

## **EarthCheck Privacy Policy**

### **1. Introduction**

At EarthCheck, we recognise the importance of protecting your privacy. We take privacy seriously. We attach great importance to safeguarding customer personal information. We are a global business. Our Privacy Policy outlines the commitment of Earthcheck Pty Ltd (ACN 096 357 149) (“EarthCheck” or “we”, “us” or “our”) to protect the privacy of our customers’ personal information and other personal information we receive in the conduct of our business. We hope that you take the time to read our Privacy Policy.

We comply with all relevant privacy laws, including the requirements applicable to us under the Australian Privacy Act 1988 (Privacy Act) and relevant Australian State laws and various jurisdiction-specific privacy laws that apply to us.

EarthCheck is the world’s leading scientific benchmarking certification and advisory group for travel and tourism. As a part of our services, we collect data from businesses to provide benchmarking and certification services.

We understand that you care about how your personal information is used and shared. For this reason, we collect and use personal data only as it might be needed for us to deliver our world-class products and services.

### **2. Our Privacy Policy**

Our Privacy Policy sets out how we look after personal information. It explains the kinds of personal information we collect and why we collect it. It also describes how we hold, use, and disclose personal information.

This Privacy Policy applies to our all customers regardless of where the customer is located and in respect of all countries in which we do business.

This Privacy Policy applies to our website. This Privacy Policy also applies to job applicants.

This Privacy Policy does not apply to websites that we do not operate, such as linked third party websites. Those website owners are responsible for the privacy of the information they collect and should be contacted directly for details of their privacy policies. If we refer you to a third-party website, we are not making any representations to you regarding the privacy or security of your Personal Information when collected or held by the other website. The privacy practices applicable to other websites may differ substantially from ours. You should read the privacy policy of any other websites you visit before using them. We do not accept responsibility for the content or practices of websites operated by third parties that are linked from our website.

By using our products and services, by visiting our website, or by providing personal information to us, you agree to the terms of our Privacy Policy. If you use a MyEarthCheck Account, sign up a EarthCheck newsletter or request a copy of our Membership Directory, you agree to the terms of our Privacy Policy as part of the account opening, sign-up or request<sub>1</sub>

process. When you agree to the terms of our Privacy Policy, you consent to the collection, use, storage and disclosure of that information as described in our Privacy Policy. You have a right to withdraw your consent at any time and may do so by contacting us via the details provided below.

### **3. Things we don't do with personal information**

We do not sell or share personal information about you with anyone outside of EarthCheck unless we need to do so to provide a product or service to you that you have requested, or if required by law or if we sell our business or part of our business. If you are a member's contact person, we may share your email address with a third party who contacts us and wishes to contact you regarding your certification.

### **4. Controlling your personal information**

You can update any personal data that we have about you by contacting us as set out in section 16 below.

You can also request a copy of the personal data that we have stored about you by contacting us as set out below. We will reply to your request within 14 days.

### **5. What personal information do we collect?**

We collect personal information in the provision of our products and services, including the marketing of our products and services. We collect personal information so that we can provide products, services and information to you.

We collect information about you when you access and use our website.

The types of personal information we collect depends on the circumstances in which the information is collected.

We also collect information where we are required to do so by law.

If you are a customer, member or visitor to our website, we may collect the following information about you:

- Your name
- Your address
- Other contact details for you, such as your email address
- Your job title and position in your organisation
- Details of your membership and the products and services you acquire from us
- Information that your employer provides to us about you. For example, when a business customer acquires a product or service from us, the business may provide us with points of contact for the business including name, email, telephone, address, position, location and other similar information
- Information provided to us when you apply to become a member or when you purchase a product or service from us

- Information that you provide to us as part of a certification process
- How you make payments to us, and how we make refunds to you, such as your banking and payment details. This could include PayPal, bank account and debit or credit card details
- Information regarding your use of our website including searches you undertake on our website and information that you provide to us via our website (for example, information that you provide to us to subscribe to our newsletters)
- Information about your use of our social media content
- Records of communications and dealings with you, such as emails, SMS, telephone, live chat and in-person communications
- Location information
- Information we may collect as part of a survey, customer feedback request or a competition
- Information that you provide to us, for example, when completing an application or as evidence in respect of a complaint
- Information that we derive from the information that we hold about you, such as derived demographic information
- If you apply to work for us: Your resume, information about your past work and study, references and police background checks.

We collect information about people who are our suppliers, business customers and business partners, or who are employed by our suppliers, business customers and business partners. The information we collect is that which we need to do business with that party. For example, if you are an employee of a supplier or business customer, we may collect information about who you work for, the location where you work, your position or job title, and employer contact details.

