

## 1. PRIVACY POLICY

This Privacy Policy relates to the collection, disclosure, use and storage of personal information handled by Xphyr Pty Ltd (ABN 91 107 705 037) (**Xphyr**). Xphyr respects your privacy and is committed to safeguarding your personal information in accordance with the Australian Privacy Principles (**APPs**) contained in the Privacy Act 1988 (Cth) (**Act**).

## 2. PERSONAL INFORMATION - COLLECTION

The kinds of personal information collected and stored by Xphyr for Xphyr's benefit (**Personal Information**) may include an individual's name, address, business/company name, role/position, business information, telephone/mobile number, fax number, email address, bank account details, credit history, Australian Business Number, drivers licence number, passport number, visa information, credit card information, date of birth, photograph, signature, testimonials, opinions, membership information, health information, education information, family information, business contact information and work history.

The kinds of Personal Information collected and stored by Xphyr and regarded as "sensitive information" (**Sensitive Information**) may include an individual's membership information, criminal record and health information. Xphyr does not collect Sensitive Information without the individual's consent.

Xphyr collects and stores Personal Information (including Sensitive Information) for the purposes of providing event management services, incentive programs and promotions, brand activations and promotions, and creative services (**Xphyr's Services**), promoting and selling Xphyr's Services, responding to enquiries regarding Xphyr's Services, credit reporting, facilitating Xphyr's relationship with individuals, managing Xphyr's staffing requirements and direct marketing. If an individual chooses not to provide Personal Information, Xphyr may not be able to provide the services or relationship required or provide the services to the standard required, or respond to queries or customer needs adequately.

Xphyr does not collect Personal Information (including Sensitive Information) unless the information is reasonably necessary to enable Xphyr to perform one or more of its functions and activities. Xphyr does not collect Sensitive Information unless the individual has consented to the collection of that information or such collection is required, authorised or permitted by law.

Xphyr only collects Personal Information by lawful and fair means.

Xphyr will collect Personal Information that has been solicited by Xphyr from an individual directly unless it is unreasonable or impracticable to do so.

Xphyr may collect Personal Information about an individual from third parties and as otherwise required, authorised or permitted by law. Xphyr may collect Personal Information for the purpose of direct marketing from third parties such as marketing suppliers (including but not limited to suppliers of market research, mailing systems, design and print, broadcasting, data processing, marketing services, radio frequency identification chip technology (RFID) and near field communication technology (NFC)) (**Marketing Suppliers**), data suppliers, data owners and data managers (**Data Suppliers**) or from publicly available sources of information, including but not limited to, LinkedIn, Twitter, Instagram and Facebook.

If Xphyr receives unsolicited Personal Information, Xphyr will within a reasonable period after receiving such unsolicited Personal Information, determine whether or not Xphyr could have collected the Personal Information under APP 3 if Xphyr had solicited the Personal Information. If Xphyr determines that it could not have collected the Personal Information, Xphyr will as soon as practicable, but only if it is lawful and reasonable to do so, destroy or de-identify the Personal Information.

Where Xphyr collects Personal Information either directly from an individual or from a third party, Xphyr will at or before the time, or if that is not practicable, as soon as practicable after, collection of such Personal Information, take such steps as are reasonable in the circumstances to notify the individual, or ensure the individual is aware, of such matters as required by law.

## 3. PERSONAL INFORMATION - USE & DISCLOSURE FOR NON-DIRECT MARKETING

Xphyr may use or disclose Personal Information to provide Xphyr's Services, promote and sell Xphyr and Xphyr's Services (including to quote, bill, collect, and guarantee debts), respond to enquiries regarding Xphyr's Services, provide customer service, conduct credit checks for credit-worthiness (including to verify an individual's identity), book travel and accommodation and facilitate Xphyr's relationship with individuals.

Xphyr may also use or disclose Personal Information to research and enhance Xphyr's Services, maintain and develop Xphyr's business systems, sell any part or all of Xphyr or its business and assets, obtain professional advice and/or undertake legal action or negotiation, or for any other purpose that is related and within an individual's reasonable expectations, or that the individual has provided express or implied consent to, or that is otherwise required, authorised or permitted by law.

