

NEXUS PRIVACY POLICY

1. GENERAL

- 1.1 The goods, hire equipment and services are provided, and the website (**site**) is operated, by Nexus Construction Systems Pty Ltd (ACN 005 928 987) (**we, us or our**).
- 1.2 We are bound by the Australian Privacy Principles set out in the Privacy Act 1988 (Cth) (**Privacy Act**). Your privacy is very important to us and we will always act to protect your personal information. We take this responsibility seriously and are very careful about how and when your personal information is collected, used and shared.
- 1.3 By using, browsing or accessing the site, you indicate that you have read, understood and accept this Privacy Policy and you agree to abide by it. Access to our goods, hire equipment, services or site is conditional on your approval of this Privacy Policy and you agree that your use of our goods, hire equipment, services or site implies your consent to the terms of this Privacy Policy.
- 1.4 We do not seek to collect information which is *sensitive information* as defined under the Privacy Act. We are committed to the protection, privacy and security of your personal information and we have developed this Privacy Policy in line with the Australian Privacy Principles in the Privacy Act.
- 1.5 This Privacy Policy applies in general terms to the collection, storage, use and disclosure by us of your personal information, how you may access personal information that we keep or complain about a suspected privacy breach.

2. WHAT PERSONAL INFORMATION DO WE COLLECT?

- 2.1 We collect and use personal information from customers and their directors, partners, trustees, proprietors or guarantors, from visitors to our site, purchasers of our goods or services, hirers of hire equipment or any other individual who interacts with us.
- 2.2 The type of personal information that we collect and use depends on the type of dealings that you have with us and includes the following non-exhaustive list:
 - (a) name, date of birth, address, mobile and telephone number, fax number, email address and occupation (including employer's details);
 - (b) details of your drivers licence, or a photocopy or digital image of it, so that we can confirm your identity, or your residence;
 - (c) details regarding your credit application and the fact that we have assessed a credit application;

- (d) information about the goods, hire equipment or services you have ordered (including how they are to be used);
- (e) information from enquiries you have made;
- (f) communications between us;
- (g) financial information (such as credit card and bank account details), method of payment or any additional information required for user authentication processes;
- (h) trade references to allow us to assess your background; and
- (i) information from credit report agencies, including information about your credit history and your credit worthiness; and
- (j) any additional information or opinions which are reasonably capable of identifying individuals, whether or not such information is true or recorded in a material form,

(collectively **Personal Information**).

3. COLLECTING YOUR PERSONAL INFORMATION

- 3.1 We will collect Personal Information about you in a variety of ways, including:
- (a) through your use, or orders, of our goods, hire equipment or services (and our records thereof); when you visit our site or submit information through our site, contact us with a query or request, complete a credit application, deed of guarantee and indemnity or any other forms or agreements for our goods, hire equipment or services;
 - (b) from third parties (including our related bodies corporate, business partners and service providers, credit reporting bodies, trade references, lawyers, mercantile agents, insolvency administrators, insurers and insurance brokers); and
 - (c) from publicly available sources of information (including, but not limited to, directories, electoral rolls and social media sites).
- 3.2 We will only collect Personal Information that is necessary for one or more of our functions or for the purpose disclosed to you. The Personal Information collected by us will track your use, or enhance your use, of the foregoing and assist us in providing a better service.
- 3.3 By providing your Personal Information to us, you acknowledge that you are authorised to provide such information to us.
- 3.4 If you provide to us Personal Information about someone else (as their authorised representative), we rely on you to inform them that you are providing their Personal Information to us and to advise them that we can be contacted for further information. You must take reasonable steps to ensure the individual concerned is aware of and

consents to the various matters detailed in this Privacy Policy, including the fact that their Personal Information is being collected, the purposes for which that information is being collected, the intended recipients of that information, the individual's right to obtain access to that information, our identity, and how to contact us. Where requested to do so by us, you must also assist us with any requests by the individual to access or update the Personal Information you have collected from them and provided to us.

4. USE OF YOUR PERSONAL INFORMATION

4.1 We use your Personal Information for the purposes for which the information is collected.

4.2 We use your Personal Information to provide our goods, hire equipment, services and website to you. We also use it to improve or develop our goods, hire equipment, services and website, to operate, maintain, test and upgrade our systems and to notify you of opportunities that we think you might be interested in.

