

Privacy Policy

The last update to this document was 24 September 2024.

Introduction

Mitchell Water Australia Pty Ltd ACN 097 612 149 and its related entities (**Mitchell Water, we, us, our**) is committed to complying with applicable privacy laws in relation to the personal information that we collect in the course of running our business.

Please take a moment to read our Privacy Policy as it explains:

- how we collect and handle personal information; and
- your rights in relation to any of your personal information that we hold about you.

We may, in connection with particular goods or services we offer or provide to you, make other privacy disclosures to you or seek your authority to use your personal information in ways which are different from or more specific than those stated in this Privacy Policy. In the event of any inconsistency between the provisions of this Privacy Policy and those other disclosures, the other disclosures will apply. Where applicable privacy laws provide for exceptions or exemptions, we may rely on those exceptions or exemptions in our information handling practices.

This Privacy Policy (other than section 10) explains how we manage personal information about individuals other than employees. Section 10 explains the position of employees.

Key definitions

In this document:

- **"APPs"** means the Australia Privacy Principles set out in the Privacy Act;
- **"personal information"** has the meaning set out in the Privacy Act, and (in summary) means information or an opinion about an identified individual or an individual who is reasonably identifiable, whether true or otherwise;
- **"Privacy Act"** means the *Privacy Act 1988* (Cth); and
- **"sensitive information"** has the meaning set out in the Privacy Act, and includes certain specific types of personal information such as health information, and information about a person's racial or ethnic origin, sexual orientation or practices, criminal record, religious beliefs or affiliations, political opinions, membership of a political, professional or trade association, and biometric and genetic information.

1. How we collect your personal information

We will collect and hold your personal information in a fair and lawful manner, and not in an intrusive way.

Some of the common ways in which we may receive personal information directly from you include:

- when you make an inquiry or order in relation to goods or services, including through our websites, including those located at <https://mitchellwater.com.au/> (the **Website**);
- when you enter into contracts with us for our goods or services;
- in administering and performing any contracts with service providers;
- when you apply for a role with us, including reference checks and agency searches;
- from correspondence (whether in writing or electronically) or when you contact us via telephone, e-mail, social media platforms or other means;

- when you upload content to or interact (in an identifiable manner) with our Website or our social media pages;
- through any mobile applications we may utilise in our business;
- while conducting customer satisfaction and market research surveys;
- when you participate in or provide feedback on programs and events we sponsor or donate to;
- when attending a private premises in connection with construction related works;
- if you attend any of our premises, we may record certain contact details so that we can comply with applicable laws, and we may also record your image and/or voice if we have surveillance systems operating at those premises;
- when administering any of our services; and
- as otherwise required to manage our business.

Where it is reasonably practical to do so, we will collect your personal information directly from you. However, in certain cases we may collect personal information from publicly available sources and third parties, such as suppliers, recruitment agencies, your employers, contractors, our clients, business partners, referees, government bodies (e.g. police checks, if required), academic and professional bodies (e.g. to validate details and currency of qualifications). Where we are engaged to provide construction works, we may also collect individual landholder and details relevant to providing the works from the principal that engaged us, as well as from land registries, authorities and agencies.

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. Types of personal information we collect

The types of personal information we collect about you depends on the circumstances in which the information is collected.

Typically, the types of personal information we may collect include (but is not limited to) your name, address, email address and phone numbers.

If we enter into contracts with you, request or receive goods or services from us or have any other commercial dealings with us, we may also collect your signature, date of birth, credit card and /or banking details, billing information and other details relevant to the goods and/or services being provided.

If you are an individual contractor to us or apply for a role with us, we may also collect information relevant to your engagement with us including qualifications, length of engagement, resume, current and former employment details, pay rate and salary, bank details, feedback from supervisors, training records and logs of your usage of our equipment (e.g. phones, computers and vehicles).

If we need to confirm your identity, we may collect a copy of appropriate identification.

If you access our Website or if you download and access any of our apps, we may utilise cookies to collect additional information about your use of our Website and apps, such as your internet protocol (IP) address, device information, browser information, and details on your usage. Please see the cookies section below for further details.

If you call us via telephone, we may monitor and in some cases record such telephone conversations for staff training, quality assurance and record-keeping purposes.

If you attend a site or premise we operate or manage, we may:

- collect certain contact details that you provide to us (which may be via digital check-in apps), including the date and time of attendance, including so that we can comply with applicable laws (such as public health directives). If we collect such information to comply with a particular law, we will only use and disclose it in accordance with applicable laws;

- record your image and/or voice through the use of Closed-Circuit Television (CCTV) systems for the purposes of managing security of the premises and health and safety of occupants and the public generally.

