

# Privacy Policy

Marmalade Australia Pty Ltd (ABN 56 637 723 196)

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This Privacy Policy applies to Marmalade Australia Pty Ltd and its affiliates (**we, us, our**) in relation to our operations and provides information about how we collect, handle, use, and share Personal Information, including where such information is collected on our platform, website(s), applications, via email or otherwise.

Personal Information means information relating to an individual which could be used to reasonably identify that individual.

This Privacy Policy is subject to any applicable local privacy laws, including the *Privacy Act 1988* (Cth) and the Australian Privacy Principles (**APPs**) (**Privacy Laws**).

Marmalade recognises the importance of your privacy, and acknowledges that you have a right to control how your Personal Information is collected and used.

Marmalade is committed to treating your Personal Information carefully and securely.

## 1. Collection of Personal Information

1.1 We collect Personal Information from customers (existing and prospective), users of our platform, service providers, contractors, prospective employees and other individuals for various business and other purposes further listed in section 2.2 below. In this section, we explain the types of Personal Information which we usually collect as well as how we collect this information.

1.2 The types of Personal Information we will collect from you will depend on the circumstances in which that information is collected. It may include:

- (a) contact details (i.e., your name, address, email, phone and fax numbers);
- (b) information to verify your identity, including in relation to "know your customer" and anti-money-laundering (**KYC/AML**) checks that we (and service providers on our behalf) conduct in relation to your, and your corporate entity's, use of the Marmalade platform;
- (c) financial information (such as the full bank account and BSB numbers, payment authorisations and/or credit or debit card numbers that you link to Marmalade or give us when you use Marmalade);
- (d) information about the products and services you supply and acquire, including information about invoices you issue and receive in relation to such products and services, and the payments made and received in relation to such invoices;
- (e) information about your employment (e.g., place of work, position, authority to transact with us, etc.);
- (f) age and information on personal preferences; and
- (g) statistical information regarding the use of the our platform, websites and applications, including users' IP addresses and the dates and times of visits.

1.3 We usually collect Personal Information through:

- (a) our platform, websites and applications;
- (b) social media;
- (c) the onboarding process for use of our services;
- (d) employment applications;

- (e) third party service providers;
- (f) requests for information;
- (g) entries to competitions or promotions we run (either by us or through our marketing agents on our behalf);
- (h) provision of customer service and support; and
- (i) responses to surveys or research conducted by us or on our behalf.

1.4 If you do not provide us with the information we request, we may not be able to fulfill the applicable purpose of collection, such as to supply services to you or to assess your application for employment.

1.5 Where practicable, we will collect Personal Information directly from you. If we receive information about you from someone else (for example from someone who supplies goods or services to us), we will take reasonable steps to ensure you are aware that we have collected Personal Information about you and the circumstances of the collection.

## **2. Use and disclosure of Personal Information**

2.1 We will only use and disclose your Personal Information in accordance with Privacy Laws and this Privacy Policy.

2.2 Our main purposes for collecting, holding, using and disclosing Personal Information are the following:

- (a) to supply services and support to customers and users of our platform;
- (b) to obtain products and services from our service providers;
- (c) to respond to enquiries from existing or prospective customers seeking information about our products or services;
- (d) to process transactions and send notices to you and your service providers (including your accounting platform providers) about your transactions;
- (e) to resolve disputes and troubleshoot problems;
- (f) to collect debts and other fees you may owe to us or to other users of our platform,
- (g) to deliver targeted marketing, service update notices, and promotional offers based on your communication preferences;
- (h) to process and assess employment applications;
- (i) to enforce agreements between you and us;
- (j) to undertake research and surveys and analyse statistical information;
- (k) to comply with legislative and our policy requirements including in relation to occupational health and safety and environmental matters;
- (l) to compare information for accuracy and verify it with third parties;
- (m) to investigate and prevent prohibited or illegal activities;
- (n) for the purpose of performing data analytics including to improve our services;
- (o) for other purposes to which you have consented;

- (p) to confirm your identity for the purposes of anti-money laundering and counter-terrorism laws and assess applications and your suitability for our services; and
  - (q) as required or permitted by relevant laws and regulations.
- 2.3 We will only use or disclose Personal Information for a purpose other than that for which it was collected or a related purpose if you have consented to such different use or disclosure or such use or disclosure is otherwise allowed by the Privacy Laws.
- 2.4 In carrying out our business, it may be necessary to share information about you with and between our related bodies corporate and organisations that provide services to us. Other than in relation to our service providers and partners as noted below, we would not otherwise routinely disclose Personal Information to another organisation unless:
  - (a) required by law;
  - (b) we believe it is necessary to provide you with a service which you have requested;
  - (c) it is necessary to protect the rights, property or personal safety of any of our customers, any member of the public or our interests;
  - (d) the assets and operations of our business are transferred to another party as a going concern; or
  - (e) you have provided your consent.

### **3. Service providers and partners**

- 3.1 Like most organisations, we use a range of service providers to help us maximise the quality and efficiency of our services and our business operations, and engage with a range of partners to optimise our business. This means that individuals and organisations outside of our organisation, such as accounting platforms, providers of KYC/AML search and investigation services (including Brontech), data hosting, storage and analytics providers, debt collection service providers and any other service providers we use to deliver our services or operate our business, will sometimes have access to Personal Information held by us and may use it on behalf of us.
- 3.2 In particular, we will disclose financial information such as information about the invoices you send and receive, the payments you make and receive, your debt and payment profile and your outstanding obligations to pay invoices to your accounting software and services provider, to enable your accounting service provider to maintain an accurate picture of your financial position.
- 3.3 We require our service providers to adhere to strict privacy guidelines and not to keep this information or use it for any unauthorised purposes.