4.3 We may provide your Personal Information to:

- (a) credit reporting agencies (or a body that provides information on commercial activity and commercial credit worthiness) for the purpose of assisting us to assess your credit application and to open a credit account with us. We may request a credit report from the credit reporting agency, which includes information about your credit history and credit worthiness. To request a credit report, we will provide information to the credit reporting agency that identifies you, as well as information about your credit application. We also need to assess your eligibility if you nominate to be a guarantor for the customer. This may involve us obtaining information about you from a credit reporting agency and reviewing information we already hold about you.
- (b) related bodies corporate, business partners, service providers, third party contractors, agents or suppliers and authorised third party service providers who perform functions on our behalf, financial and credit card institutions in order to process any payments, hosting companies, internet service providers, customer service providers, external business advisors (such as auditors and lawyers), insurers and insurance brokers, debt collection or mercantile agents or insolvency administrators where payments are overdue (**Authorised Affiliates**);
- (c) law enforcement and government agencies as required by law or to assist with their enforcement activities;
- (d) persons you use as trade references; and
- (e) guarantor or an intending guarantor, to enable that person to consider whether or not to act as a guarantor, or to any other person who has offered,

or is considering whether to offer, property as a security in connection with credit we provide to customer.

In all circumstances where your Personal Information is disclosed, we will ensure that these third parties undertake to protect your privacy.

4.4 We may also use your Personal Information to:

- (a) provide or deliver our goods, hire equipment or services to you;
- (b) administer and manage the provision of our goods, hire equipment or services, including the management and administration of a credit account;
- (c) inform you about our site, hire equipment you may wish to hire, our goods and services, or in order to provide the goods, hire equipment or services you have requested, or other matters which we believe are of interest to you;
- (d) to respond to queries, complaints or to provide you with our general customer services;
- (e) to comply with our risk management policies and procedures, including to form an opinion as to whether to provide a customer, or an entity associated with a customer, with credit or to accept a person as a guarantor;
- (f) charge and bill you for the use of our hire equipment or services;
- (g) customise the advertising and content on our website and to contact you about specials deals;
- (h) evaluate the needs of our customer and to develop new goods, hire equipment and services;
- (i) assess, investigate and process any instances of loss, theft or damage arising out of the use or hire of our hire equipment;
- (j) share with Authorised Affiliates;
- (k) verify your identity;
- (l) conduct creditworthiness checks and conduct fraud-checking; and
- (m) perform research and analysis.

4.5 We may disclose Personal Information to an Authorised Affiliate and they may in turn provide us with Personal Information collected from you.

4.6 We will retain your Personal Information within Australia and we will not use or disclose it to a person overseas.

5. STORAGE AND SECURITY OF YOUR PERSONAL INFORMATION

5.1 Your Personal Information may be stored in storage facilities (owned and operated either by ourselves or our services providers) in hard copy or electronic format. We will use our reasonable endeavours to store your Personal Information securely and to

make our sites and storage facilities as secure as possible against unauthorised access. We want you to feel confident in dealing with us on the internet.

- 5.2 We will use our reasonable endeavours to protect and maintain the security of your Personal Information. Our officers, employees, agents and third party contractors are expected to observe the confidentiality of your Personal Information.
- 5.3 Despite our reasonable endeavours, we are unable to ensure or warrant the security of any Personal Information transmitted to us. Accordingly, all Personal Information disclosed by you to us is at your own risk and we are not liable for any unauthorised access to and disclosures of the Personal Information.
- 5.4 If we determine that Personal Information is no longer needed for any purpose, we will take reasonable steps to destroy or permanently de-identify that Personal Information, unless we are required by law, or a court or tribunal to retain the information

6. DISCLOSURE OF PERSONAL INFORMATION

- 6.1 We may disclose any information, including Personal Information, we deem necessary, in our sole discretion, to comply with any applicable laws, regulation, legal process, governmental request or industry code or standard. We may also exchange information, including Personal Information, with credit reporting agencies and other companies and organizations for credit fraud protection and risk reduction.
- 6.2 We may retain certain of our Authorised Affiliates to perform functions consistent with our Privacy Policy on our behalf. Such third parties may be provided with access to Personal Information needed to perform their functions, but may not use such information for any other purpose.
- 6.3 We may disclose your Personal Information to third parties who provide services to us, including organisations and contractors that assist us with the purposes for which we use your Personal Information.
- 6.4 In the event of a merger, acquisition or sale of the whole or part of our business or assets, we reserve the right to transfer your Personal Information as part of any such transaction. As such, individually identifying information of our members may be one of the assets sold in connection with that transaction without notice to you or your consent. However, your Personal Information would remain subject to this Privacy Policy.

