

## Hamptons on the Bay - Privacy Policy

In accordance with the requirements of the Privacy Act 1988 and the Australian Privacy Principles ("APPs") this document sets out the Privacy Policy ("Policy") of Poghini Pty Ltd (ABN ) as trustee for the Belles Beach Unit Trust trading as Hamptons on the Bay ("Hamptons").

### 1. Purpose of this Policy

**Your rights.** The purpose of this Policy is to inform an individual of their rights under the Privacy Act.

**Management of Information.** This Policy also sets out how Hamptons will manage personal information that it may collect about an individual, including:

- the kind of information collected and held;
- how it collects and holds information;
- the purpose for collection, holding, uses and disclosure of information;
- how an individual may access information about the individual that is held and/or seek the correction of such information;
- how an individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) and how Hamptons will deal with such a complaint;
- whether Hamptons is likely to disclose personal information to overseas recipients and, if so, the countries which such recipients are likely to be located if it is practicable to do so in the policy.

**Website.** This Policy is available on the Hamptons website, however, if you require a copy of the Policy in an alternative form and it is reasonable in the circumstances for Hamptons to do so, it will endeavour to provide you with the Policy in that form.

### 2. Hamptons Services

Hamptons is a provider of accommodation facilities and related tourism services.

### 3. Type of Information Collected

**Information Reasonably Necessary.** Hamptons will only collect personal information to the extent that it is reasonably necessary for one or more of its functions, activities and services including provision of accommodation and related tourism services.

**Personal Information.** A reference to "information" means personal information about an individual and may include:

- contact details such as email address, physical address, telephone numbers;
- other information including location, ethnicity and other travel and lifestyle preferences and information.

**Identifiable Information.** Hamptons may collect information about an individual that is identifiable and able to be related back to the identity of an individual.

### 4. How We Collect Information

**Collection from Individual.** Hamptons will only seek to collect information by lawful and fair means and will only collect information about the individual from the individual, except where it is unreasonable or impractical to do so.

**Website.** When visiting Hamptons' website, a record of your visit may be logged. This 'clickstream data' is recorded for statistical purposes only and is used to help improve our website. The following information is supplied by your browser (eg: Internet Explorer):

- the user's server address
- the user's operating system (for example Windows, MAC etc)
- the user's top level domain name (for example .com, .gov, .au, .uk, etc)
- the date and time of the visit to the site
- the pages accessed and the documents downloaded

- the previous site visited, and
- the type of browser used.

This information is used for statistical purposes only. Hamptons will not attempt to identify users or their browsing activities except in the unlikely event of an investigation, where a law enforcement agency (or other government agency) exercises a legal authority to inspect Internet Service Provider (ISP) logs.

**Cookies.** Cookies are pieces of information that a web site transfers to your computer's hard disk for record keeping purposes. Cookies operate as a unique identifier, which helps Hamptons to know what its customers find interesting and useful. Data collected from website use does not identify the user, allowing you to remain anonymous.

Most web browsers are set to accept cookies. You may set your browser to refuse them, however, in some instances this may mean that you will not be able to take full advantage of the website.

**Unsolicited Information.** If Hamptons receives unsolicited information about an individual it will within a reasonable period determine whether it could have collected that information in accordance with the APPs. If so, the information may be treated in the same manner as other information collected from the individual. If not, and it is lawful and reasonable to do so, Hamptons may destroy the unsolicited information.

## 5. Purpose for Collection of Information

**Provision of Services.** The purpose for the collection of information is to assist Hamptons to provide you with accommodation and related tourism services including:

- hotel reservations and related services;
- food and beverage;
- entertainment;
- retail;
- marketing;
- competitions and promotions;
- financial transactions;
- complaint handling;
- recruitment;
- conferences and events;
- security matters; and
- legal and regulatory obligations.

## 6. Use and Disclosure

**Use and Disclosure.** Hamptons will only use the information to the extent that it is reasonably necessary for the primary purpose of accommodation and related tourism services unless:

- the individual has consented to the use or disclosure of the information for a secondary purpose;
- an individual would reasonably expect the information, to be used for a secondary purpose (including the Other Common Purposes set out below) provided that in the case of sensitive information the secondary purpose must be directly related to the primary purpose, and in the case of non-sensitive information it is related to the primary purpose;
- the use or disclosure is required or authorised by or under an Australian law or court order;
- a permitted general situation exists in relation to the use or disclosure;
- Hamptons reasonably believes the use or disclosure is reasonably necessary for one or more enforcement related activities of an enforcement body.

**Primary Purpose.** Hamptons may use or disclose information reasonably necessary:

- to assess a credit application and credit worthiness;
- to notify other credit providers of a default;
- to exchange information with other credit providers as to the status of a credit account;
- the provision of goods and services;
- the marketing of goods or services its agents or distributors in relation to Hamptons' goods and services;

- analysing, verifying or checking the a customer's credit, payment and status in relation to provision of goods and services;
- processing of any payment instructions, direct debit facilities and credit facilities requested by the Customer; and
- enabling the daily operation of a customer's account and the collection of amounts outstanding in the a customer's account.
- providing information about a customer to a credit reporting body for the following purposes to obtain a consumer credit report about a customer; and to allow the credit reporting body to create or maintain a credit information file containing information about a customer

**Other Common Purposes.** Hamptons may also use or disclose information:

- for quality assurance processes , accreditation, audits and staff training and education
- administration and billing purposes;
- to prevent or lessen a serious threat to an individual's life, health and safety;
- where legally required to do so, such as producing records to court in response to subpoena or notification of diagnosis of certain communicable diseases.