If we are engaged to perform or quote on construction work on private property, we may collect relevant landholder personal information and site details so that we can perform such works and comply with applicable laws.

If you are a member of or participate in a local community organisation that we sponsor or donate to, we may collect:

- your name and organisation contact details;
- the feedback you provide to surveys we conduct;
- your image in photos and video recordings we may take or be provided with in relation to the community organisation or the event or activities we have sponsored/donated to.

We only collect sensitive information about you with your consent, or otherwise in accordance with the Privacy Act. The main types of sensitive information we may collect include:

- health information, such as details of injuries that may occur on our premises or arising through the use of our goods or services;
- details of disabilities or allergies (i.e. health information) you notify us of so we can accommodate any special requirements when you attend our premises;
- the results of medical examinations and drug and alcohol screening conducted of personnel;
- criminal record details, as part of pre-employment checks we undertake (ie. police checks);
- biometric information (such as fingerprints) in order to provide secure access to our premises and equipment.

If you do provide sensitive information to us for any reason (for example, if you provide us with information about a health condition, injury or disability you have), you consent to us collecting that information and to us using and disclosing that information for the purpose for which you disclosed it to us and as permitted by the Privacy Act and other relevant laws.

In addition to the types of personal information identified above, we may collect personal information as otherwise permitted or required by law.

Where you do not wish to provide us with your personal information, we may not be able to provide you with requested goods or services and/or certain functionality of our Websites and apps.

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. The purposes for which we use and disclose your personal information will depend on the circumstances in which we collect it. Whenever practical we endeavour to inform you why we are collecting your personal information, how we intend to use that information and to whom we intend to disclose it at the time we collect your personal information.

We may use or disclose your personal information:

- for the purposes for which we collected it (and related purposes which would be reasonably expected by you);
- for other purposes to which you have consented; and
- as otherwise authorised or required by law.

In general we collect, use and disclose your personal information so that we can do business together and for purposes connected with our business operations.

Some of the specific purposes for which we collect, hold, use and disclose personal information are as follows:

- to provide you or the organisation you represent with our goods and services, and to process and respond to inquiries or issues that you have raised with us;
- to receive goods or services from you or the organisation you represent;
- to consider you for a job (whether as an employee or contractor) or other relationships with us;
- to provide you with invoices for our goods and services and, if you have ordered goods from us, dispatch and tracking information, returns and exchange authorisations and process warranty claims;
- to operate, monitor, develop and improve our Website, mobile applications and our goods and services, and to protect and secure them appropriately;
- to confirm your identity;
- to optimise and customise the user experience (including content and advertising) for users of the Websites and mobile applications;
- to facilitate communications via our Website, apps and our social media platforms;
- to create, publish and distribute newsletters, training and/or marketing material on our Website, apps, social media pages, posters and other media, which may include digital images/video, to publicise and promote our role in the community, the important services we provide and the community events we are involved in and / or sponsor;
- where a business seeks to purchase our goods or services on credit, we may seek commercial credit reports that may include limited personal information about officeholders;
- to obtain your feedback and to find out your level of satisfaction with our goods and services (either directly or through our service providers and marketing research agencies) or in connection with our community engagement and sponsorship activities;
- to comply with our legal and regulatory obligations;
- to ensure the security, health and safety of our premises, facilities, equipment, personnel and visitors;
- to address any issues or complaints that we or you have regarding our relationship; and
- to contact you regarding the above, including via electronic messaging such as SMS and email, by mail, by phone or in any other lawful manner.

4. Who we disclose your personal information to

We may disclose your personal information to third parties in connection with the purposes described in section 3 of this Privacy Policy. This may include disclosing your personal information to the following types of third parties:

- our suppliers, contractors and organisations that provide us with technical and support services or who manage some of our business functions;
- our related entities (who may use and disclose the information in the same manner we can);
- our accountants, insurers, lawyers, auditors and other professional advisers;
- any third parties to whom you have directed or permitted us to disclose your personal information (e.g. referees);
- in the unlikely event that we or our assets may be acquired or considered for acquisition by a third party, that third party and its advisors; and
- debt collection agencies.

We may also disclose your personal information in accordance with any consent you give or where disclosure is authorised, compelled or permitted by law.

If we disclose information to a third party who is handling it on our behalf, we generally require that the third party protect your information to the same extent that we do.

If you post information to certain public parts of our Website or to our social media pages, you acknowledge that such information may be available to be viewed by the public. You should use discretion in deciding what information you upload to such sites.

5. **Storage and protection of 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. We use a range of security measures to protect the personal information we hold, including by implementing IT security tools to protect our electronic databases.

We will destroy or de-identify personal information once it is no longer needed for a valid purpose or required to be kept by law. We may need to retain records containing personal information to comply with record keeping obligations, and for other legitimate business purposes (such as quality assurance).

