
PRIVACY POLICY

**EFFECTIVE DATE 3 AUGUST 2021
VERSION 1**

Purpose

Background

Malec Holdings Pty Ltd ACN 007 718 647 (Malec) and its related bodies¹ recognise the importance of preserving your privacy. This document is our Privacy Policy and advises you of our collection and management of your personal information (including the personal information Malec will collect from you, including but not limited to when you access or submit information through the Malec website) and how we will use that information.

We respect your rights to privacy under the Privacy Act 1988 (Cth) (Privacy Act) and we comply with all the Privacy Act's requirements, including those incorporated by virtue of the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth), in respect of the collection, management and disclosure of your personal information.

Where we obtain personal information from a citizen of a member state of the European Union, we are governed by the European Union General Data Protection Regulation (Regulation (EU) 2016/679) (the GDPR).

What is the purpose of this Privacy Policy?

The purpose of this Privacy Policy is to:

- give individuals a more complete and transparent understanding of personal information that we hold and our operations for dealing with that information; and
- clearly communicate our personal information handling practices.

The Privacy Act sets the minimum standards we have to meet when handling personal Information.

The Privacy Act contains 13 Australian Privacy Principles which are contained in **Schedule 1 of the Privacy Act accessible at the following address:**

<https://www.oaic.gov.au/assets/privacy/australian-privacy-principles/the-australian-privacy-principles.pdf>

A plain English summary of the APPs is set out in Appendix 1 of this Privacy Policy.

This Privacy Policy is published on Malec's website at: www.malec.com.au/privacy

Malec can also provide you with a copy of this Privacy Policy in another form, if it is reasonable to do so. If you would like a copy of this Privacy Policy in another form, please contact Ray Pedersen using the contact details below.

Scope and Application

The Privacy Policy applies to all employees of Malec in collecting, holding, accessing and correcting personal information and sensitive information on our behalf.

This policy is relevant to any individual who discloses personal information to Malec.

Policy

What is your personal information?

¹ Malec Management Group (ABN 13 625 357 548), Malec Qld Pty Ltd (ABN 12 631 056 623), Malpinea Pty Ltd (81 601 510 525); Malec Terminal Logistics Pty Ltd (ABN 11 649 032 155)

When used in this Privacy Policy, the term “personal information” has the meaning given to it in the Privacy Act. In general terms, it is any information that can be used to personally identify you. This may include your name, address, telephone number, email address and profession or occupation. If the information we collect personally identifies you, or you are reasonably identifiable from it, the information will be considered personal information.

What personal information do we collect and hold?

We may collect the following types of personal information about you:

- name;
- residential address;
- date of birth/age;
- gender;
- contact details including, telephone number/ facsimile number, email address;
- age or birth date;
- profession, occupation or job title;
- driving history/permits and qualification including but not limited to any demerit point record or driving offences;
- employment/business history;
- educational history;
- medical information;
- security information from Police and other governmental departments;
- Tax File Number;
- superannuation account information;
- bank details;
- any additional information relating to you that you provide to us directly through our website or indirectly through use of our website or online presence, through our representatives or otherwise; and
- where you are involved in the provision of services to Malec, any additional information relating to you provided to Malec to assess your suitability, qualifications and competency.

How do we collect your personal information?

We collect your personal information from you unless it is unreasonable or impracticable to do so. We may collect personal information from you:

- through your access and use of our website and other online forms including email and online forms including online/manual recruitment services;
- by telephone, including conversations between you and our representatives; and
- through external recruitment processes.

We may also collect personal information from third parties including:

- your current or previous employer, and personal and professional references;
- medical professionals;
- cloud-based/web filtering services/ from third party companies such as credit reporting bodies, law enforcement agencies and other government entities.

What happens if we can't collect your personal information?

Failure to provide us with the personal information described above may result in the following: we may not be able to provide our services to you, either to the same standard or at all;

- we may not be able to provide you with information about requested services;
- you may be unable to submit feedback or subscribe to our publications via our website;
- we may be unable to tailor the content of our website to your preferences and your experience of our website may not be as enjoyable or useful.

For what purposes do we collect, hold, use and disclose your personal information?

