

## **CAPRICORN MUTUAL LIMITED PRIVACY POLICY - released 18 October 2018**

We are bound by the Australian Privacy Principles contained in the Privacy Act 1988 (Cth) and the Information Privacy Principles contained in the Privacy Act 1993 (NZ).

We are committed to protecting your personal information in accordance with these Privacy Principles and will only use or disclose personal information we hold about you in accordance with this Privacy Policy or as otherwise notified to you. We believe that respect for your privacy forms part of the ongoing trust we wish to develop with you.

“Personal information” is information about an individual who is either identified in the information or whose identity can be ascertained from it.

This Privacy Policy applies to personal information and any business-related information that we collect from or about you. It also applies to personal information and business related information that we collect about you from third parties.

We can provide you with this Privacy Policy in an alternative form if you wish, such as a printed version.

<b>CAPRICORN MUTUAL LIMITED PRIVACY POLICY .....</b>	<b>1</b>
<b>Who Does This Privacy Policy Apply To? .....</b>	<b>2</b>
<b>What Personal Information Do We Collect and From Where? .....</b>	<b>2</b>
<b>Consents and Notifications .....</b>	<b>4</b>
<b>Using Your Personal Information.....</b>	<b>5</b>
<b>Disclosing Your Personal Information.....</b>	<b>6</b>
<b>Taking Care of Your Personal Information .....</b>	<b>6</b>
<b>Accessing Your Personal Information .....</b>	<b>6</b>
<b>Correcting Your Personal Information .....</b>	<b>8</b>
<b>Resolving Your Privacy Issues .....</b>	<b>9</b>
<b>Contact Us .....</b>	<b>11</b>
<b>Anonymous/Pseudonym.....</b>	<b>11</b>
<b>Changes to This Privacy Policy.....</b>	<b>11</b>

## Who Does This Privacy Policy Apply To?

This Privacy Policy applies to Capricorn Mutual Limited (ACN 104 601 194, AFSL 230038) and its wholly owned subsidiaries including, but not limited to, CML New Zealand Limited and Capricorn Isle of Man Limited.

These entities will be referred to in this Privacy Policy as “we”, “us” or “our”.

It applies to **all** of our business operations, and products and services we provide, including:

- Your Membership with us;
- Any protections we may issue to you;
- Any claims you may make under any protections issued to you;
- The Weather Alert service provided by us in association with third party providers;
- Your ability to purchase products and services from us using any trade credit account provided to you by Capricorn Society Limited.

By providing us with personal information and business related information, you consent to it being used by us for the purposes set out or permitted in this Policy or as otherwise authorised.

## What Personal Information Do We Collect and From Where?

We collect your personal information so that we can perform various functions and activities, especially related to the provision of the Membership, protections, and associated services that you may request from us or that may be available to you as our Member.

We also collect your personal information where the law requires us to do so.

If you do not provide us with personal information that we request we may not be able to:

- Assess or accept your application for Membership or protections, determine the amount of contributions applicable to you or assess any claims you may make;
- Manage and administer our relationship with you;
- Let you know about other products or services or benefits associated with being one of our Members that may be of interest to you; and
- Verify your identity and protect against fraud.

## Collecting Information From You

We may collect information from you and hold information such as your:

- Name, personal and business contact details including addresses, phone numbers, fax numbers and email addresses;
- Date of birth;
- Financial information relating to you personally or any business you are involved in such as asset and liability statements;
- Information about property and assets you own or use personally or in any business you are involved in such as buildings, vehicles, plant and equipment;
- Information such as renewal dates, current premiums and levels of protection, annual payroll, annual turnover, gross profit and details of previous claims history; and
- Certain health details may be needed to determine contributions and assess claims.

We may collect this information from you by way of application form, meeting directly, via telephone, by correspondence, or by email.

### **Collecting Publicly Available Information**

We may also collect information about you that is publicly available, including from:

- Phone directories and trade directories;
- Websites; and
- Public registers such as the company register, business names register and the personal property securities register in Australia and New Zealand.

### **Collecting Information From Third Parties**

We may also collect information about you from third parties, for example:

- Capricorn Society Ltd, as in our capacity as a preferred supplier of Capricorn Society Ltd we may receive information on you if you are a Member of Capricorn Society Ltd;
- Capricorn Mutual Management Pty Ltd and Capricorn Risk Services Pty Limited, in their capacity as our authorised representatives and outsourced managers of many of our operational functions, including relating to the sale, issue and administration or the protections we provide and the handling of any claims made under them;
- Repairers, investigators, assessors, lawyers or recovery agents with regards to your Membership and protections and any claims you may make;
- Our related companies so we can better manage your relationship with us as a whole; and
- Marketing companies, event organisers, mail houses and other services providers if we use them to assist us in providing our products and services.

