

## HOTONDO HOMES

### PRIVACY POLICY STATEMENT

#### 1 Introduction

This Privacy Policy sets out the policy of Hotondo Building Pty Ltd ABN 89 690 832 091 (“**Hotondo Homes**”, “**we**”, “**our**” and “**us**”) and/or our franchisees with respect to the way we collect, use and disclose information about you. We adopt and are bound by the Australian Privacy Principles contained in *Privacy Act 1988* (Cth) (“**Privacy Act**”) to the extent they apply to us.

We may change or update our Privacy Policy from time to time. At any time, the latest version of our Privacy Policy is available from our website at <https://hotondo.com.au/>.

We understand and appreciate that you are concerned about privacy, particularly in relation to the use and disclosure of personal information. We are committed to providing a high level of privacy in relation to all personal information that is collected by us.

#### 2 Who does this Privacy Policy apply to?

In this Privacy Policy, “personal information” has the meaning set out in the Privacy Act. Essentially, personal information is information or an opinion about an individual who is identifiable or reasonably identifiable.

This Privacy Policy applies to Hotondo Homes and each of its franchisees but not to other companies or organisations or websites to which Hotondo Homes is linked. For the sake of clarity, this Privacy Policy covers personal information collected and used by us or our franchisees (even where not specifically stated) in relation to any of the following:

- our franchisees or prospective franchisees;
- our clients or prospective clients or those of our franchisees;
- our suppliers or prospective suppliers or those of our franchisees; and
- any employee or independent contractors engaged by us or any of our franchisees or any person who applies to become such an employee or independent contractor.

#### 3 Employee records

An act done or practice engaged in by us as an employer that is directly related to an employee record is exempt from the Privacy Act. An employee record means a record of personal information relating to the employment of our employees. It includes health information and personal information relating to:

- the engagement, training and disciplining of an employee;
- the resignation or termination of employment of an employee;
- the terms and conditions of employment of an employee;
- the employee’s performance or conduct;
- hours of employment, salary or wages;
- personal and emergency contact details;

- the employee's membership of a professional or trade association or trade union membership; and
- the employee's recreation, long service, sick, maternity, paternity or other leave; and the employee's taxation, banking or superannuation affairs.

Having said that, we treat the personal information of our employees with absolute confidentiality and strict controls are exercised over who has access to such records. We will not disclose your employee records to any third party other than as permitted by law or this Privacy Policy, without your prior consent.

#### **4 Your Consent**

You consent to your personal information being used in accordance with this Privacy Policy by any one or more of the following:

- requesting our services or those of our franchisees including by making enquiries via our 1800 phone number;
- by attending a Display Home or Shop Front or other Hotondo Homes branded temporary or permanent premises;
- providing us with your contact details and consenting in writing for such details to be conveyed to a mortgage broker or financier;
- by visiting our website or participating in an online enquiry;
- by visiting any website or social media site established by us, including but not limited to Facebook, Twitter, Pinterest, Instagram, Google+, YouTube and Linked In ("**Social Media Sites**"); and
- by participating in any activity on a Social Media Site including but not limited to entering competitions, subscribing to our blog, posting, pinning or uploading any material on any Social Media Site, following, liking and/or commenting on us or anything on any Social Media Site ("**Social Media Activity**").

#### **5 What personal information do we collect from you?**

The type of personal information collected by us may differ, depending on whether you are or would like to become a franchisee, client, supplier or employee or independent contractor, and on the circumstances in which the information is collected.

Generally, the type of personal information collected by us includes your name, address, mobile and telephone numbers, facsimile number and email address.

If applicable we may also require details of your company's ABN and/or ACN, financial information including bank account and credit card details, profit and loss statements, balance sheets, your employer and occupation details, and title and mortgage details of any relevant property.

Via Social Media Sites, we may collect information about you, including photos, videos and other information that you include on our Social Media Sites or sites linked to our Social Media Sites. We may also collect non-personal information about you including, but not limited to, data relating to your activities on our website (including IP addresses) via tracking technologies such as cookies.

