

# AU/NZ Privacy Policy

## 1. Our commitment to privacy

**Air Liquide Australia Limited** (ABN 57 004 385 782), Air Liquide Healthcare Pty Ltd ABN 41 002 653 045 (**Air Liquide Healthcare**), Healthy Workplace Solutions Pty Ltd ABN 35 121 729 584 trading as **Healthy Sleep Solutions**, Snore Australia Pty Ltd ABN 73 144 906 285 trading as **Snore Australia**, **Air Liquide New Zealand Limited** (Company No 117492) and their related entities in Australia and New Zealand (collectively **Air Liquide, we, us, our**), are committed to protecting the privacy of all Personal Information that we collect from you. In Australia, Air Liquide complies with our obligations under the Privacy Act 1988 (Cth) (**Privacy Act**). In New Zealand, Air Liquide collects, uses, discloses, stores and retains Personal Information in accordance with the Privacy Act 1993 (**NZ Privacy Act**).

This document describes how Air Liquide handles Personal Information in connection with its Australian and New Zealand operations (the **AU/NZ Privacy Policy**). The AU/NZ Privacy Policy, together with the Air Liquide global privacy policy [https://www.airliquide.com/sites/airliquide.com/files/2018/05/23/air\\_liquide\\_bcr\\_global\\_privacy\\_policy.pdf](https://www.airliquide.com/sites/airliquide.com/files/2018/05/23/air_liquide_bcr_global_privacy_policy.pdf) (**Global Privacy Policy**), form Air Liquide's **Privacy Policy**.

Please take a moment to read this AU/NZ Privacy Policy and the Air Liquide Global Privacy Policy as, together, they describe how we collect and handle your Personal Information and explain rights and remedies you may have in relation to our handling of your Personal Information.

This AU/NZ Privacy Policy does not apply to Personal Information about current or former employees, temporary workers or trainees. In this AU/NZ Privacy Policy:

- **Personal Information** is information or opinion about an identified individual, or an individual who is reasonably identifiable;
- **Platforms** includes:
  - our application designed for Apple iOS and Android OS platforms and any other software or documentation which enables the use of this application (our **App**); and
  - our website at <https://industry.airliquide.com.au/> (our **Website**); and
  - our MyGas™ Portal; and
- **Sensitive Information** is information or opinion about an individual which is Personal Information which is:
  - also information or an opinion about the individual's racial or ethnic origins, political opinions, political association membership, religious beliefs or affiliations, philosophical beliefs, professional or trade association membership, trade union membership, sexual orientation or practices, or criminal record; or
  - health, genetic or biometric information about the individual.

## 2. Overview

Where practicable, we will deal with you anonymously or under a pseudonym. However, due to the nature of our product and services, where you do not wish to provide us with your Personal Information, we may not be able to provide you with the products, services and/or treatments you require or an appropriate level of service or treatment.

We collect and hold Personal Information that is reasonably necessary for, or directly related to, one or more of our functions or activities.

We will only collect Sensitive Information (including health information) about you with your consent, except where we are required or permitted by law and the Global Privacy Policy to collect your Sensitive Information without your consent. You acknowledge that any such information is provided on a purely voluntary basis. In New Zealand, we collect, use, disclose, store and retain all health information in accordance with the *Health Information Privacy Code 1994*.

### **3. Our purposes for collecting and handling your Personal Information**

We only collect and process Personal Information for purposes that would be considered relevant and reasonable in the circumstances. We use fair and lawful methods to collect Personal Information.

We collect, hold, use and disclose Personal Information to:

- provide our Platforms to you;
- provide you with products, services and/or treatment;
- promote or market related products or services to you;
- to enable you to access information about us and our goods and services;
- comply with our legal and regulatory obligations; and
- otherwise conduct and manage our business.

### **4. Types of Personal Information we collect**

We usually obtain Personal Information directly from individuals via our Platforms, when you open a credit account application with us and in the course of creating and receiving records of information in the course of ongoing customer service.

#### ***When we provide you with goods and services***

To provide goods and services to you, the Personal Information that we collect may include:

- name, ABN, address, contact details, date of birth;
- drivers licence details;
- payment and/or financial institution account details;
- details regarding your income, assets and liabilities, account balances, and risk profile; and
- occupation and employment details.

#### ***When you make payments***

We may collect credit card details and other related information if you choose to make a payment via our Platforms or by other means. We will not retain credit card details, which will instead be stored by our financial institution using banking industry level encryption.

#### ***When you use our Website and other Platforms***

You do not have to give us any information in order to simply browse on our Website.

However, we may need to collect certain details from you if, for example, you want to place an order or make a payment for products or services using our Platforms.