### **4. Disclosure of information outside the jurisdiction of collection**

- 4.1 We may disclose Personal Information outside of the jurisdiction from which it was collected. In the conduct of our business, we and/or our service providers (including Brontech as our KYC/AML service provider) may transfer to, hold or access Personal Information outside Australia from various countries, including New Zealand. The Privacy Laws of those countries may not provide the same level of protection as the Privacy Laws of the country from which the Personal Information was collected. However, this does not change our commitments to safeguard your privacy and we will comply with all applicable laws relating to the cross-border data disclosure.

## **5. Direct marketing**

- 5.1 Like most organisations, marketing is important to our functions and activities. We may therefore, from time to time, send marketing materials to current or prospective customers. We only do so in accordance with applicable laws or with your prior consent.
- 5.2 If you are receiving promotional information from us and do not wish to receive this information any longer, please contact us direct on 1800 CASHIN (1800 227 446) or [privacy@withmarmalade.com](mailto:privacy@withmarmalade.com) and ask to be removed from our mailing lists, or use the unsubscribe facilities included in our marketing communications.
- 5.3 Even after you've opted-out of receiving marketing communications from us, we may still contact you for transactional or informational purposes. These include, for example, customer service issues, returns or product-related inquiries, outstanding payment inquiries, surveys or recalls, or any questions regarding a specific order.

## **6. Our website privacy practices**

- 6.1 We sometimes use technology on our platform, websites or applications, including cookies, to provide information and services to website visitors. Cookies are pieces of information that a website transfers to your computer for record keeping purposes and are a necessary part of facilitating online transactions. Most web browsers are set to accept cookies. Cookies are useful to estimate our number of members and determine overall traffic patterns through our websites.
- 6.2 If you do not wish to receive any cookies, you may set your browser to refuse cookies. This may mean you will not be able to take full advantage of the services on the website.

## **7. Links to other websites**

- 7.1 Our websites may contain links to third party websites. These linked sites are not under our control and we are not responsible for the content of those sites nor are those sites subject to our Privacy Policy. Before disclosing your Personal Information on any other website, we recommend that you examine the terms and conditions and privacy policy of the relevant site. We are not responsible for any practices on linked websites that might breach your privacy.

## **8. Employee information**

- 8.1 This Privacy Policy does not apply to the handling of information about employees by us. For information about our practices relating to employee information please contact [privacy@withmarmalade.com](mailto:privacy@withmarmalade.com).

## **9. Recruitment**

- 9.1 If you send us an application for a position, this information will be used to assess your application. This information may be disclosed to related bodies corporate and service providers for purposes such as: aptitude, psychological and other testing; and other human resources management activities.
- 9.2 As part of the application process, you may be asked for your specific consent to the use and disclosure of certain Personal Information about any pre-employment testing. We may also ask you to consent to the disclosure of your Personal Information to those people who you nominated to provide references.
- 9.3 A refusal to provide any of this information, or to consent to its proposed disclosure may affect the success of the application.

## **10. Accessing and correcting the information we keep about you**

- 10.1 If at any time you want to know exactly what Personal Information we hold about you, you are welcome to request access to your record by contacting us at [privacy@withmarmalade.com](mailto:privacy@withmarmalade.com). Our file of your information will usually be made available to you within 14 days.

- 10.2 If at any time you wish to change Personal Information that we hold about you because it is inaccurate or out of date, please contact us at [privacy@withmarmalade.com](mailto:privacy@withmarmalade.com) and we will amend this record. If you wish to have your Personal Information deleted, please let us know in the same manner as referred to above and we will take all reasonable steps to delete it unless we need to keep it to continue to provide you with services you have requested, or for legal reasons.

## **11. Security of your Personal Information**

- 11.1 We will endeavour to take all reasonable steps to keep secure any information which we hold about you, and to keep this information accurate, up to date and complete. We require our employees and data processors to respect the confidentiality of any Personal Information held by us.
- 11.2 In the event there has been unauthorised access to, or unauthorised disclosure of Personal Information which is likely to result in serious harm to individuals, Marmalade will notify the Office of the Australian Information Commissioner (**OAIC**), and affected individuals, as required by law.

## **12. Retention of information**

- 12.1 When we no longer need to use your information, we will take steps to properly de-identify or destroy it.

## **13. Contacting us and making complaints**

- 13.1 If you have any concerns or complaints about how we handle your Personal Information, or if you have any questions about this policy, please contact us:

E-mail address: [privacy@withmarmalade.com](mailto:privacy@withmarmalade.com)

Mailing address: PO Box 649  
Fortitude Valley  
QLD 4006

- 13.2 In most cases we will ask that you put your request in writing to us. We will investigate your complaint and will use reasonable endeavours to respond to you in writing within 20 days of receiving the written complaint.
- 13.3 If you are not satisfied with the response or do not receive a response within a reasonable timeframe, you may have the right to take your complaint to the OAIC. Current contact details for the OAIC are available on the OAIC's website at [www.oaic.gov.au](http://www.oaic.gov.au).

## **14. Future changes**

- 14.1 We operate in a dynamic commercial environment. Over time, aspects of our business may change. This may require our policies to be reviewed and revised. We reserve the right to change this Privacy Policy at any time and notify you by posting an updated version of the policy on our website. If at any point we decide to use Personal Information in a manner materially different from that stated at the time it was collected we will notify users by email or via a prominent notice on our website, and where necessary we will seek the prior consent of our users.

**Last updated:** 30 September 2020