

## PRIVACY POLICY

This is the Privacy Policy of Elm Professional Services Pty Ltd (ABN 73 168 139 526) (“Elm/We”).

This Policy is designed to inform you of how your personal information and data is captured, used, and managed by Elm through our website.

Elm respects your rights to privacy under the *Privacy Act 1988* (Cth) (“**Act**”) and seeks to comply with all requirements of the Act with respect of the collection, management, and disclosure of personal information provided to us.

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### 1. Personal Information

“Personal Information” is defined in the Act as information or an opinion about an individual whose identity is apparent or can reasonably be identified. Personal Information includes names, addresses, telephone numbers, email addresses, dates of birth, and passport numbers.

There are special situations in which the Act does not consider information about an individual to be Personal Information. These include:

- when it relates a deceased person of more than 30 years; and
- when the information is publicly available.

When you visit our website or retain us to provide you services, we may need to collect personal information such as your name, contact details, postal or email address, and financial details. This may necessitate the capture of sensitive information.

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### 2. Collection of Personal Information

Elm may collect personal and other data from you through automated methods such as Cookies or server logs. A Cookie is a small amount of data generated by a website and saved by your web browser to your computer’s hard disk to identify you as a visitor to that website. The information collected by Elm through Cookies and other methods may include:

- your server address;
- your domain name;
- your IP address;
- the date and time of your visit;
- the pages accessed and documents downloaded;
- the previous site visited; and
- the type of browser you used.

You may choose to disallow Cookies through your web browser settings.

Elm may also collect your Personal Information through other methods, including but not limited to the collection of:

- volunteered information, such as the sign-up process or for the purposes of retaining services;
- details entered online including payment details;
- information gathered through registration for any of our publications, events, functions, or meeting that we host; and
- information gathered through your correspondence with our employees or representatives, including through conversations, email, telephone, post, or fax.

We may also collect personal information about you from:

- third parties, including third-party data aggregators;
  - use of affiliate websites;
  - your authorised representative; and/or
  - your professional advisors, to enable us to provide you with our service.
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### **3. Purposes and use of Personal Information**

Your Personal Information will usually be stored in a database. We collect, hold, use, and disclose your personal information for some or all of the following purposes:

- administering our relationship with you, including processing applications, responding to enquiries, obtaining payment for our services, and keeping your contact details up to date
- business development, including sending updates, publications, details of events as well as tracking and recording your opening of our email communications and links in our email communications;
- providing you services,
- to share with third parties in the event that services or part of the services are outsourced;
- marketing purposes;
- auditing and managing the usage of our website;
- to process and respond to any complaint made by you; and/or
- to comply with any law, rule, regulation, lawful and binding determination, decision or direction of a regulator, or other governmental authority.

Personal Information provided by you to Elm will be used by Elm for the primary purpose for which you provided it, as well as any other secondary purposes directly related to it.

The information that is collected by Elm may be anonymised or aggregated by Elm with similar information. This anonymised or aggregated information may be published by in order to assist Elm to identify patterns of website usage and for benchmarking and research purposes. Anonymised and aggregated information cannot and will not identify individual or include personal information.

By accessing our website or retaining our services, you consent to our collection, hold, use and disclosure of personal information for some or all of the above purposes. If you do not consent to these purposes, we ask that you do not access our website or use our services.

ELM will not otherwise disclose your Personal Information without your consent unless otherwise authorised by law.

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### **4. Disclosure of Personal Information**

#### Within Australia

We may disclose your Personal Information to the following parties within Australia:

- our employees, related entities, contractors;
- any third parties that we engage on your behalf or that you engage directly in connection with the services we are providing to you, including solicitors, auditors, accountants, third-party experts, and other consultants or advisors;
- our insurers and professional advisors, including our accountants, business advisors, and consultants;
- any regulatory body in any of the States and Territories that we operate in; and/or
- any other organisation or individual for any authorised purpose with your express consent.

#### Outside Australia

In providing services to you, we may need to disclose your Personal Information to another entity in another country. This does not diminish your rights and we will take all reasonable steps necessary to ensure transferred information is kept secure as required by applicable data privacy laws.

By submitting your Personal Information to us, you agree that you do not object to any such transfer, processing, or storage. If we merge, combine, or divest a part of our business, we may also pass on your details to our new colleagues and the manager of any entity through which they operate unless prohibited from doing so by law or applicable professional rules.

We may disclose your Personal Information outside of Australia as follows:

- to our data hosting and other service providers located internationally; and
- to any third party online purchasing terminals.

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## 5. Relationship of this policy with other global policies

Our Privacy Policy is designed to be read in line with other global policies and protections.

