

PURPOSE

At Out Performers, we understand that your privacy is important and are committed to safeguarding your personal information. This Privacy Policy describes generally how we manage your personal information and protect your privacy, including how we comply with the Privacy Act (**Act**) and the Australian Privacy Principles contained in the Act.

1. ABOUT THIS PRIVACY POLICY

Out Performers Pty Ltd ACN 169 357 591 (as trustee for the Out Performers Unit Trust ABN 99 404 268 440) and its related bodies corporate (**we, us or our**) are bound by the Australian Privacy Principles.

This Privacy Policy is intended to provide a general overview of how we manage your personal information and your rights in respect of the personal information we collect about you. Your “personal information” is information or an opinion about you (whether true or not) that identifies you or from which your identity is reasonably identifiable.

1.1 Changes to this Privacy Policy

We may change this Privacy Policy from time to time, without notice to you. The updated Privacy Policy will be posted on our website, with the date of the update shown.

1.2 Who to contact

If you have any questions, concerns or complaints about this Privacy Policy, or our use of your personal information, please contact our Privacy Officer using the contact details provided below.

The Privacy Officer

Tel: 02 8094 1742

Email: nsw@outperformers.com.au

We take all complaints seriously, and will respond to your complaint within a reasonable period. If you are dissatisfied with the handling of your complaint, you may contact the Office of the Australian Information Commissioner by telephone: 1300 363 992 or email: enquiries@oaic.gov.au.

2. HOW WE COLLECT, USE AND HOLD PERSONAL INFORMATION

2.1 How we collect your personal information

The type of personal information we collect and hold will vary depending on the nature of our engagement with you. Generally speaking, we collect personal information so that we can seek to deliver better customer service, provide convenient access to our products and services, and provide a more tailored customer experience.

We will collect and hold your personal information in a fair and lawful manner. We will collect your personal information directly from you, unless it is unreasonable or impracticable to do so, and we will limit the personal information we collect to that which is reasonably necessary for our functions or activities.

The personal information we may collect and hold includes (but is not limited to) your name, postal address, email address, contact telephone number, billing information and, if applicable, employment information. . For electrical contractors, we may collect electrical licence and insurance details.

We may collect personal information from you directly through some of the following means:

- when you make an enquiry or order in relation to our services by telephone or through our website (insert web address);
- when administering any of our services;

- while conducting customer satisfaction or market research surveys;
- when you subscribe to our mailing list; or
- when we supply goods or services to you, including our energy measurement and energy savings services.

In certain cases we may collect personal information from publically available sources and third parties, such as suppliers, recruitment agencies, contractors, our customers and business partners. We may collect details regarding electrical contractors, for example, indirectly from our customers.

If we collect personal information about you from a third party we will, where appropriate, request that the third party inform you that we are holding such information, how we will use and disclose it, and that you may contact us to gain access to and correct and update the information.

2.2 Sensitive information

“Sensitive information” is a subset of personal information that is afforded a higher level of protection under the Act. Typically we do not collect or hold sensitive information. However, for electrical contractors, the information we collect may indicate a contractor’s (or the contractor’s employee’s) membership of a professional or trade association, which is a form of sensitive information. Where we do collect sensitive information, we ensure that we have consent as required by the Act.

2.3 Our purposes for handling your personal information

As a general rule, we only process personal information for purposes that would be considered relevant and reasonable in the circumstances.

When collecting your personal information, we will take reasonable steps to make you aware of the purposes for which we are collecting it and the types of organisations we may disclose it to. We will also let you know whether we are likely to disclose it to overseas recipients (and where practicable the countries in which they are located), whether there are laws or court/tribunal orders which require or authorise us to collect it, and the main consequences if you fail to provide it.

If you fail to provide personal information requested by us, there may be a range of consequences, for example, we may be unable to process or respond to your request.

If you provide us with personal information of another person (for example, an employee of your business), we request that you inform them that their personal information will be disclosed to us, the purpose for doing so, and that they may contact us or review this Privacy Policy for further information.

2.4 How we use your personal information

The reason for using personal information will vary depending on the nature of our engagement with you. We will generally only use your personal information for the purpose for which we collected it and for related purposes you would reasonably expect.

We collect, hold, use and disclose personal information to:

- respond to your enquiries and send you information that you request;
- to offer and supply goods or services that you or your organisation requests from us, such as our energy measurement and energy savings services, and other similar services;
- to enable us to create Energy Savings Certificates, Victorian Energy Efficiency Certificates and similar tradeable certificates in other jurisdictions, and other similar services;
- keep you up to date with product, service and pricing information that we consider you may be interested in;
- send you our newsletters (where you have subscribed to receive them);

- seek feedback from you and perform market research, so that we can gauge your satisfaction with our services; or
- otherwise manage our business.

We will not use or disclose your personal information for any other purpose unless you have consented to that use or disclosure.

We may disclose personal information between our organisations or to third parties such as our suppliers, organisations that provide us with technical and support services, or our professional advisors, where permitted by the Act. If we disclose personal information to a third party, we will generally require the third party protect your information to the same extent that we do.

2.5 Direct Marketing

Like most businesses, marketing is important to our continued success. We may use personal information to contact you for marketing and promotional purposes (such as to provide you with information about our products and services). You may opt out at any time if you no longer wish to receive these communications by contacting our Privacy Office on the details above or by using the unsubscribe function provided in all of our marketing emails.

2.6 How we hold your personal information

We will hold personal information as either secure physical records, electronically on our intranet system, in cloud storage, and in some cases, records on third party servers, which may be located overseas.

