



Privacy Policy

Brisbane MarketPlace Pty Ltd ABN 67 106 709 077 (BMP)

External Use Only		
Created/Amended by:	BMP Management	March 2021
Approved and Issued for Use	Andrew Young / CEO	March 2021
Next Review Date	BMP Management	March 2022

Index

1. Overview	3
2. Definition of Personal Information?	4
3. Definition of Sensitive Information	4
4. Collection of Personal Information	4
5. How we may use and disclose your Personal Information	6
6. The Types of organisation to which BMP may disclose your Personal Information	8
7. Photographs and Closed Circuit Television	8
8. Direct Marketing	9
9. Credit Information and credit reporting	9
10. Cross Border Disclosure	9
11. Data quality and security	10
12. Access to and correction of your Personal Information	10
13. Consent	11

1. Overview

In this Privacy Policy, the expressions "BMP ", "we", "us" and "our" are a reference to Brisbane MarketPlace Pty Ltd ABN 67 106 709 077.

This Privacy Policy applies to personal information collected by us. We are bound by the Privacy Act 1988 (Cth), which govern the way private sector organisations collect, use, keep secure and disclose personal information.

This Privacy Policy is to inform people of:

- how and when BMP collects personal information;
- how BMP uses and discloses personal information;
- how BMP keeps personal information secure, accurate and up-to-date;
- how an individual can access and correct their personal information; and
- how BMP will facilitate or resolve a privacy complaint.

If you have any concerns about the manner in which your personal information has been collected, used or disclosed by us, we have put in place an effective mechanism and procedure for you to contact us so that we can attempt to resolve the issue or complaint.

In order to resolve a complaint, BMP will:

- liaise with you to identify and define the nature and cause of the complaint;
- may request that you detail the nature of the complaint in writing;
- will keep you informed of the likely time within which we will respond to your complaint;
- will inform you of the legislative basis (if any) of our decision in resolving such complaint; and
- keep a record of the complaint and any action taken in the Privacy Complaints Register.

You may make a privacy complaint with BMP through the following contact details:

- Email: admin@brisbanemarkets.com.au
- Fax: (07) 3915 4291
- Post: PO Box 80, Brisbane Markets® Qld 4106
- Telephone: (07) 3915 4200

BMP's Privacy Officer will then attempt to resolve the issue.

Due to the nature of services we provide it is not practical for us communicate with you on an anonymous basis or using a pseudonym, and we will in most circumstances need to correspond with you on a named basis to offer you with our services or resolve any issue you may have.

Under the Privacy Act, information from you is categorised as either Personal Information, or, as a subset of Personal Information, known as Sensitive Information.

2. Definition of Personal Information?

The Privacy Act defines “Personal Information” to mean information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual or an individual whose identity reasonably identifiable, from the information or opinion

3. Definition of Sensitive Information

3.1 Sensitive Information is a subset of Personal Information. It includes, but is not limited to, information or an opinion about an individual’s racial or ethnic origin, political opinions, membership of a political organisation, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, criminal record, or health information.

3.2 In general, BMP attempts to limit the collection of Sensitive Information from you, but depending on the level and type of activity that you intend to undertake at BMP, this may not always be possible. Accordingly, BMP may collect Sensitive Information from you in order to carry out our services, investigate incidents, or maintain security and safety. However, we do not collect Sensitive Information from you without your consent.

3.3 The type of sensitive information BMP may collect from you or record about you is dependent on the services provided to you by BMP and will be limited to the purpose(s) for which it is collected. We do not use sensitive information to send you Direct Marketing Communications (as defined in paragraph 6 below) without your express consent.

3.4 Consent to collection of certain types of sensitive information

BMP may collect certain types of sensitive information where you have consented and agree to the collection of such information. Generally speaking, BMP will obtain this type of consent from you at (or around) the point in time in which we collect the information, but the main type of Sensitive Information that we may collect (if any) will usually relate to the criminal record of an individual but only to the extent that where you volunteer such information or if it is necessary for, or incidental to, the purposes of collection set out in paragraph 5.

4. Collection of Personal Information

4.1 BMP only collect Personal Information that is necessary to facilitate us providing our services to you. The Personal Information that is collected by BMP is held within our own data storage devices or with a third party provider of data storage. The type of information BMP may collect from you includes depends ultimately upon the purpose of collection and we set out the general purposes of collection at paragraph 5 below.

