ul style="list-style-type: none"> <li>• Financial institutions to process any payments you make for a purchase of our products</li> <li>• As required or authorised by law.</li> </ul>
<p><b>Human resources</b></p>		
<ul style="list-style-type: none"> <li>• If you apply for a role with us, we will collect your email address and contact telephone number in the first instance.</li> <li>• Once you have been hired as an employee or contractor, we will also collect: <ul style="list-style-type: none"> <li>- <b>Contact information:</b> Such as your current postal and residential address, phone numbers, country of residence, next of kin contact details, driver's licence.</li> <li>- <b>Employee record Information</b></li> <li>- <b>Identifying information:</b> Such as your photo</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Pre-employment screening:</b> Utilising the information collected for the purpose of assessing candidate suitability for a role, including by obtaining: <ul style="list-style-type: none"> <li>- Verification of your identity</li> <li>- Confirmation of eligibility to work in Australia.</li> <li>- Confirmation of education and qualifications.</li> <li>- Confirmation of previous employment.</li> </ul> </li> <li>• <b>Administration and performance monitoring use:</b> Utilising the information collected for the purpose of: <ul style="list-style-type: none"> <li>- Dealings related to the</li> </ul> </li> </ul>	<p>We may disclose your Personal Information to:</p> <ul style="list-style-type: none"> <li>• Relevant superannuation company.</li> <li>• Government agencies, including but not limited to the Australian Taxation Office, Centrelink and Department Of Human Services.</li> <li>• Relevant Worker's Compensation organization (e.g. WorkCover, etc).</li> <li>• Third party referees provided by you in connection with an application made to Piñata Farms.</li> <li>• Service providers engaged to assist Piñata Farms in the</li> </ul>

<p>passport and residency details, date of birth.</p> <p>- <b>CV, resume or application related information:</b> Such as the details provided in your resume or CV, your eligibility to work in Australia, visa details, your education, previous employment details, professional memberships or qualifications.</p> <p>- Tax, superannuation and payroll information: Such as your Tax File Number and ATO Declaration, Superannuation details and financial institution details.</p> <p>- <b>Medical or health information:</b> which you voluntarily provide to us as part of a health screening, whether before or during your employment or engagement with us, or such other health information which may be related to an incident (if any) occurring during the course of your employment or engagement with us.</p> <p>- <b>Information collected from referees</b></p>	<p>employer/employee relationship or the contractor/principal relationship (as the case may be).</p> <p>- Use of information whether or not the employment or contractor relationship is prospective, current or past.</p> <p>- Use of information to monitor systems, performance and time usage and internet usage.</p> <p>- The of your Personal Information collected in the administration and management of Piñata Farms.</p> <p>- In connection with the sale of any part of Piñata Farms' business or a company owned by a Piñata Farms entity.</p> <ul style="list-style-type: none"> <li>• <b>Medical screening:</b> Utilising the medical and health information collected for use by our human resources team as part of your medical screening before commencing with us as a contractor or employee</li> <li>• <b>Processing payment of your wages and other entitlements.</b></li> </ul>	<p>administration of its business (including IT service providers, HR software provider and payroll providers), if any.</p> <ul style="list-style-type: none"> <li>• Recruitment agents used in connection with your application with us.</li> <li>• Third parties in connection with the sale of any part of Piñata Farms' business or a company owned by a Piñata Farms entity.</li> <li>• Third party parties in connection with obtaining any background checks or pre-employment screening; and with Piñata Farms' clients where a medical test or health screening is a condition of the employer's work site or safety environment.</li> <li>• Financial institutions for payroll purposes.</li> <li>• As required or authorised by law. (See our Credit Reporting Policy)</li> </ul>
<p><b>Competitions</b></p>		
<ul style="list-style-type: none"> <li>• Any contact and identifying information provided to us as part of your entry into a competition.</li> <li>• Other personal information volunteered by you in the content of your entry.</li> </ul>	<ul style="list-style-type: none"> <li>• Notification of your entry; if you are a winner and the entrant types</li> </ul>	<p>We may disclose your Personal to:</p> <ul style="list-style-type: none"> <li>• Third parties connected with the marketing process.</li> <li>• The parties listed in the Disclosure column for "General enquiries"</li> </ul>

### 3. Collecting & holding Personal Information

#### 3.1 Collection generally

As much as possible or unless provided otherwise in this Privacy Policy or a collection notice statement, we will collect your Personal Information directly from you.

