

# Waterco / Swimart Privacy Policy

*Last updated: 26.09.2022*

In the course of carrying out our activities, including providing our platforms and services, Waterco Limited trading under the names of Waterco and Swimart (ABN 62 002 070 733) and our subsidiaries and related bodies corporate (together, **we, us** or **our**), will collect, store, use and disclose personal information. We are committed to protecting your personal information and complying with applicable privacy laws.

## Personal information

Personal information and/or personal data (the terms commonly used in applicable privacy laws), is information or an opinion about an identified or reasonably identifiable individual and/or household, whether or not the information or opinion is true and whether or not the information is recorded in a material form.

## Types of personal information we collect and hold

We collect and hold personal information about individuals for the provision of our services (including our websites, campaigns, and other online platforms and services) (**our services**) and purposes connected to those services.

Consistent with the provision of our services, the types of personal information we may collect and hold includes the following.

- (a) *Identity and contact details* – including individuals' full name, address, date of birth, telephone number, email address, and other identifying and contact information.
- (b) *Payment information* – including your credit card and bank account details and any other relevant payment information.
- (c) *Profile data* – profile information, photos or avatars, usernames, passwords, preference data, purchase history and related information.
- (d) *Other information* – text of written and oral communications gathered in the course of our interaction with you, including other information from your interactions with us online, such as cookie information, IP address, URLs, search histories and other associated information.

## How we collect and hold personal information

We may collect personal information directly from you in the course of providing our services, from our website and other online platforms, and/or through cookies (data files placed on your device or computer).

From time to time we may collect personal information about you indirectly, such as from our related bodies corporate, individuals, third parties or publicly available sources.

Personal information is held securely, is subject to various security protections and is held only for as long as the information remains relevant to the purpose for which it was collected, and in accordance with our business needs and legal requirements.

## **Purposes for which we hold, use and disclose personal information**

We will not use or disclose personal information for any secondary purpose, unless that secondary purpose is related to the primary purpose for which we have collected that information, and you would reasonably expect the disclosure in the circumstances, or unless you consent to that use or disclosure.

The purposes for which we collect, hold, use and disclose information may include:

- (a) conducting our business, which includes providing and promoting our products and services to you;
- (b) administering our franchises and dealers, including the Swimart franchise and Waterco and Zane dealers;
- (c) where you have consented, if such consent is required by law, to:
  - (i) communicate information about our services or third party organisation services that may be of interest to you; and
  - (ii) provide you with information or advertising relating to our products or services (including serving and targeting advertisements) or marketing communications we believe may be of interest to you;
- (d) to improve and optimise our services and platforms;
- (e) for our internal administrative, research, planning, marketing and product development purposes; and
- (f) to comply with legal obligations.

We may also disclose personal information to our affiliates and related bodies corporate, and to third party partners and organisations (including partners and organisations with whom we run campaigns), third party technology and marketing partners (including Amazon Web Services, Meta platforms, Google Analytics, LinkedIn and Twitter) and other technology and marketing service providers for their use for the same purposes.

The disclosure set out above includes our disclosure of your personal information to third party organisations when you register your interest or involvement in a third party organisation's products or services. Such third party's use of your personal information, including contacting them with any queries you have about the personal information they hold and how they are using it, will be governed by their privacy policy. It is your sole responsibility to review such privacy policies.

## **Direct Marketing**

From time to time, we may send direct marketing communications to you about our activities and services and other material, including information about third party goods and services, that we consider you would find interesting or useful. If you do not wish to receive such direct marketing communications, you can always opt out. If you are receiving email communications or text messages from us, there will be a mechanism to opt out contained in each of those communications. You can also contact us at [privacy@waterco.com](mailto:privacy@waterco.com) to stop receiving marketing communications from us.

## Third Party Links

Our websites may contain links to other websites from time to time. Please note that we do not control, and are not responsible for, the content or practices of these other websites. Our provision of any third-party links does not constitute our endorsement of these other websites, their content, their owners, or their practices. This policy does not apply to any third-party websites, which are subject to any privacy and other policies they may have.

## Use of cookies

Like most services, we use cookies and similar technologies on our respective websites and applications (as applicable), including as follows.

- (a) Cookies: being data files that are placed on your device or computer and often include an anonymous unique identifier.
- (b) Log files: these track actions occurring on our website.
- (c) Web beacons, tags, and pixels: which are electronic files used to record information about how you browse our website.

As we and our third party partners adopt additional technologies, we may also gather additional information about you through other methods.

We will use the term “cookies” throughout this Policy to cover all these technologies.

## Types of cookies and how we use them

**Necessary Cookies:** These cookies allow us to operate our websites and applications. They enable you to move around our websites and applications and use their features.

**Functional Cookies:** These cookies let us operate our website and applications according to your preferences. They enable the website applications to remember choices you make (such as language, or the region you are in. Without these cookies certain features of our websites and applications won't work, and you may find that our websites and applications are less convenient and reliable.

**Analytics Cookies:** We use these cookies to analyse how our website and platforms are accessed, used or performing. These cookies collect information about how visitors use our services, for instance which pages visitors go to most often, and if they get error messages from webpages. We use this information to maintain, operate, and continually improve our websites and applications.

**Targeted Advertising Cookies:** We use these cookies to serve you with advertisements that may be relevant to you and your interests. They are usually placed by advertising networks, such as Facebook, LinkedIn and Twitter, with our permission.

## Your Choices

You have the options to control or limit how we and our partners use cookies and similar technologies for advertising and analytics purposes.

Although most browsers and devices accept cookies by default, their settings usually allow you to clear or decline cookies. If you disable cookies, however, some of the features of our services may not function properly.

