

# Privacy Policy

N G P Essendon Pty Ltd ACN 616 118 051 trading as Essendon BMW & Essendon MINI Garage (**Dealer, we, us, our**) respects your personal information and shares your concerns regarding data protection. We aim to comply with applicable privacy laws, such as the *Privacy Act 1988* (Cth) (**Privacy Act**) and the Australian Privacy Principles (**APPs**), at all times in relation to personal information that we collect and manage in the course of our business.

This Privacy Policy explains how we collect, hold, use and otherwise process your personal information, including our obligations and your rights in respect of our handling of your personal information.

We may, in connection with particular products and services, make other privacy disclosures to you or seek your consent to use your personal information in ways which may differ to those stated in this Privacy Policy. In the event of any inconsistency between the provisions of this Privacy Policy and those other disclosures, the other disclosures will apply.

This Privacy Policy (other than section 9) explains how we manage personal information about individuals other than employees. Section 9 explains the position of employees.

## 1. Types of personal information we collect

The type of personal information we collect depends on the nature of your dealings with us. For example, if you purchase a vehicle, we may collect different types of personal information compared to if you enter one of our promotions or competitions.

Typically, the types of personal information that we may collect and hold includes, without limitation, your name, date of birth, residential or postal address, email address, telephone and fax numbers.

If we enter into contracts with you, or you request or receive products and services from us (for example, if you purchase a vehicle) or have any other commercial dealings with us, we may also collect your signature, driver's licence details, vehicle details, credit card and/or banking details and employment details. For some products and services, we may also collect salary and personal finance information (for loan applications) and details of current or previous insurance (for motor insurance).

If you are an individual contractor to us or apply for a role with us, we may also collect information relevant to your engagement with us including qualifications, length of engagement, resume, current and former employment details, pay rate and salary, bank details, feedback from supervisors, training records and logs of your usage of our equipment (e.g. phones, computers and vehicles).

If we need to confirm your identity, we may collect a copy of appropriate identification such as a driver's licence.

If you access any of our websites or mobile apps, we may:

- utilise cookies to collect additional information about your use of our websites and apps, such as your internet protocol (IP) address, device information, browser information, and details on your usage. Please see section 7 below for further details of the types of information collected and how you can control what information is collected; and

- if you have provided us with permission to access your device location when using our websites or apps, we may collect information about your geographical location.

If we communicate with you by email, we may use technology to identify you so that we will be in a position to know when you have opened the email or clicked on a link in the email.

If you call us via telephone, we may monitor, and in some cases record, such telephone conversations for staff training, quality assurance and record-keeping purposes. We will advise you that this is being done.

If you attend a premises we operate or manage, we may:

- collect certain contact details that you provide to us, including the date and time of attendance so that we can comply with applicable laws. If we collect such information to comply with a particular law, we will only use and disclose it in accordance with applicable laws; and
- record your image and/or voice through the use of Closed-Circuit Television (CCTV) systems for the purposes of managing security of the premises and health and safety of occupants and the public generally.

"Sensitive information" has the meaning given in the Privacy Act and includes certain specific types of personal information such as health information, and information about a person's racial or ethnic origin, sexual orientation or practices, criminal record, religious beliefs or affiliations, political opinions, membership of a political, professional or trade association, and biometric and genetic information.

We will only collect sensitive information about you with your consent, or otherwise in accordance with the Privacy Act and applicable laws. The main types of sensitive information we may collect include:

- information regarding a disability, if it is relevant to the products or services you are purchasing;
- details of injuries (i.e. health information) that may occur on our premises or arising through the use of our products or services;
- details of disabilities or allergies (i.e. health information) you notify us of so we can accommodate any special requirements when you attend our premises; and
- criminal record details, as part of pre-employment checks we undertake.

If you do provide sensitive information to us for any reason, you consent to us collecting that information and using and disclosing that information for the purpose for which you disclosed it to us and as permitted by the Privacy Act and other relevant laws.