We collect personal information about you so that we can perform our business activities and functions. We collect, hold, use and disclose your personal information for the following purposes:

- to provide our services to you and to send communications requested by you;
- to answer enquiries and provide information or advice about existing and new services;
- to contact you regarding your feedback and to provide you with our printed materials;
- to develop new offers, products and services and to help us improve our business;
- for the administrative, business processing functions, marketing (including direct marketing), planning, product or service development, quality control and research purposes of us and our contractors or service providers;
- to provide you with access to physical Malec sites across the business;
- to conduct recruiting activities;
- to conduct workforce planning, education and training;
- to ensure we comply with our safety obligations;
- to provide employees, sub contractors with instructions;
- to ensure we comply with all applicable laws;
- to provide you with access to protected areas of our website;
- to assess the performance of the website and to improve the operation of the website;
- to comply with our contractual obligations to our customers, particularly those with security requirements;
- to update our records and keep your contact details up to date;
- to process and respond to any complaint made by you; and
- to comply with any law, rule, regulation, lawful and binding determination, decision or direction of a regulator, or in co-operation with any governmental authority.

Our website

Our Privacy Policy also applies to our website at www.malec.com.au

Cookies

When you access our website, we may send a “cookie” (which is a small summary file containing a unique ID number) to your computer. A cookie is a small piece of text that is placed within the memory of a computer and can be later retrieved by web page servers. Malec uses cookies to enhance your interaction and convenience with Malec’s website and Malec does not use cookies to record any personal information. If you do not wish to receive cookies, you can set your browser so that your computer does not accept them. We may log IP addresses (that is, the electronic addresses of computers connected to the internet) to analyse trends, administer the website, track users’ movements, and gather broad demographic information.

Security

As our website is linked to the internet, and the internet is inherently insecure, we cannot provide any assurance regarding the security of transmission of information you communicate to us online. We also cannot guarantee that the information you supply will not be intercepted while being transmitted over the internet. Accordingly, any personal information or other information which you transmit to us online is transmitted at your own risk.

Links

Our website may contain links to other websites operated by third parties. We make no representations or warranties in relation to the privacy practices of any third-party website and we are not responsible for the privacy policies or the content of any third-party website.

Third party websites are reasonable for informing you about their own privacy practices.

Who do we disclose your information to?

We may disclose your personal information to:

- our employees, related bodies corporate, contractors or service providers for the purposes of operation of our website or our business, fulfilling requests by you, and
- to otherwise provide services to you including, without limitation, web hosting providers, IT systems administrators, mailing houses, couriers, payment processors, data entry service providers, electronic network administrators, debt collectors, and professional advisors such as accountants, solicitors, business advisors and consultants;
- our customers, particularly those with security requirements;
- other third parties appointed by Malec, for example, the distributors of our printed materials) who may require access to personal information in order to perform our services and our business operations;
- suppliers and other third parties with whom we have commercial relationships, for business, marketing, and related purposes; and any organisation for any authorised purpose with your express consent.

We may combine or share any information that we collect from you with information collected by any of our related bodies corporate (within Australia).

Direct marketing materials

We may send you direct marketing communications and information about our services that we consider may be of interest to you. These communications may be sent in various forms, including mail, SMS, fax and email, in accordance with applicable marketing laws, such as the *Spam Act 2003* (Cth).

Do we disclose your personal information to anyone outside Australia?

We may disclose your personal information to entities located outside of Australia, including the following:

- our data hosting and other IT service providers, located in various locations; and
- other third parties located throughout the world.

Security and data quality

We take reasonable steps to ensure your personal information is protected from misuse and loss and from unauthorised access, modification or disclosure. We may hold your information in either electronic or hard copy form.

How can you access and correct your personal information?

You may request access to your personal information held by Malec by contacting us (see the details below). Where information is held where you are able to access such information, we will try to provide you with suitable means of accessing it (i.e. by mailing or emailing it to you). A reasonable fee to cover our administrative and other reasonable costs in providing the information to you may be charged at Malec's discretion. We will not charge for simply making the request and will not charge for making any corrections to your personal information.

There may be instances where we cannot grant you access to the personal information we hold. For example, we may need to refuse access if granting access would interfere with the privacy of others or if it would result in a breach of confidentiality. If that happens, we will give you written reasons for any refusal.

If you believe that personal information we hold about you is incorrect, incomplete or inaccurate, then you may request us to amend it. We will consider if the information requires amendment. If we do not agree that there are grounds for amendment, then we will add a note to the personal information stating that you disagree with it.

What is the process for complaining about a breach of privacy?

If you believe there has been a breach of your privacy, you may make a complaint by advising the Privacy Officer in writing, using the contact details below.

If the complaint cannot be resolved, you may refer your complaint to the Office of the Australian Information Commissioner.

Contacting us

If you have any questions about this Privacy Policy, please use the Contact Us link on our website www.malec.com.au/privacy or contact our Privacy Officer using the details set out below.

