

## Costa Group Holdings Ltd

### Privacy Policy

Costa Group Holdings Limited ABN 68 151 363 129 and its related entities (referred to as **Costa, we, us or our**) respect your right to privacy. We are committed to safeguarding the privacy of all stakeholders, including our employees, customers, shareholders, website visitors and App users, and to the protection of personal information that relates to them in accordance with the Australian Privacy Principles (APPs) as set out in the Privacy Act 1988 (Cth) (**Privacy Act**).

Where the requirements under the “Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016”, known as the EU General Data Protection Regulation (**GDPR**), apply to the way we handle the Personal Information of our customers, suppliers, website visitors and App users, we will comply with our obligations under the GDPR.

This Privacy Policy describes the manner in which Costa collects, holds and uses information that is covered by the Privacy Act and/or the GDPR. It is not intended to cover categories of information that are not covered by the Privacy Act or the GDPR. If you wish to make any inquiries regarding this Privacy Policy, you should contact us in any of the ways specified in clause 14.

References in this Privacy Policy to “you” are references to you as an individual and/or as a company, organisation or trust as applicable.

Costa may, from time to time, review and update this Privacy Policy including to take into account new laws, regulations and technology. All Personal Information held by Costa will be governed by our most recent Privacy Policy, posted on our website ([www.costagroup.com.au](http://www.costagroup.com.au)) (**Website**). Our most recent Privacy Policy will apply to our collection, use and disclosure of Personal Information.

#### 1. **What information is covered by the Privacy Act?**

**“Personal Information”** is information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information is true or not, and whether recorded in a material form or not.

#### 2. **What Personal Information do we collect and hold?**

Costa may collect and hold Personal Information such as your name, gender, date of birth, age, COVID19 vaccination status, contact details (including your address, phone number and email, whether personal or for work), financial information, payment details, bank account details, tax file number and/or products and services information and preferences.

#### 3. **Why do we collect Personal Information?**

3.1 Costa collects Personal Information from customers, shareholders, employees, contractors

and other individuals that is reasonably necessary for one of more of our functions or activities, including: in order to allow us to conduct our business functions, to meet any legal or regulatory requirements which apply to our business, to provide a safe workplace, to market and sell our products and services, including using third party providers and to provide you with information and updates, to conduct employee or shareholder related activities and to conduct product and market research related activities.

- 3.2 If you choose not to provide your Personal Information to Costa, we may not be able to undertake certain activities for you such as providing you with requested information, products or services.
- 3.3 You have the option to deal with us anonymously or by using a pseudonym. However you acknowledge that where this is impractical (for example when you enter into a contract with us) or where the law or a court order provides otherwise, we are not required to provide these options to you.

#### 4. **When and how do we collect Personal Information?**

- 4.1 Costa collects Personal Information when you: become or apply to become an employee of Costa, visit our Website, use our Apps, supply or buy products or services, request information about us or our products or services, provide feedback, contract with us, become or apply to become a shareholder, fill in a form on our Website, fill in one of our surveys or requests for information, or contact us by telephone, facsimile, email, post or in person.
  - 4.2 If you are based in Europe and/or the GDPR applies to how we collect, use or disclose your Personal Information, we will request that you provide us with your consent to collect, use or disclose your Personal Information. You may withdraw your consent any time in the same manner in which you gave consent or by contacting us in any of the ways set out in clause 14.
  - 4.3 Costa may also collect Personal Information about you via third parties including our suppliers, merchants, survey providers or marketers.
  - 4.4 In some circumstances we may receive Personal Information that we have not requested. If this occurs, we will comply with our obligations under the Privacy Act. You acknowledge that we may de-identify and/or destroy this information unless we are required to keep it by law.
- 4.4 If you provide Personal Information about other individuals to us, you must ensure that you have informed those individuals that you are providing their Personal Information to us and that you have obtained their consent and advised them of our Privacy Policy.

## **5. Information collected via our Technology**

5.1 Costa will not collect any Personal Information about users of our Technology Applications (being our Website and/or Apps) except when they knowingly provide it or as otherwise described below. For example, Costa may collect Personal Information from users when they:

- (a) complete an online form on our Website; and/or
- (b) complete one or more of our surveys; and/or
- (c) transact an order through our Apps; and/or (d) otherwise correspond with Costa.

### **Click Stream Data**

5.2 When you visit and browse or use our Technology Applications, our Technology Applications host may collect Personal Information for statistical, reporting and maintenance purposes. Subject to clause 7.4, the Personal Information collected by our Technology Applications host will not be used to identify you. The information may include:

- (a) the number of users accessing or using our Technology Applications and the number of pages viewed;
- (b) the date, time and duration of a visit;
- (c) the IP address of your computer; or
- (d) the path taken through our Technology Applications.

5.3 Costa's Technology Applications hosts uses this information to administer and improve the performance of our Technology Applications.

### **Cookies**

5.4 Cookies are small text files that are transferred to a user's computer hard drive by a Technology Application for the purpose of storing information about a user's identity, browser type or visiting patterns.

