

Privacy Policy

In this Privacy Policy, the expressions "Health First", "we", "us" and "our" are a reference to Health First NQ PTY LTD A.B.N. 63 651 452 210 and its Related Bodies Corporate and Related Entities.

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

By using our Services and by using and continuing to use our Website and/or App you agree to the terms of this Privacy Policy and consent to us collecting, maintaining, using and disclosing your personal information in the way described in this Privacy Policy.

If you have any concerns or complaints about the manner in which your personal information has been collected, used or disclosed by us, or if you believe that we have failed to comply with our obligations contained in the *Privacy Act 1988* (Cth) 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.

We can be e-mailed at admin@healthfirstnq.com and our Privacy Officer will then attempt to resolve the issue.

We recommend that you keep this information for future reference.

1. Definitions

1.1 In this Privacy Policy :

- (a) "Related Body Corporate" or "Related Bodies Corporate" has the same meaning as under the Corporations Act 2001 (Cth);
- (b) "Related Entity" or "Related Entities" has the same meaning as under the Corporations Act 2001 (Cth);
- (c) "Services" means the services provided by us including, without limitation, any exercise physiology consultation or instruction, personal or group exercise classes (included but not limited to strength and/or fitness classes, strength and conditioning classes) and/or personal education and/or advice.
- (d) "Sensitive Information" has the same meaning as under the Privacy Act 1988;
- (e) "Website" means any website we may establish or operate from time to time including but not limited to any App that we may establish or operate;
- (f) The meaning of any general language is not restricted by any accompanying example, and the words 'includes', 'including', 'such as', 'for example' or similar words are not words of limitation.

2. What is personal information?

The *Privacy Act 1988* (Cth) defines "personal information" to mean information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual whose identity is reasonably identifiable, from the information or opinion.

3. Sensitive Information

- 3.1 We may collect sensitive information from you in order to carry out the Services provided to you, however, we do not collect sensitive information from you without your consent.
- 3.2 The type of sensitive information we may collect from you or record about you is dependent on the Services provided to you by us and will be limited to those purposes reasonably necessary for our functions or activities. We do not use sensitive information to send you Direct Marketing Communications (as defined in part 7 below) without your express consent.
- 3.3 We may collect certain types of sensitive information where you have consented and agree to the collection of such information.

4. Collection of your personal information

- 4.1 We only collect personal information that is necessary for providing our Services. The type of information we may collect from you includes (but is not limited to):
 - (a) your contact information such as full name (first and last), e-mail address, current postal address, delivery address (if different to postal address) and phone numbers;
 - (b) information about your medical history (including, but not limited to, details of any medication you are taking or have taken in the past);
 - (c) your feedback, enquiry and information regarding our response to any feedback or enquiries (where applicable);
 - (d) your date of birth;
 - (e) proof of your date of birth (including, but not limited to, copies of your driver's licence, passport, birth certificate);
 - (f) your financial information (such as credit card or bank account numbers);
 - (g) any additional information required to provide you with our Services;
 - (h) your opinions, statements and endorsements collected personally or via surveys and questionnaires; and
 - (i) if you are requesting products or services from us or we are purchasing goods or services from you, any relevant payment or billing information (including but not limited to bank account details, direct debit, credit card details, billing address, repayment information and invoice details).
- 4.2 As much as possible or unless provided otherwise under this privacy policy, we will collect your information directly from you (such as from your use of our Services) when you interact with either us or one of our trusted partners or from our records of how you use Services provided by us. We may also collect personal information from your representatives, through our Website or other electronic communication channels, when sent to us via email or other communication from third parties, when required by law to do so, from publicly available sources of information, or when you enter a competition or promotion or participate in a survey, from our suppliers or partners and from private vendors. We are not responsible for the conduct of third parties with respect to the handling of your personal information including any violations by third parties of its own privacy policy or applicable law/s.

- 4.3 We may also purchase marketing data from third parties and add this to our database to use for our advertising and send promotional offers to you which we think that you may be interested in.
- 4.4 You might also need to provide personal information about other individuals to us (e.g. about your authorised representatives). If so, we rely on you to have informed those individuals that you are giving their personal information to us and to have advised them about this Privacy Policy.
- 4.5 When you engage in certain activities, such as entering a contest or promotion, 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.
- 4.6 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 data or any other information we require in order for us to provide our Services to you, we may be unable to effectively provide our Services to you.
- 4.7 If you use our website, we may utilise "cookies" which enable us to monitor traffic patterns, help us facilitate any promotions, surveys or advertising materials that we provide and to serve you more efficiently if you revisit a Health First Website. We may also use "cookies" as a tracking technology within promotional materials that we provide to you. Third parties may help us to track activity within our Website and may also use "cookies" as a tracking technology. A cookie does not identify you personally but may identify your internet service provider or computer. 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.
- 4.8 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.
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 consented to and/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) if required, the verification of your identity and the verification of your date of birth;
 - (b) the provision of our Services to you (including, but not limited to, sharing information with other health professionals engaged by you);
 - (c) to promote Health First and its products and our Services including through direct marketing events and competitions, public relations and social media;
 - (d) to communicate with you in order to provide you with our Services through various mediums such as email, SMS, social media, search engines and webpages;
 - (e) to facilitate the administration and management of Health First;
 - (f) the administration and management of our Services, including charging, billing, credit card authorisation and verification, checks for financial standing, credit-worthiness (including but not limited to undertaking an assessment for credit loss and obtaining credit references from the trade references which have been nominated by you on your credit application form with us, if applicable), fraud and collecting debts;

