



HopgoodGanim

LAWYERS

# Privacy policy

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Bindawalla Gardens and Kurrajong Sanctuary

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**In this privacy policy, the expressions “the parks”, "we", "us" and "our" are a reference to Bindawalla Gardens and Kurrajong Sanctuary Parks.**

## **1. Protection of your privacy**

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- 1.1 We take the privacy of our residents seriously. This privacy policy applies to personal information collected by us. We are bound by the National Privacy Principles, which govern the way private sector organisations collect, use, keep secure and disclose personal information.
- 1.2 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. We can be e-mailed at [bindawalla@pacific.net.au](mailto:bindawalla@pacific.net.au) or you can call our privacy officer (Marilyn Gerrish) on (07) 3888 1188.
- 1.3 Set out below is information that we are required to communicate to our residents. We recommend that you keep this information for future reference.

## **2. What is personal information?**

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The *Privacy Act 1988* (Cth) defines “personal information” to mean information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent or can be reasonably ascertained, from the information or opinion.

## **3. What is Sensitive Information?**

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- 3.1 Sensitive information is a subset of personal information. It means information or 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 preferences or practices, criminal record or health information about an individual.
- 3.2 In general, we limit the collection of sensitive information because such information is not usually necessary for what we do.

## **4. Collection of your personal information**

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- 4.1 We only collect personal information that is necessary for what we do. The type of information we may collect from you includes (but is not limited to) the following:
  - (a) your contact information (both home and work) such as your name, e-mail address, current and previous addresses and phone numbers;
  - (b) your date of birth;
  - (c) your bank account and/or credit card details;
  - (d) your car registration details;
  - (e) the languages you speak;



- (f) your insurance policies and details;
  - (g) your next of kin details; and
  - (h) the details of any complaints, suggestions or comments you have made to us about us or other residents of the Parks.
- 4.2 As much as possible, we will collect your information directly from you. If we collect details about you from someone else, we will, whenever reasonably possible, make you aware that we have done this and why.
- 4.3 When you engage in certain activities, such as purchasing a home or renting a site in the Parks, signing up for a service, entering a contest or promotion, filling out a survey, sending us feedback or making a complaint about us, the park or other residents, then we may ask you to provide certain information. It is completely optional for you to engage in these activities.
- 4.4 Depending upon the activity, some of the information we ask you to provide may be identified as mandatory or voluntary. If you do not provide the mandatory data with respect to a particular activity, or any other information we require in order for you will not be able to engage in that activity.

## **5. How we may use and disclose your personal information**

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- 5.1 We will only use or disclose your personal information for the primary purposes for which it was collected or as set out below.
- 5.2 You consent to us using and disclosing your personal information to facilitate a purpose in connection with:-
- (a) the verification of your identity;
  - (b) your purchase, rental, occupation or visitation of the parks;
  - (c) the provision of services by us or operators, agents or sub-contractors;
  - (d) the resolution of complaints made by you, or against you, by other residents (in particular, we may disclose the contents of any complaints made by you (including your identity) to the persons (if any) that are the subject of the complaint);
  - (e) the administration and management of our services, including charging, billing and collecting debts;
  - (f) the improvement of the parks or our services (including to contact you about those improvements);
  - (g) checks for credit-worthiness and for fraud;
  - (h) the maintenance and development of the parks and our services, business systems and infrastructure;
  - (i) marketing and promotional activities by us, our related bodies dealers and distributors (including by way of direct mail, telemarketing, email, SMS and MMS messages);
  - (j) our compliance with the requirements of our Permit to Operate a Caravan Park/Relocatable Home Park;



- (k) our compliance with law;
  - (l) the sale, and matters in connection with a potential sale, of our business to a third party; and
  - (m) any other matters reasonably necessary to manage and administer the parks and comply with our obligations under the *Manufactured Homes (Residential Parks) Act 2003*.
- 5.3 We may also use or disclose your personal information and in doing so we are not required to seek your additional consent:-
- (a) when it is disclosed or used for a purpose related to the primary purposes of collection detailed above and you would reasonably expect your personal information to be used or disclosed for such a purpose;
  - (b) if we reasonably believe that the use or disclosure is necessary to lessen or prevent a serious or imminent threat to an individual's life, health or safety or to lessen or prevent a threat to public health or safety;
  - (c) if we have reason to suspect that unlawful activity has been, or is, engaged in; or
  - (d) if it is required or authorised by law.
- 5.4 In the event we propose to use or disclose such personal information other than for reasons in 5.2 and 5.3 above, we will first seek your consent prior to such disclosure or use.
- 5.5 If you have received communications from us and you no longer wish to receive those sorts of communications, you should contact [bindawalla@pacific.net.au](mailto:bindawalla@pacific.net.au) or you can call our privacy officer (Marilyn Gerrish) on (07) 3888 1188 and we will ensure the relevant communication ceases.
- 5.6 Any other use or disclosure we make of your personal information will only be as required by law or as permitted by the *Privacy Act 1988* or by this privacy policy or otherwise with your consent.

## **6. The types of organisations to which we may disclose your personal information**

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- 6.1 We may disclose your personal information to organisations/persons outside of us. Your personal information is disclosed to these organisations/persons only in relation to us providing our services to you or for a purpose described in 5.2 and 5.3 above.
- 6.2 We take such steps as are reasonable to ensure that these organisations are aware of the provisions of this privacy policy in relation to your personal information.

## **7. Data quality and security**

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- 7.1 We have taken steps to help ensure your personal information is safe. You will appreciate, however, that we cannot guarantee the security of all transmissions or personal information, especially where the internet or telecommunications are involved.
- 7.2 Notwithstanding the above, we will take all reasonable steps to:-
  - (a) make sure that the personal information we collect, use or disclose is accurate, complete and up to date;



- (b) protect your personal information from misuse, loss, unauthorised access, modification or disclosure both physically and through computer security methods; and
  - (c) destroy or permanently de-identify the information if it is no longer needed for its purpose of collection.
- 7.3 However, the accuracy of that information depends to a large extent on the information you provide. That's why we recommend that you:
- (a) let us know if there are any errors in your personal information; and
  - (b) keep us up-to-date with changes to your personal information such as your name or address.

## **8. Access to and correction of your personal information**

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- 8.1 You are entitled to have access to any personal information relating to you which we possess, except in some exceptional circumstances provided by law. You are entitled to edit or delete such information unless we are required by law to retain it or permitted to retain it in accordance with this privacy policy. However, we may keep track of past transactions for our accounting and audit requirements. Furthermore, it may be impossible to completely delete your information because some information may remain as backups.
- 8.2 If you would like to access, delete, or correct any records of personal information we have about you, you are able to access, update and delete that information by contacting us at [bindawalla@pacific.net.au](mailto:bindawalla@pacific.net.au) or by phoning Marilyn Gerrish on (07) 3888 1188. We reserve the right to charge a fee for searching for and providing access to your information.

## **9. Governing law**

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This privacy policy is governed by the laws in force in Queensland, Australia. You agree to submit to the exclusive jurisdiction of the courts of that jurisdiction.

## **10. Consent**

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- 10.1 By using our web site, by being a resident of one of our parks, or by accepting the terms of an agreement which refers to this privacy policy, you are agreeing to the terms of this privacy policy.
- 10.2 We reserve the right to modify our privacy policy as our business needs require. We will post such changes on our web site, after which, your continued use of the web site or your continued dealings with us shall be deemed to be your agreement to the modified terms.