Xphyr may use cloud software providers and contractors (such as IT contractors and book keepers) to fulfil the purposes set out above, but in such cases, the cloud software providers and contractors may only use the Personal Information to store and manage the Personal Information or perform a function of their service contract. Xphyr maintains control over the Personal Information (and does not release the subsequent handling of the Personal Information from its effective control).

In order to fulfil the purposes set out above, Xphyr may disclose Personal Information to third parties including an individual's representatives (such as their accountant, lawyer or trade referees), Marketing Suppliers, event suppliers (including but not limited to suppliers of catering, audio visual services, internet services, theming services, photography, videography, printing services, the venue, and travel and accommodation services) (**Event Suppliers**) and Xphyr's related bodies corporate.

Xphyr may also disclose Personal Information to Xphyr's professional advisors (including lawyers and accountants), organisations involved in the sale of any part or all of Xphyr or its business and assets, suppliers of billing and debt recovery functions, suppliers of information technology services, and such other third parties as required, authorised or permitted by law.

#### **4. PERSONAL INFORMATION – USE & DISCLOSURE FOR DIRECT MARKETING**

Xphyr will collect Personal Information for the purpose of direct marketing from an individual directly unless it is unreasonable or impracticable to do so.

Xphyr may use or disclose Personal Information (other than Sensitive Information) collected from an individual for the purpose of direct marketing (including but not limited to direct mail campaigns by post, email, telemarketing and social media) where that individual would reasonably expect Xphyr to use or disclose Personal Information for this purpose.

Xphyr may use or disclose Personal Information (other than Sensitive Information) collected in other circumstances, for the purpose of direct marketing subject to, and in accordance with, the law. This may involve obtaining an individual's consent where practicable.

Xphyr will only use or disclose Sensitive Information for the purpose of direct marketing if an individual has consented to the use or disclosure of Sensitive Information for that purpose.

Xphyr may use cloud software providers to fulfil the purpose of direct marketing, but in such cases, the cloud software providers may only use the Personal Information to store and manage the Personal Information. Xphyr maintains control over the Personal Information (and does not release the subsequent handling of the Personal Information from its effective control).

In order to fulfil the purpose of direct marketing, Xphyr may disclose Personal Information to third parties including Xphyr's related bodies corporate, Marketing Suppliers, Event Suppliers and such other third parties as required, authorised or permitted by law.

*You may request not to receive direct marketing communications from Xphyr by sending an email to Xphyr's Privacy Officer at [events@xphyr.com.au](mailto:events@xphyr.com.au). Xphyr will effect this request at no charge, within a reasonable period after the request is made (typically no later than 30 days).*

*You may request that Xphyr provide the source of your Personal Information by sending an email to Xphyr's Privacy Officer at [events@xphyr.com.au](mailto:events@xphyr.com.au). Xphyr will provide the source at no charge, within a reasonable period after the request was made (typically no later than 30 days) unless it is impracticable or unreasonable to do so.*

#### **5. CONSUMER & BUSINESS DATA - COLLECTION**

In the provision and delivery of Xphyr's Services, Xphyr may collect your personal information for and on behalf of, or as an event or marketing service provider to, its clients (including direct clients and agency clients who are collecting personal information for and on behalf of their customers) (**Consumer & Business Data**). Such Consumer & Business Data will be collected and/or used for the benefit of the client, or where

the client is an agency, the benefit of the agency's customer. The person receiving the benefit will be referred to as the "**End User**" for the purposes of this Policy.

The kinds of Consumer & Business Data collected and stored for the benefit of an End User may include an individual's name, address, business/company name, role/position, business information, telephone/mobile number, fax number, email address, bank account details, Australian Business Number, passport information, visa information, credit card information, age, date of birth, photograph, signature, geographical location, religious or philosophical beliefs or affiliations, opinions, membership information, health information, clothing size, education information, family information, financial information, interests, opinions and needs.

