

## This document is the Privacy Policy of GigaComm Pty Ltd ACN 636 780713

The future of the world is digital and connected and at GigaComm we understand how important it is for people, businesses and communities to have telecommunications services that can help them connect and thrive.

Fast, secure and reliable connectivity can improve the world we live in by closing gaps, helping us learn and through collaboration to solve complex problems that drive opportunities for all of us.

It's the reason we started GigaComm.

We're focused on doing the right thing in how we run our business and that includes carefully managing your privacy. We also want to be transparent to help you understand how we collect, use and disclose your information.

### 1. Our products and services

GigaComm provides high speed internet, hosted telephony, data, mobile services and telecommunications hardware to the Australian market with a focus on small to medium enterprise and home office customers.

### 2. Our Privacy Principles

Our Privacy Policy and its implementation should be a reflection of our company's values and role within the community. We agree to:

- Collect your data for valid, relevant and stated purposes
- Keep your data securely protected from loss or misuse and from unauthorised access
- Use and manage your data in accordance with the law
- Ensure the ongoing accuracy of your data
- Ensure our team are trained, and empowered to implement our Privacy Policy
- Regular and timely reviews of Privacy Policy

### 3. Relevant privacy laws

We are bound by the Australian Privacy Principles (the APPs) under the Privacy Act 1988, when collecting, using and managing your personal information. The APPs establish minimum standards for the collection, use, disclosure and handling of personal information. The APPs can be accessed at the website of the office of the Australian Information Commissioner, [www.privacy.gov.au](http://www.privacy.gov.au).

Other Australian laws applicable to our business include the Telecommunications Act 1997, Do Not Call Register Act (DNC) 2006 and the Spam Act 2010.

#### 4.0 Personal Information

In providing our services we may collect and manage information about you, your business and property.

Personal information includes items such as your name, business name, address, date of birth, email address, account details and current billing information. If you would like to know exactly what personal information means, please refer to the Australian Government [Privacy Act](#) of 1988.

This information may be collected directly, through our call centre, our website and social platforms and third parties who work with us to provide our services. The information may be collected from you in various ways including through digital and social channels, printed material, or person to person channels.

We collect personal information from third parties where you have consented or where there is a reasonable expectation that we would use other sources such as publicly available data.

We follow industry best practice in how we collect, and store data and our team or agents receive training on our privacy requirements and policy.

We will obtain your consent before disclosing your sensitive information, unless required by law.

#### 4.1 Consent to collection and use

You consent to us obtaining, using and disclosing your personal information for any of the purposes specified in Clause 4.2. If you choose not to provide all or part of the personal information we request ( which will include data of birth), or you provide us with false personal information we may not be able to provide you with the services, or we may resume to provide or limit the provision to you of any service or credit.

#### 4.2 Use of personal information

- (a) You authorise us to collect, use and disclose personal information (including details of your account and information relating to the use of your service) which you provide to us in connection with the supply to you of the services (including for direct marketing purposes in accordance with clause 6.2(e) below), to our third party suppliers, our agents, debt collectors, credit reporting agencies and our contractors and use that information for the purpose of managing your account or as otherwise necessary to fulfil our obligations under our agreement.
- (b) In particular, you acknowledge and agree that we will use your personal information:
  - i. to identify you and to assess your application;
  - ii. to supply the services and equipment to you (including for investigation or resolution of disputes relating to any services and equipment provided to you);
  - iii. to issue you with invoices and to collect fees and any other debts you owe to us in connection with our agreement;
  - iv. for the purposes of preventing fraud or any other illegal activity; and
  - v. for all other purposes reasonably required to provide the services to you.
- (c) You agree that we may disclose your personal information:
  - i. to other suppliers for the purpose of enabling us to provide the services and equipment to you (including for the purpose of provisioning services or equipment and providing particulars of calls and call charges to those suppliers for interconnection and invoicing purposes);
  - ii. to any other person who provides services to us in connection with the services and equipment we supply to you (including to our resellers, outsourced installation and repair service companies, outsourced billing companies and debt-recovery agencies);
  - iii. to credit reporting agencies for the purposes referred to in clauses 6.3 and 6.4;
  - iv. if you elect to participate in a loyalty program with us, to other persons with whom we have established or will establish the loyalty program to enable you to participate in it;
  - v. to anyone to whom we are permitted to assign or transfer this agreement in accordance with clause 15;
  - vi. to government agencies, law enforcement authorities and other persons as required by law, including disclosures to the manager of the Integrated Public Number Database (as noted in Clause 6.2(d)); and
  - vii. to any other person, where you have given us consent to do so.
- (d) We are required by law to provide your name, address, telephone service number and other public number customer details to the manager of the Integrated Public Number Database (IPND) for the Approved Purposes. Unless you specify otherwise in your application:
  - i. your telephone service number for a fixed or landline service will be recorded as a 'listed number'; and
  - ii. your telephone service number for a mobile service will be recorded as an 'unlisted number'.

