

Privacy Policy

Eagers Automotive Limited

ABN 87 009 680 013

Introduction

Eagers Automotive Limited and all its subsidiaries (“we”/ “us”/ “our”) endeavour at all times to comply with the Privacy Act 1988 Aus and the Australian Privacy Principles and the Credit Reporting Code Aus which together are referred to in this policy as “Australian Privacy Law.” We also endeavour at all times to comply with the Privacy Act 1993 NZ and the New Zealand Privacy Principles and the Credit Reporting Privacy Code NZ which together are referred to in this policy as “New Zealand Privacy Law.”

This policy applies to anyone who accesses any website of ours. It also applies to anyone who deals with us or from or about whom we collect personal information (whether as a prospective or an actual customer, guarantor, contractor, supplier, service provider, employee or in any other capacity whatsoever) including anyone who applies for or receives consumer or commercial credit from us or through us from an external credit provider.

We may collect personal information, sensitive information, consumer credit information and/or commercial credit information in respect of any person to whom this policy applies (“you”).

We will give you a hardcopy of this policy on request – refer to the heading “Our Contact Details”.

Pseudonyms

You are not required to provide us with your name or any personal information if you do not wish to. You are free to use any name allowed by law. We, however, may not deal further with you without obtaining your real name and other verifiable pieces of personal information.

Neither we nor any external credit provider is permitted by law to provide you with credit without obtaining proof of your identity.

By visiting our website or dealing with us

By visiting our website or otherwise dealing with us, you agree to this policy and you also agree to the collection of your information by the website or otherwise and also to our collection, holding, use and disclosure of your information in accordance with this policy.

The kinds of information we collect and store

We may collect and store personal information about you, including your:

- name
- address
- date of birth
- employer, previous employers and length of any employment
- email address
- telephone numbers
- photos, images and biometric information
- information found on social media
- contact details
- payment details
- customer history with us

We may also collect and store information about your visits to our website, including:

- the browser type, device type, domain name, IP address and operating system of the computer from which you accessed the internet
- the date and time you accessed the website
- the internet address of the website from which you linked directly to our website
- the pages you accessed while visiting the website and your interactions with the website

Our websites may use cookies to collect and store information. If you do not wish to have cookies placed on your computer, you can set your browser preferences to reject cookies.

Your internet service provider or the providers of your internet browser software may also collect such information for their own purposes. We are not responsible for the collection, storage and use of such information by these entities and refer you to their respective privacy policies.

If you apply for commercial or consumer credit we will also collect and store information, as referred to under the headings “Commercial Credit Information” and “Consumer Credit Information”.

If you apply on the grounds of hardship to vary payment arrangements for credit granted, we may also collect and store information, as referred to under the heading “Hardship Information”.

If you apply for employment we may also collect and store information, as referred to under the heading “Employment Information”, including your:

- education, training and other qualifications
- work history
- professional or trade associations or union membership
- hobbies and other interests
- criminal history
- personal statements about your attitudes to:
 - life
 - work
 - relationships
 - other workers

If you apply to join a loyalty program, we may also collect and store information, as referred to under the heading “Loyalty Programs”.

How we collect your personal information

If you:

- inquire about our goods or services or about becoming our customer, or if you become our customer, in relation to any goods or services
- apply for, or receive, credit from us or through us from another person
- agree to guarantee credit from us or through us from another person
- apply or agree to vary the terms of payment under a credit contract
- apply for employment or otherwise agree to work for or with us
- apply to join a loyalty program
- apply for or accept grants or other assistance from us
- otherwise deal with us

then we may collect personal, credit and/or sensitive information about you from you or from other sources when it is impractical or unreasonable for us to collect it directly from you. These sources may include:

- a credit reporting body
- someone authorised by you such as an agent, broker, accountant, solicitor, attorney, financial counsellor, introducer, business colleague, associate, family member or guarantor
- a referee
- an employer (current or former)

- a government body
- financial institution
- a professional or trade association or trade union
- a manufacturer or distributor of any products or services supplied by us, purchased by you or in respect of which you have made enquiries or which you get serviced or repaired with us
- our agents such as commercial agents, debt collectors or solicitors

We may collect the information in person, over the telephone or internet, by mail, fax, email or camera, through social media or biometric reader, by other electronic means or by completion of an application or consent form, whether on-line or otherwise. We may also purchase it from third parties if lawful to do so.

We may collect the information from your visit to our website through the use of technologies such as anonymous identifiers, session variables and cookies. If you set your internet web browser to block or limit cookies, some features of our website may not work as efficiently or at all.