### **Collecting Information Through Our Websites**

When you visit our website ([www.capricornmutual.com](http://www.capricornmutual.com)), we may use a "cookie" which is a small data file that is placed on the computer of a website user (usually in the browser software folder). Cookies are generally used only to facilitate your access to secure areas of our websites. We may also derive general information from cookies such as statistics relating to the number of visitors to our websites or how our websites are used.

You can set your internet browser to refuse cookies however this may mean that you are not able to take full advantage of the services and information offered through our websites.

We will handle any personal information that is collected through the use of our websites in accordance with this Privacy Policy.

We cannot guarantee that information sent over the internet is secure.

### **Collecting Sensitive Information**

Sensitive information is information about a person's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association or trade union, sexual preferences or practices, criminal record, health information, genetic or biometric information.

We will not collect, use or disclosure sensitive information about you unless:

- We are legally required to do so; or
- We need that information for one of our functions or activities and we have your consent.

We may, for example, collect the following types of sensitive information about you:

- Health information for the purposes of considering your application for Membership and protection or to assess claims.
- Information about your membership of professional and trade associations to assist us represent the interest of Members at an industry level when dealing with government or industry bodies.

### **Collecting Information Required by Law**

We may collect information from you because we are required or authorised to do so under law. We will tell you when collection is required or authorised by law.

### **Unsolicited Information**

Sometimes we may receive unsolicited personal information about you. If so, we will check whether or not it is reasonably necessary for our functions or activities, and we could have collected it from you if we had solicited the information. If it is, the information will be handled the same as any other information we seek from you. If not, and it is lawful and reasonable to do so, we will destroy or de-identify it.

### **Collecting Information Prospectively**

We may also collect personal information from you or from third parties prospectively, having identified you as a person that may wish to use our products or services in the future.

### **Collecting Information From Prospective Employees**

We generally collect the following personal information about prospective employees in order to process and evaluate applications for employment:

- Name and private residential address;
- Police security clearance; and
- Employment history.

Unsuccessful application forms may be kept for up to six months to allow those candidates future opportunities.

## **Consents and Notifications**

### **Your Consent Is Important**

We may need your consent to use or disclose your personal information in certain circumstances including where we want to use your personal information for a purpose that is not related to the purpose for which we collected.

In some situations your consent may be expressed. For example, in submitting an application for Membership and protections you will need to provide us with consent to share your information with our reinsurers so that we can obtain reinsurance in respect of the protection offered. In other situations your consent may be implied for example, in registering for an

event organised by us you agree to our general terms and conditions that relate to attendance at events which contains information about our use of images and other media of that event.

### **Notifying You of Information Received**

When we receive personal information from you directly, we'll take reasonable steps to notify you of:

- Why we collected your information including providing you with our contact details;
- Who we may disclose it to;
- How we may use it;
- How you can access it, seek correction of it or make a complaint and how we will deal with it;
- Whether we will disclose your information to overseas recipients;
- Where it is not practical to inform you prior to or at the time of collection we will inform you after the collection; and
- We will also outline the main consequences if some or all of your information is not collected.

Sometimes we collect your personal information from third parties and you may not be aware that we have done so. If we collect information that can be used to identify you, we will take reasonable steps to notify you of that collection.

## **Using Your Personal Information**

### **How Will We Use Your Personal Information?**

We may collect, use and disclose personal information we collect about you for a number of purposes, including:

- To provide you, as a prospective Member, with information on your eligibility for Membership with us and for protections issued by us;
- To enable us to consider any application you make for Membership and protection;
- To assess, investigate and manage claims made under one or more of our protections;
- To allow us to manage our relationship with you, including communicating with you about benefits or products and services that you may be receiving or may be entitled to receive;
- To allow us to manage our arrangements with our suppliers or other third parties that may be involved in the provision of products or services to you, including our *Weather Alert* service;
- To assist in the management of arrangements with third parties where we have appointed them as authorised representatives or outsourced functions to them that are relevant to the provision of our products or services to you;
- To assist in our general management and administration including for example; risk management, strategic development, systems development, credit management, debt collection, staff training and research;
- To deal with any enquiries, complaints or concerns that you may raise with or against us and to manage any legal action that may arise between you and us;
- To prevent or investigate any actual or suspected fraud, illegal act or misconduct; and
- To comply with any relevant laws, regulations, codes of practice or payment system requirements.

## Taking Care of Your Personal Information

### **How Do We Take Care of Your Personal Information?**

We store information in different ways, including in paper and electronic form. The security of your personal information is important to us and we take reasonable steps to protect it from misuse, interference and loss, and from unauthorised access, modification or disclosure. Some of the ways we do this are:

- Physical security of business premises;
- Confidentiality requirements of our employees;
- Record management policies;
- Security measures for access to our systems;
- Only giving access to personal information to persons who reasonably require access in order to perform their duties;
- Control of access to our buildings; and
- Electronic security systems, such as firewalls and data encryption on our websites.

