

fit2work PRIVACY COLLECTION STATEMENT

27 November 2018

We are required by law (in Australia and New Zealand) to provide information to you about how we collect, use, store and disclose your personal information. This document provides you with the details in relation to this. Particulars of our identity and contact details are at the end of this notice.

*If you are located in the European Union when you provide your personal information or data to us, and the General Data Protection Regulation (**GDPR**) applies to that data, we will process your personal data in accordance with the collection notice set out at Schedule 4.*

Why we collect your personal information

We collect your personal information to:

- (a) conduct or collate background checks requested by your employer, or a potential employer, where that entity has or is obliged to obtain your consent to the collection of that personal information and those checks (whether as a term of your employment arrangements or otherwise); or*
- (b) conduct background checks requested by you, including (where you have subscribed for that) to establish or maintain your credentials under fit2work's profile badging system (which allows you to share your verified credentials with employers).*

For purposes of this document, "employer" also includes any entity retaining or seeking to retain your services under contract or other similar service arrangement.

What personal information do we collect?

The personal information we collect about you includes (or may include) your name, contact details, date and place of birth, gender, place of work and position title, current and previous residential address(es) and other data as may be required to conduct or effect any of the checks or searches outlined in clause 1.5 of our Statement of Work (which is accessible at: www.equifax.com.au/hr solutions/pdf/fit2worksow.pdf), which in turn may result in us collecting details of medical history, any previous criminal convictions, referee opinion, educational history or the like (depending on the checks or searches requested).

How we collect your personal information

In an employer services context, we may initially collect your personal information from your employer or prospective employer as our customer. We will also collect your personal information directly from you and, through our services, from third party providers:

- (a) to whom we direct search requests or corrections; or*
- (b) whom you direct to make information available to us.*

You may choose what personal information you provide to us

It is up to you what personal information you provide to us. However, if you choose not to provide certain information, it may affect the way we can interact with you or your employer in providing our services. For example, if you choose:

- (a) not to provide information required for a specific background search requested by your employer; or*

- (b) *not to share the results of a My Credit File or like search (where that has been requested by your employer),*

we will report that lack of results to your employer, which may in turn adversely impact your arrangements or prospects with that employer.

Similarly, where you have subscribed to fit2work's profile badging system, a failure to maintain your subscription or provide further information will mean that your badge can no longer be shared with your employer electronically (either via insertion into your resume or by sharing the badge image online).

Additionally, for purposes of background searches directed through ACIC or certain other data suppliers, we are required to obtain such evidence as is reasonable in the circumstances to satisfy ourselves as to your identity. Accordingly, we may make enquiries to help satisfy ourselves that you are who you say you are. This may include validating certain document information you provide with the document issuer or official record holder for purposes of confirming your identity. If the information you send us does not meet our current security requirements, we may contact you or your employer and ask to be provided with additional documentation or an interview to prove your identity.

If you do not provide sufficient information or we are otherwise not satisfied as to your identity, we may refuse to supply you or your employer (as relevant) with one or more of the information services.

How we use your personal information

In providing our information services, you accept that:

- (a) *the primary purpose for collecting your personal information (and, particularly, any sensitive information) is to generate and manage the provision of reports regarding you and any related services for the benefit of either you or your employer, and that information is reasonably necessary for one or more of those functions or activities;*
- (b) *an account will be created for you using your personal information when you access the information services, with relevant information also disclosed to a related company for invoicing purposes;*
- (c) *we may use and disclose your personal information to bodies or persons involved in data sourcing for, or compilation of, search results relevant to the information services requested of us;*
- (d) *we are likely to disclose your personal information to overseas recipients where your background or the specific search requested relates to a foreign activity or presence (in which case, the recipients are likely to be in those relevant jurisdictions, or in a jurisdiction (such as the USA, India or Costa Rica) that has agents in those relevant jurisdictions);*
- (e) *we may make your personal information available, including a document provided by you, to a relevant government authority or an issuing body (or, with your consent, to a designated person that can certify an identity declaration for the purposes of identity proofing), if we are not satisfied as to your claimed identity or the legitimacy of the identity documents supplied for purposes of a search application;*
- (f) *we may make your personal information (but not sensitive information) available to a related company for purposes of data-matching supporting other product offerings, where those products do not disclose any of your personal information to a third party; and*
- (g) *we and our related companies may, at any time, use and disclose your personal information to:*