5.5 If you access our Technology Applications, a cookie may be downloaded onto your computer's hard drive when you first log on to our Technology Applications. You can adjust your internet browser to disable cookies, however Costa may not be able to provide you with all the service or functionality you require on our Technology Applications if you choose to do so.

### **Web Beacons**

5.6 Web beacons are images that originate from a third party site to track visitor activities. Costa may use web beacons to collect aggregate data and provides this information to our Technology Applications host to administer and improve the performance of our Technology Applications.

## **Advertising**

5.7 We may use Google and/or other third-party service providers to serve ads on our behalf across the Internet and sometimes on our Technology Applications. They may collect anonymous information about your visits to our Technology Applications (not including your name, address, email address or telephone number), and your interaction with our products and services. They may also use information about your visits to the Technology Applications and other websites to target advertisements for goods and services in order to provide more relevant advertisements about goods and services of interest to you.

## **6. How Costa uses the Personal Information it collects about you**

6.1 Costa uses the Personal Information it collects about you for our business functions and activities, which may include the following:

- (a) to provide you with information, products or services you have requested;
- (b) to promote and market our products and services to you;
- (c) to personalise and customise your experiences on our Technology Applications
- (d) to help Costa research the needs of its customers;
- (e) to conduct research for the purposes of improving existing products or services or creating new products or services;
- (f) to provide you with ongoing information about Costa and its activities;
- (g) to allow us to provide third party information and offers in which we believe you may be interested;
- (h) to comply with regulatory or other legal requirements;
- (i) for purposes related to the employment and health and safety of our personnel and providing internal services to our staff;
- (j) if you are a shareholder or apply to become a shareholder, to process your application, service your needs as a shareholder, provide facilities or services that you request, and administer your shareholding; and
- (k) for any other purpose communicated to you at the time that the Personal Information was collected or for which you provided your consent.

6.2 Costa may use your Personal Information for a secondary purpose if that secondary purpose is related to those purposes in clause 6.1, if we have your consent or if otherwise provided for under the Privacy Act.

6.3 Costa may use your Personal Information to provide you with direct, targeted, or other marketing materials on an ongoing basis. Costa may provide you with these materials by telephone, electronic messages (e.g. email), our digital services and other means. Costa will only provide you with direct marketing materials where you would reasonably expect us to, or if you consent to receive direct marketing materials. We will seek your consent to provide you with direct marketing materials if we have obtained your Personal Information from a third party. Direct marketing communications may include promotional material about Costa or may relate to the products and services Costa, and our related entities, provide and other products and services which may be of interest to you.

6.4 You may opt out of receiving direct marketing material by contacting us in any of the ways specified in the direct marketing materials or as set out in clause 14.

6.5 Generally, we will only collect and use your Personal Information in accordance with this Privacy Policy. In the event that we collect or use Personal Information in ways other than as stated in this Privacy Policy, we will ensure that we do so in accordance with the Privacy Act and the GDPR.

## **7. Who do we disclose your Personal Information to?**

7.1 Depending on the nature of your engagement with Costa, we may disclose your Personal Information to shareholders, officers and employees of Costa, third parties that provide products and services to or through Costa or our Technology Applications, directly to you (at your request), suppliers and other third parties, or otherwise as required by law. If there is a change of control in our business or a sale or transfer of business assets, we reserve the right to transfer to the extent permissible at law our user databases, together with any Personal Information and non-personal information contained in those databases. This information may be disclosed to a potential purchaser under an agreement to maintain confidentiality.

7.2 Costa may also disclose your Personal Information to our Technology Applications hosts or software application providers in certain limited circumstances, for example when our Website experiences a technical problem or to ensure that it operates in an effective and secure manner.

7.3 We may also share non-personal, de-identified and aggregated information for research or promotional purposes. We will not sell your Personal Information to third parties for marketing purposes.

7.4 Unless otherwise specified in this Privacy Policy, Costa or Costa's Technology Applications hosts will not disclose any of your Personal Information to any other organisation unless the disclosure is required by law, is otherwise permitted by the Privacy Act or GDPR, or is with your consent.

## **8. Overseas disclosure and individuals based in Europe**

8.1 Your Personal Information may be disclosed outside of Australia to an entity in a foreign country, including entities in which Costa has an ownership interest. It is possible that such entity may be subject to foreign laws that do not provide the same level of protection of Personal Information as in Australia.

8.2 By providing your Personal Information, you acknowledge that you understand the risks associated with the disclosure of your Personal Information overseas and that Australian Privacy Principle 8.1 under the Privacy Act 1988 (Cth) will not apply, and you expressly consent to the disclosure of your Personal Information to an overseas entity.

8.3 If you are based in Europe and/or your Personal Information is disclosed to us from an organisation in Europe, the GDPR may apply to how the Personal Information is transferred to us, how we deal with that Personal Information and how we may transfer that Personal Information to third countries.

8.4 If the GDPR applies we will comply with our obligations in relation to your rights, how we handle your Personal Information and the requirements for transfers to third countries.

