

BOEDERS GARDEN DESIGN PRIVACY POLICY

ABOUT US

Boeders Garden Design is a progressive business providing garden design services to the Australian community.

Every day, Boeders Garden Design touches the lives of people around our country and the world. We believe in the principles of personal integrity, respect for the individual, and doing what's right for the long-term. As such trust is a cornerstone of our relationship with you. Boeders Garden Design is committed to maintaining your trust by protecting your personal information in accordance with both the law and international best practice.

ABOUT YOU

This policy applies to you if you are an individual. You may be a customer, a supplier, consultant, contractor or job applicant.

ABOUT THIS POLICY

At Boeders Garden Design, protecting your privacy and the confidentiality of your personal information¹ which you entrust to us is very important. It is fundamental to the way we serve you and do business. We know that when you give us your personal information it imposes a serious responsibility upon us. This means we are committed to protecting your personal information and maintaining your trust.

This Privacy Policy describes the information that may be collected when you deal with us, the choices you can make about how your personal information is used, how we protect your personal information and other relevant matters.

We believe that our privacy and information handling practices comply with the:

- National Privacy Principles (“NPPs”) contained in the Privacy Act 1988 (Cth) in relation to our commercial activities;
- Information Privacy Principles (“IPPs”) contained in the Privacy Act 1988 (Cth) in relation to our non-commercial activities;
- Australian Direct Marketing Association Code of Practice in relation to how we market to our customers; and

Should there be a conflict between the IPPs and NPPs, Boeders Garden Design adopts the most ‘privacy and trust enhancing’ obligation. Our Privacy Policy has been constructed with that philosophy in mind.

In applying this policy or to otherwise comply with the Privacy Act 1988 (Cth) Boeders Garden Design will follow any guidelines issued by the Federal Privacy Commissioner or other relevant statutory authority.

1. Personal information means information we hold about you from which your identity is either apparent or can be reasonably determined by us.
2. Those business activities carried on by Boeders Garden Design on a commercial basis in competition with persons other than governments or government authorities.
3. Those activities carried on by Boeders Garden Design which are not Commercial Activities.

WHY WE COLLECT PERSONAL INFORMATION AND HOW WE MAY USE IT.

Generally, Boeders Garden Design will collect personal information directly from you, or from a third party, only to the extent necessary to provide an Boeders Garden Design product or service, and/or to carry out our internal administrative operations.

Generally, we may collect personal information from you when you:

- fill in an application form;
- deal with us over the telephone;
- e-mail us;
- where we act as a business process outsourcer for third parties, e.g. processing forms for other businesses.
- enter a competition or trade promotion
- ask us to contact you after visiting our web site; or
- have contact with us in person.

We will collect personal information from you, or a third party, by lawful and fair means and not in an unreasonably intrusive way. You may also deal with us anonymously where this is lawful and practicable.

NOTICE

When we collect your personal information either directly from you or from a third party, we will take reasonable steps to make you aware of the following things:

- the purpose/s for which it may be used;
- if it might be disclosed to third parties, and if so, the names of those parties;
- if the collection of your information is authorised or required by law, the name of that law;
- the fact that you may request access to your information; and
- the consequences (if any) should you chose not to provide your information.

USE

Boeders Garden Design will use your personal information for a purpose only for which it is relevant. This means we will use your personal information only for the particular purpose that you provided it, or for a directly related purpose.

Sometimes, we may also use your personal information for a related purpose where that other use is:

- required or permitted by law; or
- with your express or implied consent.

An agency function means a service that we provide to you on behalf of another organisation.

DIRECT MARKETING AND YOUR PRIVACY

From time to time we may use your personal information to identify particular Boeders Garden Design products and services which we believe may be of value and interest to you. We may then contact you to let you know about these products and services and how they may benefit you. We will only do this with your consent and we will always give you a choice to opt out of receiving such information.