In addition to the types of personal information identified above, we may collect personal information as otherwise permitted or required by law (including road safety and motor vehicle related laws and regulations).

Where you do not wish to provide us with your personal information, we may not be able to assist with any of your enquiries or provide you with requested products or services and/or certain functionality of our websites and apps.

## **2. How we collect personal information**

Where reasonably practicable, we will collect your personal information directly from you including through the following means (without limitation):

- when you make an enquiry or order in relation to our products or services, including in-person at our dealerships or through any of our dealership websites, including the website located at [www.essendonbmw.com.au](http://www.essendonbmw.com.au)] (**Websites**);
- when you enter into contracts with us for our products or services, such as vehicle or parts purchase orders and contracts and service repair orders;
- when you submit a credit / loan application;
- administering and performing contracts with service providers;
- when you apply for a role with us;
- from correspondence (in writing or electronically) or when you contact us over the telephone, through social media platforms or by other means;
- when you upload content to or interact (in an identifiable manner) with our Websites or our social media pages;
- while conducting customer satisfaction or market research surveys and marketing campaigns;
- if you attend any of our premises, we may record certain contact details so that we can comply with applicable laws, and we may also record your image and/or voice if we have surveillance systems operating at those premises;
- when administering any of our services; and
- as otherwise required to manage our business.

However, in certain cases we may collect personal information from publicly available sources and third parties, such as vehicle manufacturers, distributors and suppliers, financiers, insurance providers, agents and brokers, recruitment agencies, your employers, contractors, our clients, business partners, referees, government bodies (e.g. police checks, if required) and academic and professional bodies (e.g. to validate details and currency of qualifications if you apply for a role with us).

If we collect personal information about you from a third party we will, where appropriate, request that the third party inform you that we are holding such information, how we will use and disclose it, and that you may contact us to gain access to and correct and update the information.

### **3. Purposes for which we collect, hold, use and disclose personal information**

As a general rule, we only process and hold personal information for purposes that would be considered relevant and reasonable in the circumstances. The purposes for which we use and disclose your personal information will depend on the circumstances in which we collect it.

We may use or disclose your personal information:

- for the purposes for which we collected it (and related purposes which would be reasonably expected by you);
- for other purposes to which you have consented; and
- as otherwise authorised or required by law.

Generally, the specific purpose for which we collect personal information will be apparent from the way in which we collect it or will be disclosed at the time of collection. If at any time the purpose for which we are collecting your personal information is unclear, please raise your concerns with the person you are dealing with or contact us using the contact details below.

Some of the specific purposes for which we collect, hold, use and disclose personal information are as follows:

- to provide you with our products and services, such as:
  - selling you a new or used motor vehicle and registering that vehicle in the name provided by you. We are required by law to provide certain information to the relevant State Government licensing authorities and motor vehicle registries;
  - selling you spare parts or accessories;
  - providing after-sales services for your vehicle including warranty servicing;
- to provide you with tax invoices for our products and services and, if you have ordered products from us, dispatch and tracking information;
- to process your application for the provision of financing facilities relating to the purchase of a new or used motor vehicle. The information requested is as required by the finance providers;
- completing an application for the provision of insurance cover;
- to offer you new products and services that we believe may interest you;
- to consider you for a job (whether as an employee or contractor) or other relationships with us;
- market research in relation to the products and services that we offer;
- to comply with any applicable legal and regulatory requirements;
- to operate, monitor, develop and improve our Websites, mobile applications and our products and services;
- to confirm your identity;
- to optimise and customise the user experience (including content and advertising) for users of the Websites, products and services;
- to facilitate communications via our Websites, apps and social media platforms;
- identify you if required to comply with the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) or other laws;
- to facilitate your entry and participation in a competition or trade promotion;
- to protect the security, health and safety of our premises, facilities, personnel and visitors;
- to address any issues or complaints that we or you have regarding our relationship; and
- to contact you regarding the above, including via electronic messaging such as SMS and email, by mail, by phone or in any other lawful manner.