- *monitor traffic on our website;*
- *undertake data management for quality or operational purposes (and, where any such data contains sensitive information, that data will be de-identified to protect you, and this functionality is within your reasonable expectations);*
- *diagnose data collection issues (with any technical navigation information required for that purpose purged immediately after a problem (if any) has been remedied); and*
- *investigate any complaint made by you or on your behalf, either privately or by a relevant regulator or law enforcement agency.*

Our Privacy Policy also contains information about how we handle personal information and is available at www.equifax.com.au/hrsolutions/pdf/privacy.pdf.

Direct Marketing Consents

If you have elected by checking the box on our Application page, we and our related companies may, at any time, use your personal information (other than sensitive information) to send you information about us and our related companies' products and services, including fit2work's profile badging system. This will include promotional material including but not limited to communications of the following kind:

- *newsletters;*
- *competitions;*
- *surveys; and*
- *promotions on existing or new products;*
- *other, if any.*

We and our related companies may do this by using a variety of means including:

- *electronic means such as emails, SMS, MMS or similar devices;*
- *hardcopy to your nominated address; and*
- *phone call, subject to Do Not Call Register.*

In doing so, we will be relying on the consent that you have provided on the website or over the telephone when you ordered our information services. At all times you are free to choose not to receive some of or all the marketing communications sent by or on behalf of us or our related companies. To exercise that choice, you need to communicate that to:

*Equifax
PO BOX 964, North Sydney NSW 2059
or call us on 138 332*

In doing this, we may disclose any of that information to our related companies, or to service providers to us or our related companies, where that disclosure is required to conduct the marketing activities.

How we store and disclose your personal information

As outlined in the description of our use of your personal information, we may disclose your personal information:

- in our reports to your employer, where you are an Applicant at their request; and*
- to other companies related to us, as well as to third parties which provide services to us or them.*

We will only disclose your personal information to those third-party suppliers that require the information to enable us to provide our services to you or your employer. In addition, when providing this information, we will only provide the minimum information that these third parties require. An example of this is where your background or a specific search requested relates to a foreign activity, accreditation or presence. In these situations, we may need to disclose your personal information to our overseas affiliates or to our or their third-party data suppliers. Where we need to disclose your personal information to third parties we put appropriate steps in place to ensure that these third parties are aware of and bound by their obligations in relation to your privacy. When your personal information is used for data analytics, it will always be de-identified.

Other than where personal information is shared with an off-shore third party as is reasonably necessary for one or more of our functions or activities, we store and process your personal information:

- (a) where you, or your employer, are in Australia – in Australia; and*
 - (b) where you, or your employer, are in New Zealand – New Zealand,*
- on our secure information technology servers.*

Criminal History Checks

Where your personal information is used to procure a criminal history check (however described), you acknowledge that:

- (a) by submitting an application form, you warrant that the personal information you provide in your application form is correct and the purpose is accurately identified;*
- (b) we will keep your application and related documentation for at least 3 months, but otherwise for longer than necessary and dispose of it when it is no longer needed;*
- (c) in Australia, the details you submit may be forwarded to the AFP, ACIC and/or the police services of the States or Territories of the Commonwealth of Australia;*
- (d) it is usual practice for an Applicant's personal information and police information to be used by police services and the ACIC for law enforcement, including for the purposes set out in the Australian Crime Commission Act 2002 (Cth);*
- (e) Spent Convictions legislation (however described) in the Commonwealth and many States and Territories protects "spent convictions" from disclosure, but that a check applied for may be in a category for which exclusions from the Spent Convictions legislation applies;*
- (f) any application to ACIC or the AFP for such a check is submitted on the basis set out in the disclosures as to use and purpose, as well as other terms, set out as part of that application, those being substantially in the form of Schedule 1 to this Collection Statement; and*
- (g) any criminal history check provided by ACIC is subject to the Disclaimer in Schedule 2 to this Collection Statement.*

Privacy Policy, identity and contact details

Our Privacy Policy contains information about how you may access and seek correction of your personal information held by us, or make a privacy complaint, and how we will deal with such a complaint. Our Privacy Policy and contact details are available at:

www.equifax.com.au/hrsolutions/pdf/privacy.pdf.