We collect information about people who visit our offices and attend our events. This may include photographs and video, and your signature when you sign in.

We may record and monitor telephone calls and other communications between you and us for training, quality control, verification and compliance purposes.

When you communicate with us, we may collect additional information including the languages you speak and how best to manage communications with you.

## **6. Sensitive Information**

We do not seek to collect sensitive information. Sensitive information includes information about your health, racial or ethnic origin, religious beliefs and criminal record. (Sensitive information or sensitive personal information is defined in section 6 of the Australian Privacy Act 1988 and in Article 9 of the GDPR.) If we do have to collect sensitive information, we will do so in accordance with all relevant laws — for example, we will only collect sensitive information about you with your consent and where it is reasonably necessary for us to do so, or if we are otherwise allowed or required by law to collect that information. If you provide us with sensitive information, we will consider that you have consented to us collecting it.

## **7. Additional information regarding collection when using our website or communications**

When using our website, we and our technology partners may collect information about how you use our website. Where possible, we do not associate this information with an identifiable person. We may collect information such as:

- your use of the website, such as pages visited, links clicked, text entered, and mouse or cursor movements, and when you visit each page
- device information, such as the model and ID of the device you use, operating system, MAC address, device time zone, telephone number and mobile phone network
- server log information, such as details of how you used the service, IP address, hardware settings, browser type, browser language, the date and time of your use and referral URL
- information that may uniquely identify your browser or your account, and other online identifiers
- your user name and password, if you have a MyEarthCheck Account or use a service that requires login information
- location information.

We also collect some statistical information about visitors to our website (for example, the number of visitors, pages viewed, types of transactions conducted, time online and documents downloaded), but this is not personal information because we may not know who the visitor is or because we may aggregate this information so that no person can be identified from the statistical information.

We may use publicly available sources to approximate your geographic region and Internet Service Provider based on your IP address. We use various technologies to collect and store information, including cookies, pixel tags, tracking tags, and local storage such as browser web storage or application data caches, databases, and server logs. These technologies help us track your usage and remember your preferences.

Other than for statistical information and user behaviour on our website, we do not collect any information about you through our website unless you voluntarily provide the information to us.

Analytics cookies and tracking tags may also be used to collect information about your use of our website (visitation data) that allow our third-party website analytics services (e.g. Google Analytics) to help us analyse trends and understand our website users' behaviour patterns in the aggregate.

You may refuse the use of cookies by selecting the appropriate settings on your browser. However, if you do, you may not be able to use the full functionality of our website.

We do not alter our website's data collection and use practices when we see a Do Not Track signal from your browser.

These technologies can also be used for targeted marketing, including across platform marketing. Sometimes, for example, your use of our website may be used by a third party to target advertisements to you on another website.

Through our use of Google Analytics, the information generated by a cookie about your use of our website (including your IP address) will be transmitted to and stored by Google on servers in the United States. Google will use this information for the purpose of evaluating your use of our website, compiling reports on website activity for website operators and providing other services relating to website activity and internet usage.

Google may also transfer this information to third parties where required to do so by law, or where such third parties process the information on Google's behalf.

Information collected by the Google Analytics cookie or tracking tag is transmitted to, and stored by, Google in accordance with its privacy practices. To opt out of Google Analytics, please visit: <https://tools.google.com/dlpage/gaoptout>

By using our website, you consent to the processing of data about you by Google in the manner described in Google's privacy policy and for the purposes set out above. You can opt out of Google Analytics if you disable or refuse the cookie, disable JavaScript, or use the opt-out service provided by Google.

Our communications to you (such emails, direct messages via social media platforms and the like) may include links to pages on our website. By clicking on such a link, you will be directed to a page on our website, and we may collect information related to the "click-through". We may use cookies to associate information in the click-through with your previous experiences on our website. You may avoid having this information collected by not clicking on the link in our communications.

## **9. How we collect Personal Information**

We collect personal information in several ways, including:

- directly from you, for example, when you give it to us
- when you enter your personal details on our website
- when you create an account with us or update your account details
- from your employer, if your employer is a supplier or business customer of EarthCheck
- when you complete an entry form for a competition or participate in a survey
- when you apply to work for us
- when you email, text or telephone us, engage in live chat or when you share information with us from other social applications, services and website
- when you interact with our website or advertising
- when you visit or offices or attend our events, for example, you may be photographed or captured on CCTV
- from publicly available sources of information, including third parties from whom we may acquire lists
- from third parties, such as from your co-workers
- using technology to deduce information about you, such as demographic information

- if you are or work for a supplier or business customer of EarthCheck, or a potential supplier or business customer, as part of business dealings with you
- from background check providers, former employers, referees, and educational institutions, if you apply to work for us.