To use our Platforms (beyond simply browsing on our Website), you may need to provide us your name, your email address and your Platform password. You may also need to provide further information to allow us to tailor our services. This information can include (but is not limited to) your date of birth, your title, your gender, your postcode, your contact details including mobile phone number, your address, and your email address.

We may collect information about how you use our Platforms to assist us to provide you with more tailored services, and to enable us to develop and improve our services.

When you use our Platforms, the information we may collect can include (but is not limited to):

- the functions you have used;
- how you have shared your content;
- third party content you have received;
- advertisements you have clicked on; and
- third party websites you have access to via our Platforms.



We may also collect information from the devices and networks that you use to access our Platforms to help us develop and secure our services. The information we may collect can include (but is not limited to):

- the internet protocol (IP) address of your computer or the proxy server that you use to access the internet;
- your computer operating system;
- your type of web browser;
- your mobile device;
- your mobile operating system; and
- the name of your ISP or your mobile carrier.

We obtain some of this information from third party analytics companies whom we have allowed to access a de-identified database in order to provide us with this information.

We may use 'cookies' to store and sometimes track information about you, but only on an anonymous basis. A cookie is a small amount of data sent from a server which is stored on your computer's hard drive. You can set your browser to refuse cookies or to ask you before your browser accepts them. Certain parts of our Platform may require a cookie to be activated and, if you choose to reject the cookie, a particular feature may not be available to you. Refer also to our cookie policy <https://industry.airliquide.com.au/cookie-policy>.

### ***If you deal with AL Healthcare Businesses***

If you deal with Air Liquide Healthcare, Healthy Sleep Solutions or Snore Australia (the **AL Healthcare Businesses**), those businesses may collect information relating to your medical history and condition, and other health information, including:

- details of allergies, sensitivities, adverse reactions to drugs;
- information about your health and sleep problems;
- name and contact details of your general and other treating or referring medical practitioners;
- health fund membership information; and
- Medicare number, Veterans' Affairs number (where applicable), and other ID numbers and details.

The AL Healthcare Businesses may also collect:

- contact details for your family members, next of kind and emergency contact;
- details of religious beliefs and/or affiliations; and
- other information that you provide to us.

### ***Job applicants***

If you are a job applicant, we may collect Personal Information that is relevant to your application, such as:

- CVs, references, application forms, details of education, job history and experience, areas of expertise, and qualifications; and
- details of your immigration or visa status (where applicable) and results of background and criminal record checks, where you disclose such information to us or consent to us performing such checks on you.

In addition, we may collect categories of Personal Information that are referred to in the Global Privacy Policy, and which are not specifically set out above. Please review the Global Privacy Policy for details.

## **5. How we collect your Personal Information**

We will collect and hold your Personal Information in a fair and lawful manner, and not in an unreasonably intrusive way. Where it is reasonably practical to do so, we will collect your Personal Information directly from you.

### ***Direct collection***

We may collect Personal Information from you through emails, forms, face-to-face meetings, interviews, attendance at trade fairs or industry events, business cards and telephone conversations and through use of the services and facilities available through our websites and social media channels (including our blogs and LinkedIn channel).

We may also collect images of you via CCTV if you visit any area that we own or lease or that is under our control. In these cases, we collect your Personal Information before allowing you to access that area, including for the purposes of health, safety and security.

We may collect the Personal Information you directly give us through some of the following means:

- when completing the registration process for our Platforms;
- from our Platforms account opening forms and other related correspondence (whether in writing or electronically);
- when you make an application for, or sign our agreement or a consent form relating to the provision of our products or services and/or treatment;
- when you purchase or request any information regarding our products or services in person, by phone or via our Platforms;
- while conducting customer satisfaction, market research and other surveys and questionnaires;
- whilst administering any of our services;
- when you enter any promotions or competitions we run from time to time; and
- otherwise directly from you, when you provide your details to us.

If you have dealings with the AL Healthcare Businesses, those businesses may also collect Personal Information directly from you when you:

- consult or meet with one of their sleep specialists or other officers or staff; and/or
- seek medical treatment and/or care from them.

### ***Indirect collection***

In certain cases, we will collect your Personal Information from third parties, i.e. indirectly, including from publically available sources.

If you deal with the AL Healthcare Businesses, we may collect Personal Information from you health service providers such as health insurers, government agencies, private and public hospitals, referring doctors and other referring medical practitioners. We may also collect information from your employer or other third parties when they request a sleep study on your behalf.

In the case of minors aged under 18, the AL Healthcare Businesses may collect information from a parent or legal guardian and in the case of patients in care, those businesses may collect information from legal guardians and/or care managers.