We may collect your Personal Information from you in a variety of ways, including: by email, website and forms. When you engage in certain activities, such as filling out a survey or sending us feedback, we may ask you to provide certain information. It is completely optional for you to engage in these activities.

Depending upon the reason for requiring the information, some of the information we ask you to provide may be identified as mandatory or voluntary. If you do not provide the mandatory information or any other information we require in order for us to provide our products or services to you, we may be unable to provide our products or services to you in an effective manner, or at all.

### **3.2 Other collection types**

We may also collect Personal Information about you from other sources, such as:

- (a) when we collect Personal Information about you from third parties; or
- (b) when we collect Personal Information about you from publically available sources including but not limited to, court judgments, directorship and bankruptcy searches, Australia Post, White Pages directory, and social media platforms (such as Facebook, Twitter, Google, Instagram etc.).

### **3.3 Notification of collection**

If we collect details about you from someone else, we will, whenever reasonably possible, make you aware that we have done this and why, unless special circumstances apply, including the following circumstances:

- (a) where information is collected from any personal referee you have listed on any application form (including any employment application) with Piñata Farms;
- (b) where information is collection from publically available sources including but not limited to court judgments, directorship and bankruptcy searches, social media platforms (such as Facebook, Twitter, Google, Instagram etc.); or
- (c) as otherwise required or authorized by law

### **3.4 Unsolicited Personal Information**

In the event we collect Personal Information from you, or a third party, in circumstances where we have not requested or solicited that information (known as unsolicited information), and it is determined by Piñata Farms (in its absolute discretion) that the Personal Information is not required, we will destroy the information or ensure that the information is de-identified. However, where unsolicited Personal Information is collected in relation to your future potential employment with Piñata Farms, we may keep this Personal Information.

### **3.5 How we hold your Personal Information**

Once we collect your Personal Information, we will hold it securely and store it on either, infrastructure owned or controlled by us, or with a third party service provider who have taken reasonable steps to

ensure they comply with the Privacy Act. Refer to Section 10 (Data security and quality) for more information.

### **3.6 Cookies and IP addresses**

If you use our website, we may utilise "cookies" which enable us to monitor traffic patterns, trends and to serve you more efficiently if you revisit our website. In most cases, a cookie does not identify you personally but may identify your internet service provider or computer.

We may gather your IP address as part of our business activities and to assist with any operational difficulties or support issues with our services. This information does not identify you personally.

However, in some cases, cookies may enable us to aggregate certain information with other Personal Information we collect and hold about you. We extend the same privacy protection to your Personal Information, whether gathered via cookies or from other sources, as detailed in this Privacy Policy.

You can set your browser to notify you when you receive a cookie and this will provide you with an opportunity to either accept or reject it in each instance. However, if you disable cookies, you may not be able to access certain areas of our websites or take advantage of the improved web site experience that cookies offer.

## **4. Using & disclosing Personal Information**

### **4.1 Use and disclosure details**

We provide a detailed list at **Section 2** of some common uses and disclosures we make regarding the Personal Information we collect. We may also use or disclose your Personal Information and in doing so we are not required to seek your additional consent:

- (a) when it is disclosed or used for a purpose related to the primary purposes of collection detailed above and you would reasonably expect your Personal Information to be used or disclosed for such a purpose;
- (b) if we reasonably believe that the use or disclosure is necessary to lessen or prevent a serious or imminent threat to an individual's life, health or safety or to lessen or prevent a threat to public health or safety;
- (c) if we have reason to suspect that unlawful activity has been, or is being, engaged in; or
- (d) if it is required or authorised by law.

### **4.2 Use and disclosure procedures**

In the event we propose to use or disclose such Personal Information other than for reasons set out in the above table at **Section 2** or as otherwise outlined in this Privacy Policy, we will first notify you or seek your consent prior to such disclosure or use.

Your Personal Information is disclosed to these organisations or parties only in relation to the products or services we provide to you or for a purpose permitted by this Privacy Policy.

We take such steps as are reasonable to ensure that these organisations or parties are aware of the provisions of this Privacy Policy in relation to your Personal Information.