How we hold your personal information

We use reasonable endeavours to secure your personal information which may include:

- maintenance of a secure environment for storage of information
- requiring that access to such information be confined to authorised personnel
- using technology such as encryption or password protection to secure information

We require and/or expect other entities that collect your information from us to use reasonably available technology to secure it.

We are not responsible for the security of any computer, mobile phone, tablet computer or other device whatsoever which you use to access our website or to communicate with us and through which we provide communications to you.

The purposes for which we collect, hold, use and disclose your information

We may collect, hold, use and disclose your information for the following purposes:

- the provision of goods or services to you
- the administration of agreements to which you or we are a party and to assess compliance with them and benchmark performance
- the administration of any warranty provided to you
- the consideration of any application or proposed guarantee by you
- to ask about your experiences with or impressions of goods or services supplied by us or to you or in respect of which you have made enquiries
- to contact you regarding product recall
- to conduct customer care, marketing, promotional and advertising activities
- to conduct surveys and assess market trends
- to improve website functionality or useability
- to facilitate the operation or functionality of operational, administrative, information and other systems and procedures
- to assist with audits, reviews, investigations or enquiries concerning goods or services supplied by us or to you or otherwise
- the administration, management or improvement of business
- for data analytics and market research
- for purposes outlined in policies, procedures or manuals
- for a time and attendance system or provision of services such as training for employees, contractors or providers or receivers of goods or services
- assessment and processing of job or other applications
- to share between our related bodies corporate both in Australia and New Zealand for any of these purposes
- to exercise, enforce, take lawful action in respect of, secure or perfect any right or agreement

- to communicate with you (or to disclose your personal information to third parties so they may communicate with you), by way of direct marketing, information about our goods or services or those of other organisations
- to search public records or registers, or to register information or an interest thereon
- any potential or actual sale, transfer, merger, acquisition, restructure or other dealing in respect of business or assets
- agreements we have with manufacturers, distributors or suppliers of goods or services supplied by us or to you or in respect of which you have made enquiries or which you get serviced or repaired with us, other suppliers, financiers, insurers, brokers, service providers, dealer associations or other external parties whatsoever (“counterparties”)
- to allow counterparties to achieve any of these purposes and share your information with other organisations whether or not part of our group (including dealerships and businesses in their networks and their suppliers, service providers, associates and other external parties whatsoever) for these purposes (and this includes disclosure to the counterparties and other organisations for such purposes and we refer you to their privacy policies)
- to communicate with you for any of these purposes
- any purpose requested or consented to by you
- any purpose required, authorised or permitted by law
- compliance with any law including the National Consumer Credit Protection Act, Privacy Act, Anti-Money Laundering and Counter-Terrorism Financing Act and any other law whatsoever
- any purpose referred to in this policy

How to opt out of receiving direct marketing material

If we send you direct marketing material we will provide you with a means to opt out of receiving further material.

You may opt out of receiving direct marketing material from one or more of us only by contacting us as referred to under the heading “Our Contact Details” or by any other means referred to in the direct marketing material.

If you wish to raise concerns about direct marketing material you receive from us or through use by others of our databases, please contact us as referred to under the heading “Our Contact Details”.

Whether we supply your information to overseas recipients

Your personal information may be transmitted to overseas recipients as part of our ordinary business or normal use of our information technology systems. Although it is not practicable to list all the countries in which these recipients are located, they are likely to be in the USA, the UK, New Zealand, Japan, India, Germany, Canada, Singapore, the Philippines, the Czech Republic, Hong Kong, Spain, South Korea, Sweden, Malaysia or China (“Recipient Countries”).

We may also supply some of your personal information and (if you apply to a loyalty program offered by an external organisation) sensitive information to overseas entities. It is not practicable to list all the countries in which these entities are located but they are most likely to be in the Recipient Countries.

When we supply your information to any overseas recipients, we shall do so only for purposes listed in this policy and in accordance with Australian Privacy Law and/or New Zealand Privacy Law, as applicable.

Commercial Credit Information

“Commercial credit” is credit to finance the purchase of goods or services from us or another party which are for business use and not for personal, domestic or household purposes.