If you choose not to provide us with information, we may be unable to supply products or services to you or we may not be able to provide you with products, services or information that is relevant to you.

## **10. Use and Disclosure of Personal Information**

We may use and disclose your personal information for the following purposes:

- to provide our products and services to you
- to identify you and to assist you to obtain and use our products and services
- to consider whether to recommend products and services to you
- to provide you with information regarding the best ways to use our products and services
- to measure or understand the effectiveness of our marketing and advertising
- to administer and manage our website
- to help us decide how we can improve our products and services
- to provide you with information that we think may be of interest to you
- provide you with relevant and timely marketing and advertising
- to complete transactions with you
- to manage your MyEarthCheck Account
- to respond to inquiries from you
- to provide you with support
- to have language translations undertaken
- to send you our newsletter where you have subscribed to it
- to create reports for our management and business partners
- to ensure that you comply with all relevant laws and your contractual obligations to us
- to process payments
- to review your dealings with us, including the products and services you use, your potential needs, and new products that might be of interest to you or other customers
- to improve our website, our products, our services and our customer service
- to administer surveys, contests and promotional activities or events sponsored or managed by us or our business partners
- to carry out consumer, market, community and product research, compile demographics, to analyse data and to deduce information
- for security purposes, including to perform functions that we believe are necessary to protect the security and proper functioning of our website
- to respond to complaints
- to comply with our legal and regulatory obligations, resolve disputes, and enforce agreements
- to investigate or pursue a legal claim
- to protect and defend our rights and property
- to make special offers related to our products and services

- to contact you from time to time about new products, services or offers
- to gain an understanding of your needs to provide you with or to recommend to you better and more personalised products tailored to your requirements
- to promote and market our products and services and the products and services of others
- to provide you with relevant and timely information and advertising
- to assist in the enforcement of laws
- to report to our directors and shareholders
- to maintain and update our records, which may include membership and billing records
- ensure our internal business operations are running smoothly which may include fulfilling legal requirements and conducting confidential systems maintenance and testing
- to determine whether to hire you to work for us
- to conduct appropriate audits and checks
- to monitor and detect possible fraud or breaches of agreements
- as otherwise required or authorised by law.

We may also use personal information for purposes as would be reasonably expected by you in connection with those activities described above.

### *Corporate Customers*

Our customers are mainly corporate entities, rather than individuals. However, as part of working with corporate entities, we process personal data relating to, but not limited to, our customer's employees, personnel and vendors. In circumstances such as these, we may be provided with the personal data of individuals who are not aware of the processing of their personal data. In these situations, we may not have direct contact with individuals whose personal data we are processing, and it may not be appropriate or feasible for us to provide them with a privacy notice that sets out how we process their personal data. We consider that the processing of this information is necessary to pursue our legitimate interests in a way which is to be expected, our legal obligations and to perform our contractual obligations to our customers.

## **11. Direct Marketing and Opt-Out**

If you have subscribed to our newsletters, we will email you our newsletters unless you unsubscribe or opt-out. If you have provided us with your email address, created an account with us, purchased a product or service, or subscribed to our newsletters, we may send you information from time to time that we think is relevant to you and your interests. Should you not wish to receive communications of this nature from us, you may unsubscribe or opt-out:

- by following the link or instructions in the communication
- by contacting us at [privacy@earthcheck.org](mailto:privacy@earthcheck.org) to update your communication preferences

If you unsubscribe from marketing communications, this will not stop you receiving service-related communications from us if we are otherwise legally entitled to send them to you.

We will not charge you for giving effect to your opt-out request and will take all reasonable steps to meet your request at the earliest possible opportunity.

## **12. Disclosure of Personal Information**

We only disclose personal information for a purpose for which it was collected, or for a secondary purpose in circumstances permitted by law. This includes where you consent to us disclosing your personal information. You can give us your consent expressly or your consent may be implied.

We may disclose your personal information:

- to any organisation where you request us to do so
- to your employer where your employer is our customer
- to auditors, design accredited professional and associates, where you request us to do so or where they are needed to provide product or service to you or your organisation
- to insurance companies
- to a court or tribunal
- to anyone who acquires or is considering acquiring our assets or business (or part of it)
- to a person who serves us with a subpoena or other legal document requiring us by law to disclose information or documents about you to them
- to our consultants, contractors, subcontractors, suppliers, service providers and professional advisors, who assist us in operating our business, for example to IT and cloud service providers, payment service providers, companies that provide identification verification services, customer analytics providers, marketing service providers, accounting service providers, website operators, mail house operators, CRM providers, collection services, banks, investigators, and organisations that we engage to deal with you on our behalf, and we only allow such third parties to process your personal information for specific purposes and in accordance with our instructions
- to government agencies, regulators and law enforcement bodies
- to other organisations where necessary or reasonable to do so in relation to the operation of our business.

