

# Privacy Policy: Apco Service Stations Pty Ltd

## 1. Our Commitment

Apco Service Stations Pty Ltd (ACN 007 229 898) and its related entities (“**APCO**”) are committed to maintaining the privacy and confidentiality of our customers’ personal information.

This document sets out our policies for managing Your Personal Information and is referred to as our Privacy Policy.

## 2. Interpretation

- (a) In this Privacy Policy, unless stated otherwise, the following terms have the following definition:
- (i) “**APCO’s WiFi Network**” means any WiFi network available at any APCO service station supplied on behalf of or authorised by APCO or its agents;
  - (ii) “**Personal Information**” means information or an opinion about an identified or reasonably identifiable individual;
  - (iii) “**Primary Purposes**” means conducting the business of APCO, including supplying goods and services to you;
  - (iv) “**Privacy Act**” means the *Privacy Act 1988* (Cth);
  - (v) “**Secondary Purposes**” means matters incidental to conducting the business of APCO, including:
    - (A) business marketing;
    - (B) data use and collection for internal business purposes;
    - (C) storage and security of the information;
    - (D) debt collection;
    - (E) credit-reporting; or
    - (F) complying with the law;
  - (vi) “**Sensitive information**” means information or an opinion about an individual’s:
    - (A) racial or ethnic origin;
    - (B) political opinions;
    - (C) membership of a political association;
    - (D) religious beliefs or affiliations;
    - (E) philosophical beliefs;
    - (F) membership of a professional or trade association;
    - (G) membership of a trade union;
    - (H) sexual orientation or practices;
    - (I) criminal record;
    - (J) health information;
    - (K) genetic information; or
    - (L) biometric information or templates;
  - (vii) “**You**” means you, the person accessing this Privacy Policy, APCO’s website, APCO’s WiFi network or engaging in business or communication with APCO and “Your” carries the same meaning.

- (b) In this Agreement, unless the context requires otherwise:
  - (i) the singular includes the plural and vice versa;
  - (ii) a gender includes the other genders; and
  - (iii) the headings are used for convenience only and do not affect the interpretation of this Agreement.

### **3. Application and Compliance with Relevant Legislation**

- (a) If APCO is an 'APP entity' within the meaning of the Privacy Act, APCO is obliged to and will adhere to the Australian Privacy Principles ("APPs") when collecting, using and disclosing personal information.
- (b) If the Notification of Eligible Data Breach scheme contained in Part IIIC of the Privacy Act applies to APCO, APCO is obliged to and will adhere to the scheme.
- (c) If APCO:
  - (i) is an organisation located in the European Union; or
  - (ii) offers goods or services, or monitors the behaviors of European Union data subjects,

APCO is obliged to comply with all applicable obligations of the European Union's General Data Protection Regulation.

### **4. Your Personal Information**

APCO respects the importance of Your privacy and acknowledges that when You provide Your Personal Information, You do so, on the provision that unless You give APCO permission, APCO will only collect, use and disclose Your Personal Information in accordance with the Privacy Act.

### **5. Your Sensitive Information**

APCO will not collect Sensitive Information about You except with Your consent or only where it is reasonably necessary to collect such information or required by law. APCO will notify You as soon as practicable should it obtain or require Sensitive Information about You.

### **6. Collection and Storage**

APCO collects Personal Information about individuals, where the information is necessary to conduct its business.

#### **6.1 Kinds of Personal Information Collected**

The type of Personal Information APCO collects will vary depending on the circumstances of collection or the service that you request from APCO, but may include Your::

- (a) name;
- (b) residential address;
- (c) date of birth;
- (d) gender;

- (e) bank details where such information is provided by telephone by you;
- (f) credit card information where such information is provided by telephone by you;
- (g) employment or business;
- (h) professional details
- (i) associations, including trusts and companies;
- (j) contact details, including email address and telephone numbers;
- (k) device name and device MAC address; and
- (l) information collected via electronic communications, which may include internet protocol addresses, the time, date and place of the communication.

