

SmartaPay is firmly committed to protecting your privacy while interacting with our content, products and services via the SmartaPay web site. We aim to provide you with a secure and convenient service while at the same time allowing you to control your privacy and to give you a means to voice any questions or concerns you may have.

For this reason, we ensure that your information is handled in strict compliance with the Commonwealth Government's National Privacy Principles. Further information on Australian Privacy law is available from the Australian Privacy Commissioner.

The purpose of this Privacy Policy is to tell you what kind of information we may gather or hold about you and your use of the SmartaPay service, how we may use that information, whether we disclose it to anyone, and the choices you have regarding our use of, and your ability to correct this information.

SmartaPay's Privacy Protection Policy covers:

- a. Collection of Information
- b. Use of your Information
- c. Disclosure of your Information
- d. Data Quality and Correctness
- e. Data Security
- f. Access to and Correction of your Information
- g. Identifiers
- h. Transborder Data Flows
- i. Sensitive Information

Collection of your Information

SmartaPay will only collect personal information about you that is necessary for one or more of its legitimate functions or activities. Such activities may include the collection of data from third parties, including Body Corporate Managers, credit providers and general service providers who have a relationship with SmartaPay which assists SmartaPay in providing quality payment services to you. The collection, use or disclosure of such personal information will be either for:

- a. the Primary Purpose of providing the SmartaPay payment services to you; or
- b. a directly related purpose which is connected to and arises in the context of the Primary Purpose.

SmartaPay will only collect personal information by lawful and fair means not in an unreasonably intrusive way.

SmartaPay Pty Ltd can be contacted as follows:

PO BOX 7110
Gold Coast Mail Centre
Bundall Qld 9726

Office Telephone 1300 135 610
Fax (07) 5575 7433
Email info@smartapay.com.au

SmartaPay collects directly from you personal information about you, only if you are authorised as an account holder and you use this site's functions to request an alteration to your own data as shown on this site. When this information is collected:

- a. you are able to gain access to the information recorded about you on this site;
- b. the information is collected to facilitate the functionality of this site, through the generation of documents, reports and other information and services, automating the management of Bill Payment Services ("Primary Purpose"); and
- c. personal information is disclosed to your Property Manager, upon validation of their secure logon identity and password, and anyone using this site with your secure logon identity and password.

Property Managers are encouraged to provide personal details to ensure that information on this site is functional, correct and up to date.

Where it is reasonable and practicable to do so, SmartaPay will collect personal information directly from you. However, SmartaPay also receives personal information about you from your property manager. Whilst SmartaPay will do everything reasonable to ensure that the personal information it receives from the Property Manager is made available to you for review, SmartaPay does not have the ability to modify or correct the information it receives from the Property Manager.

SmartaPay will, where possible, identify the Property Manager who provides SmartaPay with the information about you and how you can contact them. If you have concerns about the information collected by and or used by your Property Manager you should contact them directly.

Use your Information

Your personal information is collected and used for the Primary Purpose.

SmartaPay will only use your personal information for a purpose other than the Primary Purpose of collection (a secondary purpose) if:

- a. the secondary purpose is:
 - i. related to the Primary Purpose (eg. to allow you as an authorised account holder to pay bills through this site); and
 - ii. you would reasonably expect SmartaPay to use the information for the secondary purpose; and
 - iii. the use is made in the performance of a person's duties as an employee, agent or contractor of SmartaPay; or
- b. you consent to the use; or
- c. SmartaPay uses your personal information for the purpose of direct marketing:
 - i. not associated with the Primary Purpose; and
 - ii. it is impracticable for SmartaPay to seek your consent before using the information; and
 - iii. SmartaPay gives you the express opportunity at the time of the first contact, and thereafter upon request, and at no cost, to decline to receive any further direct marketing communications and you have consented; or
- d. SmartaPay reasonably believes that the use is necessary to lessen or prevent a serious and imminent threat to an individual's life or health; or
- e. SmartaPay has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; or
- f. the use is required or specifically authorised by law; or

- g. the use is reasonably necessary for the enforcement of the criminal law, a law imposing a pecuniary penalty, or for the protection of the public revenue.

Disclosure of your Information

Your personal information, collected through this site or from your Property Manager, will be disclosed to your Property Manager or to you as the authorised account holder or to someone else authorised to use your secure logon identity and password upon validation of their secure logon identity and password, for the Primary Purpose or a disclosure which is directly related to the Primary Purpose.

SmartaPay will only disclose your personal information for a purpose other than the Primary Purpose of collection (a secondary purpose) if:

- a. The secondary purpose is:
 - i. related to the Primary Purpose; and
 - ii. you would reasonably expect SmartaPay to disclose the information for the secondary purpose; and
 - iii. the disclosure is made in the performance of a person's duties as an employee, agent or contractor of SmartaPay; or
- b. you have consented to the disclosure; or
- c. SmartaPay reasonably believes that the disclosure is necessary to prevent or lessen a serious and imminent threat to an individual's life or health; or
- d. the disclosure is required or specifically authorised by law; or
- e. the disclosure is reasonably necessary for the enforcement of the criminal law or a law imposing a pecuniary penalty or for the protection of the public revenue or has been certified as reasonably necessary by an authorised officer of an enforcement agency; or
- f. SmartaPay has reason to suspect that unlawful activity has been, is being or may be engaged in and discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; or
- g. the disclosee is an agent or contractor of SmartaPay who is required to keep the information confidential and to use it only for the purpose for which it was disclosed.