## **4. Disclosure of personal information**

We may disclose your personal information to other organisations (including related entities) in connection with our purposes for handling personal information (described in section 3 above). This may include disclosing your personal information to the following types of third parties:

- our suppliers, contractors and services providers, such as vehicle manufacturers, distributors, financiers, parts and service providers, agents, printers, mail houses, document custodians, scrutineers, business analysts, IT service providers, marketing companies and event organisers;
- our related entities (who may use and disclose personal information in the same manner as we can);
- our accountants, insurers, lawyers, auditors and other professional advisers;
- any third parties to whom you have directed or permitted us to disclose your personal information (e.g. referees);
- in the unlikely event that we or our assets may be acquired or considered for acquisition by a third party, that third party and its advisors; and
- debt collection agencies.

We may also disclose your personal information in accordance with any consent you give or where disclosure is authorised, compelled or permitted by law.

If we disclose information to a third party, we generally require that the third party protect your information to the same extent that we do.

If you post information to certain public parts of our Websites or to our social media pages, you acknowledge that such information may be available to be viewed by the public. You should use discretion in deciding what information you upload to such sites.

## **5. Overseas disclosure**

Some of the third parties to whom we disclose personal information may be located outside Australia. The countries in which such third party recipients are located depend on the circumstances.

Whenever we transfer your personal information outside of Australia, we will do so in accordance with the requirements of applicable privacy and data protection laws. We may disclose your personal information to an overseas recipient without your consent where permitted by the Privacy Act (and, in such circumstances, we will comply with the applicable requirements of the Privacy Act in doing so).

## **6. Direct marketing**

Like most businesses, marketing is important to our continued success. We therefore like to stay in touch with customers and let them know about new offers and opportunities. We may provide you with information about products, services and promotions either from us, or from third parties which may be of interest to you, where:

- you have consented to us doing so; or
- it is otherwise permitted by law.

You may opt out at any time if you no longer wish to receive direct marketing messages from us. You can make this request by contacting us (see section 13).

## **7. Cookies**

We may use “cookies”. A cookie is a piece of information that allows the server to identify and interact more effectively with your device. The cookie assists us in maintaining the continuity of your browsing session and remembering your details and preferences when you return. Other technologies that may be used include web beacons (which may operate in conjunction with cookies), Flash local stored objects and JavaScript. Some of these cookies and other technologies are consistent across various digital services used by us, allowing us and the other providers of these services to understand you better and provide a more consistent experience across these services. You can configure your web browser to reject and delete cookies and block JavaScript but you may then find some parts of our digital services have limited functionality.

We may use third party vendors to show our ads on sites on the Internet and serve these ads based on a user’s prior visits to our Websites and other internet activity. We may also use analytics data supplied by these vendors to inform and optimise our ad campaigns based on your prior visits to our Websites.

You can control your preferences regarding cookies at on our website.

Our systems record a variety of information in relation to interactions with our online services. This can include information about software versions used, device identifiers (like IP address), location data (where available and not disabled by the user), dates, times, file metadata, referring website, data entered and user activity such as links clicked.

In some cases, third parties may use cookies and other technologies such as those described above. These technologies may be used in connection with activities like surveys, online behavioural advertising, website analytics and email campaign management. The services we may use from time to time include Google Analytics, Google Display Network, Google AdSense, DoubleClick, Yahoo, Adobe, Campaign Manager and Microsoft. You can find more details in the privacy policies for those services (e.g. Google's Ads Preferences Manager), including information on how to opt-out of certain conduct. Bear in mind that you may need to opt-out separately from each service. The website [youronlinechoices.com.au](http://youronlinechoices.com.au) also allows you to opt-out of some online behavioural advertising and provides further information about how online behavioural advertising works. You can contact us to request further details of the services we use. Many of these services operate without collecting or using any personal information whatsoever.