We can store personal information physically or electronically with third party data storage providers. Where we do this, we use contractual arrangements to ensure providers take appropriate measures to protect that information and restrict its uses.

### **What Happens When We No Longer Need Your Information?**

We will only keep your information as long required, and only for the purposes it was collected for. We are required to keep some of your information for certain periods of time under law. When we no longer require your information it will be destroyed or de-identified.

We will retain information and use it to identify any persons who have in the past failed to meet their obligations to us either directly or through their association with a business.

## Disclosing Your Personal Information

Consistent with the uses of your personal information described above, we may disclose personal information about you to:

- Capricorn Mutual Management Pty Ltd, in its capacity as our authorised representative and manager of the services that we provide;
- Capricorn Risk Services Pty Ltd, in its capacity as our authorised representative and manager of the services that we provide;
- Our related companies, and our employees, officers, assignees, contractors, service providers and external advisers for the purpose of administering the services we provide;
- Any person authorised by you, such as a broker or other person that you have appointed to manage your risk protection requirements;
- Any named party to your Membership and protection;
- Our reinsurers, who may be located overseas;
- A dispute resolution organisation, such as the Financial Services Ombudsman (for the purpose of resolving disputes);
- Law enforcement bodies, regulatory bodies and government bodies;
- Payment system operators;
- Related companies or agents that provide computer hosting and support services, which

- may be located overseas including in New Zealand and the Isle of Man; and
- Capricorn Society Ltd and all of its subsidiaries for the purpose of permitting the management and administration of any products or services that Capricorn Society Ltd or its subsidiaries may provide to you.

In the event of a claim we may disclose your personal information to:

- A repairer or supplier for the purpose of repairing or replacing your protected items;
- An investigator, assessor, State or Federal authority, medical practitioners, hospitals or other professional advisers for the purpose of investigating or assessing your claim;
- A lawyer or recovery agent for the purpose of defending an action by a third party against you or recovering our costs including your excess;
- A witness to a claim for the purpose of obtaining a witness statement; and
- Another party in a claim for the purpose of obtaining a statement from them or seeking recovery from them or to defend an action by a third party.

You also permit us to disclose your information if your information has ceased to be confidential due to disclosure of it by you or on your behalf to a mass media organisation or other person.

### **Marketing and Your Privacy**

Our model focuses on people and organisations working together for the mutual benefit of all parties involved. As part of our services to you, we may use your personal information to identify products or services or benefits associated with being one of our Members and that we think you may be interested in learning about.

We may contact you from time-to-time about new or existing products or services that we offer or which are offered by our preferred suppliers or other third parties that we have a relationship with.

We will not provide your personal information to any suppliers or other third party for the purposes of that supplier or third party directly marketing their products or services directly to you.

We consider that direct marketing forms an integral part of delivering services to our Members. However you can let us know at any time if you no longer wish to receive marketing offers from us (see "Contact Us"). Also you can let any supplier or third party know at any time if you no longer want to receive marketing materials from them.

Our direct marketing publications all include details on how you can opt-out of receiving such communication in the future.

### **Overseas Disclosures**

We may share personal information with any overseas person or organisation including when:

- Employees in other countries in which we carry out business require the information for operational purposes (we currently operate in Australia, New Zealand and the Isle of Man);
- We obtain reinsurance from reinsurers who are located throughout the world. Our reinsurers may be changed from time to time;

- It is needed by related companies or agents that provide computer hosting and support services, including in New Zealand and the Isle of Man;
- You consent to the disclosure; or
- Obtaining your consent is not practicable and we consider that the disclosure is for your benefit and that you would have consented to the disclosure.

## Accessing Your Personal Information

### **How Do You Access Your Personal Information?**

Upon request we will give you access to your personal information in a reasonable period of time unless there are certain legal reasons why we cannot.

We will give you access to your information in the form you want it where it's reasonable and practical to do so. We may charge you for our reasonable expenses incurred in giving you access, but we will always notify you beforehand of any such expenses.

There are some circumstances where we may deny access to the personal information we hold about our Members, some examples of these are:

- 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; or
- The access would have an unreasonable impact upon the privacy of other individuals; or
- The request for access is frivolous or vexatious; or
- The access would be unlawful, would prejudice any legal investigations, or would compromise the integrity of our operations; or
- Giving access would reveal evaluative information generated in a commercially sensitive decision-making process.

If we cannot provide your information in the way you have requested, or at all, we will tell you why in writing and attempt to find an alternative way to satisfy your request. If you are not happy with the way we have dealt with your request you can make a complaint. See "Resolving Your Privacy Issues" section below.

Requests for access should be directed to our Privacy Officer who will process them within a reasonable time from the date of receipt. Contact details are contained in the "Contact Us" section.

