

## Privacy Policy

In this privacy policy, the expressions "Organisation", "we", "us" and "our" are a reference to Cervus Equipment Australia and its Related Bodies Corporate (as defined by s9 of the *Corporations Act 2001* (Cth))

This privacy policy applies to personal information collected by us. We are bound by the *Privacy Act 1988* (Cth), which governs the way private sector organisations collect, use, keep secure and disclose personal information.

This Privacy Policy is to inform people of:

- how and when our Organisation collects personal information;
- how our Organisation uses and discloses personal information;
- how our Organisation keeps personal information secure, accurate and up-to-date;
- how an individual can access and correct their personal information; and
- how our Organisation will facilitate or resolve a privacy complaint.

If you have any concerns or complaints about the manner in which your personal information has been collected, used or disclosed by us, we have put in place an effective mechanism and procedure for you to contact us so that we can attempt to resolve the issue or complaint.

In order to resolve a complaint, we:

- will liaise with you to identify and define the nature and cause of the complaint;
  - may request that you detail the nature of the complaint in writing;
  - will keep you informed of the likely time within which we will respond to your complaint;
  - will inform you of the legislative basis (if any) of our decision in resolving such complaint; and
  - keep a record of the complaint and any action taken in the Complaint's Register. We can be e-mailed at [privacy@cervusequipment.com.au](mailto:privacy@cervusequipment.com.au) or write to us at **PO Box 571, Hamilton, 3300** and our privacy officer will then attempt to resolve the issue.
- We recommend that you keep this information for future reference.

### 1. What is personal information?

The *Privacy Act 1988* (Cth) defines "personal information" to mean information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual whose identity is reasonably identifiable, from the information or opinion.

### 2. Sensitive Information

#### 2.1 What is Sensitive Information?

(a) Sensitive information is a subset of personal information. It means information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political organisation, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, criminal record, health information about an individual, genetic information, biometric information that is to be used for the purpose of automated biometric verification or biometric identification or biometric templates.

(b) In general, we attempt to limit the collection of sensitive information we may collect from you, but depending on the uses you make of our products this may not always be possible and we may collect sensitive information from you in order to carry out the services provided to you. However, we do not collect sensitive information from you without your consent.

(c) The type of sensitive information we may collect from you or record about you is dependent on the services provided to you by us and will be limited to the purpose(s) for which it is collected. We do not use sensitive information to send you Direct Marketing Communications (as defined in paragraph 6 below) without your express consent.

## 2.2 Consent to collection of certain types of sensitive information

We may collect certain types of sensitive information where you have consented and agree to the collection of such information.

Generally speaking, we will obtain this type of consent from you at (or around) the point in time in which we collect the information, but the main type of sensitive information that we may collect (if any) will usually relate to:

- (a) the criminal record of an individual; and
- (b) membership of a professional or trade association;
- (c) membership of a trade union,

but only to the extent that where you volunteer such information or if it is necessary for, or incidental to, the purposes of collection set out in paragraph 4.

## 3. Collection of your personal information

3.1 We only collect personal information that is necessary for what we do. The type of information we may collect from you includes (but is not limited to) the following:

- (a) information collected from or relating to any John Deere products used by you in relation to your property, whether provided by you directly via [www.myjohndeere.com](http://www.myjohndeere.com) (**MyJohnDeere**) or whether obtained automatically from any John Deere products (**Machine Data**, as further defined in Annexure A). Notwithstanding the foregoing, this privacy policy shall only apply to Machine Data to the extent that such Machine Data includes personal information;
- (b) your contact information such as full name (first and last), e-mail address, current postal address, delivery address (if different to postal address) and phone numbers;
- (c) details relating to your employment (if applicable) or your previous employment;
- (d) your date of birth;
- (e) proof of your date of birth (including, but not limited to, driver's licence, passport, birth certificate);
- (f) details of insurance policies, if applicable;
- (g) photographs or video footage taken at our premises, which may include you;
- (h) any additional information required for your access to and use of MyJohnDeere;
- (i) any additional information required to provide you with our services;
- (j) your username and password to access your online account on our website, if applicable;
- (k) your username and password to access to MyJohnDeere, if applicable;
- (l) your opinions, statements and endorsements collected personally or via surveys and questionnaires, including but not limited to your views on the products and services offered by us; and
- (m) if you are requesting products or services from us or we are purchasing goods or services from you, then any relevant payment or billing information (including but not limited to bank account details, direct debit, credit card details, billing address, repayment information and invoice details).

3.2 As much as possible or unless provided otherwise under this privacy policy, we will collect your information directly from you. If we collect details about you from someone else, we will, whenever reasonably possible, make you aware that we have done this and why.

3.3 When you engage in certain activities, such as entering a contest or promotion, filling out a survey or sending us feedback, we may ask you to provide certain information. It is completely optional for you to engage in these activities.