Data Quality and Correctness

SmartaPay will take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up to date. If you are an authorised account holder, you are able to view and edit the personal information we collect directly from you from this site, in order to ensure its authenticity. This information consists of your name, addresses and contact details.

However, SmartaPay receives certain personal information about you from your Property Manager, which may include personal information in respect of other related users and has no ability to directly modify or amend that information. Any concerns you have about the quality or correctness of your personal information displayed on the SmartaPay site should be directed at first instance to your Property Manager.

Data Security

SmartaPay will take reasonable steps to protect the personal information it holds about you from misuse and loss and from unauthorised access, modification or disclosure. You have been provided with a secure logon identity and password and SmartaPay can not be held responsible if you disclose this access information to anyone else.

SmartaPay will take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose.

Access and Correction of your Information

SmartaPay will provide you with access to your personal information on request, in a form or manner suitable to your reasonable needs, except to the extent that:

- a. providing access would pose a serious and imminent threat to the life or health of any individual; or
- b. providing access would have an unreasonable impact upon the privacy of other individuals; or
- c. the request for access is frivolous or vexatious; or
- d. the information relates to existing legal dispute resolution proceedings between SmartaPay and either yourself or another party, and the information would not be accessible by the process of discovery in those proceedings; or
- e. providing access would reveal the intentions of SmartaPay in relation to negotiations with you in such a way as to prejudice those negotiations; or
- f. providing access would be unlawful; or
- g. denying access is specifically authorised by law; or
- h. providing access would be likely to prejudice an investigation of possible unlawful activity; or
- i. providing access would be likely to prejudice:
 - i. the prevention, detection, investigation, prosecution or punishment of:
 - ii. (a) criminal offences; or
 - (b) breaches of a law imposing a penalty or sanction;
 - iii. the enforcement of laws relating to the confiscation of the proceeds of crime;
 - iv. the protection of the public revenue;
 - v. the prevention, detection, investigation or remedying of seriously improper conduct; or
 - vi. preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders; by or on behalf of an enforcement agency; or
- j. an enforcement agency performing a lawful national security function asks SmartaPay not to provide access on the basis that providing access would be likely to cause damage to the national security of Australia.

Wherever direct access by you is impractical or inappropriate, SmartaPay asks that you consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.

If SmartaPay levies charges for providing access to personal information, those charges:

- a. will not be excessive; and
- b. will not apply to lodging a request for access.

If SmartaPay holds personal information about you and you are able to establish that the information is not accurate, complete and up to date, SmartaPay will take reasonable steps to correct the information so that it is accurate, complete and up to date. If reasonable steps to correct the information cannot be taken by SmartaPay where such correction of personal information is not technically possible or would be impracticable for SmartaPay to perform, SmartaPay may be unable to continue to provide the payment services to you.

If you disagree with SmartaPay about whether the information is accurate, complete and up to date, and you ask SmartaPay to associate with the information a statement claiming that the information is not accurate, complete or up to date, SmartaPay will take reasonable steps to do so.

Identifiers

SmartaPay will provide reasons for denial of access or correction.

SmartaPay will not adopt as its own identifier an identifier that has been assigned by a government agency (or by an agent of, or contractor to, a government agency acting in its capacity as agent or contractor).

SmartaPay will not use or disclose an identifier assigned to you by a government agency (or by an agent of, or contractor to, a government agency acting in its capacity as agent or contractor) except where such use or disclosure is expressly provided for in this policy.

Transborder Data Flows

SmartaPay will not transfer your personal data outside Australia unless:

- a. SmartaPay reasonably believes that the recipient of the information is subject to a statute, binding scheme or contract which effectively upholds principles for fair information handling that are substantially similar to these rules; or
- b. you consent to the transfer; or
- c. the transfer is necessary for the performance of a contract between yourself and SmartaPay, or for the implementation of pre-contractual measures taken in respect to your request; or
- d. the transfer is necessary for the conclusion or performance of a contract concluded in your interest between SmartaPay and a third party; or
- e. SmartaPay can show that:
 - i. the transfer is for your benefit; and
 - ii. it is not practicable to obtain your consent to that transfer; and
 - iii. if it were practicable to obtain such consent, you would give it; or
- f. SmartaPay has taken reasonable steps to ensure that the information which it has transferred will not be collected, held, used or disclosed by the recipient of the information inconsistently with these rules.

Sensitive Information

SmartaPay will not collect personal information revealing your racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, or details of health, disability or sexual activity or orientation unless:

- a. you have consented; or
- b. the collection is required or specifically authorised by law; or
- c. the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where you are physically or legally incapable of giving consent; or
- d. the collection is necessary for the establishment, exercise or defence of a legal claim.

Application and Amendments of this Privacy Policy

SmartaPay will take reasonable steps to let you know, generally, what sort of personal information it holds, for what purposes, and how it collects, uses, and discloses that information. If you have any queries about this policy, or the manner in which SmartaPay applies this Privacy Protection Policy to your personal information please contact us at info@smartapay.com.au

SmartaPay is constantly improving and enhancing its services to clients, and may update this privacy policy from time to time. Any changes to the policy will be advised to you by updating this page on the SmartaPay web site.