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1.0 **PURPOSE**

Bridon New Zealand Ltd (Cookes) is committed to promoting and protecting the individual privacy of all employees, customers, and vendors, and complying with all applicable privacy laws.

The applicable privacy laws are set out in:

- the Privacy Act 2020 (“Act”), which contains the Information Privacy Principles (IPPs). See <http://www.legislation.govt.nz/act/public/2020/0031/latest/LMS23342.html>

This Policy is intended to adopt the applicable privacy laws in New Zealand and outlines the management of personal information in accordance with the Act.

2.0 **COMMENCEMENT OF POLICY**

This Policy will commence from 10 August 2021. It replaces all other privacy and personal information management policies of Cookes.

3.0 **APPLICATION OF POLICY**

This Policy applies to all Cookes’ dealings with individuals, including but not limited to employees, prospective employees, customers, and vendors of Cookes. This Policy does not form part of any employee’s employment agreement.

4.0 **WHAT IS PERSONAL INFORMATION?**

Personal information means information about an identifiable individual.

5.0 **COLLECTION OF PERSONAL INFORMATION**

5.1 **Why does Cookes collect personal information?**

Cookes may collect personal information for a lawful purpose connected with a function or activity of the business where the collection of the personal information is necessary for that purpose.

Broadly, Cookes collects personal information for the following purposes:

- providing products or services that have been requested;
- communicating with individuals;
- assessing the creditworthiness of prospective customers;
- helping us manage and enhance our products and services, including conducting market research, analysing customer feedback and future customer needs;
- providing ongoing information about our products and services to individuals that we believe may be interested;03
- complying with regulatory and legal obligations; and/or
- recruiting and managing employees and contractors.

5.2 What is the source of the personal information?

Cookes primarily collects personal information directly from the individual concerned. There are some circumstances in which Cookes is permitted to collect personal information from a source other than the individual concerned. For example, if the individual authorises collection of the information from someone else.

We may collect personal information from:

- purchasers or potential purchasers of our products (for example, in the ordinary course of dealings, for the purpose of credit applications and sales and marketing and promotional activities);
- suppliers (for example, when establishing records and systems for the purpose of payment for goods or services);
- job applicants (for the purposes of employment);
- employees (for example, for administrative purposes during the employment relationship and for purposes relating to the ongoing employment relationship);
- contractors (for example, when establishing records and systems for the purpose of payment for services, or other purposes related to the ongoing contractual relationship).

5.3 What type of personal information does Cookes generally collect?

By way of example, Cookes may collect the following types of personal information:

- information that identifies a person (for example, name, address, contact details);
- information about a person's financial position (creditworthiness), including but not limited to information relating to credit cards and bank accounts;
- information about a person where that is required or authorised by law;
- where a person is an employee or prospective employee or contractor, their date of birth, tax file number, employment history, references, educational qualifications, dependents, driver's licence, passport details, residency or visa status etc.

5.4 What will Cookes do when collecting personal information?

If Cookes collects personal information directly from an individual, then unless an exception as set out in the Act applies, Cookes will take reasonable steps to ensure the individual is aware of:

- the name and address of the agency that is collecting and holding the information (which is likely to be Cookes);
- the facts and circumstances of the collection;
- if the collection is required or authorised by law, and whether the supply of the information is voluntary or mandatory;
- the purposes of collection;
- the consequences for that individual if all or part of the personal information is not provided.

- the intended recipients of that personal information; and
- information about our Privacy Policy, including an individual's right to access and seek correction of personal information we have about them.

6.0 **USE OF PERSONAL INFORMATION**

6.1 **How does Cookes use and/or disclose personal information?**

Cookes will only use and/or disclose personal information in accordance with the Act. This means that Cookes will not use or disclose the personal information unless it believes on reasonable grounds that:

- the use or disclosure is for one of the purposes for which the information was obtained, or a directly related purpose;
- the disclosure is to the individual concerned;
- the information is in a form in that does not identify the individual;
- the individual has authorised the use or disclosure;
- the source of the information is a publicly available publication and it would not be unfair or unreasonable to use or disclose the information;
- the use or disclosure is necessary to avoid prejudice to the maintenance of the law by any public sector agency, or for the enforcement of a law imposing a pecuniary penalty, or for the protection of the public revenue, or for the conduct of proceedings before any court or tribunal;
- the use or disclosure of the information is necessary to prevent or lessen a serious threat to public health or public safety, or the life or health of the individual concerned or another individual;
- the use or disclosure of information is necessary to enable an intelligence and security agency to perform any of its functions;
- the disclosure of the information is necessary to facilitate the sale or other disposition of a business as a going concern; or
- the use or disclosure is required or authorised by or under law.

7.0 **STORAGE AND SECURITY**

Cookes will ensure that personal information is secure, and is protected by reasonable security safeguards to prevent misuse, loss and unauthorised access, use, modification or disclosure.

Cookes will restrict internal access to personal information to those persons who need to access the information. Personnel files which contain personal information are kept securely in a locked office with access only by the HR team and Financial Controller.

Cookes requires all individuals to take steps to ensure they comply with the reasonable security safeguards it puts in place.

8.0 **DIRECT MARKETING**

Cookes will provide a simple means by which individuals may opt-out of direct marketing communications in accordance with the Unsolicited Electronic Messages Act 2007.

