

ENLIGHTEN AUSTRALIA

Privacy Policy

Date Approved: 31 July 2023 VI

1. ABOUT THIS POLICY

- 1.1 Scope.** This Privacy Policy, which is subject to the Privacy Act and the Australian Privacy Principles (APPs) in the Act, regulates how enLighten Australia collects, uses and discloses personal information. Clause 12.3 outlines the definition of key terms.
- 1.2 Amendment.** We may change, vary or modify all or part of this Privacy Policy at any time in our sole discretion. It is your responsibility to check this Privacy Policy periodically for changes. If we adopt a new Privacy Policy:
- 1.2.1.** we will post the new Privacy Policy on the applicable Platform; and
 - 1.2.2.** it will then apply through your acceptance of it by subsequent or continued use of the Platform and/or our Products and Services.
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2. PURPOSE

2.1 Primary and Secondary Purposes.

We collect *personal information* from you and, subject to clause 3.2, you consent to us using your *personal information* (other than *sensitive information*) for the following Primary and Secondary Purposes:

2.1.1. Primary Purposes

- to process and deliver Products and Services to you;
- to provide you with information about the Products and Services you requested and any other services you may be interested in;
- to process payments and administer your account;
- help us assess an application submitted by you or on your behalf in relation to your employment with enLighten Australia; and
- to manage our commercial relationship.

Secondary Purposes

- to personalise and customise your experiences with us;
- to help us review, manage and enhance our Products and Services;
- to investigate any warranty issues made by you;
- advise customers of new products; and
- to do anything else as required or permitted by any law.
- to send you marketing communications, newsletters, and promotional materials about our products, services, and special offers, unless you have opted out of receiving such communications.

3. WHAT WE COLLECT

- 3.1 Personal Information.** *Personal information* we collect about you may include identification information such as your:
name, signature, address, email address, phone number(s), date of birth, financial and payment information (including bank account details), job title, work practices, marketing and communications information, employee record information, client and profile information.
- 3.2 Sensitive information.** We will only collect, hold, use or disclose any sensitive information about you with your consent or if you volunteer such sensitive information to us. Such information includes information or opinion about an individual's racial or ethnic origin, political opinion, religious beliefs, sexual orientation or criminal record, health information (including medical records), provided the information or opinion otherwise meets the definition of personal information. We will not use or disclose your sensitive information to any Third Party except as required or permitted by law.

4. HOW WE COLLECT

4.1 How we collect. Your personal information may be collected directly or indirectly by the following means:

4.1.1. Information collected directly:

- when you complete an application;
- when you complete a purchase;
- when you request information from us as in a quote or product information;
- when you make a warranty claim; and
- when you access our website.

4.1.2. Way information is collected directly:

- from those who request our Services on your behalf;
- from publicly available sources of information;
- from government regulators, law enforcement agencies and other government entities;
- from business contacts, external service providers and suppliers; and
- by other means reasonably necessary.

4.2 Authority. If you provide us with the *personal information* of another individual, without limiting any other provision of this Privacy Policy, you acknowledge and agree that the other individual:

4.2.1. has authorised you to provide their *personal information* to us; and

4.2.2. consents to us using their *personal information* in order for us to provide our Products and Services.

4.3 Third party collection. If we collect any *personal information* about you from someone other than you, to the extent not already set out in this Privacy Policy, we will inform you of the fact that we will collect, or have collected, such information and the circumstances of that collection before, at or as soon as reasonably practicable after we collect such *personal information*. Without limiting the third parties from whom we may collect *personal information*, from time to time, if you are a contractor, we may collect your *personal information* from electrical wholesalers (who have contracted you) for the purposes of contacting you and to make deliveries to you.

4.4 Unsolicited information. If we receive unsolicited *personal information* about you that we could not have collected in accordance with this Privacy Policy and the Privacy Act, we will, within a reasonable period, destroy or de-identify such information received.

4.5 Destruction. We will destroy or de-identify your *personal information* if:

4.5.1. the purpose for which we collected the *personal information* from you no longer exists or applies; or

4.5.2. you request us to destroy your *personal information*, and we are not required by law to retain your personal information.