## 6.2 Collection of Personal Information

The Personal Information is collected when You:

- (a) provide it to APCO;
- (b) visit and browse APCO's website;
- (c) interact with APCO electronically, via social media (including Facebook, Instagram and Twitter);
- (d) enter competitions with APCO, via scanning of a QR Code, on APCO's website, via social media or providing details instore;
- (e) contact APCO by email, telephone or facsimile; or
- (f) use APCO's WiFi Network, save that when accessing APCO's WiFi Network the Personal Information collected is limited to phone number, device name and device MAC Address.

## 6.3 Collection from Third Parties

APCO may collect Personal Information from a third party where:

- (a) the third party is APCO's Related Bodies Corporate (as defined in the *Corporations Act 2001* (Cth)), business partners, other customers or Your representatives; or
- (b) You have consented to the collection of the information; or
- (c) APCO is required, or authorised under Australian law, court/ tribunal, to do so; or
- (d) it is unreasonable or impracticable to obtain the information from You; or
- (e) the information is publicly available.

## 6.4 Electronic collection of Personal Information

- (a) You may visit APCO's website at <http://apco.com.au/> without identifying yourself. If you identify yourself (for example by providing you contact details in an enquiry), any Personal Information you provide to APCO will be managed in accordance with this Privacy Policy.
- (b) APCO's website uses cookies. A "cookie" is a small file stored on your computer's browser, which assists in managing customised settings of the website and delivering content. APCO collects certain information such as your device type, browser type, IP address, pages you have accessed on APCO's website and on third-party websites. You are not identifiable from such information.
- (c) You can use the settings in your browser to control how your browser deals with cookies. However, in doing so, you may be unable to access certain pages or content on APCO's website.

- (d) APCO may also use cookies to enable it to collect data that may include Personal Information. For example, where a cookie is linked to your account, it will be considered Personal Information under the Privacy Act. APCO will handle any personal information collected by cookies in the same way that it handles all other Personal Information as described in this Privacy Policy.
- (e) APCO's website may contain links to third-party websites. APCO is not responsible for the content or privacy practices of websites that are linked to our website.

## 6.5 Purpose of Collection

- (a) APCO will collect the Personal Information for its Primary and Secondary Purposes.
- (b) APCO will not use Your Personal Information for a purpose other than the Primary and Secondary Purposes, unless permitted by You or the law.

## 7. Use and Disclosure

APCO will only use Your Personal Information for the Primary and Secondary Purposes, unless otherwise required by law.

In particular, APCO may:

- (a) use the Personal Information to verify Your identity;
- (b) use the Personal Information to provide its products or services to You, to assist You with enquiries or purchases, or to provide You with better customer service;
- (c) use the Personal Information to administer and manage the products and services of APCO;
- (d) reproduce and store the Personal Information for the Primary or Secondary Purposes; or
- (e) disclose Personal Information to APCO's Related Bodies Corporate and other third parties, for the Primary and Secondary Purposes, including:
  - (i) APCO's employees, other personnel, Related Bodies Corporate and affiliates;
  - (ii) third party contractors and providers of goods and services, such as courier and delivery companies, marketing and promotion companies, training and training certification agencies, web analytics services, business support services, and information technology services providers;
  - (iii) parties with whom APCO is in joint venture or is otherwise doing business who need that information to conduct APCO's business;
  - (iv) market research companies who undertake customer surveys for APCO;
  - (v) industry bodies or buying groups of which You may be a member;
  - (vi) insurance and finance companies;
  - (vii) professional service firms providing services to APCO, such as legal or accountancy services;
  - (viii) authorised third party providers of information assurance services;
  - (ix) law enforcement agencies or regulatory agencies where required or authorised;

- (x) any entity where required or authorized by or under a law or a court or tribunal; and
- (xi) any other recipient which is notified to You at the time of collection or that You otherwise authorise.

## **8. Marketing**

- (a) APCO may use Your Personal Information to send You marketing. When You receive APCO's marketing, APCO will provide You with an option to opt out of receiving future direct marketing. If You do not elect to opt out of receipt of future marketing, APCO may continue to send You marketing until You opt out.
- (b) If You require further information in relation to opting out of APCO's marketing, please contact APCO's Privacy Officer (details provided below).