Data used and stored by EarthCheck is primarily stored or hosted in Australia.

The personal information we collect may be transferred out of the UK, the EU or the United States and other countries to Australia. (For those individuals residing in the European Economic Area (EEA), this will involve the transferring of your personal information out of the EEA, to store it within our Australian data centre facilities.)

The service providers we engage may use international data centres and disaster recovery sites.

The Australian Privacy Principles require that we take reasonable steps, dependent on the circumstances, to ensure that the overseas service provider to whom personal information is disclosed do not breach Australian privacy laws (the “Requirement”). When you provide us



with your personal information you consent to the disclosure of your information to an overseas provider. Your consent to this disclosure means that the Requirement does not apply, and we will not be held accountable under the Australian Privacy Act for any breaches of the Australian Privacy Act by the overseas provider.

### **13. Security and Storage of Personal Information**

We take reasonable steps to protect your personal information from misuse, loss, unauthorised access, modification or disclosure. We provide a robust level of security when you use our website, products and services, or when you sign in as a visitor to our office. We have physical, electronic and procedural safeguards to protect personal information which is held by us.

We may store personal information in a variety of formats, including electronic or paper formats.

We allow access to your personal information only to those employees and partners who have a business need to know such information. They will only process your personal data on our instructions and they must keep it confidential.

We take measures to enhance the security of our website, products and services. If you are a customer who has an account with us, it is important for you to protect against unauthorised access to your password and to your computer. You should have a unique and complex password and make sure to regularly update your operating system. You must not disclose your password to others.

Transmissions sent to or from our website are routinely monitored for quality control and systems administration. We cannot guarantee the total security of any data transmission over the Internet.

A number of physical, administrative, personnel and technical measures are used to protect your personal information, including restricting access to offices, databases and firewalls to keep personal information secure from misuse, loss or unauthorised use. We continuously monitor and update our website security to minimise the risk of hacking. Access to personal information stored electronically is restricted to staff and contractors whose job purpose requires access.

Although due care is taken, we cannot guarantee the security of information provided to us via electronic means or stored electronically. No security measures are perfect, and we cannot promise to be able to withstand security threats in all circumstances.

Personal information is only retained for as long as is necessary or as required by law.

We use secure methods to destroy or de-identify any personal information, provided the information is no longer needed by us for any purpose and doing so is not prohibited by law.

You may make a request to us in writing to remove or delete your personal information and, where permitted, we will do so in accordance with all relevant laws.

We have procedures in place to deal with any suspected notifiable data breach and will notify you and any applicable regulator of a breach if we are legally required to do so.

#### **14. Amendment of this policy**

We regularly review this Privacy Policy and our privacy practices.

We may amend this policy from time to time. If we do, we will update the Privacy Policy on our website. The changes will come into effect immediately upon notification on our website. If the changes are significant and relevant to our members and customers, we will aim to provide members and customers who have an account with us with an email notification of the changes. You should check our website from time to time to understand how the current version of our Privacy Policy applies to you.

#### **15. Access to your information**

You can request access at any time to personal information we hold about you by using the contact details below for the Privacy Officer.

We will process your request within a reasonable time, usually 21 days for a straightforward request. More time may be needed, depending on the nature of the request. There is no fee for requesting access to your personal information; however, we may charge you the reasonable cost of processing your request. If a fee applies, we will advise you before we provide access. Sometimes we are not required to provide you with access – for example, if the law says we can deny access.

If there is a reason for not granting you access to any of your personal information, we will provide you with a written explanation of the reasons for the refusal (unless unreasonable to do so) and inform you of the mechanisms to complain about the refusal.

We may also need to verify your identity when you request your personal information.

#### **16. Correction of information**

We try to ensure that all information we hold about you which we hold about you is accurate, complete and up to date. You must promptly notify us if there are any changes to your personal information. You may ask us at any time to correct personal information held by us about you, which you believe is incorrect or out of date. We will deal with your request within a reasonable time.

