



## **PRIVACY STATEMENT, PRIVACY POLICY, CREDIT REPORTING POLICY AND STATEMENT OF NOTIFIABLE MATTERS**

### **PRIVACY STATEMENT AND PRIVACY POLICY**

This Privacy Statement, Privacy Policy, Credit Reporting Policy and Statement of Notifiable Matters sets out the Privacy and Credit Information Policy of P & K Mining Equipment Pty Ltd (ACN 106 527 691) (ABN 76 106 527 691) of PO Box 3518 Rhodes Waterside, Rhodes, NSW 2138, Australia and its respective associated and subsidiary and parent companies and Divisions and successors and assigns (all of which are referred to hereafter as "PKM").

#### **Privacy Laws**

PKM is bound by the *Privacy Act 1998*, the *Privacy (Enhancing Privacy Protections) Act 2012*, the Credit Reporting Privacy Code and the Australian Privacy Principles ("the APPs") as amended from time to time.

#### **Privacy Statement**

PKM is committed to your privacy. Our policy on the handling of personal information is to comply with the Australian Privacy Principles ("the APPs") for the fair handling of Personal Information (any information from which your identity is apparent) and Credit Information (your repayment and default history, amount and type of credit provided, and any default information) as set out in the *Privacy Act 1988* and the *Privacy (Enhancing Privacy Protections) Act 2012* as amended. In accordance with those principles and the PKM Privacy Policy and Privacy Statement, a copy of which can be found in the Downloads section of PKM's website at [www.pkmining.com.au](http://www.pkmining.com.au), persons will be given access to their personal information on request. We use the types of Personal Information collected for several purposes which include considering and assessing applications for employment, enabling us to supply you with our products and/or services and for assessing Applications for Commercial Credit and Guarantee documents, managing accounts including overdue accounts and, if necessary, insuring our risk in collecting debts. This information may be disclosed to our related or associated entities, overseas recipients in locations such as Korea, China and New Zealand, parties related to your employment (e.g. referees and others as set out in our Privacy Policy), contractors, other Credit Providers whether or not your account is overdue and, if necessary, our Risk Insurers, debt collectors, lawyers and other service providers, and Credit Reporting Bodies including Veda Advantage Ltd ([www.veda.com.au](http://www.veda.com.au)) ("VEDA"), Dun & Bradstreet (Australia) Pty Ltd ([www.dnb.com.au](http://www.dnb.com.au)) ("DUN & BRADSTREET") and others. If all or part of the information requested is not provided we may not be able to consider any application made by you or to supply you with our goods and/or services and we may not be able to process your Application for a Commercial Credit Account. If you have any questions or concerns about our Privacy Policy, the type of information we may hold about you, or for corrections or complaints about a breach of your privacy, please direct your requests to the Privacy Officer at our Head Office address at PO Box 3518 Rhodes Waterside, Rhodes, NSW 2138, Australia or email [privacy@pkmining.com.au](mailto:privacy@pkmining.com.au).

#### **Collection of your personal information**

PKM is committed to the protection of your personal information. Personal information is any information or an opinion about an identified individual or an individual who is reasonably identifiable. Generally, the kind of information PKM will collect about an individual include an individual's name, signature, residential address, telephone number, date of birth, licence number, bank account details or credit card information, government identifiers such as tax file numbers, employment history, insurance policy information and commentary or opinion about a person, for example credit commentary, eligibility or information received from Veda or Dun and Bradstreet.



The specific types of personal and business information that we collect from you and how we collect that information will depend on the services you require from us and how you interact with us. PKM usually collects personal information directly from the individual concerned. Where this is not practical, PKM will take reasonable steps to ensure that the individual is informed about the collection unless the individual has previously expressly or impliedly consented to the collection. In some cases PKM may collect information from a third party, such as an insurance company, recruitment agencies, wholesale and retail suppliers and via social media.

When you apply to do business with us we will ask you many details to do with you and your business. That information then assists us in making business decisions about our intended business relationship and the terms of that relationship. If the personal information requested is not supplied PKM may not be able to consider any request or application made by you or to supply you with our goods and/or services and we may not be able to process your Application for a Commercial Credit Account.

At the time of collecting personal information about an individual, or as soon as practicable after that time, PKM takes reasonable steps to ensure the individual is aware of:

- (a) The identity and contact details of PKM and PKM's Privacy Officer;
- (b) The purposes for which the information is being collected;
- (c) Any organisations to which PKM may possibly disclose the information to;
- (d) The fact that an individual has a right to gain access to the personal information collected;
- (e) The main consequences (if any) for the individual if all or part of the information is not provided.