## 7. Security

**Storage.** Hamptons may store information collected in various forms, including an electronic record system.

**Prevention of Misuse.** Hamptons will endeavour to take reasonable steps to protect an individual's information from misuse, interference and loss and from unauthorised access, modification or disclosure. Hamptons has implemented processes such as user access control procedures, network security protocols, encryption and physical security to protect information.

Subject to its legal obligations to retain the information, if the information is longer required, Hamptons may take reasonable steps to destroy the information or to ensure that the information is de-identified.

## 8. Access

**Request for Access.** If Hamptons holds personal information about an individual, it will, on request by the individual, give the individual access to the information.

**Dealing with Requests.** Hamptons will endeavour to respond to a request for access to personal information within a reasonable period after the request is made. It will also endeavour to provide access to the information in the manner requested by the individual if it is reasonable and practicable to do so.

**Reasons for Declining Access.** Hamptons is not required to provide access if:

- it reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety;
- giving access would have an unreasonable impact on the privacy of other individuals;
- the request for access is frivolous or vexatious;
- the information relates to existing or anticipated legal proceedings between Hamptons and the individual, and would not be accessible by the process of discovery in those proceedings;
- giving access would reveal Hamptons's intentions in relation to negotiations with the individual in such a way as to prejudice those negotiations;
- giving access would be unlawful;
- denying access is required or authorised by or under an Australian law or a court/tribunal order;
- both of the following apply:
  - Hamptons has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to Hamptons's functions or activities has been, is being or may be engaged in;
  - giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
- giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

**Other Means of Access.** If Hamptons refuses to give access to the personal information for any proper reason or to give access in the manner requested by the individual, it will endeavour to take such steps (if any)

as are reasonable in the circumstances to give access in a way that meets the needs of Hamptons and the individual (including, for example, through the use of a mutually agreed intermediary).

**Access charges.** Hamptons will not impose any charges in respect of a request that it receives for access to information. However, it may impose a charge for providing access to the information.

**Refusal to give access.** If Hamptons refuses to give access to information or to give access in the manner requested, it will provide a written notice that sets out, amongst other things, its reasons, except where, having regard to the grounds for the refusal, it would be unreasonable to do so and the processes available for an individual to make a complaint.

If Hamptons refuses to give access to information because it may reveal information of a commercially sensitive decision-making process, the reasons for the refusal may include an explanation for the commercially sensitive decision.

## 9. Accuracy or Correctness of Information

**Accuracy of Information.** Hamptons will endeavour to ensure that all information that it collects, uses and discloses is accurate, complete and up-to-date.

**Correction.** If Hamptons is satisfied that the information about an individual is inaccurate, out-of-date, incomplete, irrelevant or misleading or the individual requests Hamptons to correct the information it will take reasonable steps to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up-to-date, complete, relevant and not misleading.

If a dispute arises in relation to the accuracy of the information recorded, notwithstanding that Hamptons may agree to amend its records, it is Hamptons's practice to record all corrections but it will not erase the original record.

**Notification to Other Entities Subject to Privacy Act.** If Hamptons corrects personal information about an individual that has also been disclosed to another entity that is subject to the Privacy Act and the individual requests Hamptons to notify the other entity of the correction, Hamptons will endeavour to do so if it is reasonable to do so and is not impracticable or unlawful to do so.

**Refusal to Correct Information.** If Hamptons refuses to correct the personal information as requested by the individual, it will provide a written notice that sets out, amongst other things, the reasons for its refusal except to the extent that it would be unreasonable to do so and the mechanisms available for an individual to make a complaint.

**Request to Associate a Statement.** If Hamptons refuses to correct the personal information and the individual requests Hamptons to associate with the information a statement that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading, Hamptons will endeavour to take steps as are reasonable in the circumstances to associate the statement in such a way that will make the statement apparent to users of the information.

**Dealing with requests.** Hamptons will endeavour to respond to a request for correction to personal information or to associate a statement with information within a reasonable period after the request is made.

**No charge for Request or to Correct or Associate Statement.** Hamptons will not charge the individual for the making of the request, for correcting the personal information or for associating the statement with the personal information (as the case may be).

## 10. Consent to Collection of Information

By using Hamptons' website, booking channels, booking website and by utilising accommodation facilities and related tourism services and by providing the information, you give your consent to Hamptons collecting, storing and maintaining personal information about you.

If you do not consent to the collection of information or the information collected is incomplete or inaccurate, the services and any assessment undertaken and/or opinion formulated by Hamptons may be incomplete or inaccurate.

## 11. How to Contact Hamptons

If:

- an individual has any questions or comments about this Policy; or
- Hamptons does not agree to provide access to information; or
- an individual has a complaint about Hamptons' information handling practices,

an individual may lodge a complaint with Hamptons or directly with the Federal Privacy Commissioner.

Hamptons operates from the following locations:

**Hamptons on the Bay**  
12164 Tasman Highway  
ROCKY HILLS TAS 7190

Tel: (+61)412 234 885

Fax: (618) 9386 6410

e-mail: [stay@hamptonsonthebay.com.au](mailto:stay@hamptonsonthebay.com.au)

Attention: The Privacy Officer

All inquiries or requests in relation to this Policy should be submitted in writing addressed to the Privacy Officer at the above address.