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Privacy Policy

Esri Australia

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1 Privacy Policy

Esri Australia understands the importance of privacy issues.

This Privacy Policy identifies how Esri Australia manages the Personal Information we collect, use, hold and disclose and how to contact us if you have any queries.

In handling your Personal Information, we are regulated by and are committed to complying with the Privacy Act, including the Australian Privacy Principles.

1.1 Definitions

In this policy:

Esri Australia, we, us and **our** means Esri Australia Pty Ltd ABN 16 008 852 775.

Information means, collectively, Personal Information and Sensitive Information.

Personal Information means information relating to an individual, including an opinion, which may be provided to Esri Australia as part of its business requirements. Such information may personally identify an individual or make the persons identify reasonably apparent.

Privacy Act means the *Privacy Act 1988* (Cth).

Privacy Law includes the Australian Privacy Principles as well as the Privacy Act.

Sensitive Information means information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences, criminal record or health information.

Relevant Circumstances means all circumstances where the employee records exemption under the Privacy Act does not apply, including Information:

- a) obtained during the recruitment process;
- b) not directly related to an employee's current or former employment relationship with Esri Australia; and
- c) shared between related bodies corporate, contractors, and subcontractors, such as Information which is shared through services arrangements with a corporate group.

you means you as an individual and includes:

- a) former employee,
- b) current employee; or
- c) prospective employee,

of Esri Australia, where the Relevant Circumstances apply to that employee.

1.2 Background

Personal Information is information or an opinion, in any form whether true or not, about an individual whose identity is apparent or can reasonably be identified from the information provided. For example, this may include your name, age, gender, postcode and contact details. It may also include financial information, including your credit card information.

Occasionally, we may ask you for Personal Information about other people – for example, your customers or other authorised representatives, to provide our services. If you choose to disclose this information to us, you confirm that you have informed these parties that you are providing their Personal Information to us for the purposes of providing our products and services either directly or by providing such disclosure in your own privacy policy.

Where lawful and practical, you have the right to remain anonymous or to make use of a pseudonym, however if you choose to remain anonymous or to use a pseudonym, we may not be able to provide you with access to some or all our products or services.

1.3 Data collection

What Personal Information we collect

We may collect the following types of Personal Information:

- a) name;
- b) mailing or street address;
- c) billing address;
- d) email address;
- e) telephone number and other contact details;
- f) age or date of birth;
- g) position or role title details;
- h) bank account information
- i) credit card information;
- j) time zone information;
- k) details of the products and services we have provided to you or that you have enquired about, including any additional information necessary to deliver those products and services and respond to your enquiries;
- l) information you provide to us through customer surveys; or
- m) any other Personal Information that may be required to facilitate your dealings with us.

Consent to collection of Personal Information

We will only collect Personal Information where that information is necessary for us to perform one or more of our functions or activities, where we are required to by law, or you have consented to our collection of your Personal Information from third parties – for example your own representatives. If you choose to provide us with Personal Information, you consent to the transfer and storage of such Personal Information on our servers for as long as we consider necessary to fulfil the purpose for which it was collected, or as required by relevant laws, under this Privacy Policy and any other arrangements that apply between us. In this context, “collect” means gather, acquire or obtain by any means, information in circumstances where the individual is identifiable or identified.

How we collect Personal Information

We may collect Personal Information from you through the following (amongst others):

- a) one of our websites;
- b) social media;
- c) phone;
- d) email;
- e) your participation in any marketing initiative or promotional activities or events;
- f) your access to and use of our products, services and website; and/or
- g) in person; and/or
- h) in writing.

We will generally collect Personal Information directly from you. We may also collect Personal Information from third parties (including third party data analytic service providers) and publicly available sources of information. We may use Personal Information supplied by you or a third party to source additional Personal Information from publicly available sources of information.

Sensitive Information

Some Personal Information (e.g. race, ethnicity, health information etc.) is sensitive and requires a higher level of protection under the Privacy Law. We will only collect such Sensitive Information when we have your express consent for us to do so and the collection is reasonably necessary for us to pursue one or more of our functions or activities, or where the information is required or authorised by law or necessary for the establishment, exercise or defence of a legal claim.

Employment application

In addition, when you apply for a job or position with us we may collect certain information from you (including your name, contact details, working history and relevant records checks) from any recruitment consultant, your previous employers and others who may be able to provide information to us to assist in our decision on whether or not to make you an offer of employment or engage you under a contract. This Privacy Policy does not apply to acts and practices in relation to employee records of our current and former employees, which are exempt from the Privacy Laws.