We will not collect any personal information from you revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, or details of health, disability or sexual activity or orientation. Exceptions to this include:

- (f) Where you have given express consent to PKM to do so;
- (g) Where it is necessary for PKM to carry out one of its primary functions;
- (h) Where there are reasonable grounds to believe that disclosure is necessary to prevent a threat to life or health;
- (i) The use is authorised by law or reasonably necessary to enforce the law; or when the information is necessary for the establishment, exercise of defence of a legal claim.

When you use PKM's website at [www.pkmining.com.au](http://www.pkmining.com.au), our Internet Service Provider (ISP) may make a record of your visit and log your server address, your domain name, the date, time and duration of your visit, the pages and documents you accessed, the previous site you had accessed (i.e. the referring URL) and the type of browser you are using. This information is collected for statistical purposes only, and PKM will not make any attempt to identify users according to their browsing activity.

In the unlikely event of an investigation, a law enforcement agency or other government agency may exercise its legal authority to inspect our business records or ISP's logs. It is also possible that your ISP is logging your activity while you visit our site. This is obviously beyond the control of PKM.

While you are visiting our site we may use cookies to facilitate a more personalised web browsing experience. Except where you volunteer personal or business information we will not procure information about you via any alternative means while you visit our website.



## **How we use and disclose personal information**

The personal information that you provide to us before during or after our business relationship or before or after or during interaction on this site, and in other interactions between us, is used for a number of primary purposes, including the following:

- (a) Enabling us to supply you with our products and services or provide you with information about our products and services;
- (b) Managing, servicing and reviewing Accounts, including overdue accounts;
- (c) Managing Customer Payment information, including credit card information and bank account details;
- (d) Considering and assessing applications for employment;
- (e) Providing you with better service for the supply of products and services; and
- (f) Insuring and assessing our risk in collecting debts.

PKM will not sell, rent or trade your personal information.

Any personal or business information which you do supply will only be used internally at PKM and will not be divulged to a third party unless that third party is associated or integral to the purpose for which you gave us the information or where required by law. We will only use and disclose information about you for the purpose for which you gave us that information. We may use and disclose information about you for a purpose other than the purpose for which you gave us the information where:

- (a) That other purpose is related to the purpose for which you gave us the information;
- (b) You have given us your consent for the personal information to be used or disclosed for the additional purpose;
- (c) Where there are reasonable grounds to believe that use or disclosure is necessary to prevent a threat to life or health;
- (d) Where we suspect that unlawful activity is or has been engaged in and we use or disclose the personal information to investigate the suspected unlawful activity; or
- (e) The use or disclosure is authorised by law or reasonably necessary to enforce the law.

During the ordinary course of business, PKM may disclose your information as required by law or to parties related to your employment (e.g. referees or WorkCover Insurers), our contractors, other credit providers (whether or not your account is overdue) and, if necessary, our Risk Insurers, debt collectors, solicitors, other professional advisors and Credit Reporting Bodies including VEDA ([www.veda.com.au](http://www.veda.com.au)), DUN & BRADSTREET ([www.dnb.com.au](http://www.dnb.com.au)) and others. PKM may also disclose your personal information to organisations involved in a transfer or sale of all or part of our business or its assets or one involved in managing our corporate risk and funding requirements.

PKM's Credit Department has well-documented detailed procedures, which are compliant with the APPs, in managing personal data relating to the administration of customer accounts. Compliance to these procedures is monitored on an ongoing basis.



## **Direct Marketing**

PKM may also use your personal information, including email addresses, for the purpose of direct marketing. We may only use your personal information or data for the purpose of direct marketing in relation to promotional activities where it is impracticable for us to obtain your prior express consent. However, when we do this, we will provide an express opportunity when we first contact you to decline receiving any further marketing communications from us, via an opt-out mechanism. Please contact us if you do not want to receive any direct marketing information or if you do not want your information disclosed for direct marketing purposes.

## **Overseas Disclosure**

In the normal course of its business, PKM may disclose personal information to overseas recipients such as PKM's related or associated companies in Korea, China and New Zealand, or to third parties. This disclosure may occur if PKM's service providers are located overseas, if any transactions, information, products or services have an overseas connection, where the individual consents, where the disclosure is for the benefit of the individual, or is for the performance of a contract with PKM. PKM will take reasonable steps to protect an individual's privacy if this disclosure occurs. You agree and consent to the possible use and disclosure of this information to overseas recipients from time to time in accordance with this Privacy Policy and Privacy Statement.