You can contact our Privacy Officer via:

Post:

Ray Pedersen
Southport Central Tower 1
Suite 1305, 56 Scarborough st
Southport QLD 4215
PH: 1300 305 474
Fax: (03)52741411

Tel: +61 3 8340 1000

Email: RayP@malec.com.au

Data Breach Notification

The Notifiable Data Breach (NDB) Scheme contained in Part IIIC of the Privacy Act requires certain entities to notify individuals and the Office of the Australian Information Commissioner (OAIC) about data breaches that are likely to cause serious harm.

Malec accepts its obligation to keep personal information safe and is open and transparent in how data is handled. Where personal data systems are breached, data is misused or lost, Malec will take all reasonable and practicable means to contact individuals whose personal information is involved, in an effort to limit the personal impact of the breach. If appropriate, Malec will also report any breach of data to the OAIC.

European Union – Additional Provisions

For individuals located in the European Union (EU) (including the European Economic Area (EEA) personal information will be subject to Regulation EU (2016/679) – General Data Protection Regulation (GDPR) and the following provisions apply:

- We will only use your information for Contract Performance to perform our contractual obligations where you are a party; to pursue our legitimate interest which do not over right your rights to manage our risk and for purposes where we have validly sought your consent; to manage risk and to comply with our legal obligations.
- Our Privacy Officer is our Data Protection Officer for the purposes of the GDPR.

Your Additional Rights and Choices

In addition to the above, an individual located in the European Union has the following rights:

- **Erasure:** You can ask us to erase your personal information without undue delay in certain circumstances such as if you withdraw your consent and we otherwise have no legal reason to retain it.
- **Restrictions of processing:** You can object to, and ask us to restrict, our processing of your personal information in certain circumstances, such as while we verify your assertion the information is inaccurate or if we are processing your information for our legitimate interests or for direct marketing purposes (we may be legally entitled to refuse that request).
- **Data portability:** You can, in some circumstances such as where we are processing your information with your consent, receive some personal information you have given

us in a structured, commonly used and machine-readable format and/or ask us to transmit it to someone else if technically possible/feasible.

- **Right to object:** You can withdraw your consent (but we may be able to continue processing without your consent if there is another legitimate reason to do so).
- **Right to complain:** You can lodge a complaint with the relevant European data protection authority if you think that any of your rights have been infringed by us.

Any refusal regarding your personal information rights will be in writing.

Breaches of this Policy

Any breach of this policy by an employee, director or officer of Malec may lead to disciplinary action being taken in accordance with our disciplinary procedure. **Serious breaches may be regarded as gross misconduct.** All employees, directors and officers of Malec will be expected to cooperate fully in any investigation into suspected breaches of this policy or any related processes or procedures.

If an issue is identified with a supplier, Malec will endeavour to prepare a corrective action plan and resolve all violations within an agreed upon time period. We reserve the right to terminate our relationship with individuals and organisations in our supply chain if they breach this policy.

Changes to our Privacy Policy

Malec may in its absolute discretion review and change this Privacy Policy from time to time in accordance with new laws and technology and practices. The amended Privacy Policy will be published on Malec's website.

Responsibilities

Policy Management

The Director in conjunction with the Managers have the overall responsibility for this policy and in ensuring that we comply with all our privacy obligations.

Reviews of the Policy are the responsibility of the CEO and will be conducted annually. This is to ensure that the policy remains consistent with all relevant legislative requirements.

Policy Implementation

The Chief Executive Officer (CEO) will have the primary day-to-day responsibility for the implementation of this policy, monitoring its use and ensuring that the appropriate processes and procedures are in place, and amended as appropriate, to ensure it can operate effectively.

The Privacy Officer is responsible for:

- conducting staff training on our obligations under the APPs, including correct policies and processes for handling personal information;
- handling any complaints or questions as they arise under this policy;
- maintaining records of the personal information we hold; and
- handling any internal privacy issues.

All employees have an obligation to implement the APPs established by the Privacy Act and any similar legislation in their day-to-day practices by complying with such laws and their obligations under this policy in the course of collecting, managing, using, disclosing and securing Personal Information and data.

DEFINITIONS

Australian Privacy Principles (APPs): Means the principles that set out standards, rights and obligations in relation to handling, holding, accessing and correcting personal information as contained in Schedule 1 of the Privacy Act 1988 (Cth).

Consent Agreement: which must be freely given, specific, informed and be an unambiguous indication of the individual's wishes by which they, by a statement or by a clear positive action, signify agreement to the processing of personal information relating to them.

Data Breach: Occurs when personal information we hold is subject to unauthorised access or disclosure, or is lost. Examples include:

- **Malicious breach:** e.g. someone hacking into Malec's computer system or unauthorised access to databases in the workplace, such as an employee browsing sensitive customer records without a legitimate purpose;
- **Accidental loss:** e.g. IT equipment/hard copy documents left on public transport by an employee; and
- **Negligent disclosure:** e.g. an organisation, whether intentionally or unintentionally, makes personal information accessible; or visible to others outside the organisation and releases the information from its effective control in a way not permitted by the Privacy Act, such as an employee accidentally publishing a confidential data file with personal information of one or more individuals on the internet.