## **9. Employee Records**

Employee records are not generally subject to the Privacy Act. As such this policy may not apply to the handling of employee information. Please contact us directly for information about our employee information handling practices.

## **10. Storage and security of Personal Information held by Costa**

10.1 Costa is committed to ensuring that the information you provide to us is secure. In order to prevent unauthorised access to or disclosure of Personal Information, we have taken steps to put in place suitable physical, electronic and managerial procedures to safeguard and secure Personal Information and protect it from misuse, interference, loss and unauthorised access, modification and disclosure.

10.2 Costa aims to keep your Personal Information secure and up to date. We will comply with our obligations under the Privacy Act in relation to any Personal Information that we handle, including information which is held on Costa's computer systems.

10.3 Personal Information that is held by Costa in hard copy is stored securely on its premises and is only disclosed or used for the purposes described in this Privacy Policy.

10.4 The Notifiable Data Breaches Scheme (NDB scheme) in Part IIIC of the Privacy Act sets out obligations for notifying affected individuals, and the Australian Information Commissioner (**Commissioner**), about an "eligible data breach" (as defined in the Privacy Act) which is likely to result in serious harm.

10.5 Where a data breach occurs and serious harm to affected individuals is likely, we will notify those individuals and the Commissioner in accordance with our legal obligations.

10.5 If you are based in Europe and you provide us with your Personal Information, or your Personal Information is disclosed to us or processed by us, you may have additional rights under the GDPR relating to security and protection of data, notification of “personal data breaches” (as defined in the GDPR), and a right to compensation for damage arising from a personal data breach. If the GDPR applies we will comply with our legal obligations.

10.6 You may contact our Privacy Officer via the contact details below should you require additional information.

## **11. Updating and Correcting your Personal Information**

11.1 We will take reasonable steps to ensure that the Personal Information that we hold is accurate, up-to-date and complete. You can update your Personal Information at any time by contacting Costa in any of the ways specified in clause 14.

11.2 You are entitled to access Personal Information that we hold about you. If you request access to your Personal Information, we will grant your request unless providing you with access would unreasonably impact upon the privacy of others or is not otherwise permitted under the Australian Privacy Principles or at law. If we refuse your request to access your Personal Information, we will provide you with written reasons for the refusal.

11.3 If you are based in Europe and you provide us with your Personal Information, or your Personal Information is disclosed to us or processed by us, you may have additional rights under the GDPR, including in relation to the right to access your Personal Information, to rectify your Personal Information, to erase your Personal Information (the ‘right to be forgotten’), to restrict processing of your Personal Information and the right to receive your Personal Information (the ‘right of portability’). If the GDPR applies we will comply with our obligations in relation to the exercise of your rights under the GDPR.

11.4 To exercise any of your rights in relation to Personal Information, including making a request for access, please contact us in any of the ways specified in clause 14. We are entitled to charge you a fee to comply with your request for information, however, if you are based in Europe, we will not charge you for information we provide to you in accordance with GDPR Article 12(5).

## **12. How long will Costa keep your Personal Information?**

12.1 We will keep your Personal Information only for as long as required for our business purposes and otherwise as required by Australian law.

12.2 Where we no longer need to keep your Personal Information in accordance with clause 12.1, we will take reasonable steps to destroy or de-identify your Personal Information.

12.3 If you wish to have your Personal Information destroyed or de-identified, please let us know and we will take reasonable steps to do so (unless we need to keep it for legal, auditing or internal risk management reasons).

### **13. Finding out what Personal Information Costa holds about you**

13.1 You are entitled to access Personal Information that Costa holds about you. If you request access to your Personal Information, we will grant your request unless providing you with access would unreasonably impact upon the privacy of others or is not otherwise permitted under the Privacy Principles or at law. If we refuse your request to access your Personal Information, we will provide you with written reasons for the refusal.

13.2 A request for access can be made by contacting Costa in any of the ways specified in clause

### **14. How to contact us**

If you feel that your privacy has not been respected or that Costa has conducted itself inconsistently with this Privacy Policy, the Privacy Principles, a registered APP Code and/or the Privacy Law in respect of your Personal Information, or for any other queries, problems, complaints or communication in relation to this Privacy Policy, please contact us in any of the following ways:

**email:**

privacy@costagroup.com.au

**write to:**

Att: Privacy Officer

Level 5, 818 Bourke Street

Docklands VIC 3008

You can find out more information about the Privacy Act and the Australian Privacy Principles from the Office of the Australian Information Commissioner. The Commissioner may be contacted at [www.oaic.gov.au](http://www.oaic.gov.au) or by email at [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au).

You can find out more information about the GDPR at the following EU webpages:

- European Commission information page at [https://ec.europa.eu/commission/priorities/justiceand-fundamental-rights/data-protection/2018-reform-eu-data-protection-rules\\_en](https://ec.europa.eu/commission/priorities/justiceand-fundamental-rights/data-protection/2018-reform-eu-data-protection-rules_en)
- Full text at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R0679>.