

PRIVACY POLICY – HUNTER EXPRESS - A DIVISION OF MX ENTERPRISES PTY LTD ACN 650 217 351  
N.B. PLEASE READ THE TERMS OF THIS POLICY CAREFULLY AS YOUR USE OF THE HUNTEREXPRESS WEBSITE WILL BE DEEMED TO CONSTITUTE YOUR ACCEPTANCE OF THESE PROVISIONS AND TO THE COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION IN ACCORDANCE WITH THEM.

## 1. Introduction

- (1) The provisions of this Privacy Policy apply to Personal Information (as defined in Section 2 below) collected, stored or used by us, including Personal Information provided by you when visiting the website and associated on-line booking system situated at and known as "hunterexpress.com.au" ("**Website**") owned and operated by MX Enterprises Pty Ltd trading as Hunter Express ("**Hunter**", also referred to herein as "**we**", "**us**" and "**our**").
- (2) Please take a moment to read this Privacy Policy as it explains how we manage Personal Information (other than information about our employees) including our obligations and your rights in respect of our dealings with your Personal Information, whether submitted via the Website or otherwise. Section 14 explains the position of employees.
- (3) We are committed to complying with applicable privacy laws, including the Privacy Act 1988 (Cth) ("**Privacy Act**") and the Australian Privacy Principles set out in the Privacy Act ("**APPs**"). Where applicable privacy laws provide for exceptions or exemptions, we may rely on those exceptions or exemptions in our information handling practices.
- (4) We will keep our Privacy Policy under review to ensure it accurately reflects and addresses the nature and scope of our activities, including relationships with our customers. Where appropriate, the Privacy Policy will be amended to ensure maintenance of this accuracy (including taking account of technological developments and changes to our practices and procedures).
- (5) Customers should periodically check the contents of our Privacy Policy to ascertain the current terms to which they will be subject.

## 2. Key Definitions

- (1) "**Personal Information**" has the meaning set out in the Privacy Act, and (in summary) means information or an opinion about an identified individual or an individual who is reasonably identifiable, whether true or otherwise.
- (2) "**Sensitive Information**" has the meaning set out 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.

## 3. Personal Information Collected by Hunter

- (1) Hunter collects Personal Information from our customers in the ordinary course of them registering their particulars and placing bookings for jobs with Hunter, including through the Website or over the phone. The Personal Information we collect is necessary for Hunter to properly and efficiently provide services to our customers and secondary activities reasonably related to that primary purpose.

- (2) Personal Information collected from customers at registration and/or during job booking will normally include: name, address, phone no. (landline and mobile), e-mail address, and particulars of payment source (e.g. credit card details, or Paypal account details). You may also be required to provide a password for access to certain parts of our Website.
- (3) At the time of registration as a customer in the Hunter database, the customer will be assigned a unique computer-generated code (“**identifier code**”) that will be stored in the database. The identifier code will automatically link the customer to subsequent activity by that customer during visits to our Website.
- (4) Hunter will not be able to gain access to details of the customer’s payment source (e.g. credit card) through the identifier code or otherwise.
- (5) We may also collect Personal Information you directly give us through other means, such as:
  - (a) in administering and performing any contracts with service providers;
  - (b) when you contact us via telephone or other means;
  - (c) when you submit any electronic forms accessible on our Website;
  - (c) from correspondence (whether in writing or electronically);
  - (d) when you sign up to receive our newsletter or marketing communications;
  - (e) when you review, comment or rate our services;
  - (f) while conducting customer satisfaction and market research surveys;
  - (g) when administering any of our services; and
  - (h) as otherwise required to manage our business.
- (6) In certain cases we may collect personal information from publically available sources and third parties, such as suppliers, recruitment agencies, your employers, contractors, our clients and business partners.
- (7) 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.

