

# Privacy Policy

Fitness Factory (Mount Barker) Pty Ltd (ACN 609 857 409) and Fitness Factory (Lightsview) Pty Ltd (ACN 630 190 082) ("**we**", "**us**" or the "**Proprietors**") are committed to privacy protection. At <https://www.fitnessfactoryhc.com.au> and our mobile application "Fitness Factory Health Clubs" ("**these sites**"), we understand the importance of keeping personal information private and secure. This privacy policy ("**Privacy Policy**") describes generally how we manage personal information and safeguard privacy. If you would like more information, please don't hesitate to contact us.

This Privacy Policy forms part of our Terms and Conditions.

## **We care about your privacy:**

**We will never rent, trade or sell your email address to anyone.**

**We will never publicly display your email address or other personal details that identify you.**

## **The Australian Privacy Principles**

---

We will treat all personal information in accordance with any and all obligations that are binding upon us under the *Privacy Act 1988* (Cth) ("**Privacy Act**"). The Privacy Act lays down 13 key principles in relation to the collection and treatment of personal information, which are called the "Australian Privacy Principles".

## **What is "personal information"?**

---

Personal information held by the Proprietors may include your:

- name and date of birth;
- residential and business postal addresses, telephone/mobile numbers and email addresses;
- photographic identification;
- your computer and connection information;
- health and medical information;
- emergency contact name and number;
- driver's licence; and
- any information that you otherwise share with us.

## **How we may collect your personal information**

---

We only collect personal information that is necessary for us to conduct our business as a quality gym and fitness equipment provider.

## **Information that you provide to us**

We may collect personal information that you provide to us about yourself when you:

- sign up as a member in our club or online;
- sign up for a free trial period or a casual visit at our club;
- use our website and mobile application, including (without limitation) when you:
  - register for access to our mobile application or request certain premium features or access; or
  - complete an online contact form to contact us;
- provide information to us by telephone or through marketing or competition application forms; or
- send us an email or other communication.

### **IP addresses**

These sites may also collect Internet Protocol (IP) addresses. IP addresses are assigned to computers on the internet to uniquely identify them within the global network. The Proprietors collect and manages IP addresses as part of the service of providing internet session management and for security purposes. The Proprietors may also collect and use web log, computer and connection information for security purposes and to help prevent and detect any misuse of, or fraudulent activities involving, these sites.

### **How we may use your personal information**

---

Your personal information may be used in order to:

- verify your identity;
- respond to any queries or feedback that you may have;
- provide you with our services;
- process your payments and billing information;
- conduct appropriate checks for credit-worthiness and for fraud;
- prevent and detect any misuse of, or fraudulent activities involving, these sites;
- conduct research and development in respect of our services;
- gain an understanding of your information and communication needs or obtain your feedback or views about our services in order for us to improve them; and/or
- maintain and develop our business systems and infrastructure, including testing and upgrading of these systems,

and for any other purpose reasonably considered necessary or desirable by the Proprietors in relation to the operation of our business.

From time to time we may email our customers with news, information and offers relating to our own services or those of selected partners. Your personal information may also be collected so that the Proprietors can promote and market products and services to you. This is to keep you informed of products, services, and special offers we believe you will find valuable and may continue after you cease acquiring products and services from us. If you would prefer not to receive promotional or other material from us, please let us know and we

will respect your request. You can unsubscribe from such communications at any time if you choose.

### **When we may disclose your personal information**

---

For the purposes set out above, the Proprietors may disclose your personal information to organisations outside the Proprietors. Your personal information may be disclosed to these organisations only in relation to these sites, and the Proprietors takes reasonable steps to ensure that these organisations are bound by confidentiality and privacy obligations in relation to the protection of your personal information. These organisations may carry out or provide:

- customer enquiries;
- mailing systems;
- billing and debt-recovery functions, including for the purposes of direct debiting and charging of dishonour fees;
- information technology services;
- marketing, telemarketing and sales services;
- market research; and
- website usage analysis.

In addition, we may disclose your personal information to:

- your authorised representatives or legal advisers (when requested by you to do so);
- credit-reporting and fraud-checking agencies;
- credit providers (for credit-related purposes such as creditworthiness, credit rating, credit provision and financing);
- our professional advisers, including our accountants, auditors and lawyers;
- government and regulatory authorities and other organisations, as required or authorised by law;
- organisations who manage our business strategies, including those involved in a transfer/sale of all or part of our assets or business (including accounts and trade receivables) and those involved in managing our business risk and funding functions; and
- the police or other appropriate persons where your communication suggests possible illegal activity or harm to others.

### **Contacting us about privacy**

---

If you would like more information about the way we manage personal information that we hold about you, or are concerned that we may have breached your privacy, please contact us by email or by post.

### **Access to your personal information**

In most cases, you may have access to personal information that we hold about you. We will handle requests for access to your personal information in accordance with the Australian

Privacy Principles. All requests for access to your personal information must be directed to the Privacy Officer by email or by writing to us at our postal address. We will deal with all requests for access to personal information as quickly as possible. Requests for a large amount of information, or information that is not currently in use, may require further time before a response can be given. We may charge you a fee for access if a cost is incurred by us in order to retrieve your information, but in no case will we charge you a fee for your application for access.