We will collect, hold, use and disclose commercial credit information from or about you if you:

- apply for or receive commercial credit from us or through us from an external credit provider
- agree to provide a guarantee for such credit

The commercial credit information about you which we may hold, use, collect and disclose includes:

- Identification information.
- Financial Information including:
 - assets
 - liabilities
- Credit liability information about any credit accounts you have applied for or hold whether with us or some other credit provider including:
 - type of account
 - when it was opened and, if applicable, closed
 - if a credit account, then the maximum amount of credit approved
 - other specific terms and conditions of the account
- Repayment history information of credit accounts you now hold or which you have held including:
 - whether or not payment was made in any month it was due
 - any late payments
 - in what month the payment was ultimately paid
- Information about the credit application including:
 - the type of credit, whether consumer or commercial
 - the amount of credit sought
- Default information if you fail to make a payment owed to us or another credit provider which was overdue for more than 60 days. We may disclose this to a credit reporting body. It may also be disclosed to a credit reporting body by another credit provider
- Court proceedings information about a judgment of any court that was made against you in relation to any credit that was provided to or applied for by you
- Publicly available information about you that is not otherwise described above but which is relevant to your credit worthiness
- Credit worthiness or credit eligibility information including any we obtain from a credit reporting body

We may collect, hold, use and disclose your personal and commercial credit information to:

- assess your credit application and that of any proposed guarantors (or progress the applications to the relevant credit provider) and report on the progress of the applications
- manage the provision of credit and your credit contract
- consider any application for variation of your payments whether or not on the grounds of hardship
- collect any debt or otherwise enforce any rights whether by court proceedings or otherwise arising under your credit contract
- assist you if we consider you may be at risk of default
- undertake securitisation activities or any assignment of debt
- deal with any complaint by you through our Internal Dispute Resolution process or External Dispute Resolution scheme

We will only disclose the commercial credit information to external credit providers with your consent or if you have made or intend to make application to them for credit or if we are permitted to do so by law. We refer you to the privacy policies of these external credit providers.

In order to obtain credit information about you from credit reporting bodies we may disclose to them commercial credit information about you. Those credit reporting bodies may then include that commercial credit information about you in reports they provide to other credit providers.

The credit reporting bodies to which we may disclose your credit information include:

Equifax Pty Ltd
GPO Box 964
NORTH SYDNEY NSW AUS 2059
Website: www.equifax.com.au

Equifax Pty Ltd
Private Bag 92156
Auckland Mail Centre AUCKLAND NZ 1142
Website: www.equifax.co.nz

We refer you to the privacy policies of these credit reporting bodies.

We shall not disclose your commercial credit information to any other party for the purpose of direct marketing without your consent unless permitted by law. We may disclose other personal information for that purpose as described above.

Consumer Credit Information

“Consumer credit” is credit to finance the purchase of goods or services from us or another party which will be used wholly or predominantly for personal, domestic or household purposes.

We may collect, use, hold and disclose consumer credit information from or about you if you:

- apply for or receive consumer credit from us or through us from an external credit provider
- agree to provide a guarantee for such credit

The consumer credit information about you which we may collect, hold, use and disclose includes:

- Identification information
- Financial Information including:
 - income (from all sources including government benefits) and current employment status and recent history
 - assets
 - expenses
 - debts
- Credit liability information about the credit accounts you have applied for or hold whether with us or some other credit provider including:
 - type of account
 - when it was opened and, if applicable, closed
 - if a credit account, then the maximum amount of credit approved
 - other specific terms and conditions of the account
- Repayment history information of credit accounts you now hold or which you have held including:
 - whether or not payment was made in any month it was due
 - any late payments
 - in what month the payment was ultimately paid
- Information about the credit application including:
 - the type of credit, whether consumer or commercial
 - the amount of credit sought
- Default information if you fail to make a payment owed to us or another credit provider which remains overdue for more than 60 days. We may disclose it to a credit reporting body. It may also be disclosed to a credit reporting body by another credit provider
- Court proceedings information about a judgment of any court that was made against you in relation to any credit that was provided to or applied for by you
- Publicly available information about you that is not otherwise described above but which is relevant to your credit worthiness
- Credit worthiness or credit eligibility information including any we obtain from a credit reporting body

We may collect, hold, use and disclose your personal and consumer credit information to:

- assess your credit application and that of any proposed guarantors (or progress the applications to the relevant credit provider) and report on the progress of the applications
- manage the provision of credit and your credit contract
- consider any application for variation of your payments whether or not on the grounds of hardship
- collect any debt or otherwise enforce any rights whether by court proceedings or otherwise arising under your credit contract
- assist you if we consider you may be at risk of default

- undertake securitisation activities or any assignment of debt
- deal with any complaint by you through our Internal Dispute Resolution process or External Dispute Resolution scheme
- make a consumer credit inquiry of a credit reporting body about you

We will only disclose the consumer credit information to external credit providers with your consent or if you have made or intend to make application to them for credit or if we are permitted to do so by law. We refer you to the privacy policies of these external credit providers.

