

PRIVACY POLICY

We respect Your Personal Information and Your right to privacy. This privacy policy describes the Information that may be collected by Upfront Pay Pty Ltd ACN 645 588 334 (“Upfront”) and how we protect Your Personal Information and Non-personal Information.

1. INTERPRETATION

1.1. In this Policy, the following terms have the following meanings:

- (a) **Upfront, we, our** and **us** means Upfront Pay Pty Ltd ACN 645 588 334;
- (b) **Information** includes Personal Information and Non-personal Information but does not include Sensitive Information;
- (c) **Non-personal Information** means any Information about You, Your services, business and activities which is not Personal Information but does not include Sensitive Information;
- (d) **Personal Information** means Information or an opinion about an identified individual, or an individual who is ‘reasonably identifiable’, including without limitation, the individual’s name, address, phone number and/or email address but does not include Sensitive Information;
- (e) **Sensitive Information** has the meaning defined under the *Privacy Policy Act 1988* (Cth);
- (f) **Service** means any and all services provided by Upfront including as defined in the Service Agreement, our website, and our mobile platforms;
- (g) **Service Agreement** means the service agreement/terms and conditions entered into between Upfront and You when you use Upfront’s Service;
- (h) **Website** means our website and includes without limitation our application websites, our mobile platforms and our electronic or physical databases; and
- (i) **You** and **Your** means You, the individual or entity viewing this Policy.

1.2. Should there be, in any specific case, any inconsistency between this Privacy Policy and applicable legislation, this Privacy Policy shall be interpreted, in respect of that case, to give effect to, and comply with the legislation.

2. YOUR ACKNOWLEDGEMENT OF OUR PRIVACY POLICY

2.1 Your use of our Services constitutes an acknowledgement that You have been made aware of our Privacy Policy. By providing us with Your Personal Information, You consent to us using and disclosing this Personal Information in accordance with our Privacy Policy.

3. THE KIND OF INFORMATION WE COLLECT AND HOLD

3.1 Through the course of Your use of this Website and/or the provision of the Service, Upfront may collect Personal Information and Non-personal Information from You, including without limitation:

- (j) Your contact Information including name, address, telephone number, email address;
- (k) Your contact preferences;
- (l) Your financial Information;
- (m) Your client and customer Information;

- (n) Your employee, officers, agents and servant's Information including name, address, telephone number, email address (if applicable);
- (o) Hardware identifiers;
- (p) Statistical Information regarding the use of the website;
- (q) Your computer Internet Protocol (IP) address;
- (r) The date and time of the visit, previous sites visited;
- (s) Your browser type; and
- (t) Content provided to Us by You or generated by Us for You such as data, text, files, Information, usernames, passwords, codes, images, graphics, photos, profiles, audio and video clips, sounds, works of authorship, applications, links and other materials.

3.2 Upfront does not collect or use Sensitive Information, however Upfront may facilitate the storage of Sensitive Information provided by You in the course of providing the Service set out in the Service Agreement between You and Upfront (if applicable).

4. HOW WE COLLECT INFORMATION

4.1 Where we can, we will collect Information directly from You. We collect personal and Non-personal Information when You:

- (a) Fill in an application form, including our Service Agreement or other agreements;
- (b) Contact us by post, telephone, in person or electronically including by email or sms;
- (c) Ask us to contact You after visiting our Website;
- (d) Request us to provide the Services or Information about Upfront or our Services;
- (e) Subscribe to communications from us such as updates, publications or newsletters;
- (f) Tell us about Your preferences when making an enquiry or using our Services;
- (g) Contact us to provide feedback, comments or suggestions on our Services or complete one of our surveys;
- (h) Interact or engage with us through our Website or social media platforms;
- (i) Apply for a job with us or become an employee, or become a supplier or contractor that provide a product or service to us;
- (j) Provide us with Information in the course of Us providing the Services to You;
- (k) Request that we generate Information based on information provided by You; or
- (l) Otherwise interact with us or disclose Information to us.

Third Parties

4.2 As well as collecting Information directly from You, there may be occasions when we collect Information about You from other people or organisations. Where we receive Information about You directly or indirectly from third parties, we cannot guarantee that the third party has collected and shared that Information in accordance with applicable laws.