The kinds of Consumer & Business Data collected and stored by Xphyr for the benefit of an End User and regarded as "sensitive information" (**Consumer & Business Sensitive Information**) may include an individual's membership information, religious beliefs or affiliations, and health information. Xphyr does not collect Consumer & Business Sensitive Information without the individual's consent.

Xphyr collects and stores Consumer & Business Data (including Consumer & Business Sensitive Information) for the purposes of delivering Xphyr's Services. If an individual does not provide Consumer & Business Data, Xphyr may not be able to provide Xphyr's Services or may not be able to provide Xphyr's Services adequately or to the standard required.

Xphyr does not collect Consumer & Business Data (including Consumer & Business Sensitive Information) unless the Consumer & Business Data is reasonably necessary to enable Xphyr to perform one or more of its functions and activities. Xphyr does not collect Consumer & Business Sensitive Information unless the individual has consented to the collection of that information or such collection is required, authorised or permitted by law.

Xphyr only collects Consumer & Business Data by lawful and fair means.

Xphyr will collect Consumer & Business Data that has been solicited by Xphyr, from an individual directly unless it is unreasonable or impracticable to do so.

Xphyr may collect Consumer & Business Data from third parties including but not limited to its clients, Data Suppliers, Marketing Suppliers, Event Suppliers, End Users and from publicly available sources of information, including but not limited to LinkedIn, Twitter, Instagram and Facebook.

Where Xphyr collects Consumer & Business Data directly from an individual or from a third party, Xphyr will at or before the time, or if that is not practicable, after collection of such Consumer & Business Data, take such steps as are reasonable in the circumstances to notify the individual, or ensure the individual is aware, of such matters as required by law.

## **6. CONSUMER & BUSINESS DATA - USE & DISCLOSURE FOR NON-DIRECT MARKETING**

Xphyr may use or disclose the Consumer & Business Data in order to deliver Xphyr's Services.

Xphyr may also use or disclose the Consumer & Business Data for any other purpose that is related and within the individual's reasonable expectations or that the individual has provided express or implied consent to, or that is otherwise required, authorised or permitted by law.

Xphyr may use cloud service providers or contractors to fulfil the purposes set out above, but in such cases, the cloud service providers or contractors may only use the Consumer & Business Data to store and manage the Personal Information or perform a function of their service contract. Xphyr maintains control over the Consumer & Business Data (and does not release the subsequent handling of the Consumer & Business Data from its effective control).

In order to fulfil the purposes set out above, Xphyr may disclose the Consumer & Business Data to the End User, the End Users' agents (including but not limited to advertising agencies, marketing agencies and mail houses), Marketing Suppliers, Event Suppliers, Xphyr's related bodies corporate and if agreed or consented to, to the public and other individuals or groups of individuals.

Xphyr may also disclose Consumer & Business Data to other third parties as required, authorised or permitted by law.

## **7. CONSUMER & BUSINESS DATA – USE & DISCLOSURE FOR DIRECT MARKETING**

Xphyr may use or disclose Consumer & Business Data (other than Consumer & Business Sensitive Data) collected from an individual for the purpose of facilitating direct marketing by End Users (including but not limited to direct mail campaigns by post, email, telemarketing and social media) where that individual would reasonably expect Xphyr to use or disclose Consumer & Business Data for this purpose.

Xphyr may use or disclose Consumer & Business Data (other than Consumer & Business Sensitive Data) collected in other circumstances for the purpose of facilitating direct marketing by End Users, subject to, and in accordance with, the law. This may involve obtaining an individual's consent where practicable.

Xphyr will only use or disclose Consumer & Business Sensitive Data for the purpose of facilitating direct marketing by End Users if an individual has consented to the use or disclosure of Consumer & Business Sensitive Data for that purpose.

Xphyr may use cloud service providers or contractors to fulfil the purpose of facilitating direct marketing, but in such cases, the cloud service providers or contractors may only use the Consumer & Business Data to store and manage the Personal Information or perform a function of their service contract. Xphyr maintains control over the Consumer & Business Data (and does not release the subsequent handling of the Consumer & Business Data from its effective control).