## **Security of your personal information**

PKM will take all reasonable steps to ensure that all personal information we collect, use or disclose is stored both physically and electronically in a secure environment accessed only by authorised persons. PKM will take reasonable steps to protect any personal information that it holds from misuse, loss, unauthorised access, modification or disclosure, and to destroy or permanently de-identify personal information if it is no longer needed for any purpose. PKM requires any third party, service provider, or other entity to which PKM discloses information to comply with this Privacy Statement and Privacy Policy and to comply with the APPs.

PKM maintains sophisticated IT systems to keep its customer, vendor and employee data on master files. PKM has security measures designed to protect against the loss, misuse and/or alteration of the information under its control, including restricted access, firewalls and encryption.

While PKM employs anti-virus software and encryption technology when interfacing with its customers, suppliers, contractors and other parties, you should be aware that there is a residual risk in transmitting any data electronically. This risk is inherent in any Internet dealings.

## **How to access, correct or update your information**

PKM will take all reasonable steps to ensure that all information we collect, use or disclose is accurate, complete and up-to-date, and will review information on its databases at regular intervals to ensure all information kept is up to date.

You have a right to seek access to your personal information and to make correction to that information. Please contact the Privacy Officer if your details change or if you believe the information we have about you is not accurate or complete. We will provide you with reasonable opportunity to access your personal information and have it corrected or updated. A fee may apply to such access and you will be required to provide the appropriate identification.

Exceptions to your access rights may include:

- (a) Where providing access will pose a serious threat to the life or health of any individual or pose an unreasonable impact on the privacy of an individual;



- (b) Your request for access is frivolous or vexatious;
- (c) Where the information relates to existing legal proceedings between PKM and you and the information would not be discoverable in the process of those legal proceedings; or
- (d) Where providing access would be unlawful, may prejudice an investigation of possible unlawful activity, may prejudice enforcement of laws, or denying access is specifically authorised by law.

Where PKM refuses a request for correction or access, you will be provided with written reasons for the refusal and details of complain mechanisms.

### **Complaints**

PKM takes your complaints seriously. If you believe that PKM has not dealt with your personal information in a manner that complies with the *Privacy Act 1998*, the *Privacy (Enhancing Privacy Protections) Act 2012*, the Credit Reporting Privacy Code and the Australian Privacy Principles (“the APPs”) as amended from time to time, please contact the Privacy Officer, PO Box 3518 Rhodes Waterside, Rhodes, NSW 2138, Australia or email [privacy@pkmining.com.au](mailto:privacy@pkmining.com.au) or via any of our contact details listed at [www.pkmining.com.au](http://www.pkmining.com.au). You will be required to put your complaint in writing. PKM will use its best endeavours to provide a response in writing within a timely manner, and to correct any personal information and notify any other entity required with updated information.

PKM has detailed procedures for dealing with Privacy breaches. If you are dissatisfied with the outcome of your complaint, or if PKM refuses to provide access to, or correction of, your personal information, you may complain to the Office of the Australian Information Commissioner at [www.oaic.gov.au](http://www.oaic.gov.au).

### **Transparency**

This Privacy Statement and Policy is available on PKM’s website, and can be found under the Downloads section of PKM’s website at [www.pkmining.com.au](http://www.pkmining.com.au). A copy of this Privacy Statement and Policy will be made available to anyone who requests it. This Privacy Statement and Privacy Policy may be reviewed and amended from time to time, and any updated version will be made available on and will apply from the date the updated version is published on PKM’s website or upon request.

### **How to contact us**

You can contact PKM and our Privacy Officer at our head office premises at PO Box 3518 Rhodes Waterside, Rhodes, NSW 2138, Australia or email [privacy@pkmining.com.au](mailto:privacy@pkmining.com.au) or via any of our contact details listed at [www.pkmining.com.au](http://www.pkmining.com.au).



## **CREDIT REPORTING POLICY**

This Credit Reporting Policy sets out how PKM will manage your Credit Information (your repayment and default history, amount and type of credit provided, and any default information) and your Credit Eligibility Information (Information provided by other Credit Providers and Credit Reporting Bodies). Our handling of your Credit Information complies with our obligations under the *Privacy Act 1988* (“the **Act**”) and the *Credit Reporting Privacy Code* (“**CR Code**”).

This Credit Reporting Policy is to be read together with our Privacy Policy and our Statement of Notifiable Matters.

### **Collection of your Credit Information and Credit Eligibility Information**

PKM may collect, use, hold and disclose Credit Information about you. You consent to such collection, holding, use and disclosure of your Credit Information in accordance with the terms of this policy.