5. USE

- 5.1 Primary use.** We will only use and disclose your personal information:
- 5.1.1.** for purposes which are related to the Primary and Secondary Purposes; or
 - 5.1.2.** if we otherwise get your consent to do so, in accordance with this Privacy Policy and the Privacy Act.
- 5.2 Reasonable uses.** We will not use your personal information for any purpose for which you would not reasonably expect us to use your personal information.
- 5.3 Direct marketing.** We will offer you a choice as to whether you want to receive direct marketing communications about services. If you choose not to receive these communications, we will not use your personal information for this purpose.
- 5.4 Right to use.** We will otherwise only use or disclose your personal information for the purposes of direct marketing if:
- 5.4.1.** we collected the information from you; and
 - 5.4.2.** it is reasonable in the circumstances to expect that we would use or disclose the information for direct marketing purposes; and
 - 5.4.3.** we provide you with a simple means to 'opt-out' of direct marketing communications from us; and
 - 5.4.4.** you have not elected to 'opt-out' from receiving such direct marketing communications from us.
- 5.5 Opt-out.** You may opt out of receiving such communications by contacting us using our contact details set out at clause 11.

6. DISCLOSURE

6.1 How we disclose. We may disclose personal information (other than sensitive information) for purposes which are related to the Primary and Secondary Purposes, or as otherwise set out in this Privacy Policy, and you consent to us disclosing such personal information to:

- 6.1.1.** Third Party Service Providers who perform functions or provide Products and Services on our behalf;
- 6.1.2.** relevant regulatory bodies in the industry in which we or you operate;
- 6.1.3.** credit agencies and our professional advisors, including our accountants, auditors and lawyers;
- 6.1.4.** our Related Bodies Corporate;
- 6.1.5.** persons authorised by you to receive information held by us;
- 6.1.6.** a government authority, law enforcement agency, pursuant to a court order or as otherwise required by law;
- 6.1.7.** a party to a transaction involving the sale of our business or its assets; or
- 6.1.8.** parties you have consented to us disclosing your personal information to, or would otherwise reasonably expect us to disclose your personal information to.

6.2 Reasonable protections. If we send your personal information to overseas recipients, we will only do so for the primary purpose for which the personal information was collected (or as otherwise permitted under the APPs), and we will take such steps as are reasonable in the circumstances to ensure there are arrangements in place to protect your personal information as required by the APPs. Currently, the countries we may disclose personal information to include Australia and New Zealand.

7. ACCESS + CORRECTION

7.1 Access. You have the right to request access to your personal information and the right to request that your personal information which has been collected and stored by us be corrected. If you require access to your personal information, please contact us using our contact details set out at clause 11. You may be required to put your request in writing and provide proof of identity. There are certain circumstances under the APPs in which we may lawfully refuse to give access to personal information.

7.2 Response to access request. If you make a request for access to personal information, we will:

7.2.1. respond to your request within a reasonable period after the request is made; and

7.2.2. if reasonable and practicable, give access to the personal information as requested.

7.3 Refusal of access. If we refuse to give access to the personal information, we will give you a written notice that sets out at a minimum:

7.3.1. our reasons for the refusal (to the extent it is reasonable to do so); and

7.3.2. the mechanisms available to complain about the refusal.

7.4 Correction. We request that you keep your personal information as current as possible. If you feel that information about you is not accurate or your details have or are about to change, you can contact us using our contact details set out at clause 11 and we will correct or update your personal information.

7.5 Response to correction request. If you otherwise make a request for us to correct your personal information, we will:

7.5.1. respond to your request within a reasonable period after the request is made; and

7.5.2. if reasonable and practicable, correct the information as requested.

7.6 Refusal to correct. If we refuse a request to correct personal information, we will:

7.6.1. give you a written notice setting out the reasons for the refusal and how you may make a complaint; and

7.6.2. take reasonable steps to include a note with your personal information of the fact that we refused to correct it.

8. SECURITY + PROTECTION

8.1 Reasonable protections. In relation to all *personal information*, we will take all reasonable steps to:

8.1.1. ensure that the personal information we collect, hold, use or disclose is, with regard to the relevant purpose, accurate, up to date and complete; and

8.1.2. protect personal information from misuse, interference, loss or unauthorised access, modification and disclosure.

8.2 Security. We store your *personal information* on a secure server behind a firewall and use security software to protect your personal information from unauthorized access, destruction, use, modification or disclosure. Only Authorised Personnel may access your personal information for the purposes of disclosure set out in clause 6 above.

8.3 Obligation to notify. Please contact us immediately if you become aware of or suspect any misuse or loss of your personal information.

9. DATA BREACHES

9.1 Compliance. We are required to comply with the Notifiable Data Breaches scheme under Part IIIC of the Privacy Act.

9.2 Investigation and assessment. If we become aware that a Data Breach in respect of *personal information* held by us may have occurred, we will:

9.2.1. investigate the circumstances surrounding the potential Data Breach to determine whether a Data Breach has occurred; and

9.2.2. if a Data Breach has occurred, carry out a reasonable and expeditious assessment of whether there are reasonable grounds to believe that the relevant circumstances amount to an *eligible data breach*.