Data controller: The person or organisation that determines when, why and how to process personal data in line with the GDPR. Malec is the data controller for the purposes of the GDPR.

Data Protection Officer: The person required to be appointed in specific circumstances under the GDPR. Our Privacy Officer is the Data Protection Officer for the purposes of the GDPR.

Eligible data breach Means a breach of personal data security that is likely to result in serious harm to any of the individuals to whom the data relates, and Malec has been unable to prevent the likely risk of serious harm with remedial action.

Employee: Malec employs persons in a variety of capacities and therefore the term "employee" is to be given a broad definition. Employees can include a director, officer, employee, contractor or agent of Malec.

General Data Protection Regulation (GDPR): Means the legal framework governing the collection and processing of personal information of individuals located in the European Union (EU). The GDPR has extraterritorial reach and applies to entities outside the EU which do business with individuals located in the EU.

Health information: Information or opinion about a person's physical, mental or psychological health or disability, that is also personal information – whether in writing or not. This includes information or opinion about a person's health status and medical history, immunisation status and allergies, as well as counselling records.

Loss: Refers to the accidental or inadvertent loss of personal information held by Malec, in circumstances where it is likely to result in unauthorised access or disclosure.

Notifiable Data Breach Scheme: Means established requirements for entities to notify individuals and the Australian Information Commissioner of eligible data breaches, as per the Privacy Act 1988 (Cth).

Office of the Australian Information Commissioner: (OAIC) The OAIC is the independent national regulator for privacy and freedom of information.

Personal information or data: Information or opinion, whether true or not, about a person whose identity is apparent, or can reasonably be ascertained, from the information or opinion – that is recorded in any form. For example, a person's name, address, phone number and date of birth (age). De-identified information about employees can also be personal information.

Personal data: As defined under the GDPR, means any information relating to an identified or identifiable natural person residing in the EU. An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, psychological, genetic, mental, economic, cultural or social identity of that natural person.

Privacy Officer: Means the person appointed by Malec from time-to-time to manage all inquiries and complaints arising under this policy. The Privacy Officer may delegate the management of any or all of the inquiries and complaints arising under this Policy to the Privacy Coordinator.

Processing or Process: Means any activity that involves the use of personal information. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring personal information to third parties.

Sensitive information: Information or opinion about a set of specific characteristics, including a person's racial or ethnic origin, genetic information, health information, membership of a trade union, sexual orientation, criminal record, political opinions or affiliations, religious beliefs or affiliations, philosophical beliefs.

Serious harm "Serious harm": to an individual may include physical, psychological, emotional, financial or reputational harm. Assessment of whether harm is serious will depend on the likelihood of the harm eventuating for individuals whose personal information was part of the data breach and the consequences of the harm.

Unauthorised access/disclosure: Occurs if Malec, whether intentionally or unintentionally, makes personal information accessible or visible to others outside the organisation and releases that information from its effective control in a way that is not permitted by the Privacy Act 1988 (Cth). This includes an unauthorised disclosure by an employee of the company.

we (us, our, ours): Malec

you (your, yours): Any individual who discloses personal information to Malec

Appendix 1: Summary of the Australian Privacy Principles

The Office of the Australian Information Commissioner has provided the following summary of the Australian Privacy Principles.

APP 1—Open and transparent management of personal information

Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.

APP 2—Anonymity and pseudonymity

Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.

APP 3—Collection of solicited personal information

Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of “sensitive” information.

APP 4—Dealing with unsolicited personal information

Outlines how APP entities must deal with unsolicited personal information.

APP 5—Notification of the collection of personal information

Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

APP 6—Use or disclosure of personal information

Outlines the circumstances in which an APP entity may use or disclose personal information held.

APP 7—Direct marketing

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

APP 8—Cross-border disclosure of personal information

The steps an APP entity must take to protect personal information before it is disclosed overseas.

APP 9—Adoption, use or disclosure of government related identifiers

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual.

APP 10—Quality of personal information

An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

APP 11—Security of personal information

An APP entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure.

An entity has obligations to destroy or de-identify personal information in certain circumstances.

APP 12—Access to personal information

Outlines an APP entity's obligations when an individual requests to be given access to personal information held about them. Requirement to provide access unless a specific exception applies.

APP 13—Correction of personal information

Outlines an APP entity's obligations to correct the personal information it holds about individuals.