

- h) Giraffe Payments reasonably believes that the use or disclosure is reasonably necessary for one or more of the following by or on behalf of an enforcement body:
- i. the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;
 - ii. the enforcement of laws relating to the confiscation of the proceeds of crime;
 - iii. the protection of the public revenue;
 - iv. the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or
 - v. the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.

If Giraffe Payments uses or discloses personal information under paragraph (h), it must make a written note of the use or disclosure. The above operates in relation to personal information that Giraffe Payments has collected from a related body corporate as if Giraffe Payments's primary purpose of collection of the information were the primary purpose for which the related body corporate collected the information.

4. KIND OF INFORMATION

Giraffe Payments will only seek personal information relevant to its business relationship with you. When you apply for Giraffe Payments, Giraffe Payments may request information that identifies you and information about your financial position and history. In most cases and where possible personal information about an individual will be collected directly from that individual. The most common way Giraffe Payments collects personal information is from Giraffe Payments application forms.

5. DATA QUALITY

Giraffe Payments will take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to-date.

6. DATA SECURITY

Giraffe Payments will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.

Giraffe Payments will take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose for which the information may be used or disclosed under Australian Privacy Principles.

7. OPENNESS

On request by a person, Giraffe Payments will take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

8. ACCESS & CORRECTION

If Giraffe Payments holds personal information about an individual, it will provide the individual with access to the

information on request by the individual, except to the extent that:

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

However, where providing access would reveal evaluative information generated within Giraffe Payments in connection with a commercially sensitive decision-making process, Giraffe Payments may give the individual an explanation for the commercially sensitive decision rather than direct access to the information.

If Giraffe Payments is not required to provide the individual with access to the information because of one or more of paragraphs above, Giraffe Payments must, if reasonable, consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.

If Giraffe Payments charges for providing access to personal information, those charges:

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

If Giraffe Payments holds personal information about an individual and the individual is able to establish that the information is not accurate, complete and up-to-date, Giraffe Payments will take reasonable steps to correct the information so that it is accurate, complete and up-to-date. If the individual and Giraffe Payments disagree about whether the information is accurate, complete and up-to-date, and the individual asks Giraffe Payments to associate with the information a

statement claiming that the information is not accurate, complete or up-to-date, Giraffe Payments will take reasonable steps to do so. Giraffe Payments will provide reasons for denial of access or a refusal to correct personal information.

9. IDENTIFIERS

Giraffe Payments will not adopt as its own identifier of an individual an identifier of the individual that has been assigned by:

- a) an agency; or
- b) an agent of an agency acting in its capacity as agent; or
- c) a contracted service provider for the Commonwealth contract acting in its capacity as contracted service provider for that contract.

However, the above does not apply to the adoption by a prescribed organisation of a prescribed identifier in prescribed circumstances. Giraffe Payments will not use or disclose an identifier assigned to an individual by an agency, or by an agent or contracted service provider mentioned above, unless:

- a) the use or disclosure is necessary for the organisation to fulfil its obligations to the agency; or
- b) one or more of paragraphs under heading 3, numbers e) to h) (inclusive) apply to the use or disclosure; or
- c) the use or disclosure is by a prescribed organisation of a prescribed identifier in prescribed circumstances.

In this clause: "identifier" includes a number assigned by an organisation to an individual to identify uniquely the individual for the purposes of the organisation's operations. However, an individual's name or ABN is not an "identifier".

10. ANONYMITY

Wherever it is lawful and practicable, individuals will have the option of not identifying themselves when entering into transactions with Giraffe Payments.

11. TRANSBORDER DATA FLOWS

Giraffe Payments is not likely to disclose personal information to overseas recipients. Giraffe Payments may transfer personal information about an individual to someone (other than to Giraffe Payments or the individual) who is in a foreign country only if:

- a) Giraffe Payments reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the Australian Privacy Principles; or
- b) the individual consents to the transfer; or
- c) the transfer is necessary for the performance of a contract between the individual and Giraffe Payments, or for the implementation of pre-contractual measures taken in response to the individual's request; or
- d) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between Giraffe Payments and a third party; or
- e) all of the following apply:
 - i. the transfer is for the benefit of the individual;
 - ii. it is impracticable to obtain the consent of the individual to that transfer;
 - iii. if it were practicable to obtain such consent, the individual would be likely to give it; or

- f) Giraffe Payments has taken reasonable steps to ensure that the information which it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the Australian Privacy Principles.

12. SENSITIVE INFORMATION

Giraffe Payments will not collect sensitive information about an individual unless:

- a) the individual has consented; or
- b) the collection is required 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 the individual whom the information concerns:
 - i. is physically or legally incapable of giving consent to the collection; or
 - ii. physically cannot communicate consent to the collection.

13. COMPLAINTS

If you believe that Giraffe Payments has not complied with its obligations concerning your personal information, you should contact Giraffe Payments and lodge a complaint. Giraffe Payments will investigate your complaint and attempt to resolve any breach that may have occurred in relation to the collection, use or destruction of your personal information held by Giraffe Payments in accordance with the Privacy Act 1988 and related legislation.

If you are not satisfied with the outcome of the investigation you can lodge a privacy complaint externally by contacting the Office of the Australian Information Commissioner on 1300 363 992.