4.3 Third parties we collect Information about You from may include:

- (a) Reputable data sources and publicly available sources of Information;

- (b) Your representatives;
 - (c) Third parties that provide marketing leads, marketing and data analysis services to us;
 - (d) Third parties that conduct our surveys for us; and
 - (e) If You are a prospective employee, Your nominated referee, law enforcement agencies for police checks or intermediaries such as recruitment agents and personnel providers.
- 4.4 We may use cookies and other internet technologies to manage our Website, provide our Service and certain online products and services. We do not use these technologies to collect or store Personal Information unless You have opted in to such a feature.
- 4.5 The Website may log the following Information which is provided by Your browser for statistical purposes only:
- (a) The type of browser and operating system You are using;
 - (b) Your Internet Service Provider and top-level domain name;
 - (c) The address of any referring web site; and
 - (d) Your computer's IP address.
- 4.6 The Website may collect directly from You the following as well as any other Information type that we expressly ask You to enter and submit to the Website:
- (a) Contact Information, such as Your name, and telephone number;
 - (b) Usernames and passwords;
 - (c) Comments and feedback; and
 - (d) Interests and communication preferences.
- 4.7 All this Information is used by Upfront for aggregated statistical analyses or systems administration purposes only. No attempt will be made to identify users of their browsing activities, except where required by or under law.

Cookies

- 4.8 A "cookie" is a packet of Information that allows the Website to identify and interact more effectively with Your computer. When You access our Website, we send You a temporary or "session cookie" that gives You a unique identification number. A different identification number is sent each time You use our Website. Cookies do not identify individual users, although they do identify a user's internet browser type and Your Internet Service Provider. Shortly after You end Your interaction with our Website, the cookie expires. This means it no longer exists on Your computer and therefore cannot be used for further identification or access to Your computer.
- 4.9 Without cookies certain personalised, services cannot be provided to You and accordingly You may not be able to take full advantage of all of our Website or Service features.

Links to other sites

- 4.10 The Website may contain links to other sites. We are not responsible for the privacy practises or the content of such websites. We encourage You to read and understand the privacy policies on those websites prior to providing any Information to them.

Searches

4.11 Search terms that You enter when using our search engine are collected and are not associated with any other Information that we collect.

5. HOW WE STORE INFORMATION

5.1 We hold Your Personal Information and Non-personal Information both electronically, on our own servers and via third-party host service providers.

5.2 We take the security of Your Information seriously and we implement a range of technical, administrative, personnel and physical measures to safeguard Your Information against loss, interference and unauthorised access, modification and disclosure, and misuse, including using electronic and physical access restrictions to files containing Personal Information and ensuring encryption of Personal Information sent and received.

6. THE PURPOSES FOR WHICH WE COLLECT, HOLD, USE AND DISCLOSE INFORMATION

6.1 We use the Personal Information and Non-personal Information You provide only for purposes consistent with the reason You provided it, or for a directly related purpose, as required or permitted by law or with Your express or implied consent.

6.2 Generally, we will not use Your Personal Information to market to You unless we have either Your implied or express consent but in situations where it is impractical to obtain Your prior consent, we will ensure You have an ability to opt out of such future communications.

6.3 We use Personal Information collected through the Website and Service to complete various actions including without limitation:

- (a) To assist You in completing a transaction or order;
- (b) To provide and improve the Service, our Website and support;
- (c) With Your permission, to market our services to the public and third parties;
- (d) To update You on relevant new services and benefits;
- (e) To personalise the Website and to select content to be communicated to You or to use features on the Website;
- (f) To contact You regarding our products or services or other products and services from third parties;
- (g) To invite You to participate in surveys and similar promotions;
- (h) For data analysis, audits, developing new products, enhancing the Service and Website, identifying usage trends and determining the effectiveness of our promotional campaigns, or in other ways to which You have expressly agreed in a Service Agreement with us;
- (i) To prevent and detect security threats, fraud or other malicious activity; and
- (j) To comply with our legal obligations and disclose as required by law;
- (k) To resolve disputes and enforce our Service Agreements;

6.4 You may also be able to transact with us anonymously where this is lawful and practicable. We will collect Personal Information from You by lawful and fair means and not in an unreasonably intrusive way.

Direct marketing and Your privacy

6.5 From time to time we may use the Personal Information we collect from You to identify particular products and services which we believe may be of interest to You. We may then contact You to let You know about these products and services and how they may benefit You. We will give You a choice to opt out of receiving such Information in the future.