6. **Marketing**

Like most businesses, marketing and advertising is important to our continued success. We therefore like to stay in touch with customers and let them know about new offers and opportunities.

We may provide you with information and advertisements about products, services and promotions either from us, or from third parties which may be of interest to you, where:

- you have asked us to (or have otherwise consented to us doing so); or
- it is otherwise permitted by law.

If you would like us to stop sending you direct marketing communications, you can request this by contacting our Privacy Officer (see contact details in section 12 of this Privacy Policy).

Please note that there are certain types of communications that you may not be able to opt-out from, such as communications that we are required or permitted by law to send you.

7. **Cookies**

A cookie is a small text file stored in your computer's memory or on your hard disk for a pre-defined period of time. We use cookies to identify specific machines in order to collect aggregate information on how visitors are experiencing the Website. This information will help to better adapt the Website to suit personal requirements. While cookies allow a computer to be identified, they do not permit any reference to a specific individual. For information on cookie settings of your internet browser, please refer to your browser's manual.

We may use third party vendors to show our ads on sites on the Internet and serve these ads based on a user's prior visits to our Website and other internet activity. We may also use analytics data supplied by these vendors to inform and optimise our ad campaigns based on your prior visits to our Website.

8. **Accessing and correcting your personal information**

You may contact our Privacy Officer (see section 12) to request access to the personal information that we hold about you and/or to make corrections to that information, at any time. On the rare occasions when we refuse access (which we will only do in accordance with applicable laws), we will provide you with a written notice stating our reasons for refusing access. We may seek to recover from you reasonable costs incurred for providing you with access to the personal information we hold about you.

We are not obliged to correct any of your personal information if we do not agree that it requires correction and may refuse to do so. If we refuse a correction request, we will provide you with a written notice stating our reasons for refusing.

We will respond to all requests for access to or correction of personal information within a reasonable time.

9. **Overseas transfers of personal information**

We do not generally disclose personal information to recipients located outside of Australia.

In the unlikely event we do disclose your personal information to recipients outside of Australia, we will do so in accordance with the requirements of applicable privacy and data protection laws.

10. Employees

We collect information in relation to employees as part of their job application and during the course of their employment, either from the employee directly or, in some cases, from third parties such as recruitment agencies, referees, government bodies (e.g. police checks, if required) and academic and professional bodies (e.g. to validate details and currency of qualifications).

The information we collect may include contact details, qualifications, resume, current and former employment details, pay rate and salary, bank details, feedback from supervisors and training records.

We may also collect details of disabilities, allergies and health issues that may impact the employee's role, or which arise while on our premises or in the performance of the employee's duties, so we can accommodate and otherwise assist the employee with any such health requirements or incidents and so we can comply with applicable laws and our health and safety obligations. Certain personnel may also be required to undergo medical checks and drug and alcohol screening prior to and during the course of their employment for health and safety law purposes.

We collect camera/video footage of employees while on our premises (via CCTV) and logs of the employee's usage of our equipment (e.g. phones, computers and vehicles) on a continuous and ongoing basis using various technologies, including monitoring:

- email, internet and network use; and
- the location of our vehicles and other equipment via GPS.

Under the Privacy Act, personal information about a current or former employee may be held, used or disclosed in any way that is directly connected to the employment relationship. We handle employee information in accordance with legal requirements and our applicable policies in force from time to time.

11. Resolving personal information concerns

If you have any questions, concerns or complaints about this Privacy Policy or how we handle your personal information, including if you believe we have breached the APPs, please contact our Privacy Officer (see section 12).

When contacting us please provide as much detail as possible in relation to your question, concern or complaint.

We take all complaints seriously and will respond to your complaint in accordance with any applicable timeframes imposed by law and otherwise within a reasonable period. We request that you cooperate with us during this process and provide us with any relevant information that we may need.

If you are dissatisfied with the handling of your complaint, you may contact the Office of the Australian Information Commissioner:

Office of the Australian Information Commissioner
GPO Box 5288, Sydney NSW 2001
Telephone: 1300 363 992
Email: enquiries@oaic.gov.au

12. Contact details of Privacy Officer

The contact details for our Privacy Officer are as follows:

Attention: Privacy Officer
Mitchell Water Australia Pty Ltd
WTC Melbourne
Tower 4, Level 8
18-38 Siddeley Street
Docklands VIC 3008

Email: info@mitchellwater.com.au

13. Links

Our Website may contain links to other websites operated by third parties. We make no representations or warranties in relation to 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 websites are responsible for informing you about their own privacy practices and procedures.

14. Changes

We reserve the right to change the terms of this Privacy Policy from time to time, without notice to you. An up-to-date copy of our Privacy Policy is available on our Website.