If you apply for commercial credit or provide a guarantee for commercial credit, the kinds of Credit Information and Credit Eligibility Information that we may collect and hold includes information used to identify you, your creditworthiness and any other related information necessary or incidental to the products and services which PKM provides or proposes to provide to you. This may include:

- identification information; or
- consumer credit liability information; or
- repayment history information; or
- a statement that an information request has been made in relation to you by a credit provider;
- payment or default information; or
- new arrangement information; or
- court proceedings information; or
- personal insolvency information; or
- publicly available information in relation to your creditworthiness.

Sometimes, we may gather Credit Information and Credit Eligibility Information about you from a third party, for example, from Credit Reporting Bodies (“CRB’s”) (for example, Veda and Dun & Bradstreet) or intermediaries and spouses or from publicly available information.

The Credit Information that you provide assists us in making business decisions about our intended business relationship and the terms of that relationship. We may not be able to transact business with you if you do not provide all of the information requested and we may not be able to process any Application for Commercial Trading Account.



## **How we Use and Disclose your Credit Information and your Credit Eligibility Information?**

We will collect, hold, use and disclose Credit Information and Credit Eligibility Information for a number of primary purposes, including the following:

- assessing Applications for Commercial Credit Accounts and Guarantee documents and whether to accept you or anyone else as a guarantor in relation to credit;
- to assist you in avoiding any default on your credit obligations;
- assessing your credit worthiness;
- notifying a CRB or other credit providers of any defaults by you;
- comply with any legal or regulatory requirements; and
- to advise you of services and products from time to time.

We will also collect, hold, use and disclose Credit Information and Credit Eligibility Information about you to comply with Australian legislation, including the *Corporations Act 2001*, *Proceeds of Crime Act 1987* and *Anti-Money Laundering and Counter Terrorism Financing Act 2006* and any amendments to these Acts.

## **Disclosure of Credit Information and Credit Eligibility Information**

We may disclose your Credit Information and Credit Eligibility Information to any of the following third parties:

- any regulatory, governmental organisation or industry or legal body which governs the conduct of any part of our business in any jurisdiction or as required by law or regulation;
- our related bodies corporate;
- a third party who is supplying a service to us;
- any other third party provided that we obtain your prior written consent;
- your representatives (including your legal adviser, mortgage broker, financial adviser, executor, administrator, guardian, trustee, or attorney);
- where permitted by law, debt collection agencies or other lenders; or
- as otherwise permitted by law.

## **Overseas Disclosure**

PKM may disclose Credit Information and Credit Eligibility Information to overseas recipients such as our related or associated companies in USA and New Zealand, or to third parties. This may also occur if our service providers are located overseas. We will take reasonable steps to protect your privacy if this disclosure occurs.



## **Storage and Security of your Credit Information and Credit Eligibility Information**

We will take all reasonable steps to ensure that all Credit Information and Credit Eligibility Information that we collect, use or disclosed, is stored both physically and electronically in a secure environment accessed only by authorised persons. We will take reasonable steps to protect any such information that we hold from misuse, loss, unauthorised access, modification or disclosure and to destroy or permanently de-identify personal information if it is no longer needed for any purposes.

We maintain sophisticated IT systems to keep such information and data on master files. We have security measures including restricted access, firewalls and encryption.

While PKM employs antivirus software and encryption technology when interfacing with its customers, suppliers, contractors and other parties, you should be aware that there is a residual risk in transmitting any data electronically. This risk is inherent in any internet dealings.

## **Credit Reporting Bodies and your Credit Information**

CRBs are permitted under the Act and the CR Code to use and disclose your Credit Information. If you apply for commercial credit or offer to act as a guarantor, we may disclose your Credit Information to, or collect Credit Information about you from a CRB. This information is used for the purpose of determining your Eligibility for credit, and we may process the information to assess your creditworthiness and suitability for credit.

PKM deals with the following Corporate Reporting Bodies:

- VEDA Advantage Ltd  
PO Box 964 North Sydney 2059, [www.veda.com.au](http://www.veda.com.au), 1300 762 207; and
- Dun & Bradstreet (Australia) Pty Ltd  
Level 7, 479 St Kilda Road Melbourne 3004, [www.dnb.com.au](http://www.dnb.com.au), 1300 734 806.

Further information about how these bodies manage credit related personal information can be found in their privacy policies available on their websites or by contacting them directly.