Interpretation

Terms defined by our Terms of Supply (accessible at www.equifax.com.au/hrolutions/pdf/terms-of-supply.pdf) or the fit2work SOW (accessible at www.equifax.com.au/hrolutions/pdf/fit2worksow.pdf) have the same meaning where used in this statement, unless the context otherwise requires.

In Australia, this Collection Statement is governed by the law of New South Wales, and the parties submit to the non-exclusive jurisdiction of the courts of New South Wales and any courts hearing appeals therefrom. In New Zealand, this Collection Statement is governed by the law of New Zealand, and the parties submit to the non-exclusive jurisdiction of the courts of New Zealand.

SCHEDULE 1 ACIC TERMS & DISCLOSURES

I/the applicant:

1. acknowledge that I/ (or, where the applicant is less than 18 years of age and this application has been completed and signed by a parent or legal guardian on behalf of that applicant, that person on behalf of the applicant) understand the information on this the application form of which this consent forms part, including the full name of Equifax and its legal entity customer as disclosed on that form.
2. acknowledge that Equifax is collecting information in this form and provided in supplied identity documents to provide to the Australian Criminal Intelligence Commission (ACIC), and Australian police agencies and third parties, for a nationally coordinated criminal history check to be conducted for the purpose outlined on the application webpage forming part of this form and in respect of all names under which I/the applicant is or have been known.
3. confirm that, when submitted, I/the applicant will have fully and accurately completed this form, and the personal information I/the applicant, have provided relates to me/the applicant, and contains the full name and all names previously used by me/the applicant.
4. acknowledge that withholding and/or providing misleading or false information on this form and in any supplied identity documents is a Commonwealth offence and may lead to prosecution under the *Criminal Code Act 1995* (Cth).
5. acknowledge that personal information that I/the applicant provided in this form and on the supplied identity documents and any police information provided by ACIC may be disclosed by Equifax to the persons identified in paragraph 2 (including their contractors, Equifax's legal entity customers, and the related bodies of or third parties dealing with any of those in Australia or overseas, if applicable, to enable the purpose to be fulfilled) or otherwise for purposes of a permitted offshore transfer to where you/the applicant may be when outside Australia.
6. acknowledge that any information sent by mail or electronically, in relation to this form, including identity documents, is sent at my/the applicant's risk and I/the applicant, am aware of the consequences of sending information in these ways.
7. understand and consent to police information relating to me/the applicant, being disclosed in accordance with the purpose identified in this form, applicable legislation and information release policies (including spent convictions legislation described in Australian Government and state or territory legislation).
8. give consent to:
 - a. the ACIC and police agencies using and disclosing my/the applicant's personal information that I/ the applicant, have provided in the application form and personal information contained in my supplied identity documents to conduct a nationally coordinated criminal history check.
 - b. the ACIC disclosing the police information sourced from the police agencies to other approved bodies and Equifax
 - c. Equifax disclosing to the legal entity customer, and any third parties and any permitted offshore transfer arrangements as disclosed at paragraph 5, my/the applicant's personal information and police information to assess my/the applicant's suitability for the purpose identified in this form.
 - d. disclosure of any police information about me/the applicant to another person or organisation where required by law, where I have been made aware of the basis of that disclosure.
9. acknowledge and understand that it is usual practice for my/the applicant's personal information and police information to be used by police agencies and the ACIC for law enforcement, including purposes set out in the *Australian Crime Commission Act 2002* (Cth).
10. understand that I am required to contact Equifax (or its legal entity customer) in the first instance in relation to any dispute I/the applicant may have about the result of a nationally coordinated criminal history check generated by ACIC as a result of this application, and that information about that dispute process (and details of Equifax's complaints and privacy officer) are available on Equifax's website at www.equifax.com.au/acicdispute.