9.0 **CREDIT INFORMATION**

Cookes is not a credit reporter, however it may collect personal information from individuals in the form of credit information, which may include information that has a bearing on an individual's eligibility to be provided with credit, their history in relation to credit or their capacity to repay credit. Cookes may obtain credit information directly from an individual or from a credit reporting body in connection with an application for commercial credit or provision of a guarantee relating to such an application. We will only do so where an individual has consented to the disclosure of that information, or as otherwise allowed in accordance with the Act.

Where we obtain credit information, we will only use that information for a credit guarantee purpose, or internal management purposes that are directly related to the provision or management of any credit by it or for debt collection purposes, or as otherwise allowed in accordance with the Act.

10.0 **EMPLOYEES**

10.1 **Job applicants**

Cookes may collect personal information from job applicants in the course of the recruitment process.

If a job applicant is unsuccessful but they would like Cookes to hold onto their application to consider them for other positions which may arise from time to time, Cookes will obtain the applicant's consent to do so.

10.2 **Access to employment records**

In addition to the right to request access to and correction of personal information under the Act (see paragraph 13.0 below), employees can request:

- A copy of their individual employment agreement;
- Access to, or a copy of, or an extract from any part or all of their time and wages records for the preceding 6 years of employment;
- Access to, or a copy of, or a certified extract from their holiday and leave records for the preceding 6 years of employment.

10.3 **Compliance**

All employees must comply with this policy and the Act in respect of personal information that they may deal with in the course of performing their duties for Cookes. This personal information could be their colleagues, our customers, or another person's personal information which they may collect or have access to as part of their work.

Any breach of this policy may be considered serious misconduct and could result in disciplinary action being taken against the employee concerned.

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11.0 **HOW LONG IS PERSONAL INFORMATION KEPT?**

Cookes keeps personal information only as long as necessary to fulfill the purpose for which it was collected, except where we are required by law to keep that information for a specified period.

When we no longer need to retain the personal information in accordance with this clause, Cookes will safely dispose of the information or ensure that the information is de-identified (i.e. it will no longer be possible to connect the information to the individual). Generally speaking, we keep employee records for six years as required by law.

12.0 **DISCLOSURE OF PERSONAL INFORMATION OUTSIDE NEW ZEALAND**

In some circumstances, Cookes may disclose personal information to a “foreign person or entity”. That is, a person who is not present in New Zealand or ordinarily resident in New Zealand, or a body corporate that is not established under the law of New Zealand and that does not have its central control and management in New Zealand (**Overseas Recipients**).

For example, we may disclose personal information, particularly of employees, as part of personnel management and reporting to our head office in Belgium.

Cookes will ensure that the disclosure of personal information to any Overseas Recipients complies with the requirements set out in the Act.

In the event that Cookes intends to disclose the collected information overseas and no other exceptions apply under IPP 12, Cookes will inform the individual of that, and obtain the individual’s authorisation to the disclosure. This authorisation may be requested at the time of collection, or prior to the potential disclosure.

If Cookes discloses personal information to an Overseas Recipient, to store personal information on its behalf and provided the Overseas Recipient will not use or disclose the personal information for its own purposes, then that will not be a disclosure of personal information outside New Zealand for the purposes of the Act.

13.0 **INTEGRITY OF PERSONAL INFORMATION**

13.1 **Accuracy of personal information**

Before using or disclosing personal information in accordance with the Act, Cookes shall take reasonable steps to ensure that the personal information it holds is accurate, up-to-date, complete, relevant and not misleading.

13.2 **Right to access personal information**

(a) Individuals have the right to:

- Ask for access to their personal information held by Cookes;
- Request correction of any personal information held by Cookes;

(b) If an individual makes a request for access to or correction of their personal information, Cookes will respond to the request in accordance with the timeframes and procedures specified in the Act.

- (c) There are limited circumstances in which Cookes can deny an individual access to, or the correction of, personal information. If that is the case, Cookes will provide the individual with the reason for denial of access to, or correction of, the personal information in accordance with the Act.

14.0 MANDATORY REPORTING OF PRIVACY BREACHES

Cookes and all individuals are required to take all steps necessary to ensure a privacy breach does not occur.

In the event that a “notifiable privacy breach” occurs, Cookes is required to notify the Privacy Commissioner and the individual affected by the notifiable privacy breach of that occurrence.

- A privacy breach is the unauthorised, or accidental access to, or disclosure, alteration, loss or destruction of personal information or an action that prevents Cookes from accessing the information (on a temporary or permanent basis);
- A notifiable privacy breach is a privacy breach from which it is reasonable to believe serious harm has been caused to an affected individual(s) (or is likely to do so).

Any individual who becomes aware of a privacy breach (whether or not it might be notifiable privacy breach) must immediately notify Cookes’ Privacy Officer, so that the matter can be dealt with in accordance with the Act.

15.0 VARIATIONS

Cookes reserves the right to vary, replace or terminate this policy from time to time.

16.0 AVAILABILITY OF THIS POLICY

An up-to-date version of this policy is available on Mango.

17.0 CONTACT DETAILS

Individuals who wish to exercise any of these rights or have questions about this Policy may contact Human Resources, the General Manager or the Privacy Officer.

Cookes’ Privacy Officer is Stuart Wellm. The Privacy Officer’s role and responsibilities include:

- (a) Encouraging Cookes, employees and all other parties related to Cookes, to comply with the information privacy principles as set out in the Act;
- (b) Dealing with requests made to Cookes pursuant to the Act;
- (c) Working with the Privacy Commissioner in relation to investigations; and
- (d) Ensuring Cookes is compliant with the Act.

Cookes’ address is 6/10 Greenmount Drive, East Tamaki, Auckland 2013

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