

WHALERS NOMINEES PTY LTD (ABN 98 165 535 035)
trading as THE WHALERS HOTEL

Whalers Nominees PTY LTD trading as The Whalers Hotel, and its related and associated bodies corporate (us, we, our) maintain a policy of strict confidence concerning your (you, your) personal information (Privacy Policy). This Privacy Policy has been developed in accordance with the Commonwealth Privacy Act 1988 (Privacy Act). This Privacy Policy applies to the collection, storage, use and disclosure by us of your personal information.

Access to our website (www.thewhalershotel.com.au/), and all sites that are under our control (but excluding any websites where we are participants to a third party controlled website) referred to in this Privacy Policy as (the Site) or our Products and Services is conditional on your acceptance of the terms of this Privacy Policy. This Privacy Policy applies to information provided to us whether via this Site or any other means and demonstrates how we will comply with the Australian Privacy Principles under the Privacy Act.

Although we will comply with this Privacy Policy in respect of information provided to us by persons under the age of 18 years, those persons must obtain the consent of a parent or guardian prior to using the Site and the parent or guardian will be responsible for appropriately supervising the person's use of the Site.

If you have any further questions or if you wish to receive more information on our information practices and Privacy Policy, please contact us as set out in clause 11.

1 Collecting personal information

The types of personal information we collect will in most cases be determined by the relevant dealing you have with us. We may collect and store information about:

- (a) You, such as your name, address, telephone numbers, payment arrangements, financial information, work address, work telephone and mobile numbers, work fax number, and work e-mail address;
- (b) Your relationship with your business, such as owner, partner, director, shareholder, employee, or agent; and
- (c) Your visits to, browsing of, and use of our Site.

If it is reasonable and practical to do so, we will collect personal information directly from you.

We may also collect personal information from third parties such as your representatives or publicly available sources of information.

All personal information that we collect, is reasonably necessary for the purposes relating to providing our services to our clients. Those purposes include to:

- (a) communicate with you, for example, in relation to any enquiries, bookings, hospitality services provided, problems and complaints, and to respond to any

submissions, enquiries or requests from you;

(b) enable you to make bookings, and to fulfil, provide, perform, administer, manage, and enforce all bookings, orders, and other contracts which relate to you, and to process any transactions authorised or made with us which relate to you;

(c) to collect and make payments due and administer our accounts;

(d) to keep internal records and maintain reasonable archives, including concerning as to enquiries, bookings, contracts, hospitality services, and complaints;

(e) to carry out surveys and analyse the results, to run promotions and competitions, undertake product or customer research and development;

(f) carry out direct marketing to you; and

(g) ensure compliance with regulatory and legal obligations.

If we receive personal information about you that we did not ask for, from someone other than you, and we determine that we could have collected this information from you had we asked for it, we will notify you, as soon as practicable, that we have collected your personal information. If we could not have collected this personal information, we will lawfully de-identify or destroy that personal information.

We will not collect any sensitive information from you, revealing your: race, ethnic origin, political opinions, religious or philosophical beliefs, trade union memberships or details of health or disability. Exceptions to this include:

(a) where you have given express consent to us to do so and the information is reasonably necessary for us to carry out our functions or activities;

(b) the use of this information is required or authorised under Australian law or a court or tribunal order; or

(c) when the information is necessary for the establishment, exercise or defence of a legal claim.

We will not collect personal information unless the information is reasonably necessary for or directly related to one, or more of our functions or activities. If we are unable to collect personal information we reasonably require, we may not be able to do business with you or the organisation with which you are connected.

2 Cookies

When you visit our Site the server may attach a "cookie" to your computer's memory. A "cookie" assists us to store information on how visitors to the Site use it and the pages that may be of most interest. This information may be used to make assumptions about who uses your computer and to provide users of your computer with information that we think may interest the users of your computer. However, this information is not linked to any personal information you may provide and cannot be used to identify you. You should be able to configure your computer so that it disables "cookies" or does not accept them.

3 Use and disclosure of information

We may use personal information about you for the primary purpose as detailed in clause 1.

We will not disclose your personal information to any third party other than as set out in this Privacy Policy. In order to deliver our services that we provide to you, we may disclose your personal information to third parties organisations, only in relation to providing our services to you. We take reasonable steps to ensure that these organisations are bound by privacy obligations in relation to the protection of your personal information. These organisations include, but are not limited to:

- (a) Our contractors and service providers who assist us in the operation of our business;
- (b) Our partners, related bodies corporate and third party supplier; and
- (c) Government bodies or other agencies as required by law.

4 Accuracy of your information

All reasonable steps are taken by us to ensure that your personal information held by us is accurate, up-to-date, complete, relevant and not misleading. If you believe that any of your personal information is inaccurate, not up-to-date, incomplete, irrelevant or misleading, please contact us (see below) and we will take all reasonable steps to correct it within a reasonable time.

5 Third Parties and your information

We will only collect, store, use or disclose your personal information as set out in this Privacy Policy unless we are required to do so by law.

6 Direct marketing

You can, at any time, opt out of receiving marketing material by contacting us. You agree and acknowledge that even if you opt out of receiving marketing material, we will still send you essential information that we are legally required to send you relating to the services we provide. Once you opt out of receiving marketing material from us, you agree and acknowledge that this removal from our distribution lists may take several business days after the date of your request to be removed.

7 Disclosure of Information Overseas

We may transfer personal information overseas as Automata is part of the Unlisted Collection and our corporate group records may be held outside of Australia.

8 Your consent

By providing us with your personal information you consent to the collection, storage, use and disclosure of your personal information in accordance with this Privacy Policy and as otherwise permitted under the Privacy Act, including transfer overseas.

9 Storage and security

We will use all reasonable endeavours to keep your personal information in a secure environment, however, this security cannot be guaranteed. If you reasonably believe that there has been unauthorised use or disclosure of your personal information, please contact us (see below).

If we no longer need your personal information, unless we are required under Australian law or a court or tribunal order to retain it, we will take reasonable steps to destroy or de-identify it.

10 Variation and consent to variation

We may at any time vary the terms of this Privacy Policy. You should check this Privacy Policy regularly so that you are aware of any variations made to this Privacy Policy. You will be deemed to have consented to such variations by your continued use of the Site or our products and services following such changes being made.

11 Access to information we hold about you

If you request access to the personal information we hold about you, we will respond to your request within a reasonable period of time and, where reasonable and practicable, give access to the information in the manner you request. This will be subject to any exemptions allowed under the Privacy Act. You may request this information by writing to:

Privacy Officer, PO Box 1433 Warrnambool, Victoria 3280

or sending an email to us at alister@thewhalershotel.com.au

You have the option to either not identify yourself or to use a pseudonym when you contact us, unless it is impracticable for us to communicate with you in that manner or unless we are required or authorised under Australian law, or a court or tribunal order, to deal with individuals who have identified themselves.