If you do not provide your Personal Information, we may not be able to:

- a) progress your application or offer of employment, or to consider you for future employment opportunities;
- b) monitor the use and efficiency of business resources (such as our technology); and
- c) efficiently use related entities or contractors necessary for the delivery of our business activities and functions.

In addition to the general Personal Information referred to in this Privacy Policy, Personal Information collected in connection with the Relevant Circumstances may include:

- a) ID information, such as your name, postal or email address, telephone numbers, licenses, date of birth, gender details;
- b) other contact details such as social media handles you use on publicly available websites;
- c) resumes and other correspondence;
- d) work history and education history;
- e) health information, disabilities and psychometric testing results;
- f) other information we consider necessary to our recruitment, business activities and management processes.

Sensitive Information may be required to be collected in some circumstances. We will only collect Sensitive Information if it is necessary for business purposes and for the inherent requirements of the position.

All information collected will be used and disclosed by us as outlined in this Privacy Policy. We take reasonable steps to ensure that your Personal Information is held securely.

It is our usual practice to collect Personal Information about you in the Relevant Circumstances:

- a) directly from you, for example where you provide Information by using a printed or online method;
- b) where relevant, and with your consent, through a third-party recruitment service provider;
- c) from third parties, with your consent. For example, we may seek Information about your:
 - a. prior employment history through reference checks;
 - b. eligibility to work in Australia through a visa status check;
 - c. educational qualifications by requesting confirmation of qualifications or results from an academic institution;
 - d. aptitude or other psychometric testing;
 - e. ability to perform the inherent requirements of the position, through medical and other allied health professionals, or criminal record history check and/or working with children check;
 - f. from speaking to us over the phone;
 - g. through our international and national IT framework either intentionally or by default;
 - h. through publicly available networking sites, such as Facebook or LinkedIn.
- d) We may also collect Information about you because we are required or authorised by law to collect it.
- e) When you commence employment with us, as a condition of employment we may ask you to provide evidence of your identity and legal entitlement to work in Australia. We may also ask for Personal Information, such as emergency contact details, tax file number and bank account details which will form part of your employee file.
- f) If we do not have your prior consent to collection of Information from a third party, we will take reasonable steps to inform you that we have collected Information from a third party.

Your Personal Information may be used to:

- a) assess your application (or an application submitted on your behalf by a recruitment service provider or by an employee as part of the employee referral program) for advertised positions;
- b) invite you to apply for future positions with us, unless you notify us that you do not wish this to occur;
- c) allow us to conduct recruitment statistical reporting and analysis;
- d) conduct, in connection with our management of any recruitment business risks, investigations, resolutions and legal claim defences, compliance with court orders and other legal obligations and regulatory requirements;
- e) share Information within Esri Australia, and with any contractor or subcontractor, where doing so would assist us with completing administrative tasks efficiently;

- f) share documents, such as resumes, with clients;
- g) obtain security clearances where required;
- h) capture any data in relation to the use of technological devices or systems provided to an Individual by us; and
- i) conduct employment-related management and administrative processes.
- j) Unless authorised by the Privacy Act, your Personal Information will not be used for any other purpose without your consent.

We may disclose your Personal Information within Esri Australia for the purposes of:

- a) Considering and contacting you for future positions with us;
- b) statistical reporting and analysis;
- c) allowing cohesive network operations between our international and national networks; and
- d) conducting management and administrative processes.

Our information technology systems may automatically permit access to your Information within our network of international and national related entities, contractors and service providers.

We take reasonable steps to ensure that these organisations are bound by confidentiality and privacy obligations in relation to the protection of your Personal Information. These organisations may carry out activities including:

- a) information technology services;
- b) website usage analysis;
- c) management and administrative tasks.

We may disclose your Personal Information to overseas related entities or contractors, including related entities or contractors located in the areas where we have offices.