In some cases, we may refuse to give you access to personal information that we hold about you. This may include circumstances where giving you access would:

- be unlawful (eg, where a record that contains personal information about you is subject to a claim for legal professional privilege by one of our contractual counterparties);
- have an unreasonable impact on another person's privacy; or
- prejudice an investigation of unlawful activity.

We may also refuse access where the personal information relates to existing or anticipated legal proceedings, and the information would not be accessible by the process of discovery in those proceedings.

If we refuse to give you access, we will provide you with reasons for our refusal.

### **Correcting your personal information**

We will amend any personal information about you that is held by us and that is inaccurate, incomplete or out of date if you request us to do so. If we disagree with your view about the accuracy, completeness or currency of a record of your personal information that is held by us, and you ask us to associate with that record a statement that you have a contrary view, we will take reasonable steps to do so.

### **Storage and security of your personal information**

---

We are committed to maintaining the confidentiality of the information that you provide us and we will take all reasonable precautions to protect your personal information from unauthorised use or alteration. In our business, personal information may be stored both electronically (on our computer systems and with our website hosting provider) and in hard-copy form. Firewalls, anti-virus software and email filters, as well as passwords, protect all of our electronic information. Likewise, we take all reasonable measures to ensure the security of hard-copy information.

### **Third party websites**

---

You may click-through to third party websites from our website or mobile application, in which case we recommend that you refer to the privacy statement of the websites you visit. This Privacy Policy applies to these sites only and the Proprietors assumes no responsibility for the content of any third party websites.

### **Re-marketing**

We may use the Google AdWords and/or Facebook re-marketing services to advertise on third party websites to previous visitors to these sites based upon their activity on these sites. This allows us to tailor our marketing to better suit your needs and to only display advertisements that are relevant to you. Such advertising may be displayed on a Google search results page or a website in the Google Display Network or inside Facebook. Google and Facebook may

use cookies and/or pixel tags to achieve this. Any data so collected by Google and/or Facebook will be used in accordance with their own respective privacy policies. None of your personal Google and/or Facebook information is reported to us.

You can set preferences for how Google advertises to you using the Google Ads Settings page (<https://www.google.com/settings/ads>). Facebook has enabled an AdChoices link that enables you to opt out of targeted advertising.

## **GDPR**

---

The Company welcomes the General Data Protection Regulation (“**GDPR**”) of the European Union (“**EU**”) as an important step forward in streamlining data protection globally. We intend to comply with the data handling regime laid out in the GDPR in respect of any personal information of data subjects, whether in the EU or Australia.

### **GDPR rights**

The requirements of the GDPR are broadly similar to those set out in the Privacy Act and include the following rights:

- you are entitled to request details of the information that we hold about you and how we process it;
- you may also have a right to:
  - have that information rectified or deleted;
  - restrict our processing of that information;
  - stop unauthorised transfers of your personal information to a third party;
  - in some circumstances, have that information transferred to another organisation; and
  - lodge a complaint in relation to our processing of your personal information with a local supervisory authority; and
- where we rely upon your consent as our legal basis for collecting and processing your data, you may withdraw that consent at any time.

If you object to the processing of your personal information, or if you have provided your consent to processing and you later choose to withdraw it, we will respect that choice in accordance with our legal obligations. However, please be aware that:

- such objection or withdrawal of consent could mean that we are unable to provide our services to you, and could unduly prevent us from legitimately providing our services to other clients subject to appropriate confidentiality protections; and
- even after you have chosen to withdraw your consent, we may be able to continue to keep and process your personal information to the extent required or otherwise permitted by law, in particular:
  - to pursue our legitimate interests in a way that might reasonably be expected as part of running our business and which does not materially impact on your rights, freedoms or interests; and
  - in exercising and defending our legal rights and meeting our legal and regulatory obligations.

## **Storage and processing by third parties**

Data that we collect about you may be stored or otherwise processed by third party services with data centres based outside the EU, such as Google Analytics, Microsoft Azure, Amazon Web Services, Apple, etc and online relationship management tools. We consider that the collection and such processing of this information is necessary to pursue our legitimate interests in a way that might reasonably be expected (eg, to analyse how our clients use our services, develop our services and grow our business) and which does not materially impact your rights, freedom or interests.

The Company requires that all third parties that act as “data processors” for us provide sufficient guarantees and implement appropriate technical and organisational measures to secure your data, only process personal data for specified purposes and have committed themselves to confidentiality.

## **Duration of retention of your data**

We will only keep your data for as long as is necessary for the purpose for which it was collected, subject to satisfying any legal, accounting or reporting requirements. At the end of any retention period, your data will either be deleted completely or anonymised (for example, by aggregation with other data so that it can be used in a non-identifiable way for statistical analysis and business planning). In some circumstances, you can ask us to delete your data.

## **Keeping your information up-to-date**

To ensure that your personal information is accurate and up to date, please promptly advise us of any changes to your information by contacting our data protection officer by email or by post.

## **Changes to this Privacy Policy**

---

From time to time, it may be necessary for us to revise this Privacy Policy. Any changes will be in accordance with any applicable requirements under the Privacy Act and the Australian Privacy Principles. We may notify you about changes to this Privacy Policy by posting an updated version on these sites.

\* \* \* \*

If you require any further information about the Privacy Act and the Australian Privacy Principles, you can visit the Federal Privacy Commissioner’s website (see [www.privacy.gov.au](http://www.privacy.gov.au)).