DIRECT MAIL

With your implied consent we may use your personal information to send you marketing information via mail. You imply consent where we reasonably conclude that it has been given by the actions you take or do not take, such as by not ticking an "opt out" box on a form for one of our products and services. Our opt out notices will be clear, conspicuous and easy to take up.

ELECTRONIC MARKETING

With your express consent we may use your personal information to send you marketing information by e-mail, SMS, MMS or other electronic means. You may give us your express consent by, for example, ticking a box on an electronic or paper form where we seek your permission to send you electronic or other marketing information.

All of our electronic marketing activities will comply with the requirements of the Spam Act 2003 (Cth).

TELEMARKETING

Boeders Garden Design usually does not usually engage in telemarketing activities except in relation to our business customers. Should any telemarketing be done or authorised by Boeders Garden Design, and to the extent applies, we will comply with the:

- Do Not Call Register Act 2006 (Cth);
- Do Not Call Register (Consequential Amendments) Act 2006 (Cth);
- Telecommunications (Do Not Call Register) (Telemarketing and Research Calls) Industry Standard 2007.

YOUR PRIVACY PREFERENCES AND CHOICES

Every personalised marketing contact sent or authorised by Boeders Garden Design will include a means by which customers may opt out of receiving further marketing information.

You may instruct us at any time to remove any previous consent you provided to receive marketing communications from us.

INFORMATION SHARING

We have a strict duty to keep confidential and private all personal information we hold about you. However, certain exceptions to this duty apply. For example, where disclosure of your personal information is:

- authorised or required by law e.g. Disclosure to various government departments and agencies such as the Australian Taxation Office, CentreLink, Child Support Agency, the Australian Electoral Commission or disclosure to courts under subpoena. In these circumstances we may be compelled to disclose your personal information, while on other occasions we may exercise our discretion to disclose your information subject to certain legal constraints, for example where disclosure is reasonably required for the enforcement of the criminal law;
- in the public interest e.g., Where a crime, fraud or misdemeanour is committed or suspected, and disclosure against the customer's rights to confidentiality is justified;
- with your consent e.g., Your consent may be implied or express and it may also be verbal or written

USE OF THIRD PARTY SERVICE PROVIDERS

When we temporarily provide personal information to companies who are contracted to perform services for us or on our behalf, such as other contractors, we require those companies to protect your personal information as diligently as we do.

Stringent contractual, and other quality assurance measures are used to ensure your personal information is protected in accordance with this Privacy Policy, the Privacy Act 1988 (Cth).

INFORMATION TRANSFER OFF SHORE

If Boeders Garden Design transfers personal information to countries outside Australia we will only do so in compliance with all applicable Australian data protection and privacy laws. Boeders Garden Design will take reasonable steps to protect your personal information no matter what country it is stored in or transferred to. We have appropriate procedures, processes, management controls and data transfer contracts to help ensure this.

ACCESS TO YOUR INFORMATION

Boeders Garden Design will, upon your written request, and subject always to applicable privacy laws:

- provide you with access to your personal information that is held by us. However, we ask that you identify, as clearly as possible, the type/s of information requested;
- deal with your request to provide access to your personal information in a reasonable time - usually within 30 days of receipt of your request;
- not charge you for lodging such a request but we may recover from you our reasonable costs incurred in supplying you with access to this information.

EXCEPTIONS

Your right to access your personal information is not absolute. In certain circumstances, the law permits us to refuse your request to provide you with access to your personal information, such as circumstances where:

- access would pose a serious threat to the life or health of any individual;
- access would have an unreasonable impact on the privacy of others;
- the request is frivolous or vexatious;
- the information relates to a commercially sensitive decision making process;
- access would be unlawful; or
- access may prejudice enforcement activities, a security function or commercial negotiations.