## **How to Access, Correct or Update your Credit Information and Credit Eligibility Information**

PKM will take all reasonable and necessary steps to ensure all information collected, used or disclosed is accurate, complete and up to date. You have a right to seek access to your Credit Information and Credit Eligibility Information and to make correction to that information. Your request must be reasonable and practicable. Please contact our Privacy Officer on [privacy@pkmining.com.au](mailto:privacy@pkmining.com.au) should your details change or if you believe the information we have about you is not accurate or complete or to make an access or correction request. We will endeavour to respond to your request within a reasonable time. If you are not satisfied with our response to your access or correction request, please see our Complaints Section below, for information on making a complaint.





## **Complaints**

PKM takes your complaint seriously. If you believe that we have not dealt with your Credit Information and Credit Eligibility Information, in a manner that complies with the Act or the CR Code, please contact the Privacy Officer at PO Box 3518 Rhodes Waterside, Rhodes, NSW 2138, Australia or by emailing [privacy@pkmining.com.au](mailto:privacy@pkmining.com.au).

You will be required to put your complaint in writing and we will use our best endeavours to provide a response in writing within a timely manner and to correct any personal information and notify any other entity required with updated information.

PKM has detailed procedures for dealing with privacy. If you are dissatisfied with the outcome of your complaint or should we refuse to provide access to or correction of your information, you may complain to the Office of the Australian Information Commissioner at [www.oaic.gov.au](http://www.oaic.gov.au).

## **Contact details**

If you have any questions about this policy, please contact the Privacy Officer by emailing [privacy@pkmining.com.au](mailto:privacy@pkmining.com.au) or by mail to the Privacy Officer, PO Box 3518 Rhodes Waterside, Rhodes, NSW 2138, Australia.

## **Changes to our Credit Reporting Policy**

We may, at our discretion, change our approach to the handling of Credit Information and will, in such instances, update the Credit Reporting Policy to reflect these changes. The most up-to-date copy of the Credit Reporting Policy will be available in the Downloads section of PKM's website at [www.pkmining.com.au](http://www.pkmining.com.au) and any such updated version shall apply from the date the updated version is published on our website.



## **STATEMENT OF NOTIFIABLE MATTERS**

This Statement has been prepared by PKM to provide you with information on the Credit Reporting Bodies (CRB's) that PKM deals with and to notify you about the rights you have in relation to your Credit Information.

### **Credit Information**

Credit Information and Credit Eligibility information is personal information that may have a bearing on commercial credit that has been provided to you or that you have applied for or is about you as a guarantor of commercial credit. Credit Information about you may include:

- identification information; or
- consumer credit liability information; or
- repayment history information; or
- a statement that an information request has been made in relation to you by a credit provider; or
- default information; or
- payment information; or
- new arrangement information; or
- court proceedings information; or
- personal insolvency information; or
- publicly available information in relation to your creditworthiness.

Credit Information applies to both consumer credit and commercial credit.

### **CRB's and your Credit Information**

CRB's are permitted under the Privacy Act 1988 and the Credit Reporting Privacy Code to use and disclose your Credit Information. If you apply for commercial credit or offer to act as a guarantor, we may disclose your Credit Information to, or collect Credit Information about you from, a CRB. This information is used for the purpose of determining your eligibility for credit, and we may process the information to assess your creditworthiness and suitability for credit.

### **CRB's that PKM may disclose Credit Information to**

PKM will deal with the following CRB's:

- VEDA Advantage Ltd  
PO Box 964 North Sydney 2059, [www.veda.com.au](http://www.veda.com.au), 1300 762 207; and



- Dun & Bradstreet (Australia) Pty Ltd  
Level 7, 479 St Kilda Road Melbourne 3004, [www.dnb.com.au](http://www.dnb.com.au), 1300 734 806.

Further information about how these CRB's manage credit related personal information can be found in their privacy policies which can be obtained from their websites or by contacting them directly.

### **PKM's Credit Reporting Policy and how you may access your Credit Information**

PKM's Credit Reporting Policy contains further information on:

- how you can **access** the Credit Information that PKM holds about you;
- how you can **correct** the Credit Information that PKM holds about you;
- how you can **complain** about a breach of regulatory obligations by PKM ;
- the **locations outside of Australia** that PKM may disclose your Credit Information to.

### **Your rights in relation to your Credit Information**

CRB's offer a service to credit providers wishing to send direct marketing material about credit services to individuals. This is called "credit pre-screening". You have the right to request the CRB's do not use your Credit Information for this purpose. To opt out of credit pre-screening, contact the CRB, using the contact details provided above.

You can also ask a CRB not to use or disclose your credit reporting information for a period if you believe on reasonable grounds that you have been or are likely to be a victim of fraud.