### **4.3 Communications opt-out**

If you have received communications from us and you no longer wish to receive those sorts of communications, you should use the Unsubscribe link in all of our email communications, or contact us via the details set out in Section 12.2 and we will ensure the relevant communication ceases. Any other use or disclosure we make of your Personal Information will only be as required or authorised by law or as permitted by this Privacy Policy or otherwise with your consent.

## **5. Sensitive information**

### **5.1 Sensitive information generally**

Sensitive information is a subset of Personal Information. It means information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political organisation, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, criminal record, health information about an individual, genetic information, biometric information that is to be used for the purpose of automated biometric verification or biometric identification or biometric templates.

### **5.2 Collection and use of sensitive information**

In general, we do not collect sensitive information from you, but depending on the uses you make of our products and services this may not always be possible and we may collect sensitive information from you if you commence with us an employee or contractor. However, we do not collect sensitive information from you without your consent.

We do not use sensitive information to send you Direct Marketing Communications (as set out in Section 6 below) without your express consent.

### **5.3 Consent**

We may collect other types of sensitive information where you have consented and agree to the collection of such information. Generally speaking, we will obtain this type of consent from you at (or around) the point in time in which we collect the information.

## **6. Direct Marketing**

We do not send provide you with information or to tell you about our products, services or events or any other direct marketing activity (including third party products, services, and events) which we consider may be of interest to you, whether by post, email, SMS, messaging applications and telephone.

## **7. Credit Information and our Credit Reporting Policy**

### **7.1 Credit information generally**

The Privacy Act 1988 (Cth) contains provisions regarding the use and disclosure of credit information, which applies in relation to the provision of both consumer credit and commercial credit.

### **7.2 Credit information and Piñata Farms**

As we provide terms of payment of accounts which are greater than 7 days, we are considered a credit provider under the Privacy Act in relation to any credit we may provide you (in relation to the payment of your account with us).

We use credit related information for the purposes set out in the “Credit information” section of the table at **Section 2** above and our **Credit Reporting Policy** which includes but is not limited to using the information for our own internal assessment of your credit worthiness.

### **7.3 Storage and access**

We will store any credit information you provide us, or which we obtain about you, with any other Personal Information we may hold about you. Refer to **Section 11** and the provisions of our **Credit Reporting Policy** for how to access to correct your Personal Information.

### **7.4 Complaints**

Please see **Section 12** and the provisions of our **Credit Reporting Policy** if you wish to make a complaint in relation to our handling of your credit information.

### **7.5 Our Credit Reporting Policy**

Please see our **Credit Reporting Policy** for further information as to the manner in which we collect, use, store and disclose credit information.

## **8. Anonymity and pseudo-anonymity**

To the extent practicable and reasonable, we will endeavour to provide you with the option of dealing with Piñata Farms on an anonymous basis or through the use of a pseudonym. However, there may be circumstances in which it is no longer practicable for us to correspond with you in this manner and your Personal Information may be required in order to provide you with our products and services, or to resolve any issue you may have.

## **9. Cross Border Disclosure**

Piñata Farms stores your information on local servers in Australia and does not store, or transfer your Personal Information to a destination outside of Australia. If this changes at any time, we will take all reasonable steps to update you on the transfer or disclosure of your Personal Information and seek your consent for the disclosure, transfer, storing or processing of your Personal Information outside of Australia.

As we use service providers and platforms which can be accessed from various countries via an Internet connection, it is not always practicable to know where your information may be accessed or held. If your information is stored in this way, disclosures may occur outside of Australia (including but not limited to New Zealand).

By submitting your Personal Information to us, you expressly agree and consent to the disclosure, transfer, storing or processing of your Personal Information outside of Australia. In providing this consent, you understand and acknowledge that countries outside Australia do not always have the same privacy protection obligations as Australia in relation to Personal Information. However, we will take

steps to ensure that your information is used by third parties securely and in accordance with the terms of this Privacy Policy.

The Privacy Act requires us to take such steps as are reasonable in the circumstances to ensure that any recipients of your Personal Information outside of Australia do not breach the privacy principles contained within the Privacy Act. By providing your consent, under the Privacy Act, we are not required to take such steps as may be reasonable in the circumstances. However, despite this, we acknowledge the importance of protecting personal information and have taken reasonable steps to ensure that your information is used by third parties securely and in accordance with the terms of this Privacy Policy.