Some information which we or a third party acting on our behalf may collect is not related to an individual. In many cases the information only relates to a device or is of an aggregated or statistical nature, and we will have no way of knowing the identity of the user. In other cases we may associate information about your use of our digital services over time with your personal information, e.g. where on any occasion you have logged in, followed a link sent to you by email or we have otherwise been able to identify you.

## **8. Vehicle manufacturer network**

Dealer is a part of the BMW & MINI network of organisations in Australia. The BMW & MINI network of organisations share personal information with each other across the network to help provide you with an integrated experience for our products and services (for example, so any network member providing services can review your vehicle's service history). Your information may be disclosed to BMW & MINI and the BMW & MINI network's service providers located in Australia or overseas for these purposes. BMW & MINI privacy policy is available here: <https://www.bmw.com/en-au/footer/privacy.html>

## **9. Employees**

We collect information in relation to employees as part of their employment application and during the course of their employment, either from them or in some cases from third parties such as recruitment agencies, referees, government bodies (e.g. police checks, if required) and academic and professional bodies (e.g. to validate details and currency of qualifications). Such information may include contact details, qualifications, resume, current and former employment details, pay rate and salary, bank details, feedback from supervisors, training records and logs of your usage of our equipment (e.g. phones, computers and vehicles). We may also collect details of disabilities, allergies and health issues that may impact your role or which arise while on our premises or in the performance of your duties, so we can accommodate and otherwise assist you with any such health requirements or incidents.

Under the Privacy Act, personal information about a current or former employee may be held, used or disclosed in any way that is directly connected to the employment relationship. We handle employee information in accordance with legal requirements and our applicable policies in force from time to time.

## **10. Security of your information**

We will hold personal information as either secure physical records, electronically on our intranet system, in cloud storage, and in some cases, records on third party servers, which may be located overseas. We use a range of security measures to protect the personal information we hold, including by implementing IT security tools to protect our electronic databases.

We will destroy or de-identify personal information once it is no longer needed for a valid purpose or required to be kept by law. We may need to retain records containing personal information to comply with record keeping obligations, and for other legitimate business purposes (such as quality assurance).

When using our Websites, you should be aware that no data transmission over the Internet can be guaranteed as totally secure. Although we strive to protect such information, we do not warrant the security of any information that you transmit to us over the Internet and you do so at your own risk. We do not accept responsibility for the security of information transmitted to us over the Internet.

## **11. Access and correction of your personal information**

At all times, we strive to ensure your personal information is treated confidentially and in accordance with the Privacy Act. You have the right to access the personal information we hold about you. If you wish to access or correct the personal information we hold about you, please contact us in writing (see section 13).

## **12. Resolving privacy concerns**

If you have any questions, concerns or complaints about this Privacy Policy or how we handle your personal information, including if you believe we have breached the APPs, please contact us (see section 13).

When contacting us please provide as much detail as possible in relation to your question, concern or complaint.

We take all complaints seriously and will respond to your complaint in accordance with any applicable timeframes imposed by law and otherwise within a reasonable period (generally within 30 days). We request that you cooperate with us during this process and provide us with any relevant information that we may need.

For information about privacy generally, or if your concerns are not resolved to your satisfaction, you may contact the Office of the Australian Information Commissioner at:

Office of the Australian Information Commissioner  
GPO Box 5218, Sydney NSW 2001  
Telephone: 1300 363 992  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

## **13. Our contact details**

All privacy enquiries should be directed to our Privacy Officer:

By phone: 03 9086 7200  
By email: [essmarketing@essendonbmw.com.au](mailto:essmarketing@essendonbmw.com.au)

## **14. Links**

Our Websites may contain links to other websites operated by third parties. We make no representations or warranties in relation to privacy practices of any third party website and we are not responsible for the privacy policies or the content of any third party website. Third party websites are responsible for informing you about their own privacy practices and procedures.

## **15. Changes**

We reserve the right to change the terms of this Privacy Policy from time to time, without notice to you. An up-to-date copy of our Privacy Policy is available on our Website.

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