4.2 The type of information we may collect from you includes (but is not limited to) the following:

- a. contact information including your first and last name, e-mail address, current postal address, delivery address (if different to postal address) and phone numbers, including mobile number;

- b. details relating to your employment and employer (where applicable) and/ or your previous employment and employer, which shall include, but is not limited to, obtaining your tax file number and superannuation details;
- c. your date of birth and proof of your date of birth (including, but not limited to, a birth certificate and photographic identification such as driver's licence or passport);
- d. emergency contact details;
- e. if applicable, details regarding your licence to operate a forklift at the Brisbane Markets®, including but not limited to any high risk work licence you are required to hold to operate high risk equipment, any high risk induction course and refresher course that you may be required to attend;
- f. any photographs or video footage taken at BMP's premises, which may include you;
- g. your insurance policies and details;
- h. your opinions, statements and endorsements collected personally or via surveys, questionnaires and competitions, including but not limited to your views on the products and services offered by BMP;
- i. details relating to the products or services offered for sale by you;
- j. details relating to the products or services you have obtained from us;
- k. if you are requesting products or services from us or we are purchasing goods or services from you, then any relevant payment or billing information (including bank account details, credit card details, billing address and invoice details) to the extent that such information is not directly provided to our hosted payment system; and
- l. your username and password when setting up an account on our website.

4.3 In certain instances, BMP may request Personal Information (which may include Sensitive Information) directly from you, such as your identity and factors which may be indicative that you have been exposed to COVID-19.

4.4 BMP may also collect Personal Information about you from other sources, such as when you engage in certain activities, such as entering a contest or promotion, filling out a survey or sending BMP feedback, BMP may ask you to provide certain information or from publicly available sources (such as court judgments, searches and social media). It is completely optional for you to engage in these activities and provide the information

4.5 As much as possible or unless otherwise provided under this Privacy Policy, BMP will collect your information directly from you. Where BMP collects details about you from someone else, BMP will, whenever reasonably possible, make you aware that we have done this and why

4.6 Depending upon the reason for requiring the information, some of the information BMP requests of you may be identified as mandatory or voluntary. If you do not provide the mandatory data or any other

information BMP requires to facilitate its services to you, BMP may be unable to effectively provide its services to you.

4.7 Where you access and use BMP's website, BMP may utilise "cookies" which enables BMP to monitor traffic patterns and to serve you more efficiently on revisiting BMP's website. A cookie does not identify you personally but may identify your internet service provider or computer. You may set your browser to notify you when you receive a cookie which will provide you with an opportunity to either accept or reject it in each instance. In some cases, cookies may enable us to aggregate certain information with other Personal Information we collect and hold about you.

4.8 BMP may gather your IP address as part of our business activities and to assist with any operational difficulties or support issues with BMP's services. This information does not identify you personally.

5. How we may use and disclose your Personal Information

5.1 BMP will only use or disclose your Personal Information for the primary purposes for which it was collected or as consented to and/or as set out below.

5.2 You consent to BMP using and disclosing your Personal Information to facilitate a purpose in connection with:

- a. if required, the verification of your identity;
- b. the verification of your date of birth, if applicable;
- c. the provision of BMP's services to you, which shall include but is not limited to:
 - i. the processing of orders (either by us or you), including to communicate with you concerning such orders;
 - ii. the administration and management of BMP's products and services, including charging, billing, credit card authorisation and verification, fraud and collecting debts, checks for financial standing, credit-worthiness (including but not limited to undertaking an assessment for credit loss and obtaining credit references, if applicable), to the extent that such information is not directly provided to our hosted payment system; and
 - iii. to offer you updates, or other content or products and services that may be of interest to you;
- d. providing BMP market customers with stallholder contact details;
- e. to facilitate the administration and management of BMP, including but not limited to the use of your Personal Information collected in accordance with paragraph 3.1 in the administration and management of BMP;
- f. the processing of any application you have lodged with BMP, whether online, by telephone or in paper form, to book a stall at the Brisbane Markets, which shall include but is not limited to obtaining confirmation of those details;
- g. to communicate generally with you in relation to your application, Brisbane Market bookings and Brisbane Market operations;

