

Privacy Policy – Capacity Capital

Last updated: 29 June 2022

AgriCap Operations Pty Ltd Pty Ltd (ACN 658 317 214) trading as Capacity Capital and its Related Bodies Corporate (as defined by the provisions of the *Corporations Act 2001* (Cth)) (**Capacity Capital, we, us and our**) respects your privacy and is committed to protecting it.

We comply with the Australian Privacy Principles and the *Privacy Act 1988* (Cth) (**Privacy Act**), which govern the way private sector organisations collect, use, keep secure and disclose Personal Information.

The Privacy Act defines “Personal Information” to mean any 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 an opinion.

If you have any concerns or complaints about the manner in which your Personal Information has been collected, used or disclosed by us, please contact us via the information set out in **Section 11** and will resolve your concern or answer your question.

We recommend that you keep this information for future reference.

1. The kinds of Personal Information collected, used and disclosed by Capacity Capital

We will only use or disclose your Personal Information for the primary purposes for which it was collected or as consented to by you. At or around the time we collect Personal Information from you, we will endeavour to provide you with a notice which details how we will use and disclose that specific information. We set out some common collection, use and disclosure instances in the table below.

Purpose General Enquiries

Type of Information

- **Website enquiries and requests for us to contact you:** Such as your name, email address, phone number, postcode, and any information you provide to us as part of your enquiry message on our “Request a Call Back” webpage.
- **Email and telephone enquiries:** Such as your name, email address, phone number, postcode, and any information you provide to us as part of your enquiry message.



Uses

The types of uses we will make of Personal Information collected for this type of purpose include:

- **Identity verification:** If required, the verification of your identity.
- **Services:** The provision of our services to you including:
 - Using your Personal Information in order to assist you to use our products and services.
 - To provide customer service functions, including handling customer enquiries and complaints.
- **General marketing and consumer analytics:** Using your Personal Information:
 - To aggregate with other information and to then use it for marketing and consumer analytics. This may occur via the use of “cookies” (as detailed in section 2.6) which enable us to personalise your use of our website, and better learn how visitors use our website.
 - To offer you updates on products, events or information that may be of interest to you.
 - For marketing and promotional activities by us (including by direct mail, telemarketing and email) such as our email alerts, product awareness information and newsletters.
- **Online accounts or social media:** If you participate or interact with our accounts on social media platforms (such as Facebook, Instagram and LinkedIn) and you provide us your Personal Information, we may use it for:
 - Adding your social media account handle to our marketing database.
 - Customer service related contact with you via social media.
 - Resharing social media posts that we are tagged in.
 - Responding to social media messages from you.
 - Complying with our obligations under social media platform rules
- **General administrative and security use:**
 - To protect Capacity Capital's websites from security threats, fraud or other criminal activities.
 - The administration and management of Capacity Capital.
 - The maintenance and development of our products and services, business systems and infrastructure.
 - In connection with the sale of any part of Capacity Capital's business or a company owned by a Capacity Capital entity.
 - For quality assurance purposes.

Disclosure

The types of disclosures we will make of Personal Information collected for the type of purposes listed include, without limitation, to:

- Service providers (including IT service providers and consultants) who assist Capacity Capital in providing our products and services.
- Related bodies corporate of Capacity Capital (including related entities).
- Third parties in connection with the sale of any part of Capacity Capital's' business or a company owned by a Capacity Capital entity.
- As required or authorised by law.