In order to obtain credit information about you from credit reporting bodies we may disclose to them consumer credit information about you. Those credit reporting bodies may then include that consumer credit information about you in reports they provide to other credit providers.

The credit reporting bodies to which we may disclose your credit information and their contact details are included above under the heading “Commercial Credit Information”. We refer you to their privacy policies.

We shall not disclose your consumer credit information to any other party for the purpose of direct marketing without your consent unless permitted by law. We may disclose other personal information for that purpose as described above.

Hardship Information

“Hardship information” is information supplied by you or otherwise collected by us to facilitate consideration of a variation to the terms of repayment of commercial or consumer credit granted to you on the grounds of hardship.

We may collect hardship information if you:

- have received credit from us;
- are experiencing difficulty in meeting your repayment obligations under your credit contract with us; and
- have applied for or approached us for a variation in those obligations on the grounds of hardship whether as result of receiving a notice or statement from us or otherwise.

In the course of you applying for a variation in repayment terms on the grounds of hardship, or us otherwise considering such a variation, we may collect from you or from other sources information about illness, unemployment or other reasonable causes of hardship. This will, most likely, be “sensitive information” under Australian Privacy Law.

We will only collect sensitive information that is relevant to consideration of a variation in your repayment terms on the grounds of hardship. Such information may include:

- health information about you or another member of your family
- the reasons for your current financial position or that of your business
- changes to your marital status
- other matters relevant to consideration of a variation to the terms of repayment of your credit and which have not otherwise been collected by us as personal or credit information

We will only collect, use, hold and disclose the sensitive information included in your hardship information for the following purposes:

- to assess your application for a variation to the terms of repayment under your credit contract on the grounds of hardship (‘hardship variation’)
- to explain our decision whether or not to agree to a hardship variation
- to administer, monitor and record any agreed hardship variation

We shall not disclose the sensitive information to any party except for the purposes described above or as permitted by Australian Privacy Law.

In particular, we shall not disclose the sensitive information to any credit reporting body or any other credit provider except as described above or as permitted by the Australian Privacy Law or New Zealand

Privacy Law, and without limitation we may disclose your repayment history or default information as notified above.

External Services

If you have contacted our Privacy Officer (see below for contact details under the heading “Our Contact Details”) and are not satisfied with our Privacy Internal Dispute Resolution Process, you may also refer the matter to:

The Office of the Australian Information
Commissioner
GPO Box 2999
CANBERRA ACT AUS 2601
Tel: 1300 363 992
Fax: 02 9284 9666
Website: www.oaic.gov.au

Privacy Commissioner of New Zealand
PO Box 10
WELLINGTON NZ 6143
Tel: (04) 474 7590
Fax: (04) 474 7595
Website: www.privacy.org.nz/

If you have provided personal information to us for the purpose of applying for consumer credit and you have contacted our Privacy Officer (see below for contact details under the heading “Our Contact Details”) and are not satisfied with our Privacy Internal Dispute Resolution Process, you may also refer the matter to:

Australian Financial Complaints Authority
GPO BOX 3
MELBOURNE VIC 3001 AUS
Tel: 1800 931 678
Fax: 03 9613 6399
Website: www.afca.org.au

Commerce Commission New Zealand
PO Box 2351
Wellington 6140 NZ
Tel: 0800 943 600
Website: www.comcom.govt.nz

Employment Information

We may collect personal and sensitive information from you in relation to your application for employment with us. We will collect, hold and use that information solely for the purposes of assessing your application.

We will not, without your consent, disclose such information to any external person. We will destroy our record of your application within six (6) months of any unsuccessful employment application unless you approve otherwise. If you are successful, your information will become part of your employment record with us.

Loyalty Programs

If you apply to join a loyalty program offered by us or through us by a manufacturer or distributor of goods or services supplied by us or by any other organisation, we may also collect the following kinds of information:

- marital status
- gender
- household Income
- number of children living at home
- sporting interests
- leisure and cultural interests
- previous and current motor vehicles owned by you
- your decision to purchase a particular motor vehicle
- financial information about the purchase

This information will be collected, held, used by us and may be disclosed to the organisation providing the loyalty program and some of this information may be provided to our agents or their agents for the following purposes:

- providing the services offered as part of the loyalty program
- informing you about other goods or services offered by us or the other organisation

- providing information to third party contractors who supply services to the loyalty program or directly to you as part of the program
- to obtain your feedback on the loyalty program
- otherwise monitor, manage and administer the loyalty program

We refer you also to the privacy policy of the organisation providing the loyalty program.