#### **4. Use and Disclosure of Personal Information**

- (1) We may use or disclose your Personal Information:
  - (a) for the purposes for which we collected it (and related purposes which would be reasonably expected by you);
  - (b) for other purposes to which you have consented; and
  - (c) as otherwise authorised or required by law.
- (2) Customers should be aware that, when making payment by credit card, details of the card may be captured and stored by our banker on our behalf to facilitate the processing of future transactions by customers as well as for additional charging purposes in accordance with our Standard Terms and Conditions of Contract.

- (3) Our banker's systems, networks and processes comply with the Payment Card Industry Data Security Standard as current from time to time to ensure that any Personal Information which a customer provides in the course of conducting transactions with us which is captured and stored will be held securely and confidentially and in compliance with the applicable provisions of the Privacy Act and APPs.
- (4) Subject to our customers' consent, we will use Personal Information to e-mail newsletters advising our customers of new services we can supply and to provide news of developments that we believe will be of benefit or interest to our customers.
- (5) Where necessary for the proper functioning of the Hunter business and the Website, we will disclose Personal Information to third parties namely:
  - (a) to subcontractors and agents whose services we retain to assist in completion of jobs booked by our customers;
  - (b) our suppliers, contractors and organisations that provide us with technical and support services; and
  - (c) to any affiliate (registered in accordance with our Affiliate Program) who has been instrumental in a person registering as a customer of Hunter.

We will only disclose Personal Information to such third parties to the extent necessary for these purposes.

- (6) We may also be required or authorised:
  - (a) to disclose Personal Information to other third parties such as:
    - those nominated by you;
    - potential credit providers to you;
    - our lawyers and other professional advisers;
    - governmental organisations and authorities and other bodies where legally required; and
  - (b) to disclose or use Personal Information to comply with the law or a court order.

## **5. Quality of Information**

We take all reasonable precautions to ensure that the Personal Information we collect, use and disclose is accurate, complete and up-to-date. Inevitably, however, we are to a large extent reliant upon our customers to notify us of changes to their Personal Information. We therefore ask our customers to regularly review and where necessary correct their registration particulars recorded on our Website and let us know if any Personal Information we hold is incorrect or out of date.

## **6. Security of Personal Information**

- (1) We make all reasonable efforts to:
  - (a) protect the Personal Information we collect and hold from misuse and loss and from unauthorised access, interference, modification or disclosure; and

- (b) destroy or permanently de-identify Information no longer needed for any purpose permitted under the APPs.
- (2) More specifically, we:
- (a) consistently aim to develop and improve the security and integrity of our computer systems to block unauthorised access to and use of Personal Information and to prevent access to those systems and data by former employees and other personnel;
  - (b) regularly back-up our databases containing Personal Information and keep back-ups in secure environments;
  - (c) restrict access to Personal Information to employees and other personnel who need access for legitimate business purposes;
  - (d) ensure all relevant employees and other personnel are aware of this Privacy Policy and are assisted to understand and comply with their obligations under it;
  - (e) ensure that our banker referred to in sections 4(2) and (3) above is bound by a strict agreement with us regarding the data referred to in those sub-clauses and which contains an acknowledgment that it will remain fully compliant with the Privacy Act and APPs during the currency of arrangements with us in respect of that data; and
  - (f) endeavour to deal only with suppliers, contractors and others having access to Personal Information about our customers, who are substantially committed to compliance with the Privacy Act, APPs and the spirit of our Privacy Policy.

## **7. Overseas transfers of Personal Information**

- (1) 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 depends on the circumstances. In the ordinary course of business we commonly disclose Personal Information to recipients located in Australia.
- (2) From time to time we may also engage an overseas recipient to provide services to us, such as cloud-based storage solutions. Please note that the use of overseas service providers to store Personal Information will not always involve a disclosure of Personal Information to that overseas provider.
- (3) By providing your Personal Information to us, you consent to us disclosing your Personal Information to any such overseas recipients for purposes necessary or useful in the course of operating our business, and agree that APP 8.1 will not apply to such disclosures. For the avoidance of doubt, in the event that an overseas recipient breaches the APPs, that entity will not be bound by, and you will not be able to seek redress under, the Privacy Act.