## **9. Data Quality and Security of Your Personal Information**

- (a) Protecting Your Personal Information is a priority for APCO. APCO may hold Your Personal Information in electronic and physical files or on secure servers, storage and archive systems, including the cloud, and take reasonable steps to ensure that Your Personal Information and is protected.
- (b) It is important to APCO that the Personal Information it maintains and uses is accurate, complete and up-to-date. If at any time Your Personal Information changes, contact the Privacy Officer at the details below so that it can update APCO's records.
- (c) The Personal Information APCO holds about You is treated confidentially and is only accessed when necessary. Whilst APCO takes caution to protect Your Personal Information, no data transmission over the internet or electronically can be completely secure. Once APCO has received Your Personal Information, APCO will take all appropriate measures to use procedures and programs to ensure that the information on its systems is secure. APCO will take reasonable steps to protect the Personal Information it retains from misuse, loss and from unauthorised access, modification or disclosure.
- (d) APCO will not be liable for any loss, corruption, delay or loss of confidentiality arising from any data or information transmitted electronically if it has followed appropriate virus checking and privacy procedures.
- (e) You may also assist APCO to keep Your Personal Information secure by ensuring appropriate back-up, security and virus check procedures are in place for any data or information provided to or received from APCO electronically. Please use Your discretion and exercise caution when providing Your Personal Information.
- (f) APCO will not retain any of Your information for any longer than it is required by us or the law. APCO may also de-identify Your information where applicable.

## **10. Accessing, Correcting and Deleting Your Personal Information**

- (a) You may request access to Personal Information that APCO holds about You at any time. However, this right of access is subject to some exceptions permitted by law. To make a request, please put Your request in writing to the Privacy Officer using the contact details below.
- (b) In normal circumstances APCO will give You full access to the Personal Information held about You as soon as practicable, subject to and in accordance with the Privacy Act. However, in some circumstances APCO may require proof

of identity, impose a charge or deny Your request if it would be unreasonable to provide You with access, or would impact on the privacy of another person.

- (c) APCO reserves the right to charge a fee for searching for and providing access to Your Personal Information. In the event APCO refuses You access to Your Personal Information, APCO will provide You with an explanation for that refusal.
- (d) You may deal with APCO anonymously or by using a pseudonym where it is lawful, practicable and reasonable to do so.
- (e) You can request that information about You be corrected or deleted. However, Personal Information may be retained in certain files in order to resolve disputes or for auditing purposes. Some Personal Information may also be retained in APCO's technical systems in accordance with its data security procedures.

## **11. Changes to this Policy**

APCO may in its absolute discretion review and change this Privacy Policy from time to time. The amended Privacy Policy will be published on APCO's website and will apply whether or not APCO has given You specific notice of any change and the amended Privacy Policy will supersede all previous versions. Check this Privacy Policy on APCO's website regularly to monitor any changes.

## **12. Complaints**

- (a) If you have any questions or concerns about this Privacy Policy, you may contact the Privacy Office detailed at clause 16 below.
- (b) If You believe there has been a breach of Your privacy, You may make a complaint by advising the Privacy Officer in writing, using the contact details below. APCO will respond to Your complaint within a reasonable period of time.
- (c) If the complaint cannot be resolved, or you consider that APCO may have breached the APPs or the Privacy Act, You may refer Your complaint to the Office of the Australian Information Commissioner.

## **13. Governing Law**

This Privacy Policy and use of APCO's website are governed by the laws of Australia. If a dispute arises under this Privacy Policy, You agree to attempt to resolve the dispute under those laws.

## **14. Access to Privacy Policy**

If You require a copy of APCO's Privacy Policy in another form, please contact the Privacy Officer using the details below.

## **15. Severability**

Any clause in this Privacy Policy which is invalid or unenforceable in any jurisdiction is to be read down for the purposes of that jurisdiction so as to be valid and enforceable, and is otherwise capable of being severed to the extent of the invalidity or unenforceability, without affecting the remaining provisions of the Privacy Policy or affecting the validity or enforceability of that clause in any other jurisdiction.

## **16. Contact Details of Privacy Officer**

All correspondence or communication in relation to this Privacy Policy should be directed to

Privacy Officer: The Privacy Officer, APCO Service Stations Pty Ltd  
Address: 371 Thompson Road, North Geelong, Victoria, 3215  
Phone: 03 5278 6988  
Email: [privacy@apco.com.au](mailto:privacy@apco.com.au)