Purpose Human Resources

Type of Information

- **Contact information:** Such name, e-mail address, current postal and residential address, phone numbers, country of residence, next of kin contact details.
- **Identifying information:** Details of required primary identification information to the extent provided to us (such as a current Australian driver license, Medicare card, passports, etc.).
- **CV, resume or application related information:** Such as the details provided in your resume or CV, your eligibility to work in Australia, your education, previous employment details, professional memberships or trade qualifications.
- **Tax, superannuation and payroll information:** Such as your Tax File Number and ATO Declaration, Superannuation details and financial institution details.
- **Background check information:** Information obtained from you or third parties to perform background checks.
- **Information collected from your referees:** Such as your referees' opinion about job performance and other information that may be provided when conducting referee checks.
- **Medical or health information** which you voluntarily provide to us as part of pre-employment medicals, random drug and alcohol testing or such other information which may be related to an incident which has occurred during the course of your employment.
- **Performance related information:** Pre-employment testing and other information collected by Capacity Capital's systems in the course of the employee or contractor's engagement with Capacity Capital.
- **Security information:** Such as CCTV footage and photographs taken on our premises.

Uses

- **Background checks:** Utilising the information collected for the purpose of assessing candidate suitability for role, including by obtaining:
 - Verification of your identity and age.
 - Criminal history background checks.
 - Publicly available information including Facebook, Twitter, Instagram, and YouTube that may be browsed during your background check.
 - Confirmation of eligibility to work in Australia.
 - Confirmation of education and qualifications.
 - Confirmation of previous employment.
 - Consideration regarding medical leave.



- **Administration and performance monitoring use:** Utilising the information collected for the purpose of:
 - Dealings related to the employer/employee relationship or the contractor/principal relationship (as the case may be).
 - Use of such information whether or not the employment or contractor relationship is prospective, current or past.
 - Use of such information to monitor systems, performance and time usage and internet usage.
 - The use of your Personal Information collected in the administration and management of Capacity Capital.
- In connection with the sale of any part of Capacity Capital's business or a company owned by a Capacity Capital entity.

Disclosure

We may disclose your Personal Information to:

- Relevant superannuation company.
- Government agencies, including but not limited to The Australian Taxation Office, Centrelink and Child Support Agency.
- Relevant Worker's Compensation organisation (e.g. WorkCover etc).
- Third party referees provided by you in connection with an application made to Capacity Capital.
- Service providers (including IT service providers and payroll administration providers), if any.
- Recruitment agents used in connection with your application with us.
- Third parties in connection with the sale of any part of Capacity Capital's business or a company owned by a Capacity Capital entity.
- Third party parties in connection with obtaining any background checks, pre-employment screening.
- Financial institutions for payroll purposes.
- As required or authorised by law.



Purpose

Client Credit Submissions and Ongoing Credit Reviews

Type of Information

- **Contact and identifying information:**
 - Such as your name, company name, address, postal address (if different to address), email address, date of birth, country of residence, phone numbers.
- **Business and financial information**
 - Business name, business bank details, financial information, including accounting records and operational, business and livestock performance, ABN and GST registration status, business purpose of loan.
 - Whether mortality insurance cover is held.
 - Whether the client is accredited and compliant with the Livestock Production Assurance program.
- **Background check information:**
 - Information obtained from you or third parties to perform background checks, including convictions for animal cruelty.
- **Credit information**
 - Information obtained from credit reporting agencies, including checks and credit scores.
- **Sensitive information**
 - Information obtained from our initial due diligence in identifying and working with "Vulnerable Clients".

Uses

For full details relating to uses of Personal Information in relation to the use of credit information, please refer to our Credit Reporting Policy.

- **Services:** the provision of our services to you including:
 - Checks for financial standing and credit-worthiness (as detailed in our Credit Reporting Policy).
 - To properly complete due diligence and internal reporting.
 - For credit assessment purposes.
 - Approving finance facilities, managing and reviewing financial facilities, including updating your risk rating and pricing where required.
 - Using your Personal Information in order for you to use the services offered.
- **General marketing and consumer analytics:** using your contact information:
 - To aggregate with other information and to then use it for marketing and consumer analytics.
 - To offer you updates on products, events or information that may be of interest to you.
 - For marketing and promotional activities by us (including by direct mail, telemarketing and email) such as our email alerts, product awareness information and newsletters.
 - For the Uses detailed above in "General enquiries".