In order to fulfil the direct marketing purposes, Xphyr may disclose the Consumer & Business Data to the End User, the End Users' agents (including but not limited to advertising agencies, marketing agencies and mail houses), Marketing Suppliers, Event Suppliers and Xphyr's related bodies corporate.

Xphyr may also disclose Consumer & Business Data to other third parties as required, authorised or permitted by law.

*You may request that Xphyr not use or disclose your Consumer & Business Data for the purpose of facilitating direct marketing by End Users by sending an email to Xphyr's Privacy Officer at [events@xphyr.com.au](mailto:events@xphyr.com.au). Xphyr will effect this request at no charge, within a reasonable period after the request is made (typically no later than 30 days).*

*You may request that Xphyr provide the source of your Consumer & Business Data by sending an email to Xphyr's Privacy Officer at [events@xphyr.com.au](mailto:events@xphyr.com.au). Xphyr will provide the source at no charge, within a reasonable period after the request was made (typically no later than 30 days) unless it is impracticable or unreasonable to do so.*

## **8. ANONYMITY**

Where practicable, an individual will have the option to not identify themselves or to use a pseudonym.

An individual is free to use the Xphyr website anonymously by not identifying themselves. An individual has the option of remaining anonymous when giving Xphyr feedback by not providing any Personal Information.

## **9. CROSS BORDER DISCLOSURE**

Xphyr is unlikely to disclose Personal Information to overseas recipients.

Xphyr is likely to disclose Consumer & Business Data to overseas recipients located in the United States of America, Singapore, United Kingdom, China, Hong Kong, Japan and New Zealand.

If Xphyr wishes to disclose any Personal Information or Consumer & Business Data to overseas recipients, Xphyr will take such steps as are reasonable in the circumstances to ensure that the overseas recipient does not breach the APPs (excluding APP 1) except as otherwise required, authorised or permitted by the law.

## **10. GOVERNMENT RELATED IDENTIFIERS**

The government related identifiers collected by Xphyr for Xphyr's benefit include an individual's drivers licence number, passport number and tax file number.

The government related identifiers collected by Xphyr for the benefit of an End User includes an individual's drivers licence number and passport number.

Xphyr only uses or discloses such government related identifiers if it is reasonably necessary for Xphyr to verify the identity of the individual for the purposes of Xphyr's activities or functions or to provide Xphyr's

Services, or as otherwise required, authorised or permitted by law.

## **11. DATA QUALITY**

Xphyr will take such steps as are reasonable in the circumstances to ensure that the Personal Information and Consumer & Business Data Xphyr collects, uses and/or discloses is accurate, up to date, complete, and relevant.

This may involve verifying Personal Information and Consumer & Business Data to identify, update and verify out of date contact details.

*You may request that Xphyr update or correct your Personal Information or Consumer & Business Data by sending an email to Xphyr's Privacy Officer at [events@xphyr.com.au](mailto:events@xphyr.com.au).*

## **12. STORAGE AND SECURITY**

Xphyr stores Personal Information (which has been collected by Xphyr) for the purposes of enabling Xphyr to use and disclose it as required, authorised or permitted in accordance with this Privacy Policy and the law, for legal and taxation compliance, and for contractual reasons.

Xphyr stores Consumer & Business Data (which has been collected by Xphyr) for the purposes of enabling Xphyr to use and disclose it as required, authorised or permitted in accordance with this Privacy Policy and the law, for legal and taxation compliance, for contractual reasons and for recording keeping purposes.

Xphyr may hold Personal Information on its server, hardware, software and cloud programs used for storage, file sharing and transfer, document management, webhosting, email and similar or related purposes. Xphyr may also hold Personal Information in locked physical storage facilities. Xphyr handles and manages this Personal Information and does not release this information from its effective control (except as otherwise provided in this Privacy Policy).