3.4 Depending upon the reason for requiring the information, some of the information we ask you to provide may be identified as mandatory or voluntary. If you do not provide the mandatory data or any other information we require in order for us to provide our services to you, we may be unable to effectively provide our services to you.

3.5 If you use our website, we may utilise "cookies" which enable us to monitor traffic patterns and to serve you more efficiently if you revisit our website. A cookie does not identify you personally but may identify your internet service provider or computer. You can set your browser to notify you when you receive a cookie and this will provide you with an opportunity to either accept or reject it in each instance.

3.6 We may gather your IP address as part of our business activities and to assist with any operational difficulties or support issues with our services. This information does not identify you personally.

#### 4. How we may use and disclose your personal information

4.1 We will only use or disclose your personal information for the primary purposes for which it was collected or as consented to and/or as set out below.

4.2 You consent to us using and disclosing your personal information to facilitate a purpose in connection with:

(a) your access to and use of MyJohnDeere, which may include but is not limited to using your personal information, including any Machine Data for remote display access, wireless data transfer, soil and environment monitoring, analysis services, equipment diagnostic, remote servicing or any other services provided via MyJohnDeere;

(b) if required, the verification of your identity;

(c) the verification of your date of birth, if applicable;

(d) the provision of our products and services to you, including, without limitation, any servicing and warranty obligations in relation to any products purchased by you;

(e) to facilitate the administration and management of our Organisation, including but not limited to:

(1) the use of your personal information collected in accordance with paragraph 3.1 in the administration and management of our Organisation;

(f) the administration and management of our products and services, including charging, billing, credit card authorisation and verification, checks for financial standing, credit-worthiness (including but not limited to undertaking an assessment for credit loss and obtaining credit references from the trade references which have been nominated by you on any credit application form, if applicable), fraud and collecting debts;

(g) the improvement of our services (including to contact you about those improvements and asking you to participate in surveys about our products and services);

(h) the maintenance and development of our products and services, business systems and infrastructure;

(i) co-ordinating, managing and maintaining good order and security of our staff and our premises, which shall include but is not limited to protecting the rights and safety of other parties on our premises;

(j) investigating and reporting information to third parties regarding any accidents or incidents that may have occurred on our premises;

(k) marketing and promotional activities by us and our related bodies (including by direct mail, telemarketing, email, SMS and MMS messages) such as our customer loyalty programs and newsletters;

(l) to provide customer service functions, including handling customer enquiries and complaints;

(m) to offer you updates, or other content or products and services that may be of interest to you;

(n) our compliance with applicable laws;

(o) the sale, and matters in connection with a potential sale, of our business or company to a third party; and

(p) any other matters reasonably necessary to continue to provide our products and services to you.

4.3 You acknowledge and agree that we may obtain personal information from the trade references nominated by you on your credit application form, if applicable. We may also disclose personal information to those third parties where you have nominated our Organisation as your trade reference.

4.4 We may also use or disclose your personal information and in doing so we are not required to seek your additional consent:

(a) when it is disclosed or used for a purpose related to the primary purposes of collection detailed above and you would reasonably expect your personal information to be used or disclosed for such a purpose;

(b) if we reasonably believe that the use or disclosure is necessary to lessen or prevent a serious or imminent threat to an individual's life, health or safety or to lessen or prevent a threat to public health or safety;

(c) if we have reason to suspect that unlawful activity has been, or is being, engaged in; or

(d) if it is required or authorised by law.

4.5 In the event we propose to use or disclose such personal information other than for reasons in 4.1, 4.2, and 4.3 above, we will first seek your consent prior to such disclosure or use.

4.6 If you have received communications from us and you no longer wish to receive those sorts of communications, you should contact us via the details set out at the top of this document and we will ensure the relevant communication ceases. Any other use or disclosure we make of your personal information will only be as required by law or as permitted by the *Privacy Act 1988* or by this privacy policy or otherwise with your consent.

5. The types of organisations to which we may disclose your personal information

5.1 We may disclose your personal information to other organisations outside of our Organisation. Examples of other organisations and/or parties that your personal information may be provided to include:

(a) John Deere Limited and any related entities, subsidiaries, contractors, agents or third party providers of John Deere Limited (including its data hosting service providers, who manage the infrastructure used to provide MyJohnDeere);

(b) offshore service providers, if any;

(c) related entities and subsidiaries of our Organisation;

(d) third parties, such as banking or financial institutions, that might be required for credit check purposes or for the purchase (or sale) of any John Deere products by you;

(e) those trade references you have nominated on any credit application form; and

(f) our contractors and agents or other companies who assist us in providing our products and services to you.

5.2 Your personal information is disclosed to these other organisations and/or parties only in relation to the goods or services we provide to you or for a purpose permitted by this privacy policy.