- **Online accounts or social media:** If you participate or interact with our accounts on social media platforms (such as Facebook, Instagram and LinkedIn) and you provide us your Personal Information, we will use it for:
 - Adding your social media account handle to our marketing database.
 - Customer service related contact with you via social media.
 - Responding to social media messages from you.
 - Complying with our obligations under social media platform rules

General administrative and security use as detailed in the Uses column for “*General enquiries*”.

Disclosure

For full details relating to disclosures of Personal Information in relation to any credit information, please refer to our Credit Reporting Policy.

In summary, we may disclose this type of Personal Information to:

- Credit reporting bodies.
- Third parties, such as external debt recovery agents, court or other entities to which we are required by law to disclose Personal Information.
- Third parties connected with the marketing process who assist us in providing our services to you.
- Third party investors and funders for reporting purposes.
- The parties listed in the Disclosure column for “*General enquiries*”.

Purpose

Guarantors – Client Related Parties

Type of Information

- **Contact and identifying information:**
 - Such as your name, company name, address, postal address (if different to address), email address, date of birth, country of residence, phone numbers.
- **Business and financial information**
 - Business name, financial information, including accounting records, ABN and GST registration status
- **Credit information**
 - Information obtained from credit reporting agencies, including checks and credit scores.



Uses

For full details relating to uses of Personal Information in relation to the use of credit information, please refer to our Credit Reporting Policy.

- **Services:** the provision of our services to clients, including:
 - Using your Personal Information in order to complete a client's credit submission
 - Checks for financial standing and credit-worthiness (as detailed in our Credit Reporting Policy).
 - To manage and review a client's financial facility, including updating their risk rating and pricing where required.
 - To properly complete due diligence and internal reporting.
 - Generating legal documentation to notify the client and you of facility details and updates.
- **General consumer analytics:** using your Personal Information:
 - To aggregate with other information in our Livestock Facility Management System database.

General administrative and security use as detailed in the Uses column for "General enquiries".

Disclosure

For full details relating to disclosures of Personal Information in relation to any credit information, please refer to our Credit Reporting Policy.

We may disclose this type of Personal to:

- Credit reporting bodies.
- Our lawyers and agents who assist us to prepare documents and to complete finance facilities.
- Third party providers who assist us in providing our services to the client.
- Third parties, such as external debt recovery agents, court or other entities to which we are required by law to disclose Personal Information.
- Third parties connected with the marketing process who assist us in providing our services to the client.
- Third party investors and funders for reporting purposes.

The parties listed in the Disclosure column for "General enquiries".



2. How Capacity Capital collects and holds Personal Information

2.1 Collection generally

As much as possible or unless provided otherwise in this Privacy Policy or a notification, we will collect your Personal Information directly from you. When you engage in certain activities, such as filling out a survey or sending us feedback, we may ask you to provide certain information. It is completely optional for you to engage in these activities.

Depending upon the reason for requiring the information, some of the information we ask you to provide may be identified as mandatory or voluntary. If you do not provide the mandatory information or any other information we require in order for us to provide our products or services to you, we may be unable to provide our products or services to you in an effective manner, or at all.

2.2 Other collection sources

We may also collect Personal Information from third parties in the specific circumstances described in **Section 1**. We may also collect Personal Information about you from other publicly available sources and third parties, including but not limited to, court judgments, directorship and bankruptcy searches, Australia Post, White Pages directory, and social media platforms (such as Facebook, Twitter, Google, Instagram etc).

2.3 Notification of collection

If we collect details about you from someone else, we will, whenever reasonably possible, make you aware that we have done this and why, unless special circumstances apply, including as described in this clause 2.3(a) to 2.3(c) below. Generally speaking, we will not tell you when we collect Personal Information about you in the following circumstances:

- (a) where information is collected from any personal referee you have listed on any application form (including any employment application) with Capacity Capital;
- (b) where information is collected from publicly available sources including but not limited to court judgments, directorship and bankruptcy searches, social media platforms (such as Facebook, Twitter, Google, Instagram etc); or
- (c) as otherwise required or authorised by law.

