



Murdock
Cheng
Legal Practice

LET'S TALK MARKETING

PRIVACY POLICY

Level 10
50 Clarence Street
SYDNEY NSW 2000

T +61 2 9262 5495
F +61 2 9262 5496
reception@mclp.com.au
mclp.com.au

1. PRIVACY POLICY

- 1.1. Let's Talk Marketing (ABN 27 424 390 158) ("**Let's Talk Marketing**") is committed to keeping your information safe and secure in accordance with the *Privacy Act 1988* (Cth) (the "**Privacy Act**") and the Australian Privacy Principles contained therein. By engaging Let's Talk Marketing's services or browsing Let's Talk Marketing's website (the "**Website**"), you are giving consent to Let's Talk Marketing to use your Personal Information in the manner set out in this Privacy Policy.
- 1.2. "Personal Information" is information we hold which is identifiable as being about you.

2. COLLECTION OF PERSONAL INFORMATION

- 2.1. Let's Talk Marketing may collect and use the following kinds of information:
 - (a) information about your use of the Website (including operating system; version and language; pages viewed while browsing the Website; page access times; and referring Website address); and
 - (b) information about your personal details (including, but not limited to, name; phone contact details; address information; email; date of birth; and payment information).
- 2.2. Personal Information and your personal details may be collected from you in a variety of ways, including but not limited to; when you interact with Let's Talk Marketing electronically, over the telephone or in person and when Let's Talk Marketing provides services to you.

3. USE AND DISCLOSURE OF YOUR PERSONAL INFORMATION

- 3.1. Let's Talk Marketing may use your Personal Information to:
 - (a) enable your access to the Website;
 - (b) provide to you the services that you purchase or request as a customer;
 - (c) track usage and measure traffic statistics of the Website;
 - (d) receive and/or access information from third party providers for the provision of our services to you;

- (e) contact you regarding your use of the services or services offered by Let's Talk Marketing;
 - (f) contact you in relation to comments, complaints, enquiries or dispute resolution;
 - (g) collect payments from you;
 - (h) communicate with third party providers or associated parties with respect to the provision of the services;
 - (i) send you marketing communications; and
 - (j) compile a database for marketing purposes.
- 3.2. Let's Talk Marketing will not disclose Personal Information about you, unless it is required, incidental or otherwise related to the primary purpose of providing services to you or a third party for which you have consented to by engaging Let's Talk Marketing's services, or browsing Let's Talk Marketing's Website. However, Let's Talk Marketing may disclose your Personal Information to its business partners who assist in providing services to you as a customer.
- 3.3. Let's Talk Marketing may transfer your Personal Information to a third party who have acquired the provision of Let's Talk Marketing services to you.
- 3.4. Let's Talk Marketing in its sole discretion, may disclose your Personal Information to the extent that it is required to do so by law, in connection with any legal proceedings or prospective legal proceedings, and in order to establish, exercise or defend its legal rights.
- 3.5. Let's Talk Marketing is not liable for how a third party uses your Personal Information if the Personal Information has been disclosed in accordance with this policy.

4. DISCLOSURE OF YOUR PERSONAL INFORMATION OVERSEAS

- 4.1. Let's Talk Marketing will only transfer Personal Information to someone who is in a foreign country where:
- (a) Let's Talk Marketing reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the Australian Privacy Principles;

- (b) the transfer is required for Let's Talk Marketing to provide you the services you requested;
- (c) all of the following apply:
 - (i) the transfer is for your benefit;
 - (ii) it is impracticable to obtain your consent to that transfer; and
 - (iii) if it were practicable to obtain such consent, you would be likely to give it; or
- (d) Let's Talk Marketing has taken reasonable steps to ensure that the information which it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the Australian Privacy Principles.

5. SECURITY OF YOUR PERSONAL INFORMATION

- 5.1. It is important that you advise Let's Talk Marketing of changes to your Personal Information that you have provided to Let's Talk Marketing as it is essential that your Personal Information is accurate, complete, and up-to-date in order for Let's Talk Marketing to provide services to you.
- 5.2. Let's Talk Marketing uses best endeavours to securely store your Personal Information on an internal company server and within locked cabinets located at the premises of Let's Talk Marketing.
- 5.3. Let's Talk Marketing uses reasonable technical precautions and has implemented business processes to protect your Personal Information from misuse, loss, unauthorised access, modification and disclosure. However Let's Talk Marketing is not liable for any unauthorised access to, or dissemination of, this information.
- 5.4. Let's Talk Marketing uses reasonable endeavours to protect any credit card information supplied by you by maintaining the "PCI Compliance" standards established by the PCI Security Standards Council.
- 5.5. The transmission of your Personal Information to us is done completely at your own risk and you agree to indemnify us against any loss you suffer as a result of your transmission.
- 5.6. Let's Talk Marketing will take all reasonable steps to destroy or permanently de-identify Personal Information if it is no longer needed for

the purposes of providing our services to you and where Let's Talk Marketing is not required to retain that information by law.

- 5.7. You acknowledge the Website may contain links to other websites not owned or controlled by Let's Talk Marketing. These links do not constitute sponsorship or endorsement of such websites and Let's Talk Marketing is not responsible for your use of such websites or such websites privacy practices.