How you may access your personal information

Any request for access to your personal, sensitive or credit information held by us must be sent by email or post to our contact details referred to below under the heading “Our Contact Details”.

If we are unable to grant your access, we will give you our reasons in writing within a reasonable time. These may include where providing the information to you may:

- reveal personal information about another individual person
- pose a threat to the health or safety of another individual person
- not be permitted by law
- reveal information of a commercially sensitive nature which is not required to be disclosed to you by Australian Privacy Law

There is no charge to make a request for access to your information but we may apply an administration fee for providing access.

We cannot give you access to credit information held about you by an external party whether that body obtained the information from us or not. We refer you to the privacy policy of that body.

How you may correct any personal information we hold about you

If you believe any personal information we hold about you is incorrect, please contact us to the contact details referred to below under the heading “Our Contact Details” and tell us what information is, in your belief, incorrect and how you want it changed.

We will deal with your request according to Australian Privacy Law or New Zealand Privacy Law, as applicable. If we receive a request for access or correction, we will provide our response and/or complete any reasonable action within the timeframe required by law.

If we have supplied credit information which we have agreed to correct to a credit reporting body, we will notify that body within the timeframe required by law.

Complaints about how we deal with your personal information

If you have any complaint about how we deal with your personal information, please contact our Privacy Officer at the contact details referred to below. Our Privacy Officer will follow our Privacy Internal Dispute Resolution Process.

Our Contact Details

All communications you send to us must be sent by email or post to the following address AND marked to the attention of “The Privacy Officer”:

- By email: privacy@eagersautomotive.com.au
- By post: PO Box 199, Fortitude Valley Qld 4006 Australia

Changes to this Policy

We may make changes to this Privacy Policy from time to time for various reasons including:

- changes to the law
- changes to technology
- changes to our business practices, procedures or systems

We will notify such changes by including the updated policy on our website. Where the changes may affect you in a particular way, and you have a contract with us, we will notify you if required by the contract or Australian or New Zealand Privacy Law.

OneToyota Network

Our Toyota dealers are:

- AP Motors (No. 3) Pty Ltd
- BASW Pty Ltd
- Bill Buckle Autos Pty Ltd
- CH Autos Pty Ltd
- Graham Cornes Motors Pty Ltd
- Motors Group (Glen Waverley) Pty Ltd
- PT (2013) Pty Ltd
- Ferntree Gully Autos Pty Ltd

Our Toyota dealers are also part of the OneToyota network of Toyota organisations in Australia (each a **OneToyota organisation**), comprising:

- Authorised Toyota dealers in Australia;
- Toyota Motor Corporation Australia Limited;
- Toyota Finance Australia Limited;
- Aioi Nissay Dowa Insurance Company Australia Pty Ltd trading as Toyota Insurance; and
- Toyota Western Australia (comprising Prestige Motors Pty Ltd as trustee for the Prestige Toyota Unit Trust and Eastpoint Pty Ltd).

Our Toyota dealers and other OneToyota organisations collect and share with each other customer and guest information to provide you an integrated oneToyota guest experience, such as allowing you to be known across the network regardless of which OneToyota organisation you deal with and to provide you with products, services, information and assistance, respond to your enquiries and help keep your information up to date. Your information may be disclosed to OneToyota network service providers in Australia and overseas for these purposes.

For more information about how Toyota Motor Corporation Australia Limited and Toyota Finance Australia Limited handle your information, please see their combined Privacy Policy at www.toyota.com.au/privacy. The privacy policies of Toyota Insurance and Toyota Western Australia are each also available at that address.

OneToyota Marketing

OneToyota organisations may send you marketing to inform you about products or services, special offers, promotions and events that may be of interest to you. These marketing communications may include joint promotions with promotion partners, and may be sent to you using any contact details provided by you, such as post, phone, email or SMS.

Please note that each of the OneToyota organisations are separate organisations. If you do not wish to receive marketing from one organisation, you can let that organisation know at any time using the contact details in their privacy policy (available on their website or Toyota.com.au/privacy) or using the “unsubscribe” or other opt-out function offered by the organisation.

Your consent to receive marketing from a OneToyota organisation will be deemed to be ongoing if you do not opt out when you are offered the opportunity to do so, or unless and until you advise the relevant organisation otherwise.