2.4 Unsolicited Personal Information

In the event we collect Personal Information from you, or a third party, in circumstances where we have not requested or solicited that information (known as unsolicited information), and it is determined by Capacity Capital (in its absolute discretion) that the Personal Information is not required, we will destroy the information or ensure that the information is de-identified.

In the event that the unsolicited Personal Information collected is in relation to potential future employment with Capacity Capital such as your CV, resume or candidacy related information, and it is determined by Capacity Capital (in its absolute discretion) that it may consider you for potential future employment, Capacity Capital may keep the Personal Information on its human resource records.



2.5 How we hold your Personal Information

Once we collect your Personal Information, we will either hold it securely and store it on infrastructure owned or controlled by us or with a third party service provider who have taken reasonable steps to ensure they comply with the Privacy Act. We provide some more general information on our security measures in **Section 9 (Data security and quality)**.

2.6 Cookies and IP addresses

If you use our website, we may utilise "cookies" which enable us to monitor traffic patterns, trends and to serve you more efficiently if you revisit our website. In most cases, a cookie does not identify you personally but may identify your internet service provider or computer.

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

However, in some cases, cookies may enable us to aggregate certain information with other Personal Information we collect and hold about you. Capacity Capital extends the same privacy protection to your Personal Information, whether gathered via cookies or from other sources, as detailed in this Privacy Policy.

You can set your browser to notify you when you receive a cookie and this will provide you with an opportunity to either accept or reject it in each instance. However, if you disable cookies, you may not be able to access certain areas of our websites or take advantage of the improved web site experience that cookies offer.

3. Uses and discloses of Personal Information

3.1 Use and disclose details

We provide a detailed list at **Section 1** of some common uses and disclosures we make regarding the Personal Information we collect.

3.2 Other uses and disclosures

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 being, engaged in; or
- (d) if it is required or authorised by law.



3.3 Use and disclosure procedures

In the event we propose to use or disclose such Personal Information other than for reasons set out in the above table at **Section 1** or as otherwise outlined in this Privacy Policy, we will first notify you or seek your consent prior to such disclosure or use.

Your Personal Information is disclosed to these organisations or parties only in relation to the products or services we provide to you or for a purpose permitted by this Privacy Policy.

We take such steps as are reasonable to ensure that these organisations or parties are aware of the provisions of this Privacy Policy in relation to your Personal Information.

3.4 Communications opt-out

If you have received communications from us and you no longer wish to receive those sorts of communications, you should contact us via the details set out at the top of this document and we will ensure the relevant communication ceases. Any other use or disclosure we make of your Personal Information will only be as required or authorised by law or as permitted by this Privacy Policy or otherwise with your consent.

4. Sensitive information

4.1 Sensitive information generally

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 orientation or practices, criminal record, health information about an individual, genetic information, biometric information that is to be used for the purpose of automated biometric verification or biometric identification or biometric templates.

4.2 Collection and use of sensitive information

In general, we attempt to limit the collection of sensitive information we may collect from you, but depending on the uses you make of our products this may not always be possible and we may collect sensitive information from you in order to carry out the services provided to you, including the identification of "Vulnerable Clients". However, we do not collect sensitive information from you without your consent.

The type of sensitive information we may collect about you is dependent on the services provided to you by Capacity Capital will be limited to the purpose(s) for which it is collected. We set out some types of sensitive information we may collect about you in the "*Human resources*" and "*Client credit submissions and ongoing credit reviews*" sections of the table at **Section 1** above.

We do not use sensitive information to send you Direct Marketing Communications (as set out in **Section 5** below) without your express consent.