## **6 What happens if you don't provide personal information**

In some circumstances, you may deal with us anonymously or using a pseudonym. Generally, you have no obligation to provide to us any personal information requested by us. However, in most circumstances it is impracticable to do so because if you do not provide us with the personal information that we require or if you provide it in a way that does not identify you, we are likely to be unable to carry out the services requested by you or allow you to participate in the marketing activities that depend on the collection of that information.

## **7 How do we collect your personal information?**

We collect personal information in a number of ways, including:

- directly from you when you provide it to us or our agents, contractors or franchisees by telephone including via our 1800 phone number, application forms, customer satisfaction surveys, contracts or any other document provided by you to us;
- via our website or when you deal with us online (including through analysis of the Social Media Sites, sites linked to our Social Media Sites and discussion forums conducted by us or by third parties on our behalf);
- from third parties such as credit reporting agencies, insurance companies, Building Services Australia or your representatives;
- from publicly available sources; and
- from our own records.

Through our website we can obtain personal information if you send such information in an email or when you complete an online enquiry. When you look at our website, we may make a record of your visit. The following information may be logged for statistical purposes and for the purposes of marketing and advertising to you:

- your internet protocol address;
- the date and time of your visit to our site;
- the pages that you have accessed and the documents downloaded; and
- the type of browser you were using.

## **8 Cookies**

Cookies are pieces of information that a website transfers to a computer's hard disk for record keeping purposes. This information does not personally identify the user. We use cookies on our website and so do our services providers and third parties such as our analytics, advertising or ad serving partners in order to recognise a user's browser each time that user visits our site and to track which pages the user visits whilst on our site.

We use and disclose the information collected through the use of cookies in accordance with this Privacy Policy. This includes using the information to report statistics, analyse trends, administer our services, provide targeted advertising, diagnose problems and target and improve the quality and relevance of our products and services. We may allow other third parties to use their own cookies to collect information about your visits to our website.

## **9 Cookie Choices**

If you do not want information collected through the use of cookies, you may delete or reject cookies through your browser or the settings section of your mobile or tablet device. Disabling these features may affect your use of some functions on our website.

## **10 For what purposes do we collect, use and disclose your personal information?**

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 at the time we collect your personal information why we are collecting your personal information, how we intend to use that information and to whom we intend to disclose it.

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; or
- as otherwise authorised or required by law.

In general, we will use and disclose your personal information for purposes that relate to the operation of our business and the provision of our services to you.

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

- to supply our products and services to you or to receive goods or services from you;
- to provide quality assurance for our products and services;
- to respond to your enquiries and feedback regarding our business, our products and services;
- to monitor the performance of our business and our franchisees;
- marketing including email marketing, promotional and educative activities or other events conducted, sponsored or managed by us or our franchisees;
- to enforce the terms and conditions of our engagement with you;
- for the management of our database;
- to ensure compliance with statutory obligations;
- 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.

In relation to the personal information of Franchisees, the purposes include those mentioned above and the following:

- conducting appropriate credit checks;
- verifying information required under the franchise agreement, including by accessing and assessing information received from suppliers, trade referees, insurers, banks, the Master Builders Association, Building Services Authority, local municipal council or any other entity;

- to conduct checks for compliance with the franchise agreement;
- providing franchisee support; and
- all things of or incidental to carrying out our role as a franchisor.

In relation to the personal information of clients or prospective clients, the purposes include the general purposes mentioned above and the following:

- providing client support;
- a referral to a mortgage broker or financier, subject to express consent;
- confirming finance approval; and
- verifying details of Building Works of any Franchisee.

## **11 Direct Marketing**

We may, **from time to time**, communicate with you directly to promote our products or services or services of third party organisations. For building enquirers, franchise enquiries and subscriptions to our newsletters or blog, your information will be added to our email marketing lists in order to provide you with information that may be of interest to you.