Under EU General Data Protection Regulation (GDPR), the use of personal data must be justified under one of several legal grounds. The principal legal grounds that justify the use of your personal data are:

- **Contract performance:** where necessary to enter into or perform our contract with you;
- **Legal Obligation:** where necessary to comply with our legal obligations;
- **Legitimate Interests:** to achieve a legitimate interest and our reasons for using it outweigh any prejudice to your data protection rights;
- **Legal claims:** where necessary to defend, prosecute, or make a claim against you, us, or a third party;
- **Consent:** where you have consented through a consent form or facility in relation to any such use. You may withdraw your consent through an unsubscribe or similar function.

Our reasons for the use of your data all fall under the above terms.

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## 6. Business development and marketing

We may use Personal Information to send you details of new services, updates, and invitations to seminars and events where you have consented to be contacted in this way. These communications may be sent in various forms, including by post and by email, in accordance with applicable marketing laws, such as the *Spam Act 2003* (Cth). If you indicate a preference for a method of communication, we will endeavour to use that method whenever practical to do so.

If you prefer not to receive promotional material from us, please email us at [hello@elmprofessional.com](mailto:hello@elmprofessional.com) and include “unsubscribe” in the subject line, together with the name of the publication you wish to unsubscribe from. Our email marketing communications will also include an “unsubscribe” link.

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## 7. Our website

When you visit our website, we may send a Cookie to your computer to tailor the information we show to you. We may also analyse website traffic to identify visitor preferences. By accessing our website, you consent to the use of Cookies in accordance with this Privacy Policy.

As our website is accessed via the internet, and the internet is inherently insecure, we cannot guarantee 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.

This does not diminish your rights and we will take all reasonable steps necessary to ensure transferred information is kept secure as required by applicable data privacy laws.

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 website providers are responsible for informing you about their own privacy practices.

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## **8. Security and data quality**

We take reasonable steps to ensure your Personal Information is protected from misuse and loss, as well as unauthorised access, modification, or disclosure.

We may hold your information in electronic or hard copy form. Personal Information is destroyed or de-identified when we are no longer required by law to retain it, or when it is no longer needed.

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## **9. Accessing and Correcting Your Personal Information**

You may request access to any of your Personal Information held by us at any time. Where we hold information that you are entitled to access, we will try to provide you with suitable means of accessing it, for example, by posting or emailing it to you. We may charge you a reasonable fee to cover our administrative and other reasonable costs in providing the information to you. We will not charge you 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 or legal professional privilege. If this occurs, we will provide you with written reasons and the legal basis for our refusal.

If you believe that any Personal Information we hold about you is incorrect, incomplete, or inaccurate, you may request that we correct it. We will consider whether the information requires correction. If we do not agree that there are grounds for correction, then you may request that we add a note to the Personal Information stating that you disagree with it.

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## **10. Failure to Collect Personal Information**

If we are unable to collect your Personal Information, you will likely be required to identify yourself in your dealings with us, including your use of our services. If you do not provide us with the Personal Information described above:

- we may not be able to accept you as a client or provide our services to you or your associated company or other entity);
- we may not be able to provide you with our publications, brochures, and updates; and/or
- we may be unable to tailor the content of our website to your preferences; therefore your experience of our website may not be as relevant, enjoyable, or useful as it could be.

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## **11. Breach of Privacy Complaint Process**

If you believe that your privacy has been breached, please contact us using the contact information below and provide details of the incident in order for us to investigate it. We will treat your complaint

confidentially throughout our investigation and aim to ensure that we contact you and resolve your complaint within a reasonable time period as required by the Act, if applicable.

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## **12. Agreement to terms of Privacy Policy**

By using this website and/or providing information to us, you accept and agree to the collection, use, holding, and disclosure of your Personal Information for the purposes described in this Policy. We conduct reviews of our policies regularly and occasionally may need to change or update them. Any updated versions of this Privacy Policy will be posted on our website and will be effective from the date of posting. This Privacy Policy was last reviewed and updated on 21 September 2020.

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## **13. Contact information**

If you have any questions, concerns, or complaints about this Privacy Policy, including the treatment of your Personal Information or a possible breach of your privacy, please contact us at [hello@elmprofessional.com](mailto:hello@elmprofessional.com).

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## **14. Complaints to the Office of the Australian Information Commissioner?**

If you are unhappy with our response to your privacy complaint or inquiry, you can make a formal complaint to the Office of the Australian Information Commissioner who oversees privacy and data compliance legislation.

The relevant information, including the address of the Office of the Australian Information Commissioner can be accessed via their site at [www.oaic.gov.au](http://www.oaic.gov.au).

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