

Privacy Policy

Sherpa Nominees Pty Ltd (ABN 74 191 417 840) and its Related Bodies Corporate (K2 Engineering Supplies Australia).

In this privacy policy, the expressions “K2”, “we”, “us” and “our” are a reference to Sherpa Nominees Pty Ltd and its Related Bodies Corporate (as defined by s9 of the Corporations Act 2001 (Cth))

This privacy policy applies to personal information collected by us. We are bound by the Privacy Act 1988 (Cth), which governs the way private sector organisations collect, use, keep secure and disclose personal information.

1. What is personal information?

The Privacy Act 1988 (Cth) defines “personal information” to mean information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent or can be reasonably ascertained, from the information or opinion.

2. What is Sensitive Information?

2.1 Sensitive information is a subset of personal information. It means information or opinion about an individual’s racial or ethnic origin, political opinions, membership of a political organisation, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices or health information about an individual.

2.2 In general, we attempt to limit the collection of sensitive information we may collect from you, but depending on the uses you make of our products this may not always be possible and we may collect sensitive information from you in order to carry out the services provided to you. However, we do not collect sensitive information from you without your consent.

3. Collection of your personal information

3.1 We only collect personal information that is necessary for what we do. The type of information we may collect from you includes (but is not limited to) the following:

(a) your contact information such as full name (first and last), e-mail address, current postal address, delivery address (if different to postal address) and phone numbers;

(b) details relating to your employment (if applicable);

(c) your date of birth;

(d) proof of your date of birth (including, but not limited to, driver’s licence, passport, birth certificate);

(e) your opinions via surveys and questionnaires, if applicable, including but not limited to your views on the products offered by K2;

(f) details relating to the products you have obtained from us;

(g) if you are requesting products or services from us or we are purchasing goods or services from you, then any relevant payment or billing information (including but not limited to bank account details, credit card details, billing address, repayment information and invoice details); and

(h) your username and password to access your online account on our website.

3.2 As much as possible or unless provided otherwise under this privacy policy, we will collect your information directly from you. Except as otherwise provided by clause 4.3, if we collect details about you from someone else, we will, whenever reasonably possible, make you aware that we have done this and why.

3.3 When you engage in certain activities, such as entering a contest or promotion, filling out a survey or sending us feedback, we may ask you to provide certain information. It is completely optional for you to engage in these activities.

3.4 Depending upon the reason for requiring the information, some of the information we ask you to provide may be identified as mandatory or voluntary. If you do not provide the mandatory data or any other information we require in order for us to provide our services to you, we may be unable to effectively provide our services to you.

3.5 If you use our website, we may utilise “cookies” which enable us to monitor traffic patterns and to serve you more efficiently if you revisit the site. A cookie does not identify you personally but it does identify your computer. You can set your browser to notify you when you receive a cookie and this will provide you with an opportunity to either accept or reject it in each instance.

3.6 We may gather your IP address as part of our business activities and to assist with any operational difficulties or support issues with our services. This information does not identify you personally.

4. How we may use and disclose your personal information

4.1 We will only use or disclose your personal information for the primary purposes for which it was collected or as consented to and/or as set out below.

4.2 You consent to us using and disclosing your personal information to facilitate a purpose in connection with:

(a) if required, the verification of your identity;

(b) the verification of your date of birth;

(c) the provision of our goods and services to you, including but not limited to the delivery of our goods to you;

(d) the administration and management of our goods and services, including charging, billing, credit card authorisation and verification, checks for financial standing, credit-worthiness (including but not limited to undertaking an assessment for credit loss and obtaining credit references from the trade references which have been nominated by you on your credit application form with K2), fraud and collecting debts;

(e) the improvement of our services (including to contact you about those improvements and asking you to participate in surveys about the goods and services);

(f) the maintenance and development of our goods and services, products, business systems and infrastructure;

(g) marketing and promotional activities by us and our related bodies (including by direct mail, telemarketing, email, SMS and MMS messages) such as our customer loyalty programs and newsletters;

(h) to provide customer service functions, including handling customer enquiries and complaints;

(i) to offer you updates, or other content or products and services that may be of interest to you;

(j) our compliance with applicable laws;

(k) the sale, and matters in connection with a potential sale, of our business or company to a third party; and

(l) any other matters reasonably necessary to continue to provide our products and services to you.

4.3 You acknowledge and agree that we may obtain personal information from the trade references nominated by you on your credit application form with K2. We may also disclose personal information to those third parties where you have nominated K2 as a trade reference.

4.4 We may also use or disclose your personal information and in doing so we are not required to seek your additional consent:

(a) when it is disclosed or used for a purpose related to the primary purposes of collection detailed above and you would reasonably expect your personal information to be used or disclosed for such a purpose;

(b) if we reasonably believe that the use or disclosure is necessary to lessen or prevent a serious or imminent threat to an individual's life, health or safety or to lessen or prevent a threat to public health or safety;

(c) if we have reason to suspect that unlawful activity has been, or is being, engaged in; or

(d) if it is required or authorised by law (including but not limited to regulatory bodies such as the Australian Securities and Investment Commission).

4.5 In the event we propose to use or disclose such personal information other than for reasons in 4.1, 4.2, 4.3 and 4.4 above, we will first seek your consent prior to such disclosure or use.