1.4 Notification of collection

Where we have collected Personal Information about you either directly or by other means as set out above, we will notify you of the following at the time, or as soon as practicable, to ensure that you are aware of such collection and its purpose:

- a) The main reason that we are collecting Personal Information (this reason will be the Primary Purpose as set out in paragraph 1.7 below);
- b) Other related uses or disclosures that we may make of the Personal Information (Secondary Purposes);
- c) Our identity and how you can contact us, if this is not obvious;
- d) That you can access the Personal Information that we hold about you;
- e) That you should contact us should you need to access or correct Personal Information collected by us or have any concerns in relation to Personal Information;
- f) The organisations to whom we usually disclose the Personal Information;
- g) Where applicable, any law that requires the Personal Information to be collected.

If we receive unsolicited Personal Information about or relating to you and we determine that such information could have been collected in the same manner if we had solicited the information, then we will treat it in the same way as solicited Personal Information and in

accordance with the Privacy Law. Otherwise if we determine that such information could not have been collected in the same manner as solicited Personal Information, and that information is not contained in a Commonwealth record, we will, if it is lawful and reasonable to do so, destroy the information or de-identify the information.

1.5 Where your Personal Information is stored

Where we store your Personal Information depends largely on the purpose for which it was collected but may include but not be limited to:

- a) internal customer relationship management system which is hosted offshore;
- b) email database within our marketing campaign system;
- c) internal contacts database; and
- d) hard copy records in our offices.

The data servers are password protected and login secured. However, by providing Personal Information to us you consent to your information being stored and processed on a data server or data servers (such as cloud services) owned by a third party or third parties that may be located outside of Australia and which may not be subject to the Australian Privacy Principles.

1.6 How your Personal Information is stored

We take reasonable steps to protect your Personal Information from unauthorised access, loss, disclosure or modification in accordance with this Privacy Policy.

We regularly monitor all our systems holding Personal Information, however, no data transmission over the internet can be guaranteed as one hundred per cent secure. We will take reasonable steps to maintain the security of and to prevent unauthorised access to or disclosure of your Personal Information. However, we do not guarantee that unauthorised access to your Personal Information will not occur, either during transmission of that information to us or after we receive that information.

We only retain your Personal Information for as long as is necessary for the purposes for which it was collected and we are required to keep it to comply with any laws. We will take such steps as are reasonable in the circumstances to destroy or de-identify Personal Information which we no longer need. These measures may vary depending on the Personal Information held.

1.7 How your Personal Information will be used

We collect Personal Information primarily for the following purposes (the "Primary Purpose" of Personal Information collection):

- a) Providing our products and services to you;
- b) Validating and completing purchase requests;
- c) Providing notifications of new product releases or functionality updates;
- d) Improving and developing the design of our range of products and services for your use, including using data analytics (for example, Google Analytics, Hotjar and Act-On, or other products with similar functionality);
- e) Providing notification of upcoming events or visiting Esri and industry specialists;
- f) Providing industry and GIS project related information;
- g) Conducting surveys and research;
- h) Complying with licensing, legislative and regulatory requirements;

- i) Improving our service delivery (including to resolve a complaint);
- j) Managing our relationship with you;
- k) Employment related purposes (including assessing an applicant's suitability for a job); and
- l) To subscribe you to our e-communications.

If you subscribe to our e-communications (e.g. newsletters, event updates etc.), we may send you direct updates about our products and services, event invitations and for marketing purposes (including advising you of other products, services, promotional events, programs and special offers which may be of interest to you). This may take the form of emails, SMS, mail or other forms of communication, in accordance with the *Spam Act 2003* (Cth) and the Privacy Laws. If you do not wish to remain a subscriber to our mailing list, you can unsubscribe from any electronic communications by clicking the 'unsubscribe' button or by contacting our [marketing department](#).

1.8 Disclosure of Personal Information

We do not generally share our customer lists on a commercial basis with third parties but if we did, we would only do so if we had the appropriate consent of the individual involved.

We may disclose Personal Information we collect from you:

- a) To our subsidiaries and other related entities (other than for Sensitive Information), employees, contractors or agents for the purposes set out in the section 1.7 above, or for other purposes directly related to the purpose for which the Personal Information is collected;
- b) To others that you have been informed of at the time any Personal Information is collected from you;
- c) To our business associates, third party suppliers, service providers and others for purposes directly related to the purpose for which the Personal Information is collected;
- d) To our payment systems operators (for example, merchants receiving card payments);
- e) To our professional advisors;
- f) To organisations that acquire all or part of our assets or business;
- g) To organisations to whom we outsource functions (including information technology providers, print service providers and mail houses);
- h) With your consent (express or implied), to specific third parties to receive information held by us; or
- i) other persons, including government agencies, regulatory bodies and law enforcement agencies, or as required, authorised or permitted by law.