## **8. Openness**

- (1) We will make a copy of this Privacy Policy accessible on our Website.
- (2) We reserve the right to update this Privacy Policy from time to time. We will post an up-to-date copy on our Website.

## **9. Access to and Correction of Personal Information**

- (1) An individual may request access to Personal Information we hold about the individual, or request a correction to the Personal Information we hold about the individual, by making a written request to our Privacy Policy (as set out in section 16 below). Unless an exception applies under the APPs, we will provide access or make the correction within a reasonable time of receipt of such a written request.
- (2) Hunter may charge a reasonable fee for providing access to Personal Information in response to such requests.
- (3) If Hunter refuses to comply with a request, the individual will, within a reasonable time, be advised in writing of the reason(s) for refusal and the exception(s) prescribed under the APPs on which the refusal is based.
- (4) We are not obliged to correct any Personal Information if we do not agree that it requires correction. If we refuse a request to correct Personal Information, the individual who made the request may ask us to make a record that the individual considers the Personal Information to be inaccurate, incomplete, out-of-date, irrelevant or misleading.

## **10. Identifiers**

- (1) Hunter will not adopt as its own identifier of a customer an identifier that is prohibited under the APPs such as a Medicare, tax file or pension number.
- (2) However, in accordance with the APPs, the customer's name or ABN is not a prohibited identifier.

## **11. Anonymity**

Where lawful and practicable, customers may deal with Hunter anonymously. The circumstances where this situation may apply will be determined on a case-by-case basis where consideration will be given to such factors as the need for certainty to avoid or minimise the potential for future disputes or legal proceedings.

## **12. Sensitive Information**

- (1) Subject to the exceptions set forth in the APPs (including the customer's consent or legal obligation to do so), Hunter does not and will not collect Sensitive Information about its customers.
- (2) If you do provide Sensitive Information to us for any reason (for example, if you provide us with information about a disability you have), you consent to us collecting that information and to us 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.
- (3) If in the course of supplying services to its customers, Hunter is required to transport Sensitive Information, it will be the responsibility of the customer to ensure that the material containing such Sensitive Information is properly sealed and rendered as secure from being opened as possible.
- (4) If it should become necessary for a Hunter employee to open any envelope or other receptacle containing Sensitive Information for the purpose of properly supplying services, the use of the Sensitive Information will be restricted to that purpose, the receptacle will be

resealed without delay, and, the Sensitive Information will not be disclosed other than for that purpose or as permitted or required by law.

### **13. Direct Marketing**

- (1) 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:
  - (a) you have consented to us doing so; or
  - (b) it is otherwise permitted by law.
- (2) 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 via our Website or contact us by telephone on 02 9780 4099, by email at [sales@hunterexpress.com.au](mailto:sales@hunterexpress.com.au) or by mail at 245 Beech Rd Casula NSW 2170.

### **14 Employees**

- (1) We collect information in relation to employees as part of their application and during the course of their employment, either from them or in some cases from third parties such as recruitment agencies. 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).
- (2) 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.

### **15. Links to Other Websites**

- (1) Our Website contains links or references to other websites which we do not control and to which the provisions of this Privacy Policy do not apply.
- (2) Customers should read and understand the contents of any privacy policies applicable to those other websites.

### **15. Resolving Personal Information concerns**

- (1) If you have any questions, concerns or complaints about this Privacy Policy, or how we handle your personal information, please contact our Privacy Officer (see section 16 below). 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 within a reasonable period.
- (2) If you are dissatisfied with the handling of your complaint, you may contact the Office of the Australian Information Commissioner:

Postal address: GPO Box 5218, Sydney NSW 2001

Telephone: 1300 363 992

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

**16. Contact details of Privacy Officer**

The contact details for our Privacy Officer are as follows:

Postal address: Privacy Officer, Hunter Express, 245 Beech Road, Casula NSW 2170

Telephone: [02 9780 4099](tel:0297804099)

Email: [sales@hunterexpress.com.au](mailto:sales@hunterexpress.com.au)

The last update to this Privacy Policy was [1 July 2021](#).