6. ACCESS TO YOUR PERSONAL INFORMATION

- 6.1. You are responsible to ensure that the information you provide to Let's Talk Marketing is accurate, complete and up-to-date. Any requests to update your information stored by Let's Talk Marketing can be sent to admin@letstalkmarketing.com.au and Let's Talk Marketing will use reasonable endeavours to update the information within three (3) business days.
- 6.2. By request, you may contact Let's Talk Marketing at admin@letstalkmarketing.com.au and ask to know what sort of Personal Information is held about you, for what purposes, and how it is collected, held, used and disclosed and you may also request access to the information held. Let's Talk Marketing may charge, in its discretion, a reasonable administration fee for this access and Let's Talk Marketing will use reasonable endeavours to respond to your request within three (3) business days.
- 6.3. Let's Talk Marketing in its sole discretion may consider that there is a sound reason under the Privacy Act, *Freedom of Information Act* 1982 (Cth) or other relevant law to withhold Personal Information, or not make the requested changes.

7. IDENTIFIERS AND ANONYMITY

- 7.1. You acknowledge that Let's Talk Marketing retains, collects and maintains your Personal Information for statistical analysis purposes (whether for commercial or non-commercial purposes). You agree that Let's Talk Marketing may share, distribute and/or transfer information which you have provided to Let's Talk Marketing to third parties, after that information has been de-identified.
- 7.2. Let's Talk Marketing may use cookies on its Website. Cookies are very small files which a Website uses to identify you when you come back to the site and to store details about your use of the Website. Cookies are not malicious programs that access or damage your computer. Let's Talk Marketing uses cookies to improve the experience of people using its

Website. If you do not or are unable to accept cookies from Let's Talk Marketing, you may not be able to access the full functionality of the Website.

8. SENSITIVE INFORMATION

8.1. Sensitive information is defined in the Privacy Act to include information or opinion about such things as an individual's racial or ethnic origin, political opinions, membership of a political association, religious or philosophical beliefs, membership of a trade union or other professional body, criminal record or health information.

8.2. Sensitive information will be used by Let's Talk Marketing only:

- (a) for the primary purpose for which it was obtained;
- (b) for a secondary purpose that is directly related to the primary purpose;
- (c) with your consent; or
- (d) where required or authorised by law.

9. COMPLAINTS ABOUT PRIVACY

9.1. As a valuable customer, if you have any complaints in relation to this Privacy Policy or privacy practice, please contact Let's Talk Marketing at admin@letstalkmarketing.com.au.

9.2. A complaint should identify whether it is about:

- (a) the collection of Personal Information;
- (b) the use of Personal Information;
- (c) the disclosure of Personal Information;
- (d) the security or storage of Personal Information;
- (e) the accuracy of Personal Information;
- (f) a refusal to give complaint access to or find out about their Personal Information; or

- (g) a refusal to change or delete Personal Information.
- 9.3. Let's Talk Marketing values your opinions and takes complaints very seriously. Upon receiving written notice of your complaint about privacy, Let's Talk Marketing will respond quickly to advise you of the outcome following its enquiring into the same. You will also be invited to respond to its outcome. If a response is received, Let's Talk Marketing will assess it and advise if it has changed its view or outcome. If you are unsatisfied with the final outcome, Let's Talk Marketing will advise further options including, if appropriate, making a complaint with the Office of the Australian Information Commissioner.

10. MISCELLANEOUS

10.1. No partnership or agency

Nothing contained or implied in this Privacy Policy will create or constitute, or be deemed to create or constitute, a partnership between you and Let's Talk Marketing. A party must not act, represent or hold itself out as having authority to act as the agent of the other party or in any way bind or commit the other parties to any obligation.

10.2. Waivers

In limited circumstances, Let's Talk Marketing may allow you to waive the application of this Privacy Policy. A waiver of this Privacy Policy must be in writing and signed by Let's Talk Marketing. Let's Talk Marketing anticipates that the waiver of this Privacy Policy would only be in exceptional circumstances, and Let's Talk Marketing encourages that you consider the circumstances leading to the waiver request prior to submitting such a request.

10.3. Governing Law & Jurisdiction

This Privacy Policy is governed by the laws of Victoria, Australia. In the event of any dispute arising out of or in connection with this Privacy Policy, you agree that the exclusive venue for resolving any dispute shall be Melbourne, Australia.

11. VARIATIONS TO THIS POLICY

- 11.1. This Privacy Policy is available online via www.letstalkmarketing.com.au or by clicking the “Privacy Policy” link located in the Website. Let’s Talk Marketing reserves the right to modify or amend this Privacy Policy at any time and for any reason, without notification.
- 11.2. Let’s Talk Marketing updates this Privacy Policy from time to time by posting a new version on its Website. You shall be taken to agree to the Privacy Policy from the time the new policy is posted on its Website.

12. CONTACT

- 12.1. Please contact Let’s Talk Marketing if you have any questions regarding this Privacy Policy.

Email: admin@letstalkmarketing.com.au