4.3 Consent

We may collect other types of sensitive information where you have consented and agree to the collection of such information. Generally speaking, we will obtain this type of consent from you at (or around) the point in time in which we collect the information.

5. Direct Marketing

5.1 Express informed consent

You give your express and informed consent to us using your Personal Information set out in the table at **Section 1** above to provide you with information and to tell you about our products, services or events or any other direct marketing activity (including third party products, services, and events) which we consider may be of interest to you, whether by post, email, SMS, messaging applications and telephone (**Direct Marketing Communications**).

5.2 Inferred consent and reasonable expectations of direct marketing

Without limitation to paragraph 5.1, if you have provided inferred or implied consent (e.g. not opting out where an opt-out opportunity has been provided to you) or if it is within your reasonable expectation that we send you Direct Marketing Communications given the transaction or communication you have had with us, then we may also use your Personal Information the purpose of sending you Direct Marketing Communications which we consider may be of interest to you.

5.3 Opt-out

If at any time you do not wish to receive any further Direct Marketing Communications from us or others under this Section 5, 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 Direct Marketing Communication or by contacting us via the details set out at the top of this document.

6. Credit Information and our Credit Reporting Policy

6.1 Credit information generally

The *Privacy Act 1988* (Cth) contains provisions regarding the use and disclosure of credit information, which applies in relation to the provision of both consumer credit and commercial credit.

6.2 Credit information and Capacity Capital

As a substantial part of our business is the provision of credit, we are considered a credit provider under the Privacy Act in relation to any credit we may provide you.

We use credit related information for the purposes set out in the “Client credit submissions” and “Guarantors – client related parties” sections of the table at **Section 1** above and our **Credit Reporting Policy** which includes but is not limited to using the information for our own internal assessment of your credit worthiness.



6.3 Storage and access

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.

You may request to access or correct your credit information in accordance with the provisions of **Section 10** and the provisions of our **Credit Reporting Policy**.

6.4 Complaints

Please see **Section 11** and the provisions of our **Credit Reporting Policy** if you wish to make a complaint in relation to our handling of your credit information.

6.5 Our Credit Reporting Policy

Please see our **Credit Reporting Policy** for further information as to the manner in which we collect, use, store and disclosure credit information.

7. Anonymity and pseudo-anonymity

Due to the nature of the services we provide, it is only practicable or reasonable for Capacity Capital to transact and correspond with you on a named basis. Your Personal Information may be required in order to provide you with our services, or to resolve any issue you may have.

8. Cross Border Disclosure

8.1 Cross border disclosures

Any Personal Information collected and held by Capacity Capital may be disclosed to, and held at, a destination outside Australia, including but not limited to Hong Kong, Japan, Malaysia, Singapore, South Korea, Germany, the United Kingdom, and the United States, where we utilise third party service providers to assist Capacity Capital with providing our goods and services to you. Personal Information may also be processed by staff or by other third parties operating outside Australia who work for us or for one of our suppliers, agents, partners or related companies.

As we use service providers and platforms which can be accessed from various countries via an Internet connection, it is not always practicable to know where your information may be held. If your information is stored in this way, disclosures may occur in countries other than those listed above.

In addition we may utilise overseas IT services (including software, platforms and infrastructure), such as data storage facilities or other IT infrastructure. In such cases, we may own or control such overseas infrastructure or we may have entered into contractual arrangements with third party service providers to assist Capacity Capital with providing our products and services to you.



8.2 Provision of informed consent

By submitting your Personal Information to Capacity Capital you expressly agree and consent to the disclosure, transfer, storage 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, we will take steps to ensure that your information is used by third parties securely and in accordance with the terms of this Privacy Policy.

The Privacy Act requires us to take such steps as are reasonable in the circumstances to ensure that any recipients of your Personal Information outside of Australia do not breach the privacy principles contained within the Privacy Act. By providing your consent, under the Privacy Act, we are not required to take such steps as may be reasonable in the circumstances. However, despite this, we acknowledge the importance of protecting Personal Information and have taken reasonable steps to ensure that your information is used by third parties securely and in accordance with the terms of this Privacy Policy.