SCHEDULE 2 ACIC DISCLAIMER

NATIONALLY COORDINATED CRIMINAL HISTORY CHECK LIMITATIONS ON ACCURACY AND USE OF INFORMATION

1. A nationally coordinated criminal history check provides a point in time check about the Applicant for an authorised nationally coordinated criminal history check category and purpose. Information obtained through this check should not be used for any other purpose.
2. The accuracy and quality of information provided in a nationally coordinated criminal history check depends on accurate identification of the Applicant which is based on information, including aliases, about the Applicant provided in the application and the comprehensiveness of police records.
3. While every care is taken by the Australian Criminal Intelligence Commission ('**ACIC**') to conduct a search of police information held by it and Australian police agencies that relates to the Applicant, a nationally coordinated criminal history check may not include all police information about the Applicant. Reasons for certain information being excluded from the nationally coordinated criminal history check include the operation of laws that prevent disclosure of certain information, or that the Applicant's record is not identified by the search process across the agencies' relevant information holdings.
4. A nationally coordinated criminal history check may contain any of the following information about an Applicant:
 - a. charges;
 - b. court convictions;
 - c. findings of guilt with no conviction;
 - d. court appearances;
 - e. good behaviour bonds or other court orders;
 - f. pending matters awaiting court hearing;
 - g. traffic offence history.

('Disclosable Court Outcome').
5. If a nationally coordinated criminal history check contains a Disclosable Court Outcome, the entity submitting the application is required to:
 - a. notify the Applicant of the nationally coordinated criminal history check; and
 - b. provide the Applicant with a reasonable opportunity to respond to, or validate the information, in the nationally coordinated criminal history check.
6. To the extent permitted by law, neither the ACIC nor Australian police agencies accept responsibility or liability for any omission or error in the nationally coordinated criminal history check.

SCHEDULE 4: GDPR COLLECTION NOTICE IN RESPECT OF FIT2WORK

This Schedule 4 applies only in respect of personal data that is subject to the General Data Protection Regulation (GDPR). By acknowledging and accepting the fit2work Privacy Collection Statement, you consent to your personal data being collected and processed for the specific purposes set out in, and in accordance with, the fit2work Privacy Collection Statement including (without limitation) this Schedule 4.

Your personal data is being collected and processed by Equifax Australasia Workforce Solutions Pty Ltd ABN 86 080 799 720 (we, us or our).

We can be contacted by post at Equifax, PO BOX 964, North Sydney NSW 2059 or by phone on 138 332.

Manner and details of collection and source of personal data

Your personal data is collected directly from you by us for purpose of providing the fit2work service.

In addition, your personal data is collected by us from:

- suppliers forming part of our international network of criminal history check providers; and*
- your employer.*

We collect that information in connection with our suppliers' assistance in the provision of services for you and to provide services to either or both you and your employer, respectively.

*The personal data that we collect about you consists of information as summarised in the fit2work Privacy Collection Statement under **What personal information do we collect?***

Processing activities and lawful basis

We process the personal data that we collect about you for the purposes and on the applicable lawful basis set out in the table below:

Purpose of processing	Lawful basis
<i>To provide our services to you or to your employer (as applicable).</i>	<i>For our legitimate interests in being able to provide our services as requested.</i>
<i>To enable our related entity to generate and provide you or your employer with invoices related to our services.</i>	<i>For our legitimate interests in being able to provide our services as requested.</i>
<i>To provide information services to other entities or persons.</i>	<i>Your consent (if given to us).</i>
<i>To enable you to access and use our website.</i>	<i>Your consent (if given to us). Performance of a contract with you.</i>
<i>To operate, protect, improve and optimise our website and services business and our users' experience, such as to perform analytics, conduct research and for advertising and marketing.</i>	<i>For our legitimate interests in operating our business efficiently and effectively.</i>

Purpose of processing	Lawful basis
<i>To comply with our legal obligations, resolve any disputes that we may have with any of our users, and enforce our agreements with third parties.</i>	<i>Compliance with our legal obligations. For our legitimate interests in enforcing our contractual and legal rights.</i>
<i>To send you marketing and promotional messages and other information that may be of interest to you, including information sent by, or on behalf of, our business partners that we think you may find interesting.</i>	<i>Your consent (if given to us).</i>
<i>To provide a related company with personal data for the purposes of data-matching to support other product offerings, where those products do not disclose any of your personal data to a third party.</i>	<i>Your consent (if given to us).</i>

We collect personal data about you in order to provide our services to you or to your employer (as applicable). If you do not provide this personal data to us, we may not be able to provide our services or perform our services to the same standard.