If you would like to make an update or correction to any personal information we hold about you, please let us know by sending an email to [privacy@earthcheck.org](mailto:privacy@earthcheck.org). If there is a reason for not making a correction to any personal information, we will provide you with a written explanation of the reasons for the refusal (unless unreasonable to do so) and inform you of the mechanisms to complain about the refusal.

We may also need to verify your identity when you request an update or correction to your personal information.

If you have a listing in our Membership Directory, you can change your details online in your profile.

You may choose to interact with us anonymously or through the use of pseudonyms for example if you have questions general in nature. However, you are required to provide true and accurate details when requesting the supply of products and services. You agree to provide accurate information if so required.

## **17. Contact Details and Complaints**

EarthCheck is a customer service-oriented business. Therefore, if you have a complaint about privacy related issues, please contact us. We can be contacted at the details provided below.

Following receipt of your complaint, we will investigate and respond to you within a reasonable period.

For further information, or if you would like to make a complaint about our use, handling or disclosure of your personal information, please contact our Privacy Officer or refer your complaints in writing to [privacy@earthcheck.org](mailto:privacy@earthcheck.org)

If you are not satisfied with our response, you may also contact the relevant regulator such as the Australian Information Commissioner. As at the date of this Privacy Policy, the contact details are as follows:

### **Office of the Australian Information Commissioner**

GPO Box 5218

Sydney NSW 2001

Phone: 1300 363 992

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

Online: <https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint>

If you would like more information about the Privacy Act or Australian privacy requirements in general, please visit the Office of the Information Commissioner's website at [www.oaic.gov.au](http://www.oaic.gov.au).

Alternatively, if you are an EU resident or citizen you may contact your local supervisory authority. If you are a United Kingdom resident, you may wish to contact the UK Information Commissioner's Office: <https://ico.org.uk/for-the-public>

If you are not happy with any aspect of how we collect and use personal information about you, and you reside in the UK, you have the right to complain to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We should be grateful if you would contact us first if you do have a complaint so that we can try to resolve it for you.

## **18. Additional rights under the GDPR**

If you are an EU resident or citizen or are located in the European Economic Area, you have the right to access the personal information we hold about you and to ask that your personal information be corrected, updated, or deleted, restricted or ported to another goods or services provider. You may also object to the processing of your personal information.

If you would like to exercise these rights, please contact us by email at [privacy@earthcheck.org](mailto:privacy@earthcheck.org)

## **19. Californian Residents**

This notice to California residents is provided under California law, including the California Consumer Privacy Act (“CCPA”), Cal. Civ. Code 1798.100, et seq. This notice supplements and is incorporated into our Privacy Policy by explaining your privacy rights if you are a California resident, providing our “notice at collection,” and providing certain mandated disclosures about our treatment of California residents’ information, both online and offline.

### **Right to Access**

If you are a California resident, you have the right to request, up to two times each year, access to categories and specific pieces of personal information about you that we collect, use, disclose, and sell.

### **Right to Delete**

If you are a California resident, you have the right to request that we delete personal information that we collect from you, subject to applicable legal exceptions.

### **Right to Opt Out of Sale of Personal Information**

If you are a California resident, you have the right to “opt out” of the “sale” of your “personal information” to “third parties” (as those terms are defined in the CCPA).

If you wish to make such a request or to opt out, please contact us by email on the email address below. Before completing your request, we may need to verify your identity.

Our Privacy Policy above sets out any mandatory disclosures required under the CCPA.

## **20. Virginia United States Residents’ Rights**

Virginia is a State in the United States. Virginia law provides Virginia residents with the rights listed below.

### **Right to Access**

You have the right to confirm whether we are processing your personal data and to access your personal data.

### **Right to Correct**

You have the right to correct inaccuracies in your personal data, taking into account the nature of the personal data and the purposes of the processing.

**Right to Delete**

You have the right to delete personal data provided by or obtained about you.

**Right to Portability**

You have the right to obtain a portable copy of the personal data that you provided to us.

**Right to Opt-Out**

You have the right to opt-out of targeted advertising (as defined under Virginia law). We do not sell data as defined under Virginia law.

To make an access, deletion, or correction request, please contact us by email on the email address below. Before completing your request, we may need to verify your identity.

Our Privacy Policy above sets out any mandatory disclosures required under Virginia laws.

**21. Disclaimer**

While your privacy is important to us, nothing in this Privacy Policy constitutes a voluntary opt in by us to any privacy laws, anywhere in the world, which we are not legally bound to comply with.

**22. Contacting Us**

**Earthcheck Pty Limited**

Email address: [privacy@earthcheck.org](mailto:privacy@earthcheck.org)

Postal address: PO Box 12149 George Street

This policy was last updated on **[23/02/2024]**