## Correcting Your Personal Information

### **How Do You Correct Your Personal Information?**

We take reasonable steps to make sure that the personal information we collect, use or disclose is accurate, complete and up-to-date. We also take reasonable steps to ensure that personal information we hold is relevant having regard to the purpose for which it was collected.

Contact us if you think there is something wrong with the information we hold about you and we will try to correct it if it's inaccurate, out of date, incomplete, irrelevant or misleading.

If you are worried that we have given incorrect information to others, you can ask us to tell them about the correction. We will try and help where we can, and if we can't will let you know in writing.

If you have concerns about the way we have handled a request to correct information you can raise them, see **Resolving Your Privacy Issues** for more information.

Requests for correction should be directed to our Privacy Officer who will process them within a reasonable time from the date of receipt. Contact details for the Privacy Officer are contained in the "Contact Us" section below.

### **Time Frame for Correcting Information**

If we agree to correct your information, we will do so within thirty days from when you asked us, or a longer period that has been agreed by you.

If we cannot make corrections within a thirty-day, or otherwise agreed time frame, we will:

- Let you know about the delay, the reasons for it and when we expect to resolve the matter;
- Ask you to agree in writing to give us more time; and
- Let you know you can complain to our external dispute resolution scheme or the Office of the Australian Information Commissioner.

## **Resolving Your Privacy Issues**

### **How Do You Make a Complaint?**

If you believe that there has been a breach of privacy or you do not agree with a decision we have made about your access to or correction of personal information, you can make a complaint to our Privacy Officer using the details provided in the "Contact Us" section below. We will endeavour to resolve your complaint by following our internal complaint resolution process.

We welcome feedback from our Members so if you have any concerns we encourage you to give us the opportunity to address them.

We will acknowledge your complaint within five days.

If we cannot resolve it within thirty days, we will let you know why and how long we think it will take. We will also ask you for an extension of time to fix the matter.

We will let you know about our decision within thirty days or any longer agreed time frame.

### **Need More Help?**

If you aren't satisfied with the way we have handled your complaint you may refer the matter to our external dispute resolution scheme or the Office of the Australian Information Commissioner (if you are in Australia) or the Office of the New Zealand Privacy Commissioner (if you are in New Zealand) on the details provided below.

**The Financial Ombudsman Service Ltd** (if lodged before 1 November 2018)

Online: [www.fos.org.au](http://www.fos.org.au)  
Email: [info@fos.org.au](mailto:info@fos.org.au)  
Telephone: 1800 367 287 (free call)  
Mail: Financial Ombudsman Service Australia  
GPO Box 3, Melbourne VIC 3001

**The Australian Financial Complaints Authority** (if lodged on or after 1 November 2018)

Online: [www.afca.org.au](http://www.afca.org.au)  
Email: [info@afca.org.au](mailto:info@afca.org.au)  
Telephone: 1800 931 678 (free call)  
Mail: Australian Financial Complaints Authority  
GPO Box 3, Melbourne VIC 3001

**The Office of the Australian Information Commissioner**

Online: [www.oaic.gov.au](http://www.oaic.gov.au)  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
Telephone: 1300 363 992 or + 61 2 9284 9749  
Facsimile: (02) 9284 9666  
Mail: GPO Box 5218, Sydney NSW 2001.

**The Office of the New Zealand Privacy Commissioner**

Online: [www.privacy.org.nz](http://www.privacy.org.nz)  
Email: enquiries and complaints can be lodged via the website  
Telephone: 0800 803 909  
Facsimile: (04) 474 7595  
Mail: PO Box 10-094, The Terrace, Wellington 6143.

## Contact Us

We care about your privacy. Please contact our Privacy Officer if you wish to access or correct your personal information, to make a privacy related complaint, or you have any questions or comments about this Privacy Policy or the way we handle your personal information. We welcome your feedback.

You contact us by:

- Writing:
  - Australia - Locked Bag 3003, West Perth, WA 6872,
  - New Zealand - PO Box 91567, Victoria Street West, Auckland 1142
- Emailing [privacy@capricornmutual.com](mailto:privacy@capricornmutual.com); or
- Telephone:
  - Australia - 1800 007 022; or
  - New Zealand - 0800 555 303.

## Anonymous/Pseudonym

If you have general enquiry type questions, you can do this anonymously or by using a pseudonym. However, in general we won't be able to deal with you anonymously or where a pseudonym is used when:

- It is impracticable; or
- We are required or authorised by law or a court/tribunal order to deal with you personally.

We may offer anonymity in respect to surveys and questionnaires.

## Changes to This Privacy Policy

This Privacy Policy may change at any time. We will let you know of any changes by posting a notification on our website. We encourage you to review this Policy there from time-to-time to be aware of any changes. Any changes are be effective on the date they are published on our website ([www.capricornmutual.com](http://www.capricornmutual.com)).