Unlisted service information is marked and controlled by the manager of the IPND to ensure that it is only used for the relevant Approved Purposes (unlisted numbers or suppressed address listings recorded in the IPND are not available to the general public via public number directories or directory assistance services). You must notify us of any change to your IPND data and you may request changes to the listing status of your service by contacting us on 1300 004 442.

- (e) Unless you ask us not to use your personal information for direct marketing purposes, we will use, and disclose your personal information to our related bodies corporate, agents, affiliates, franchisees, resellers, equipment suppliers and any other suppliers of products or services with whom we have engaged in a joint initiative, for the purposes of informing you of other products and services offered by us and by any of these other entities. If we are permitted to use your personal information for direct marketing purposes, you consent to us sending direct marketing information to you:
- i. by post to your address (as listed in our records);
  - ii. by email to your email address (as listed in our records);
  - iii. on or with the invoices we issue to you for services; and
  - iv. by calling you (including by leaving a recorded message) on the telephone number applicable to your service or other contact number that you have specified on your application.

If you do not wish to receive direct marketing in accordance with this Clause 4.2(e), please call 1300 004 442.

#### **4.3 Consent to credit check**

- (a) Your personal information in our possession, whether collected by us from you or obtained from a third party, may be disclosed by us to a credit reporting agency for the purposes of providing the services to you.
- (b) For the purposes of Clause 6.3(a), personal information which may be disclosed by us to a credit reporting agency consists of:
  - i. identity particulars such as your name, gender, address (and previous two addresses), date of birth, name of employer and drivers licence number;
  - ii. your application for commercial credit (including the amount requested);
  - iii. the fact that we are a current credit provider to you;
  - iv. information that, in our opinion, you have committed a serious credit infringement, including:
    - A. by conduct which is fraudulent or shows an intention not to comply with your credit obligations;
    - B. an undisputed account is overdue by more than 60 days, where we have started debt collection action against you;
    - C. cheques drawn by you or debits from your bank account or credit card have been dishonoured more than once; and
  - v. advice that accounts are no longer overdue in respect of any default that has been listed.
- (c) The information specified in paragraph (b) may be given before, during or after the provision of credit to you.

#### **4.4 Use of credit report**

- (a) You agree that a credit report which contains personal information concerning you may be given to us by any credit reporting agency for the purpose of either assisting us to assess your creditworthiness or in collecting payments that are overdue.
- (b) You agree that we may disclose a credit report or other report relating to you and any personal information derived from that report, to any other credit provider for any of the following purposes, namely:
  - i. the assessment by us or the other credit provider of your creditworthiness;
  - ii. the collection by us or the other credit provider of payments that are overdue; or
  - iii. the exchange of information between us and the other credit provider for the purposes referred to in subparagraphs (i) and (ii).
- (c) The information which may be exchanged pursuant to paragraph (b) can include anything about your creditworthiness, credit standing, credit history or credit capacity that credit providers are allowed to exchange under the Privacy Act.
- (d) You agree that a trade insurer may obtain a credit report about you for the purpose of assessing whether to provide trade insurance to us in relation to your application for commercial credit.

#### 4.5 Access to information

Where we hold any personal information about you, you may request access to that information. We will provide you with access to most personal information that we have about you (once we have verified your request is in good faith). In some cases that will not be possible, in which case, we will tell you why.