8.3 If you do not consent

If you do not agree to the disclosure of your Personal Information outside Australia by Capacity Capital you should (after being informed of the cross border disclosure) tell Capacity Capital that you do not consent. To do this, either elect not to submit the Personal Information to Capacity Capital after being reasonably informed in a collection notification or please contact us via the details set out at the top of this document.

9. Data security and quality

9.1 Capacity Capital's security generally

We have taken steps to help secure and protect your Personal Information from unauthorised access, use, disclosure, alteration, or destruction. You will appreciate, however, that we cannot guarantee the security of all transmissions of Personal Information, especially where human error is involved or malicious activity by a third party.

Notwithstanding the above, we will take 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 Personal Information if it is no longer needed for its purpose of collection.



9.2 Accuracy

The accuracy of Personal Information depends largely on the information you provide to us, so 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).

We provide information about how you can access and correct your information in **Section 10**.

10. Access to and correction of your Personal Information

You are entitled to have access to any Personal Information relating to you which we hold, except in some exceptional circumstances provided by law (including the Privacy Act). You are also entitled to edit and correct such information if the information is inaccurate, out of date, incomplete, irrelevant or misleading.

If you would like access to or correct any records of Personal Information we have 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 top of this document.

11. Resolving Privacy Complaints

11.1 Complaints generally

We have put in place an effective mechanism and procedure to resolve privacy complaints. We will ensure that all complaints are dealt with in a reasonably appropriate timeframe so that any decision (if any decision is required to be made) is made expeditiously and in a manner that does not compromise the integrity or quality of any such decision.

11.2 Contacting Capacity Capital regarding complaints

If you have any concerns or complaints about the manner in which we have collected, used or disclosed and stored your Personal Information, please contact us:

Telephone: 1300 965 683

Email: contact@capacitycapital.com.au

Address: Level 19, 10 Eagle St,
Brisbane Qld 4000

Please mark your correspondence to the attention of the Privacy Officer.

11.3 Steps we take to resolve a complaint

In order to resolve a complaint, we:

- (a) will liaise with you to identify and define the nature and cause of the complaint;



- (b) may request that you provide the details of the complaint in writing;
- (c) will keep you informed of the likely time within which we will respond to your complaint; and
- (d) will inform you of the legislative basis (if any) of our decision in resolving such complaint.

11.4 Register of complaints

We will keep a record of the complaint and any action taken in a Register of Complaints.

12. Consent, modifications and updates

12.1 Interaction of this Policy with contracts

This Privacy Policy is a compliance document prescribed by law rather than a legal contract between two or more persons. However, certain contracts may incorporate all, or part, of this Privacy Policy into the terms of that contract. In such instances, Capacity Capital may incorporate the terms of this policy such that:

- (a) certain sections or paragraphs in this policy are incorporated into that contract, but in such a way that they do not give rise to contractual obligations onto Capacity Capital but do create contractual obligations on the other party to the contract; and
- (b) the consents provided in this policy become contractual terms provided by the other party to the contract.

12.2 Acknowledgement

By using our website, purchasing a product or service from Capacity Capital where you have been provided with a copy of our Privacy Policy or had a copy of our Privacy Policy reasonably available to you, you are acknowledging and agreeing:

- (a) to provide the consents given by you in this Privacy Policy; and
- (b) that you have been informed of all of the matters in this Privacy Policy.

12.3 Modifications and updates

We reserve the right to modify our Privacy Policy as our business needs require. We will take reasonable steps to notify you of such changes (whether by direct communication or by posting a notice on our website). If you do not agree to our continued use of your Personal Information due to the changes in our Privacy Policy, please cease providing us with your Personal Information and contact us via the details set out at the top of this document.