7. DIRECT MARKETING

- 7.1 Where we have your express or implied consent, or where we are otherwise permitted by law, we may use your Personal Information to send you information about the goods, hire equipment or services we offer, as well as other information. We may

send this information in a variety of ways, such as by mail, email, SMS, telephone, social media or by customising online content and displaying advertising on our websites.

- 7.2 These communications may continue after you cease acquiring any goods, hire equipment and services from us until you opt out:
- (a) by contacting us by writing to the Privacy Policy, PO Box 4190, Dandenong South, Victoria 3164, or by email to accounts@nexuscs.com.au;
 - (b) by calling us on +61 (03) 9988 7701; or
 - (c) by using the unsubscribe facility that we include in our commercial electronic messages (ie email or SMS) to opt out of receiving those messages.

8. DISCLAIMER

- 8.1 We will not disclose your Personal Information to any third party (other than our Authorised Affiliates) without your consent in writing, unless otherwise required by law or permitted herein, or unless such disclosure is reasonably necessary in our opinion to protect our rights or property, to avoid injury to any person or in order to ensure the proper functioning of our site.
- 8.2 This Privacy Policy only addresses the use and disclosure of information we collect from you via our site or as otherwise permitted in this Privacy Policy. The use of your Personal Information by the aforementioned third parties is governed by the privacy policies of such parties and is not subject to our control.
- 8.3 Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your Personal Information, we cannot guarantee the security of your Personal Information transmitted to our website; any transmission is entirely at your own risk.
- 8.4 We will advise you at the first reasonable opportunity upon discovering or being advised of a security breach where your Personal Information is lost, stolen, accessed, used, disclosed, copied, modified, or disposed of by any unauthorised persons or in any unauthorised manner.

9. COOKIES AND IP ADDRESSES

- 9.1 A cookie is a piece of data that enables us to track and target your preferences. We may use cookies to enable us to identify you as a return user and personalize and enhance your experience and your use of our website. Most browsers are initially set up to accept cookies. You can reset your browser to refuse all cookies or to warn you before accepting cookies. If you have set your browser to warn you before accepting cookies, you will receive the warning message with each cookie. If you reject our

cookies, you may still use our website, but you may be limited in the use of some of the features and this may affect the functionality of our website.

- 9.2 We use cookies to help us improve our service to you when you access our website and to ensure that our website remains easy to use and navigate. We may also use IP addresses to analyse trends, administer our websites, track traffic patterns, and gather demographic information for aggregate use, as well as in combination with your Personal Information for credit fraud protection and risk reduction.

10. ACCESS TO INFORMATION COLLECTED BY US

- 10.1 We will use our reasonable endeavours to keep your Personal Information that we collect accurate, up-to-date and complete.
- 10.2 Subject to some exceptions provided by law, you have the right to access your Personal Information. For security purposes, if you would like to access Personal Information that we holds about you, we require you to put your request in writing. Proof of identity may be required before such information will be provided. If we do not allow you access to any part of the Personal Information we hold about you, we will tell you why. We will not charge you for lodging a request to access your Personal Information, but we may charge you for our reasonable costs in supplying you with access to this information.

11. CONSENT

- 11.1 You acknowledge and agree that we, our Authorised Affiliates and each of their officers, employees, agents and contractors are permitted to collect, store, use and disclose your Personal Information in the manner set out in this Privacy Policy and in accordance with the Privacy Act.

12. CHANGES TO THE PRIVACY POLICY

- 12.1 We may amend this Privacy Policy from time to time. The current version of our Privacy Policy will be posted on our site and a copy may be obtained from the Privacy Officer.
- 12.2 Your continued use of our products, services or site following any such amendment will be confirmation of your acceptance of the amendments. We reserve the right to modify this Privacy Policy at any time, so please review it frequently.

13. FURTHER INFORMATION

- 13.1 Further information about Privacy law and the Australian Privacy Principles is available from the Office of the Australian Information Commissioner's website www.oaic.gov.au.

14. RESOLVING YOUR PRIVACY ISSUES

14.1 If you have any issues you wish to raise with us regarding the way we have handled your Personal Information, or would like to discuss any issues about our Privacy Policy, please contact our Privacy Officer directly by writing to the Privacy Officer at PO Box 4190, Dandenong South, Victoria 3164 or by email to accounts@nexuscs.com.au or by calling them on +61 (03) 9988 7701 and please provide our Privacy Officer with full details of your complaint and any supporting documentation.

14.2 Our Privacy Officer will endeavour to:

- (a) provide an initial response to your query or complaint within 10 business days, and
- (b) investigate and attempt to resolve your query or complaint within 30 business days or such longer period as is necessary and notified to you by our Privacy Officer.