5.3 We take such steps as are reasonable to ensure that these other organisations and/or parties are aware of the provisions of this privacy policy in relation to your personal information.

6. Photographs and Closed Circuit Television

6.1 We use closed circuit televisions (CCTV) at certain locations throughout our premises and surrounding areas. The use of CCTV is integral to our security system and CCTV images are stored for 90 days and may be used by us or the authorities if there is a major security incident.

6.2 As indicated in paragraph 3.1 (g), we may take photographs of you attending our premises, and we may wish to use them for marketing and advertising purposes. Unless you advise us otherwise, you expressly agree and consent to the use of any photographs, which may include you, for the aforementioned purposes, without compensation.

7. Direct Marketing

7.1 You expressly consent to us using your personal information, including any email address you give to us, to provide you with information and to tell you about our products, services or events or any other direct

marketing activity (including third party products, services, and events) (Direct Marketing Communications) which we consider may be of interest to you.

7.2 Without limitation clause 7.1, if it is within your reasonable expectations that we send you Direct Marketing Communications given the transaction or communication you have had with us, then we may also use your personal information for the purpose of sending you Direct Marketing Communications which we consider may be of interest to you.

7.3 If at any time you do not wish to receive any further Direct Marketing Communications from us, you may ask us not to send you any further information about products and services and not to disclose your information to other organisations for that purpose. You may do this at any time by using the "unsubscribe" facility included in the email or by contacting us via the details set out at the top of this document.

## 8. Cross Border Disclosure

8.1 Any personal information provided to us or to John Deere Limited in connection with MyJohnDeere may be transferred to, and stored at, a destination outside Australia, including but not limited to the United States of America, New Zealand and Canada where we or John Deere Limited may utilise overseas data and website hosting facilities or where we or John Deere Limited may have entered into contractual arrangements with third party service providers to assist us, or John Deere Limited, with providing MyJohnDeere or our goods and services to you. Personal information may also be processed by staff or by other third parties operating outside Australia who work for us, John Deere Limited or for any suppliers, agents, partners or related companies of John Deere Limited or our Organisation.

8.2 By submitting your personal information to us, you expressly agree and consent to the disclosure, transfer, storing or processing of your personal information outside of Australia. In providing this consent, you understand and acknowledge that countries outside Australia do not always have the same privacy protection obligations as Australia in relation to personal information. However, we will take steps to ensure that your information is used by third parties securely and in accordance with the terms of this privacy policy.

8.3 The *Privacy Act 1988* requires us to take such steps as are reasonable in the circumstances to ensure that any recipients of your personal information outside of Australia do not breach the privacy principles contained within the *Privacy Act 1988*. By providing your consent, under the *Privacy Act 1988*, we are not required to take such steps as may be reasonable in the circumstances. However, despite this, we acknowledge the importance of protecting personal information and, as set out above, have taken reasonable steps to ensure that your information is used by third parties securely and in accordance with the terms of this privacy policy.

8.4 If you do not agree to the transfer of your personal information outside Australia, please contact us via the details set out at the top of this document.

## 9. Data quality and security

9.1 We have taken steps to help ensure your personal information is safe. You will appreciate, however, that we cannot guarantee the security of all transmissions or personal information, especially where the Internet is involved.

9.2 Notwithstanding the above, we will take reasonable steps to:

- (a) make sure that the personal information we collect, use or disclose is accurate, complete and up to date;
- (b) protect your personal information from misuse, loss, unauthorised access, modification or disclosure both physically and through computer security methods; and
- (c) destroy or permanently de-identify personal information if it is no longer needed for its purpose of collection.

9.3 However, the accuracy of personal information depends largely on the information you provide to us, so we recommend that you:

- (a) let us know if there are any errors in your personal information; and

(b) keep us up-to-date with changes to your personal information (such as your name or address).

10. Access to and correction of your personal information

10.1 You are entitled to have access to any personal information relating to you which we possess, except in some exceptional circumstances provided by law. You are entitled to edit such information unless we are required by law to retain it or permitted to retain it in accordance with this privacy policy. However, we may keep track of past transactions for our accounting and audit requirements. Furthermore, it may be impossible to completely delete your information because some information may remain as backups.

10.2 If you would like access, or correct any records of personal information we have about you, you are able to access or update that information (subject to the above) by contacting us via the details set out at the top of this document.

11. Consent

11.1 By using our website (as may be applicable) or by accepting the terms of one of our terms and conditions which refer to this privacy policy, you are agreeing to the terms of this privacy policy.

11.2 We reserve the right to modify our privacy policy as our business needs require. We will notify you of such changes (whether by direct communication or by posting a notice on our website), after which, your continued use of our products, services or website or your continued dealings with us shall be deemed to be your agreement to the modified terms. If you do not agree to our continued use of your personal information due to the changes in our privacy policy, please contact us via the details set out at the top of this document.