9.3 Undertaking. If we become aware that there has been an *eligible data breach* in respect of *personal information* held by us, and the *personal information* relates to you or you are at risk from the *eligible data breach*, we will ensure that either we, or a relevant APP entity that is the subject of the same *eligible data breach*:

9.3.1. prepare a statement that complies with subsection 26WK(3) of the Privacy Act;

9.3.2. provide a copy of the statement to the Office of the Australian Information Commissioner (**OAIC**); and

9.3.3. if it is practicable, notify you of the contents of the statement, or otherwise publish a copy of the statement on the Website and take reasonable steps to publicise the contents of the statement, as soon as practicable after the completion of the preparation of the statement.

10. COMPLAINTS

- 10.1 Complaint.** If you have a complaint about how we collect, use, disclose, manage or protect your personal information, or consider that we have breached the Privacy Act or APPs, please contact us using our contact details below. We will respond to your complaint within 14 days of receiving the complaint.
- 10.2 Response and resolution.** Once the complaint has been received, we may resolve the matter in a number of ways:
- 10.2.1. Request for further information:** We may request further information from you. Please provide us with as much information as possible, including details of any relevant dates and documentation. This will enable us to investigate the complaint and determine an appropriate solution.
- 10.2.2. Discuss options:** We will discuss options for resolution with you and if you have suggestions about how the matter might be resolved you should raise these with our Privacy Officer.
- 10.2.3. Investigation:** Where necessary, the complaint will be investigated. We will try to do so within a reasonable time frame. It may be necessary to contact others in order to proceed with the investigation. This may be necessary in order to progress your complaint.
- 10.2.4. Conduct of our employees:** If your complaint involves the conduct of our employees we will raise the matter with the employees concerned and seek their comment and input in the resolution of the complaint.
- 10.3 Notice of decision.** After investigating the complaint, we will give you a written notice about our decision.
- 10.4 OAIC.** You are free to lodge a complaint directly with the OAIC online, by mail, fax or email. For more information please visit the OAIC website at oaic.gov.au.
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11. CONTACT

- 11.1 Contact.** Please forward all correspondence in respect of this Privacy Policy to:

Privacy Officer
enLighten Australia Pty Ltd
Unit 3, 12 Frederick Street, St Leonards, NSW, 2089
Phone: +61 2 8084 6971
Email: admin@enlighten.com.au

12. INTERPRETATION + DEFINITIONS

12.1 Personal pronouns: Except where the context otherwise provides or requires:

12.1.1. the terms we, us or our refers to Enlighten Australia Pty Ltd (ACN 134 272 745) trading as **enLighten Australia** of Unit 8, 78 Reserve Road, Artarmon, NSW, 2064; and

12.1.2. the terms **you** or **your** refers to a user of the Platform and/or a customer to whom we provide the Products and Services or any other person from whom we collect personal information or data directly or indirectly.

12.2 Terms italicised and defined in the Privacy Act have the meaning given to them in the Privacy Act.

12.3 Defined terms: In this Privacy Policy unless otherwise provided, the following terms shall have their meaning as specified:

APPs means any of the Australian Privacy Principles set out in Schedule 1 of the Privacy Act.

Authorised Personnel means any of our employees or any Third Party Service Provider who has been duly authorised by us to access your personal information.

Data Breach means unauthorised access, modification, use, disclosure, loss, or other misuse of *personal information* held by us.

Platforms means all or any of the relevant platforms, electronic interfaces and Websites that are owned, provided and/or operated from time to time by us (including but not limited to the Website), regardless of how those Websites are accessed by users (including via the internet, mobile phone, mobile applications or any other device or other means).

Primary and Secondary Purposes means the primary and secondary purposes stated at clause 2.1.

Privacy Act means the *Privacy Act 1988* (Cth) as amended from time to time.

Privacy Policy means this privacy policy as amended from time to time.

Products and Services means any products or services offered by us from time to time, including Energy Efficient LED Luminaires.

Related Bodies Corporate means “Related bodies corporate” as defined under section 50 of the *Corporations Act 2001* (Cth).

Third Party means any party other than Enlighten Australia.

Third Party Service Provider means any third party service provider engaged by us to perform functions or provide Products and Services on our behalf.

Website means www.enlighten.com.au and any other websites established and used by us from time to time.