You can change your settings through your web browser to:

- (a) notify you when a cookie is being set or updated; and
- (b) to block or disallow cookies.

Please refer to the 'help' or 'settings' sections on your applicable web browser for more information.

Use your mobile device settings to control how data about your use of mobile applications is used for purposes of showing ads that are targeted to your interests on your mobile device.

Blocking cookies on one device (e.g. your computer) will not affect your consent choices on different devices (e.g. your mobile device).

In addition to managing your cookie settings for your browser or mobile, you can opt-out of tracking directly with the businesses that operate the tracking technologies. For example, to opt-out of analytic tracking by Google Analytics, you may visit <https://tools.google.com/dlpage/gaoptout>. This paragraph is not an exhaustive list of our partners that operate tracking technologies, please contact us below if you have any questions about other partners.

For individuals located in the European Economic Area and in the UK, you can change your cookie consent choices within our cookie consent management functionality on our website.

#### **Access and correction**

We will take all reasonable steps to ensure any personal data we collect, use or disclose is up to date and accurate. If you believe personal information that we hold about you is not up to date or accurate, you may ask us to correct it.

You may ask us to provide you with details of the personal information we hold about you, and copies of that information. We will respond to your request and attempt to provide you with the data within 30 days of receipt of your request.

If we provide you with copies of the information you have requested, to the extent permitted by law, we may charge you a reasonable fee to cover the administrative costs of providing you with that information.

Please direct all request for access and correction to [privacy@waterco.com](mailto:privacy@waterco.com).

#### **Overseas disclosure**

Relevant to the General Data Protection Regulation (**GDPR**), in order to provide our services to you, we may disclose the information which we process to countries outside the European Economic Area (**EEA**) and the UK. Regardless of the location of our processing, we will impose adequate data protection safeguards and implement appropriate measures to ensure that your personal data is protected in accordance with applicable data protection laws.

In relation to our Australian operations, we may, in the course of providing products and services, disclose personal information to overseas entities including by utilising overseas data servers to process information. Those overseas entities may be located in New Zealand, China, Malaysia, Indonesia, Singapore, the UK and/or the EEA. To the extent the privacy laws of Australia, New Zealand, China, Malaysia, Indonesia, Singapore, Canada, the EU, and the UK may apply to our business, this privacy policy should be interpreted in compliance with those laws.

## **California Consumer Privacy Act**

We are also committed to meeting all the California Consumer Protection Act (**CCPA**) requirements. Pursuant to the CCPA, we are providing the following additional details regarding the collection, use, and disclosure of personal information about California residents specifically:

- (a) *Categories of Personal Information Collected*: In the preceding 12 months, we have collected the categories of personal information as described in the “Types of personal information we collect and hold” section.
- (b) *Legitimate Business or Commercial Purpose for Collecting and Using Data*: We have collected the above categories of personal information for the business purposes described in the “Purposes for which we hold, use and disclose personal information” section.
- (c) *Categories of Third Parties With Whom We Share Personal Information*: We may share your personal information with the third parties as described in the “Purposes for which we hold, use and disclose personal information” section.
- (d) *Sale of Personal Information (as defined by the CCPA)*: We do not sell, and in the preceding 12 months have not sold, the personal information we have collected.

## **Your rights under the CCPA**

To the extent provided for by law and subject to applicable exceptions, including but not limited to attorney-client and trade-secret privileges, California residents have the following privacy rights in relation to the personal information we collect:

- (a) The right to know what personal information we have collected and how we have used and disclosed that personal information;
- (b) The right to request deletion of your personal information that we have collected from you and retained;
- (c) The right to opt-out of the sale of your personal information to third parties; and
- (d) The right to non-discrimination relating to the exercise of any of your privacy rights.

## **Exercising your rights under the CCPA**

California residents can exercise the above privacy rights by emailing us at [privacy@waterco.com](mailto:privacy@waterco.com), or calling us toll-free at 1-800-247-7291. Please allow 45 days for a response. We may extend the deadline by another 45 days upon notifying you.

In order to protect your personal information from unauthorized access or deletion, we may ask you to provide additional personal information for verification. If we are unable to verify your identity, we will not provide or delete your personal information. You may designate an authorized agent to make a request in certain circumstances on your behalf. Such authorized agent must be registered with the California Secretary of State.

Pursuant to California Civil Code Section 1798.83(c)(2), California law requires us to inform California residents who have provided us with personal information that they may request information from us, once a year, about our disclosures to third parties for their direct marketing purposes. To request this information, please contact us at [privacy@waterco.com](mailto:privacy@waterco.com). In your request, please specify that this is a “California ‘Shine the Light’ Request.” Please allow 60 days for a response.

## **Changes to this Privacy Policy**

We will review and update this privacy policy from time to time as needed without notice. Therefore, you should review the terms of this policy periodically to make sure that you are aware of how we collect, hold, store and use personal information. The date this policy was last updated will be set out at the start of the policy.

## **Complaints**

If you consider a breach of the Privacy Act 1988 (Cth) has occurred, you may direct your query to our privacy officer using the details set out in the contacting us section below and we will attempt to resolve your complaint.

If you do not consider our response satisfactory, you may contact the Australian Privacy Commissioner at its website [www.oaic.gov.au](http://www.oaic.gov.au) or by telephone on 1300 363 992. For EU individuals, you can contact your relevant local data protection authority, which can be located at via the European Data Protection Supervisor and/or this link at <https://ec.europa.eu/newsroom/article29/items/612080>. UK individuals may contact their local data protection authority, the Information Commissioner's Office (<https://ico.org.uk>). U.S. Individuals may contact their state Attorney-General.

## **Contacting us**

If you have any questions about this Privacy Policy and would like further information, please contact us at [privacy@waterco.com](mailto:privacy@waterco.com).