Direct marketing can be delivered by a range of methods including mail, telephone, email or SMS.

We may use and disclose your personal information for the purpose of direct marketing to you where:

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

On each communication, we will advise how you may unsubscribe or opt out of receiving such communications, including by emailing the relevant Privacy Officer and asking them to be removed from the mailing list. Alternatively, you can fax or mail a request for deletion.

## **12 Other disclosures of personal information**

As a client or prospective client of a Hotondo Homes Franchisee, your personal information will be disclosed to us as the franchisor and/or to the Master Builders Association, Building Services Authority, Housing Industry Association, a mortgage broker or financier, and any other third party if necessary to facilitate any of the above mentioned purposes.

We do not and will not rent, sell or otherwise disclose your personal information to any other company or organisation, without your prior consent, where that consent is required by law.

You do, however, consent to our use and disclosure of your personal information of or incidental to a sale of our business to a third party or where we outsource any of our functions, including database management and client satisfaction surveys, or to external service providers for the purpose of rendering services.

In addition to the third parties mentioned above, we may disclose your personal information to the following types of third parties:

- our business partners and related bodies corporate;

- our contractors and other third parties that provide goods and services to us (including website and data hosting providers, and other suppliers);
- our accountants, insurers, lawyers, auditors and other professional advisers and agents;
- payment system operators;
- if you are an individual contractor to us or a prospective employee, to our related companies and HR related service providers (e.g. for outsourced payroll processing);
- 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
- otherwise as permitted or required by law.

Where we disclose your personal information to third parties we will use reasonable commercial efforts to ensure that such third parties only use your personal information as reasonably required for the purpose we disclosed it to them and in a manner consistent with the Privacy Principles under the Privacy Act.

### **13 Disclosure of your personal information via Social Media Sites**

By engaging in any Social Media Activity on our Social Media Sites, you agree to and are subject to the terms and conditions of such Social Media Sites. Any personal information pinned or posted or uploaded by you onto Social Media Sites can be disclosed in accordance with the terms and conditions and privacy policies of such Social Media Sites.

Generally, photos and other material pinned or posted to Social Media Sites will be able to be viewed by the general public. Such photos and other material may be re-pinned and re-posted by others indefinitely and will be visible by anyone visiting the locations to which the photos or other material have been re-pinned. You may be able to remove the photos or other material that you have pinned or posted from the location at which you pinned or posted it. However, any material that has been re-pinned will be out of our control and neither you nor we will be able to remove it from any re-pinned location. We are not responsible for any material that has been re-pinned or re-posted.

We reserve the right to remove any photos, comments or other material that is in any way inappropriate or offensive (in our opinion) from our Social Media Sites.

### **14 Cross Border Disclosure**

Some programs, software, online tools, or Social Media Sites used by us, are based in and/or housed overseas. For example, Facebook, Linked In and MailChimp are based in the United States of America. Whilst we do not actively disclose your personal information to such organisations, the use of such programs by us may involve disclosure of your personal information to such organisations overseas. Use and disclosure of your personal information by such organisations is in accordance with the terms and conditions and privacy policies of such organisations.

If you consent to disclosure of some of your personal information in this manner, we are not required to take steps as are reasonable in the circumstances to ensure that such organisations do not breach the APPs in relation to the disclosed information. Having been informed of the possibility that such disclosure may occur, you consent to that disclosure by undertaking or continuing to undertake the type of activities indicating your consent, as specified above.

## **15 How do we store and secure personal information?**

We are committed to ensuring the security of your personal information and we will take all reasonable steps to protect this information from misuse, interference, loss, unauthorised access, modification or disclosure, including:

- ensuring the physical security of our premises and databases/records;
- restricting access to personnel who need that information in order for us to be able to provide our products and services; and
- technological measures, such as computer passwords, data back-up, anti-virus software and firewalls.