- h. creating, implementing and utilising BMP's disaster management plan and BMP's emergency SMS system;
- i. providing you with medical treatment in the event of a medical emergency, or to provide you with medical treatment as requested by you from time to time;
- j. your employment (or potential employment) by us, or your employment or potential employment by a stallholder or tenant at our premises;
- k. if required, the verification of your employment with any stallholder at the markets operated by BMP;
- l. coordinating, managing and maintaining good order and security at the Brisbane Markets, which shall include but is not limited to protecting the rights and safety of other parties at the Brisbane Markets;
- m. investigating and reporting information to third parties regarding any accidents or incidents that may have occurred at the Brisbane Markets;
- n. the improvement of BMP's services (including to contact you about those improvements and asking you to participate in surveys about the products and services);
- o. the maintenance and development of BMP's services, products, business systems and infrastructure;
- p. marketing and promotional activities by BMP (including by direct mail, telemarketing, email, SMS and MMS messages) such as newsletters and stallholder updates and information;

5.3 In the circumstances listed in 5.2 above, BMP may disclose your Personal Information (which may include sensitive information) to: BMP's third party data hosting and IT service providers, BMP's insurance providers, Government agencies (such as workplace health and safety bodies), unions or other employee representatives, or as otherwise required by law. BMP intends to use such information for the purposes of assessing the level of risk you pose to others upon entry to the Brisbane Markets® premises and refusing your entry to the premises in such circumstances

5.4 BMP may also use or disclose your Personal Information and in doing so BMP is not required to seek your additional consent:

5.5 In the event we propose to use or disclose such Personal Information other than for reasons in 5.1, 5.2 and 5.3 above, we will first seek your consent prior to such disclosure or use.

5.6 If you have received communications from BMP and you no longer wish to receive those communications, you should contact BMP via the details set out at the beginning of this document and BMP will ensure the relevant communications cease. Any other use or disclosure BMP makes of your Personal Information will only be as required by law or as permitted by the Privacy Act or by this Privacy Policy or otherwise with consent obtained from you.

6. The Types of organisation to which BMP may disclose your Personal Information

- 6.1** We may disclose your Personal Information to organisations outside of BMP. Examples of organisations and/or parties that your Personal Information may be provided to include:
- a. Any bank utilised by BMP for its hosted payment system;
 - b. offshore service providers, if any;
 - c. related entities and subsidiaries of BMP;
 - d. Any third party provider in relation to BMP's SMS message database or email database for the sending of SMS and email messages; and
 - e. BMP's contractors, Service Providers and agents, or other external companies who assist us in providing our products and services to you, including but not limited to those providing medical services or dispensing emergency treatment, data storage providers and email marketing service providers.
- 6.2** Your Personal Information is disclosed to these organisations and/or parties only in relation to the goods or services we provide to you or for a purpose permitted by this Privacy Policy.
- 6.3** BMP takes such steps as are reasonable to ensure that these organisations and/or parties are aware of the provisions of this Privacy Policy in relation to your Personal Information.

7. Photographs and Closed Circuit Television

- 7.1** As indicated above in clause 4.2f, BMP may take photographs of you or otherwise record your image while you are within the BMP operated Markets, and BMP may use these for marketing and advertising purposes. Unless you otherwise advise us, you expressly agree and consent to the use of any photographs or recorded images which may include you, for the aforementioned purposes, without compensation.
- 7.2** As part of our security system at BMP, we use closed circuit televisions (CCTV) at certain locations. Use of CCTV is integral to our security system. The CCTV images are stored for 60 days and may be viewed and used by BMP. BMP may also provide CCTV footage to:
- a. any government authority or other agency in the event of any incident, accident or alleged criminal act;
 - b. BMP's insurance providers and claims manager in the event of any incident, accident or claim in respect of the Brisbane Markets, BMP or BML;
 - c. BMP's lawyers; and
 - d. Stallholders where CCTV footage relates to any incident, theft, criminal act or other security requirement directly in connection with the Stallholder's business.

8. Direct Marketing

- 8.1** You expressly consent to us using your Personal Information, including any email address you give to BMP, to provide you with information and to tell you about our products, mobile applications, Wi Fi, services or events or any other direct marketing activity (including third party products, services, and events) (Direct Marketing Communications) which we consider may be of interest to you.
- 8.2** Without limitation clause 8.1, if it is within your reasonable expectations that we send you Direct Marketing Communications given the transaction, communication, or dealings you have had with us, then we may also use your Personal Information for the purpose of sending you Direct Marketing Communications which we consider may be of interest to you.
- 8.3** If at any time you do not wish to receive any further Direct Marketing Communications from us, you may ask us not to send you any further information about products and services and not to disclose your information to other organisations for that purpose. You may do this at any time by using the “unsubscribe” facility included in the email or by contacting us via the details set out at the beginning of this Privacy Policy.