4.6 If you have received communications from us and you no longer wish to receive those sorts of communications, you should contact us by e-mail at sales@k2esa.com.au or write to us at 10/348 Victoria Rd, Malaga WA 6090 and we will ensure the relevant communication ceases. Any other use or disclosure we make of your personal information will only be as required by law or as permitted by the Privacy Act 1988 or by this privacy policy or otherwise with your consent.

5. The types of organisations to which we may disclose your personal information

5.1 We may disclose your personal information to organisations outside of K2. Examples of organisations and/or parties that your personal information may be provided to include:

(a) offshore service providers, if any;

(b) related entities and subsidiaries of K2;

(c) our contractors and agents; and

(d) those trade references you have nominated on your credit application form.

5.2 Your personal information is disclosed to these organisations and/or parties only in relation to the goods or services we provide to you or for a purpose permitted by this privacy policy.

5.3 We take such steps as are reasonable to ensure that these organisations and/or parties are aware of the provisions of this privacy policy in relation to your personal information.

6. Direct Marketing

6.1 You expressly consent to us using your personal information, including any email address you give to us, to provide you with information and to tell you about our products, services or events or any other direct marketing activity (including third party products, services, and events) (Direct Marketing Communications) which we consider may be of interest to you.

6.2 Without limitation clause 6.1, if it is within your reasonable expectations that we send you Direct Marketing Communications given the transaction or communication you have had with us, then we may also use your personal information for the purpose of sending you Direct Marketing Communications which we consider may be of interest to you.

6.3 If at any time you do not wish to receive any further Direct Marketing Communications from us, you may ask us not to send you any further information about products and services and not to disclose your information to other organisations for that purpose. You may do this at any time by using the “unsubscribe” facility included in the email or by contacting us at sales@k2esa.com.au.

7. Cross Border Disclosure

7.1 Any personal information provided to K2 may be transferred to, and stored at, a destination outside of Australia, including but not limited to the United States of America, where we may utilise overseas data and website hosting facilities or have entered into contractual arrangements with third party service providers to assist K2 with providing our goods and services to you. Personal information may also be processed by staff or by other third parties operating outside of Australia who work for us or for one of our suppliers, agents, partners or related companies.

7.2 By submitting your personal information to K2, you expressly agree and consent to the disclosure, transfer, storing or processing of your personal information outside of Australia. In providing this consent, you understand and acknowledge that countries outside of Australia do not always have the same privacy protection obligations as Australia in relation to personal information. However, we will take steps to ensure that your information is used by third parties securely and in accordance with the terms of this privacy policy.

7.3 The Privacy Act 1988 requires us to take such steps as are reasonable in the circumstances to ensure that any recipients of your personal information outside of Australia do not breach the privacy principles contained within the Privacy Act 1988. By providing your consent, under the Privacy Act 1988, we are not required to take such steps as may be reasonable in the circumstances. However, despite this, we acknowledge the importance of protecting personal information and, as set out above, have taken reasonable steps to ensure that your information is used by third parties securely and in accordance with the terms of this privacy policy.

7.4 If you do not agree to the transfer of your personal information outside of Australia, please contact us via email at sales@k2esa.com.au or alternatively, write a letter to 10/348 Victoria Road, Malaga WA 6090.

8. Data quality and security

8.1 We have taken steps to help ensure your personal information is safe. You will appreciate, however, that we cannot guarantee the security of all transmissions or personal information, especially where the Internet is involved.

8.2 Notwithstanding the above, we will take reasonable steps to:

- (a) make sure that the personal information we collect, use or disclose is accurate, complete and up to date;
- (b) protect your personal information from misuse, loss, unauthorised access, modification or disclosure both physically and through computer security methods; and
- (c) destroy or permanently de-identify personal information if it is no longer needed for its purpose of collection.

8.3 However, the accuracy of personal information depends largely on the information you provide to us, so we recommend that you:

- (a) let us know if there are any errors in your personal information; and
- (b) keep us up-to-date with changes to your personal information (such as your name or address).

9. Access to and correction of your personal information

9.1 You are entitled to have access to any personal information relating to you which we possess, except in some exceptional circumstances provided by law. You are entitled to edit or delete such information unless we are required by law to retain it or permitted to retain it in accordance with this privacy policy. However, we may keep track of past transactions for our accounting and audit requirements. Furthermore, it may be impossible to completely delete your information because some information may remain as backup.

9.2 If you would like to access, delete, or correct any records of personal information we have about you, you are able to access, update and delete that information (subject to the above) by contacting us at sales@k2esa.com.au or write to us at 10/348 Victoria Road, Malaga WA 6090. We reserve the right to charge a fee for searching for and providing access to your information.

10. Governing law

This privacy policy is governed by the laws in force in Western Australia, Australia. You agree to submit to the exclusive jurisdiction of the courts of that jurisdiction.

11. Consent

11.1 By using our website or by accepting the terms of one of our terms and conditions which refer to this privacy policy, you are agreeing to the terms of this privacy policy.

11.2 We reserve the right to modify our privacy policy as our business needs require. We will notify you of such changes (whether by direct communication or by posting a notice on our website), after which, your continued use of our products, services or website; or your continued dealings with us shall be deemed to be your agreement to the modified terms.