We will take all reasonable steps to ensure the information is accurate and up-to-date and relevant for the purposes for which it may be used pursuant to this Privacy Policy. We rely on the accuracy of personal information as provided to us both directly (from you) and indirectly. We encourage you to contact us if the personal information we hold about you is incorrect or to notify us of a change in your personal information.

Please note that our website does not provide systems for secure transmission of personal information across the internet, except where otherwise indicated. You should be aware that there are inherent risks in transmitting personal information via the internet.

Our website contains links to other websites. We have no control over the privacy practices employed at other websites and we accept no responsibility for personal information provided via unsecured websites.

We cannot provide any guarantee with respect to the security of your personal information and we will not be liable for any breach of security or unintended loss or disclosure of information due to the website being linked to the Internet.

Except to the extent liability cannot be excluded by law, we exclude all liability (including in negligence) for the consequences of any unauthorised access to, disclosure of, misuse of or loss or corruption of your personal information. Nothing in this Privacy Policy restricts, excludes or modifies or purports to restrict, exclude or modify any statutory consumer rights under any applicable law including the *Competition and Consumer Act 2010* (Cth).

Please notify us immediately if you become aware of any breach of security.

## **16 How to check or change your details**

There is a Hotondo Homes Privacy Officer at our head office and for each franchisee. The relevant Privacy Officer will ensure that your personal information is accurate, complete and up to date and relevant to the purpose for which we are able to use your personal information.

If you wish to view the personal information we hold about you, please send your request to the Privacy Officer of the closest Hotondo Homes franchisee by email, mail or fax using the contact details at the end of this Privacy Policy. We may require that the person requesting access provide suitable identification and, where permitted by law, we may charge an administration fee for granting access to your personal information. If we deny your request for access, we will let you know why.

If you wish to amend the Information because it is inaccurate, out of date, incomplete, irrelevant or misleading, or if you wish your personal information to be deleted, please contact the relevant Privacy Officer of the relevant Hotondo Homes franchisee.

#### **17 Queries, comments and complaints about our handling of personal information**

If you believe that we have not complied with our obligations pursuant to the Act, or have a complaint about the use or disclosure of your personal information by us or any of our franchisees, please contact the relevant Privacy Officer at Hotondo Homes. The relevant Privacy Officer will discuss your concerns with you and take action as necessary to address such concerns which may include contacting us to take the matter further.

The Privacy Officer is responsible for liaising with you to ensure that the issues you have raised are fully examined and that your complaint is handled in accordance with this process. We will treat the process, and all the details of your complaint, in strict confidence. If we need to discuss any issues arising from your complaint with a third party we will obtain your consent first.

#### **18 What action will we take in response to your complaint?**

We will endeavour to resolve your complaint as quickly as possible, but the length of time will depend on the nature and complexity of the issues you have raised. We will endeavour to resolve the matter within 30 days.

After assessing your complaint, we will decide what action (if any) we should take in response.

Some of the things that we may decide to do include:

- take steps to rectify the problem or issue you have raised;
- provide you with additional information or advice so you can understand what happened and how we have dealt with it; and
- take steps to change our policies or procedures if your complaint identifies a problem in the way we are doing things.

If we have not resolved a complaint to your satisfaction, you may wish to escalate the matter to the Privacy Commissioner via an online privacy complaint form which can be found at: <http://www.oaic.gov.au/privacy/making-a-privacy-complaint>.

#### **19 How can you contact us?**

Please direct all privacy inquiries (including any complaints) to the contact details provided below. If you wish to seek access to or correct or update any personal information we hold about you, or to unsubscribe from our direct marketing you can also contact us using the contact details listed below.

##### **Privacy Officer Details**

Hotondo Building Pty Ltd  
Head Office  
PO Box 354, Moorabbin Vic 3189  
Telephone: +613 9559 5000  
Facsimile: +613 9559 5050  
Email: [privacy@hotondo.com.au](mailto:privacy@hotondo.com.au)