9. Credit Information and credit reporting

- 9.1** The Privacy Act contains provision regarding the use and disclosure of credit information, which applies in relation to the provision of both consumer credit and commercial credit.
- 9.2** As we provide terms of payment of account which are greater than 7 days, we are considered a credit provider under the Privacy Act in relation to any credit we provide to you (with the exception of parties for whom we act as current or prospective lessor) (in relation to the payment of your account with us).
- 9.3** We use credit information for the purposes set out in our Credit Reporting Policy which includes but is not limited to using the information for our own internal assessment of your credit worthiness.
- 9.4** We will store any credit information you provide us, or which we obtain about you, with any other Personal Information we may hold about you.
- 9.5** You may request access to or correct your credit information in accordance with paragraph 12 of this Policy and the provisions of our Credit Reporting Policy.
- 9.6** Please see paragraph 1 of this Policy and the Credit Reporting Policy if you wish to make a complaint in relation to our handling of your credit information.
- 9.7** Please see our Credit Reporting Policy for further information as to the manner in which we collect, use, store and disclose credit information.

10. Cross Border Disclosure

- 10.1** Any Personal Information provided to BMP may be transferred to, and stored at, a destination outside Australia, including but not limited to the USA or Amsterdam where we may utilise overseas data and website hosting facilities or have entered into contractual arrangements with third party service providers to assist BMP with providing our goods and services to you.

10.2 By submitting your Personal Information to BMP, you expressly agree and consent to the disclosure, transfer, storing or processing of your Personal Information outside of Australia. In providing this consent, you understand and acknowledge that countries outside Australia do not always have the same privacy protection obligations as Australia in relation to Personal Information. However, BMP will take steps to ensure that your information is used by third parties securely and in accordance with the terms of this Privacy Policy.

10.3 If you do not agree to the transfer of your Personal Information outside Australia, please contact us by via the details set out at the beginning of this Policy.

11. Data quality and security

11.1 BMP is committed to ensuring that your Personal Information is safe. You will appreciate, however, that BMP cannot guarantee the security of all transmissions or Personal Information, especially where the internet is involved.

11.2 Notwithstanding the above, we will take reasonable steps to:

- i. make sure that the Personal Information we collect, use or disclose is accurate, complete and up to date;
- ii. protect your Personal Information from misuse, loss, unauthorised access, modification or disclosure both physically and through computer security methods; and
- iii. destroy or permanently de-identify Personal Information if it is no longer needed for its purpose of collection.

11.3 Under the Notifiable Data Breaches scheme, from 22 February 2018 BMP is required to provide the Australian Information Commissioner with a Notifiable Data Breach statement when an eligible data breach occurs. An “eligible data breach” occurs where:

- a. there is unauthorised access to, disclosure of, or loss of Personal Information held by an entity;
- b. the unauthorised access, disclosure or loss of the Personal Information is likely to result in serious harm to one or more people; and
- c. the entity has not been able to reduce the risk of serious harm.

11.4 The accuracy of Personal Information depends largely on the information you provide to us, so we recommend that you:

- i. let us know if there are any errors in your Personal Information; and
- ii. keep us up-to-date with changes to your Personal Information (such as your name or address).

12. Access to and correction of your Personal Information

12.1 You are entitled to have access to any Personal Information relating to you which BMP holds, except in some exceptional circumstances provided by law. You are entitled to edit and correct such information if the information is inaccurate, out of date, incomplete, irrelevant or misleading.

12.2 If you would like access or correct any records of Personal Information BMP holds about you, you are able to access and update that information (subject to the above) by contacting us via the details set out at the beginning of this Policy.

13. Consent

13.1 By using our website or by accepting the terms and conditions of our products or services making reference to this Privacy Policy, you consent to our collection, use and disclosure of your Personal Information in accordance with this Privacy Policy.

13.2 This Privacy Policy is a compliance document prescribed by law, rather than a legal contract. However, certain contracts may incorporate all or part of this Policy in such a way that impose contractual obligations on you, but not on BMP.

13.3 We will modify our Privacy Policy as our business needs require. We will notify you of such changes (whether by direct communication or by posting a notice on our website), after which, your continued use of our products, services or website or your continued dealings with us shall be deemed to be your consent to our collection, use and disclosure of your Personal Information per the modified policy. If you wish to withdraw your consent to BMP's continued use of your Personal Information please contact BMP via the details set out at the beginning of this document.