Direct mail

6.6 Where we use Your Personal Information to send You marketing Information via the post we may do so with Your implied consent or, if this is impracticable, we will ensure that You are provided with an opportunity to opt out to ensure You do not receive such future communications. By not clearly opting out, we will assume we have Your implied consent to receive similar marketing communications in the future.

Electronic marketing

6.7 Where we use Your Personal Information to send You marketing Information by e-mail, SMS, MMS or other electronic means we may do so with Your express or implied consent. You may give us Your express consent by, for example, ticking a box on an electronic or paper form where we seek Your permission to send You electronic or other marketing Information or expressly agreeing to receive such marketing Information in our Service Agreement. Consent may be implied from our existing business relationship or where You have directly or indirectly provided us with Your electronic address.

Your privacy preferences and choices

6.8 Every personalised marketing contact sent or made by Upfront will include a means by which customers may opt out of receiving further marketing Information. You may instruct us at any time to remove any previous consent You provided to receive marketing communications from us.

Information sharing

6.9 We do not share Your Personal Information with other organisations unless You give us Your express consent, or where sharing is otherwise required or permitted by law, or where this is necessary on a temporary basis to enable our contractors to perform specific functions.

6.10 We shall maintain the privacy of all Personal Information we hold about You. However, we may disclose Your Personal Information where disclosure of Your Personal Information is:

- (a) Authorised or required by law, including disclosure to various government departments and agencies such as the National Disability Insurance Agency, Australian Taxation Office, Centrelink, Child Support Agency or disclosure to courts or tribunal under subpoena;
- (b) Necessary in order of us to receive legal advice;
- (c) In the public interest, e.g. where a crime, fraud or misdemeanour is committed or suspected, and disclosure against Your rights to confidentiality is justified; or
- (d) With Your consent, this may be implied or express, verbal or written.

6.11 We may disclose Personal Information to third parties in connection with our Service, including:

- (a) To third parties who we engage in the performance of the Services and their authorised representatives;
- (b) To regulatory bodies, government agencies and law enforcement bodies in any jurisdiction; or

- (c) To debt collectors and utility companies.

7. USE OF THIRD-PARTY SERVICE PROVIDERS

- 7.1 When we temporarily provide Personal Information to companies who perform services for us, such as specialist Information technology companies, mail houses or other contractors, we require those companies to protect Your Personal Information as diligently as we do.

8. UPDATING YOUR INFORMATION

- 8.1 It is inevitable that some Personal Information which we hold will become out of date. We will take reasonable steps to ensure that the Personal Information which we hold remains accurate.
- 8.2 To correct Personal Information held by Us, please contact us directly in writing via the contact methods provided on our website.

9. ACCESS TO YOUR INFORMATION

- 9.1 We will, upon Your request, and subject to applicable privacy laws, provide You with access to Your Information that is held by us. However, we ask that You identify, as clearly as possible, the type/s of Information requested and provide proof of Your identity. We will deal with Your request to provide access to Your Personal Information in a reasonable time of receipt of Your request. We will not charge You for lodging such a request but we may recover from You our reasonable costs incurred in supplying You with access to this Information.
- 9.2 Your right to access Your Personal Information is not absolute. In certain circumstances, the law permits us to refuse Your request to provide You with access to Your Personal Information, such as circumstances where:
- (a) Access would pose a serious threat to the life or health of any individual;
 - (b) Access would have an unreasonable impact on the privacy or others;
 - (c) The request is frivolous or vexatious;
 - (d) The Information relates to a commercially sensitive decision-making process;
 - (e) Access would be unlawful; or
 - (f) Access may prejudice enforcement activities, a security function or commercial negotiations.

10. COMPLAIN ABOUT A BREACH OF PRIVACY

- 10.1 We are committed to working with our clients to obtain a fair resolution of any complaint or concern about privacy. To contact us with a compliment or complaint or a privacy question, You can:
- (a) Write to us at: PO Box 14, Moffat Beach QLD 4551
 - (b) Telephone: +61(0)405 610 525
 - (c) Email: admin@upfrontpay.com.au

11. DISCLOSURE OF PERSONAL INFORMATION TO OVERSEAS RECIPIENTS

- 11.1 If we transfer Personal Information to countries outside Australia, we will only do so in compliance with all applicable Australian data protection and privacy laws. We will take reasonable steps to protect Personal Information no matter what country it is stored in or transferred to.