If you do not agree to disclosure of your Personal Information outside Australia, please do not submit your Personal Information to us.

## **10. Data security & quality**

### **10.1 Piñata Farms' security generally**

We have taken steps to help secure and protect your Personal Information from unauthorised access, use, disclosure, alteration, or destruction. You will appreciate, however, that we cannot guarantee the security of all transmissions or Personal Information, especially where human error is involved or malicious activity by a third party.

Notwithstanding the above, we will take reasonable steps to:

- (a) make sure that the Personal Information we collect, use or disclose is accurate, complete and up to date;
- (b) protect your Personal Information from misuse, loss, unauthorised access, modification or disclosure both physically, electronically on our server, and through computer security methods and physically securing any hard copy documentation; and
- (c) destroy or permanently de-identify Personal Information if it is no longer needed for its purpose of collection.

### **10.2 Accuracy**

The accuracy of Personal Information depends largely on the information you provide to us, so we recommend that you:

- (a) let us know if there are any errors in your Personal Information; and
- (b) keep us up-to-date with changes to your Personal Information (such as your name or address).

We provide information about how you can access and correct your information in **Section 11**.

## **11. Access to and correction of your Personal Information**

You are entitled to have access to any Personal Information relating to you which we hold, except in some exceptional circumstances provided by law (including the Privacy Act 1988 (Cth)). You are also entitled to edit and correct such information if the information is inaccurate, out of date, incomplete, irrelevant or misleading.



If you would like access to or correct any records of Personal Information we have about you, you are able to access and update that information (subject to the above) by:

- (a) addressing your concerns to the Managing Director (details below in **Section 12**); or
- (b) completing and submitting a correction of details form (which may be requested from the administration team at Piñata Farms).

## **12. Resolving Privacy Complaints**

### **12.1 Complaints generally**

We have put in place an effective mechanism and procedure to resolve privacy complaints. We will ensure that all complaints are dealt with in a reasonably appropriate timeframe so that any decision (if any decision is required to be made) is made expeditiously and in a manner that does not compromise the integrity or quality of any such decision.

### **12.2 Contacting Piñata Farms regarding complaints**

If you have any concerns or complaints about the manner in which we have collected, used or disclosed and stored your Personal Information, please contact us:

Telephone: 07 5497 4295

Email: info@pinata.com.au

Address: PO Box 220, 382 Scurr Rd, Wamuran QLD 4512

Please mark your correspondence to the attention of the Privacy Officer.

### **12.3 Steps we take to resolve a complaint**

In order to resolve a complaint, we:

- (a) will liaise with you to identify and define the nature and cause of the complaint;
- (b) may request that you provide the details of the complaint in writing;
- (c) will keep you informed of the likely time within which we will respond to your complaint; and
- (d) will inform you of the legislative basis (if any) of our decision in resolving such complaint.

### **12.4 Register of complaints**

We will keep a record of the complaint and any action taken in a Register of Complaints.

## **13. Consent, modifications and updates**

### **13.1 Interaction of this Policy with contracts**

This Privacy Policy is a compliance document prescribed by law rather than a legal contract between two or more persons. However, certain contracts may incorporate all, or part, of this Privacy Policy into the terms of that contract. In such instances, Piñata Farms may incorporate the terms of this policy such that:

- (a) certain sections or paragraphs in this policy are incorporated into that contract, but in such a way that they do not give rise to contractual obligations onto Piñata Farms, but do create contractual obligations on the other party to the contract; and
- (b) the consents provided in this policy become contractual terms provided by the other party to the contract.

### **13.2 Acknowledgement**

By using our website, purchasing a product or service from Piñata Farms, where you have been provided with a copy of our Privacy Policy or had a copy of our Privacy Policy reasonably available to you, you are acknowledging and agreeing:

- (a) to provide the consents given by you in this Privacy Policy; and
- (b) that you have been informed of all of the matters in this Privacy Policy.

### **13.3 Modifications and updates**

We reserve the right to modify our Privacy Policy as our business needs require. We will take reasonable steps to notify you of such changes (whether by direct communication or by posting a notice on our website). If you do not agree to our continued use of your Personal Information due to the changes in our Privacy Policy, please cease providing us with your Personal Information and contact us via the details set out in **Section 12**.