#### 4.6 Compliance

To the extent that you provide us with personal information that you have collected or accessed for the purposes of receiving the services, you must:

- (a) comply with the Privacy Act;
- (b) comply with any reasonable direction that we may give regarding how to comply with any such legislation;
- (c) obtain the informed consent of any individual whose personal information you intend to provide to us that allows us to collect, use, disclose and store that information for the purposes of providing you with the services or as otherwise contemplated by our agreement;
- (d) notify us of any changes to that personal information of which you become aware;
- (e) notify us of any complaint made by an individual in respect of their personal information; and
- (f) cooperate with us in the resolution of any complaint alleging a breach of the Privacy Act, a privacy policy or an approved privacy code.

#### 5. Technology, procedures and policies

We take protecting the security of your personal information seriously and have implemented technology solutions, procedures and policies which include:

- Where possible, encryption of sensitive data
- Identity management and confidentiality requirements for all employees and agents
- Security measures for system access
- Providing access to personal information only to a person who is verified to be able to receive that information.
- Electronic security systems on our [gigacomm.net.au](http://gigacomm.net.au) website
- Where data is no longer required and in accordance with legal or regulatory guidelines, ensuring best efforts to destroy or de-identify the information.

#### 6. Third parties

Information is only shared with agents or any other third parties that we understand to have the correct systems and processes in place to effectively manage this information. We work with providers that also comply with the Privacy Act, and with our policies including the privacy obligations under our joint contractual arrangements.

#### 7. Marketing

Your personal information may be used to provide you with marketing materials in relation to products and services, offers or promotions which we think would interest you. You can opt out of receiving marketing communications from us at any time through the opt-out instructions provided on the marketing materials.

We will not use or disclose sensitive information about you for direct marketing purposes unless you have consented to disclose this information for that purpose.

With your consent, we may disclose your personal information to third parties for the purpose of connecting you with other businesses or customers. If you would not like us to do this simply contact us at [info@gigacomm.net.au](mailto:info@gigacomm.net.au) or call us on ph: 1300 004 442.

##### 7.1 Digital information collection and usage including use of cookies

When accessing [www.gigacomm.net.au](http://www.gigacomm.net.au), we use 'cookies' (a small text file sent by your computer each time you visit [www.gigacomm.net.au](http://www.gigacomm.net.au) linked to your browser) to record information related to your behaviours on our site. This information may be used to provide an improved experience.

When you visit our websites our system will record/log information such as your Internet protocol address (or 'IP address'), date and time of your visit, what pages you viewed, how you moved around the site and the information you downloaded.

We may automatically collect non-personal information about you, including the site from where you linked to our website. We may also use cookies to collect personal information.

You can set your browser to not accept cookies or delete existing cookies. By not accepting cookies may limit your access to or the functionality of areas of our website.

Where you access third party websites via a link from our website, we may have access to that information as part of our agreement with those third parties.

Cookie information may also be used to display advertisements or content on our website, on third party networks or websites such as facebook or Google and for analytics or auditing purposes. We may also use remarketing tools such as Google AdWords to make our advertising more relevant and useful to you.

## **8. Location of information**

While we operate and run our business in Australia, we may work with network storage platforms or cloud based services where your personal information is processed outside Australia.

In this case, we rigorously review the policies and processes of these suppliers in relation to how they access, use, manage and store your personal information.

Overseas organisations may be required to disclose information under a foreign law. In these instances, we are not responsible for that disclosure.

## **9. More questions?**

If you have any further questions in relation to our privacy policy or would like to request a printed copy please contact our team via email at [info@gigacomm.net.au](mailto:info@gigacomm.net.au) or by phone on 1300 004 442 between 9am to 5pm EST, Monday to Friday.

## **10. Complaints**

If in the event you believe that we have breached the APPs or the Privacy Act please contact us and we will immediately investigate your complaint and notify you of the outcome. If you are not satisfied with our response, or you do not receive a response to your complaint within 30 days, you may make a complaint to the Office of the Australian Information Commissioner (OAIC). Complaints to the OAIC can be made via ph: 1300 363 992.

GigaComm is a member of the Telecommunications Industry Ombudsman. If your complaint relates to information in relation to our telecommunications services the Telecommunications Industry Ombudsman can be contacted at [www.tio.com.au](http://www.tio.com.au)

## **11. Policy version**

This policy is effective as of 10 June, 2020. We may review and update this policy due to changes in our services, technology, market activity or for legal or regulatory reasons. The latest version of our policy will always be available by contacting us at [info@gigacomm.net.au](mailto:info@gigacomm.net.au) or via ph: 1300 004 442.