Third party recipients

As part of processing your personal data, we may disclose personal data for the purposes described in this collection notice to:

- our employees and to our related bodies corporate in Australia;*
- third party suppliers, our related bodies corporate overseas and service providers (including suppliers and providers who assist us to operate our business or in connection with providing our products and services to you or your employer);*
- payment systems operators (e.g. merchants receiving card payments);*
- our professional advisers, dealers, business partners and agents;*
- payment systems operators (e.g. merchants receiving card payments);*

we may hold and disclose your personal data outside of the European Union. In particular, our Australian companies may receive personal information that is originally collected by or disclosed to our EU-located suppliers. Personal data transferred by such companies to those Australian entities will be undertaken where necessary with your consent under this Collection Notice.

Overseas recipients

In addition, we are likely to disclose your personal information to overseas recipients where your background or the specific search requested relates to a foreign activity or presence (in which case, the recipients are likely to be in those relevant jurisdictions, or in a jurisdiction (such as the USA, India or Costa Rica) that has agents in those relevant jurisdictions).

Where:

- (a) our Services require disclosure of your personal data to suppliers located in another country outside the EU; and*
- (b) the EU Commission has not determined that such country has in place 'adequate' privacy protection laws for purposes of the GDPR,*

you give us explicit consent to the proposed transfer, being aware that you may not be able to enforce your data subject rights or rely on effective legal remedies where such rights are not made available to

you. The possible risks associated with the transfer due to a lack of such 'adequate' privacy protection laws in that country include identity theft, your loss of privacy, governmental misuse, inability to access your data subject rights, and a loss of due process and other legal protections.

Storage of personal data

We will store your personal data for so long as we continue to provide our services to you or to your employer (as applicable). After this time, we will continue to store your personal data to the extent required by any law applicable to our business or for compliance and risk management purposes. We will delete or de-identify your personal data when it is no longer necessary or required to be kept consistent with our Statement of Work (accessible at: www.equifax.com.au/hrsolutions/pdf/fit2worksow.pdf).

Your rights

Where we process any personal data about you on the basis of any consent given by you, you have the right to withdraw your consent at any time by giving notice to us (which you can do using our contact details set out above). We will give effect to your withdrawal of consent promptly and will cease any processing that you no longer consent to, unless we have another lawful basis for that processing. The withdrawal of your consent will not affect the lawfulness of any processing that occurred prior to the date that you notified us that you were withdrawing your consent.

You have the right to request access to a copy of the personal data that we hold about you and to request that we correct or rectify any inaccurate personal data that we hold about you. You also have a right to data portability, which is the right in certain circumstances to request a copy of your personal data in a structured, commonly used and machine-readable format and to transmit this data to another data controller. You may also request that we erase any personal data that we hold about you which is no longer necessary for any of the purposes that we collected it for, which you have withdrawn your consent in respect of or processing which you are allowed under the GDPR to object to. We will comply with such requests unless we are permitted or required by law to retain that information. You also have the right to object to our processing of personal data in certain circumstances, including where we process personal data based on our legitimate interests. You can also request that we restrict our processing activities in some circumstances. If you make such a request in those circumstances, then we will continue to store your personal data but will not otherwise process your personal data without your consent or as otherwise permitted by law.

You have a right to lodge a complaint in respect of our processing of your personal data with the data protection supervisory authority in the member state of the European Union that you ordinarily reside or work in.

For more information on our processing of your personal data, please see our Privacy Policy, which is available at www.equifax.com.au/hrsolutions/pdf/privacy.pdf.