INFORMATION SECURITY

Boeders Garden Design is committed to keeping your trust by protecting and securing your personal information. We will:

- employ appropriate technical, administrative and physical procedures to protect your personal information from unauthorised disclosure, loss, misuse or alteration by doing such things as applying unique user identifiers to track access to information or records and the use of audit trails;
- limit access to your personal information to those staff with a business need to know and employing the principle of 'least privilege' when granting access to systems or records containing personal information;
- keep personal information only for as long as the law requires;
- subject to applicable laws, take reasonable steps to destroy or permanently de-identify your personal information if it is no longer needed for the particular purpose for which it was originally collected.
- protect your personal information by taking reasonable steps to comply with industry best-practice standards, including:

AS 8015-2005 Corporate governance of information and communication technology

AS/NZS ISO/IEC 17799:2001 Information technology: Code of practice for information security management

AS/NZS 17799.2:2003 Information security management - Part 2: Specification for information security management systems

AS/NZS 4360:2004 Risk Management

Payment Card Industry Data Security Standard

DATA QUALITY

When collecting, using or disclosing your personal information Boeders Garden Design will take reasonable steps to ensure your information is accurate, complete and up-to-date.

CHILDREN'S PRIVACY

Boeders Garden Design believes it is important to provide added protection for children's personal information – especially in an on-line environment. We encourage parents and guardians to spend time online with their children to participate in and monitor their online activity. When we collect personal information from children, we ask only for the minimum information necessary to seek access to the information or service for which the child is requesting.

COLLECTION OF INFORMATION FROM CHILDREN

When collecting personal information from children we will give a notice specifying what information we are requesting, how we will use it, whether it will be shared with a third party, and a contact at our web site for questions. We will utilize the information only for the particular purpose for which it was given to us, or for a directly related purpose.

OBTAINING VERIFIABLE PARENTAL CONSENT

We will take reasonable steps to obtain verifiable parental consent prior to the collection and use of personally identifiable information from children under 16. The method of parental consent verification may vary according to the information, product, service or event in which the child wishes to participate.

Means of obtaining such consent may include, but are not limited to, offline consent such as printing and submitting a permission form by mail or fax, or online consent such as by ticking an on-line check box that parental or guardian consent has been obtained.

WHEN PARENTAL CONSENT IS NOT REQUIRED

We do not require parental or guardian consent in order to collect and use on-line or off-line contact information to:

- Respond directly to a child's request on a one-off time basis, or to answer a specific request, where the information is not used to re-contact the child for other purposes;
- Request the name or on-line contact information of a parent/guardian for the sole purpose of obtaining verifiable parental consent or providing parental notification;
- Respond directly more than once to a specific request from a child and the information is not used to recontact the child beyond the scope of the request.

PARENTAL REVIEW

Boeders Garden Design will allow parents or guardians to review any personal information collected from their children, based on verifying the identity of the consenting parent/guardian.

See further details in the “Access to your Information” section of this policy.

Parents/Guardians may revoke their consent and delete information collected from their children at their discretion.

CONTACT US

To contact us with a privacy compliment, enquiry or complaint please e-mail privacy@boedersgardendesign.com.au.

You can also call our Customer Contact Centre on 0439 102 380 between 9.00 am and 5.00 pm EST Monday to Friday.

FURTHER INFORMATION ON PRIVACY

You can also obtain further general information about your privacy rights and privacy law from the Office of the Federal Privacy Commissioner by:

- calling their Privacy Hotline on 1300-363-992;
- visiting their web site at www.privacy.gov.au; or
- by writing to: The Federal Privacy Commissioner GPO Box 5218 Sydney NSW 1042

OPERATION OF THIS PRIVACY POLICY

This Privacy Policy does not create or confer upon any individual any rights, or impose upon Boeders Garden Design any rights or obligations outside of, or in addition to, those rights or obligations imposed by the Privacy Act 1988 (Cth). Should there be any inconsistency between this Privacy Policy and the Acts, this policy shall be interpreted to give effect to and comply with the applicable Act.

This policy includes examples but is not intended to be restricted in its application to such examples, therefore where the word 'including' is used, it means 'including without limitation'.