Xphyr may hold Consumer & Business Data on its server and in cloud programs and locked physical storage facilities used for storage, file sharing and transfer, organising, editing and sharing photographs, customer relationship management, document management, email and similar or related purposes. Xphyr may also hold Consumer & Business Data in locked physical storage facilities. Xphyr handles and manages this Consumer & Business Data and does not release this information from its effective control (except as otherwise provided in this Privacy Policy).

Xphyr will take such steps as are reasonable in the circumstances to protect Personal Information and Consumer & Business Data against misuse, interference, loss, unauthorised access, modification or disclosure.

This may include using usernames, passwords, encryption and physical locks to restrict access to files, software, hardware and physical areas which contain Personal Information or Consumer & Business Data, backing up Personal Information and Consumer & Business Data on a regular basis, requiring End Users (and their agents) and suppliers to maintain minimum security standards and privacy compliance with regard to the Personal Information and Consumer & Business Data, encrypting and password protecting the Personal Information and Consumer & Business Data, requiring End Users (and their agents) and suppliers to destroy or de-identify the Personal Information and Consumer & Business Data after it has been used, and removing all Personal Information and Consumer & Business Data from online file sharing and managed file transfer services, and services for organising, editing and sharing photographs, within a reasonable time after it has been uploaded to such services.

Xphyr will take such steps as are reasonable in the circumstances to destroy or de-identify Personal Information and Consumer & Business Data when it is no longer required by Xphyr for any purpose for which it may be used or disclosed in accordance with this Privacy Policy.

## **13. ACCESS**

*You may access the Personal Information and Consumer & Business Data Xphyr holds about you by making your request in writing. Xphyr will provide such access subject to the exceptions under the Act.*

*Please request access to your Personal Information or Consumer & Business Data by sending an email to Xphyr's Privacy Officer at [events@xphyr.com.au](mailto:events@xphyr.com.au).*

*Xphyr will respond to this request, within a reasonable period after the request is made (typically no later than 30 days). Xphyr reserves the right to charge a fee for searching and providing access to your information.*

#### **14. CORRECTION**

*You may correct the Personal Information and Consumer & Business Data Xphyr holds about you by making your request in writing. Xphyr will take such steps as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up to date, complete, relevant and not misleading.*

*Please request correction of your Personal Information or Consumer & Business Data or the provision of a statement by sending an email to Xphyr's Privacy Officer at [events@xphyr.com.au](mailto:events@xphyr.com.au).*

*Xphyr will respond to this request, within a reasonable period after the request is made (typically no later than 30 days).*

*If Xphyr corrects your Personal Information or Consumer & Business Data, and Xphyr previously disclosed that Personal Information or Consumer & Business Data to another entity, you may request that Xphyr notify that entity of the correction, and Xphyr will take such steps as are reasonable in the circumstances to give that notification unless it is impracticable or unlawful to do so.*

#### **15. COMPLAINTS**

*If you have any complaints about a breach by Xphyr of the APPs or an APP Code (if any, that binds Xphyr), you should first send your complaint in writing to Xphyr's Privacy Officer at [events@xphyr.com.au](mailto:events@xphyr.com.au). Xphyr will respond to your complaint, within a reasonable period after the complaint is made (typically no later than 30 days).*

*If your complaint is not resolved satisfactorily, please contact Xphyr to arrange a meeting to resolve the issue.*

*If your complaint is still not resolved, you may take your complaint directly to the Managing Director of Xphyr.*

*If your complaint is still not resolved, you may take your complaint to the Office of the Australian Information Commission.*

#### **16. HOW TO CONTACT US**

*If you have any questions in relation to privacy, please contact Xphyr's Privacy Officer at [events@xphyr.com.au](mailto:events@xphyr.com.au). Alternatively, you may contact us on 02 8214 6656.*

#### **17. CHANGES TO THIS PRIVACY POLICY**

*Xphyr may change this Privacy Policy from time to time without notice to take account of new laws and technology, changes to Xphyr's operations and practices and the changing business environment.*

Current as at 15 December 2014