If we use or disclose your Personal Information for a Secondary Purpose other than the main reason for which it was originally collected, we will ensure that:

- a) The Secondary Purpose is related to the Primary Purpose of Personal Information collection, and you would reasonably expect that we would use or disclose your information in that way;
- b) You have consented to the use or disclosure of your Personal Information for the Secondary Purpose; or,
- c) The use or disclosure is required or authorised by or under law.

We will take reasonable steps to ensure that any contracts with third parties include requirements for those third parties to comply with the use and disclosure requirements of the Privacy Law.

In the unlikely event that we are required to disclose Personal Information to law enforcement agencies, government agencies or external advisors we will only do so in accordance with the Privacy Law or any other relevant Australian legislation.

We take reasonable steps to ensure that each organisation that we disclose your Personal Information to is committed to protecting your privacy and complies with the Privacy Law, or is subject to a law or scheme that is at least substantially similar to the way in which the Privacy Law protects information.

By providing your Personal Information to us, you consent to us transferring your Personal Information to such other organisations.

1.9 Transferring Personal Information overseas

Some of the service providers, related bodies corporate and other third parties to whom we disclose Personal Information are in countries outside of Australia (such as the United States of America, Germany, Japan, New Zealand and India). Any overseas disclosure does not affect our commitment to protecting your Personal Information. Where we send your Personal Information overseas, we make sure that appropriate data handling and security arrangements are in place. You acknowledge that, by consenting to the disclosure of your Personal Information to these entities outside of Australia we will no longer be required to take reasonable steps to ensure that the overseas recipient does not breach the applicable provisions of the Privacy Laws in relation to your Personal Information and we will not be liable to you for any breach of the APPs by those overseas recipients. Further, the overseas recipient of Personal Information may be subject to a foreign law that could compel the disclosure of Personal Information to a third party, such as an overseas authority. In such case, we will not be responsible for that disclosure. On this basis, you consent to such overseas disclosure by accepting this Privacy Policy.

1.10 Access and correction of Personal Information

We review, on a regular and ongoing basis, our collection and storage practices to ascertain how improvements to accuracy can be achieved.

You can request access to your Personal Information held by us. We may ask that you put the request in writing and may also require some proof of identification before releasing or correcting any Personal Information.

We may make reasonable changes for access to Information and may refuse to provide access to, or delete, Information where this is required or authorised by the Privacy Act or another law.

To assist us to keep our records up to date, you should ensure all Personal Information provided to us is accurate and kept up to date. We take the accuracy of your Personal Information seriously, if you are aware that the information we hold relating to you is inaccurate, incorrect or out-of-date, please contact our [Privacy Officer](#).

1.11 Information security

We require employees to perform their duties in a manner consistent with our legal responsibilities in relation to privacy.

We take all reasonable steps to ensure that paper and electronic records containing Personal Information are stored in facilities that are only accessible by people who have a genuine need to know.

We review, on a regular and ongoing basis, our information security practices ascertaining how ongoing responsibilities can be achieved and maintained.

1.12 Complaints

If you have a complaint about the way we have dealt with your Personal Information, or if you think we have breached the Privacy Act, please contact our Privacy Officer.

We will seek to deal with privacy complaints as follows:

- a) complaints will be treated seriously;
- b) complaints will be dealt with promptly;
- c) complaints will be dealt with confidentially;
- d) complaints will be investigated by our Privacy Officer; and
- e) the outcome of an investigation will be provided to the complainant where the complainant has provided proof of identity. We will seek to respond within a reasonable time after the complaint or request was made.

If you think we have failed to resolve the complaint satisfactorily, we will provide you with information about the further steps you can take.

Under the Privacy Laws you may complain to the Office of the Australian Information Commissioner about the way we handle your Personal Information. The Commissioner can be contacted at:

GPO Box 5218 Sydney NSW 2001

Phone: 1300 363 992

Email: enquiries@oaic.gov.au www.oaic.gov.au

1.13 Review of Privacy Policy

We reserve the right in our sole discretion to modify, amend, vary or update this Privacy Policy at any time without notice. If this is necessary, we will post the amended Privacy Policy on our website (www.esriaustralia.com.au) to ensure you are kept up to date of how we manage your Personal Information. We recommend you review the Privacy Policy regularly to ensure you are aware of any changes.