- (g) the improvement, development and delivery of our Services (including to contact you about those improvements and asking you to participate in surveys about our Services);
- (h) the maintenance, development and analysis of our Services, business systems and infrastructure;
- (i) marketing and promotional activities by us and our related bodies (including direct marketing by direct mail, telemarketing, email, SMS and MMS messages) such as our customer loyalty programs, promotional offers and newsletters;
- (j) to provide customer service functions, including handling customer enquiries and complaints;
- (k) to offer you updates, or other content or products or Services that may be of interest to you;
- (l) our compliance with applicable laws (including bankruptcy laws) and legal obligations, in response to a law enforcement agency's request, or where we have reason to believe that disclosing your personal information is necessary to identify, contact or commence legal action against a third party who may be causing injury or interference with our rights, property, Services or business;
- (m) the sale, and matters in connection with a potential sale, of our business or company to a third party, including mergers and transfers of the business or part thereof to a third party; and
- (n) any other matters reasonably necessary to continue to provide our products and services to you.

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 directly 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; or
- (b) 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 5.1 and 5.2 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 our privacy officer who will then attempt to resolve the issue and we will ensure the relevant communication ceases. 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

6.1 We may disclose your personal information to organisations outside of Health First for a purpose directly related to the primary purpose of collection detailed in this Privacy Policy. Examples of organisations and/or parties that your personal information may be provided to for a purpose directly related to the primary purposes of collection detailed in this Privacy Policy include:

- (a) Other health professionals engaged by you;

- (b) Our service providers or partners, which may include overseas and local agents, delivery and shipping providers, information technology providers, market and communication agencies, development, analysis, research, business and intelligence groups, advertisement providers and external business advisors;
- (c) Financial institutions for processing of payments received by you;
- (d) Authorised representatives or advisers or when you ask us to do so;
- (e) Third parties who assist us in provide our Services;
- (f) Regulatory, investigative or government bodies in order to comply with any and all relevant laws.

6.2 Your personal information is disclosed to these organisations and/or parties only in relation to the Services we provide to you or for a purpose permitted by this privacy policy however we are not responsible for the conduct of third parties with respect to the handling of your personal information.

7. Direct Marketing

7.1 You expressly consent to us using your personal information, including any email address you give to us, 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) (Direct Marketing Communications) which we consider may be of interest to you.

7.2 Without limitation to clause 7.1, if it is within your reasonable expectations 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 for the purpose of sending you Direct Marketing Communications which we consider may be of interest to you.

7.3 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 our Privacy Officer.

8. Cross Border Disclosure

8.1 Any personal information provided to us may be transferred to, and stored at, a destination outside Australia, where we may utilise overseas data and website hosting facilities or where we have entered into contractual arrangements with third party service providers to assist us with providing our 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 any suppliers, agents, partners or related companies of Health First.

8.2 The *Privacy Act 1988* 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 1988*. By providing your consent, under the *Privacy Act 1988*, we are not required to take such steps as may be reasonable in the circumstances.

8.3 By submitting your personal information to us, 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 and you may not be able to seek redress in the overseas jurisdiction.

- 8.4 If you do not agree to the transfer of your personal information outside Australia, please contact our Privacy Officer.

9. Data quality and security

- 9.1 We may store your information in hard copy or electronic format.
- 9.2 We will take reasonable steps to help ensure your personal information is safe. However, we cannot guarantee the security of all transmissions or personal information, especially where the Internet is involved.
- 9.3 You acknowledge that we are not liable for the safety of your personal information where you provide or allow access to such information by parties other than us.
- 9.4 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 within a reasonable time after it is no longer needed for its purpose of collection.
- 9.5 However, 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).

10. Access to and correction of your personal information

- 10.1 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 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.
- 10.2 If you would like access, or correct any records of personal information we have about you, you are able to access or update that information (subject to the above) by contacting our Privacy Officer.

11. Consent

- 11.1 By using our Website, engaging us to perform or using our Services or by accepting the terms of one of our terms and conditions which refer to this Privacy Policy (as may be applicable), you are agreeing to the terms of this Privacy Policy.
- 11.2 If you do not agree to the terms and conditions of this Privacy Policy, please do not use our Website or contact our Privacy Officer before you use our Website.
- 11.3 We reserve the right to modify our Privacy Policy as our business needs require. We will notify you of such changes (whether by direct communication or by posting the amended Privacy Policy 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 agreement to the modified terms. If you do not agree to our continued use of your personal information due to the changes in our privacy policy, please contact our Privacy Officer at:

Email: admin@healthfirstnq.com