From time to time we may engage cloud-based service providers and data stored with these cloud providers may be held in locations outside of Australia. Please note that the use of overseas service providers to store personal information will not always involve a disclosure of personal information to that overseas provider. However, by providing us with your personal information, you consent to the storage of such information on overseas servers and acknowledge that APP 8.1 will not apply to such disclosures. For the avoidance of doubt, in the event that an overseas recipient breaches the APPs, that entity will not be bound by, and you will not be able seek redress under, the Act.

We maintain appropriate physical, procedural and technical security for our offices and information storage facilities so as to prevent any loss, misuse, unauthorised access, disclosure, or modification of personal information. This also applies to disposal of personal information. We undertake regular monitoring of our practices and systems to ensure the effectiveness our security policies and identify and implement improvements where appropriate.

We will endeavour to destroy or de-identify your personal information as soon as it is no longer required by us (where permitted by law).

3. ACCESS TO AND CORRECTION OF PERSONAL INFORMATION

You may contact our Privacy Officer to request access to or correction of the personal information that we hold about you. We may refuse access or refuse to amend your personal information if we are legally required or entitled to do so. If we do so, we will provide you with written reasons for the refusal (unless it is unreasonable to do so) together with information about the options available to complain about the refusal.

We may require you to pay certain costs in order to access your personal information held by us. We will let you know the amount payable (if any) once we have assessed your application for access. We will not, however, charge you for lodging a request for access to or correction of your personal information.

If you lodge a request for access to your personal information, we may fulfil that request in any of a range of ways (for example, by supplying you with a copy of that personal information or providing you with the opportunity to inspect our records). We may require you to comply with certain procedures before we allow you to access or amend your personal information to ensure the integrity and security of the information that

we hold. Depending on the nature of your request, this may include completing a personal information request form or otherwise verifying your identity to our satisfaction.

We will take reasonable steps to ensure that the personal information that we collect is accurate, up-to-date and complete, and the personal information we use and disclose is accurate, up-to-date, complete and relevant. If we are satisfied that any personal information we hold about you is inaccurate, out-of-date, incomplete, irrelevant or misleading, we will amend our records accordingly.

Please notify us if your personal details change so that we may keep our records current.

4. DISCLOSURE OF PERSONAL INFORMATION TO OTHER ORGANISATIONS AND OVERSEAS

We will generally only disclose your personal information for the purpose for which we collected it and for related purposes you would reasonably expect.

We may disclose your personal information to the following third parties:

- suppliers that provide services to us (for example, our subcontracted product manufacturers, mail processing businesses, printers, market research companies or other service providers). We generally ensure such organisations are contractually required to ensure that information we disclose is used only for the limited purposes for which we provide it;
- (for certain personal information such as electrical licence details of contractors), third-party auditors, the Independent Pricing and Regulatory Tribunal of NSW, or the Essential Services Commission of Victoria (or similar bodies);
- other bodies or organisations where required or permitted by law; and
- other members of our corporate group.

We are not generally likely to disclose personal information to overseas recipients (other than to our cloud service providers).

5. ONLINE PRIVACY

This section of our Privacy Policy explains how we collect and use your personal information online.

5.1 Visiting our website and social media sites

If you visit or access an unsecured part of our social media sites or websites (that is, a public page that does not require you to log on) we (or our service providers) will collect information about your visit, including:

- the time and date of the visit;
- your IP (Internet Protocol) address (generally, an identifier assigned to your computer when it is connected to the Internet); and
- the operating system and Internet browser software you are currently using.

We do not attempt to identify individuals using this information, and only use it for statistical analysis, system administration, and similar related purposes. This information is not disclosed to any other party.

5.2 Cookies

We use “cookies”, which are small text files that identify your computer to our servers when you visit our website. Our website may store cookies on your computer in order to improve and customise your future visits to the website. By using cookies, our site can provide customised content to you. If you do not want information collected through the use of cookies, you may change the settings on your Internet browser to disable cookies.

5.3 Email and messages

We may collect personal information from you (such as your name and email address, and any other personal information you volunteer) if you send us email or use our online enquiry form. We will use this to contact you to respond to your message, to send you information that you request, and for other related purposes we consider you may reasonably expect. We will not use or disclose this personal information for any other purpose without your consent.

5.4 Storage and transmission of personal information online

If you provide any personal information to us via our online services (including email) or if we provide such information to you by such means, the privacy, security and integrity of this information cannot be guaranteed during its transmission unless we have indicated beforehand that a particular transaction or transmission of information will be protected (for example, by encryption).

If we receive your personal information, we will take reasonable steps to store it such that unauthorised access, modification, disclosure, misuse and loss are prevented.

5.5 Other online services

If any of our online services (including any email messages we send to you) contain links to other online services that are not maintained by us, or if other services link to our online services, we are not responsible for the privacy practices of the organisations that operate those other services, and by providing such links we do not endorse or approve the other services. This Privacy Policy applies only in respect of our online services.

6. MANDATORY DATA BREACH NOTIFICATIONS

We will notify you and the Australian Information Commissioner if we suspect that a data breach relating to your personal or sensitive information has occurred and there is real risk of serious harm to you as a result of the breach in accordance with our obligations under the Act.

Please contact our Privacy Officer on the details provided above if you have reason to believe or suspect that a data breach may have occurred so that we can investigate and take the appropriate steps.

VERSION CONTROL

Version Number	Amendment Description	Made By	Approved By	Sign-off	Date
1.0	Document Creation	Michael Wiener	Michael Wiener		19/09/2018
2.0	Full document amendment	Michael Wiener	Michael Wiener		24/09/2018