### ***Automatic collection***

We may collect your Personal Information automatically through some of the following means:

- we may receive location data passed to us from third party services or GPS-enabled devices you have set up;
- we may collect information about how you use our Platforms to assist us to provide you with more tailored services and to enable us to develop and improve our services;
- we may also collect information from the devices and networks that you use to access our Platforms to help us develop and secure our services; and
- we may use 'cookies' to store and sometimes track information about you, but only on an anonymous basis.

## **Collecting Personal Information about others from you**

Sometimes, we may ask you to provide us with Personal Information about other individuals. If so, you must inform those individuals that you are providing their Personal Information to us, the purpose for which you are doing so, and advise them how to contact us and the link to this AU/NZ Privacy Policy.

### **6. Use and disclosure of Personal Information**

In Australia, we will only use and/or disclose your Personal Information in accordance with the Privacy Act. In New Zealand, we will only use and/or disclose your Personal Information in accordance with the NZ Privacy Act, your specific instructions, and the law.

#### **Primary purposes**

The primary purposes for which we use and disclose your Personal Information include:

- verifying your identity;
- providing you with our products or services;
- providing you with information in relation to the use of our products or services;
- providing quality assurance for our products and services;
- providing you with information available on our Platform;
- maintaining user records;
- Platform registration procedures;
- conducting and protecting our business;
- administering and managing our products or services, including charging, billing and collecting debts;
- responding to your enquiries and feedback regarding our business, our products and our services;
- conducting appropriate checks for credit-worthiness and obtaining credit reports from credit reporting agencies;
- exercising any of our powers or performing our obligations under the Personal Property Securities Act 2009 (Cth) (in Australia) and the Personal Property Securities Act 1999 (in New Zealand) such as registering our security interests and fulfilling our related legal obligations (in particular, we may be required to collect certain Personal Information in order to comply with government legislation and regulations);
- internal management purposes, complaint handling, planning, quality assurance and audit purposes;
- other purposes of processing specified in the Global Privacy Policy; and
- complying with our legal obligations.

If you deal with the AL Healthcare Businesses, those businesses may use and disclose your Personal Information:

- to provide you with medical treatment and/or care;
- to assist other medical, nursing and allied health professionals to provide care and treatment to you;
- to provide you with sleep studies and treatment recommendations;
- for benchmarking and clinical indicator programs which enable the AL Healthcare Businesses to assess their level of service when compared to other hospitals (information for this purpose will be used in a de-identified format); and/or
- for recall follow-up systems.

#### **Secondary purposes**

We may also use and disclose your Personal Information we collect for a secondary purpose. A secondary purpose is one which is related to the primary purpose of collection. Some of the secondary purposes for which we may use your Personal Information include:

- promoting and marketing our products and services to you with your consent;
- product and service development;
- customer and market research; and
- keeping you informed of any changes to our business, products and services or other offerings that may be of interest to you.

## **Direct marketing**

With your consent, we may use your Personal Information, including your contact details, to contact you by email, telephone or post to provide you with information about products and services, including those of third parties, which we consider may be of interest to you.

We will not disclose your Personal Information to third parties for their marketing purposes.

You may opt out at any time if you no longer wish to receive direct marketing information from us. You can make this request by contacting our Privacy Officer on the details below.

## **7. Recipients of your Personal Information**

Specific examples of third parties to whom we may disclose Personal Information include:

- our related companies (including any located overseas);
  - third parties, where all, or substantially all the assets of an entity within the Air Liquide group are merged with or acquired by a third party, in which case your Personal Information may form part of the transferred or merged assets;
  - a third party organisation, in relation to us providing products or services to you and/or data or internal financial or legal management, back up or secure keeping;
  - our professional advisers, including our accountants, auditors and lawyers; ;
  - your authorised representatives or your legal advisers (when requested by you to do so);
  - credit-reporting and fraud checking agencies, and credit providers for credit-related purposes; and
  - government and regulatory authorities and other organisations, as required or authorised by law or court/tribunal order.
- If you deal with the AL Healthcare Businesses, those businesses may disclose Personal Information about you to:
- health service providers such as health insurers, government agencies, private and public hospitals, and medical practitioners;
  - medical, nursing and other allied health professionals involved in providing ongoing care and treatment to you;
  - your employer, if your employer has requested a sleep study on your behalf,
  - any person or organisation contributing to the payment of the products or services;
  - franchisees of those businesses; and
  - specialist sub contractors and consultants who assist with facility management

## **8. Transfers of Personal Information overseas**

As the internet is a global environment, using the internet to collect and process Personal Information necessarily involves the transmission of that information worldwide.

We may disclose your Personal Information to companies that are associated with us overseas, including to Singapore, France, the United Kingdom, Germany, Malaysia and the United States of America.

We may also enter into agreements with third party cloud providers based in overseas countries. Your Personal Information may be stored on the cloud.

## **9. Access, correction, concerns, complaints and other rights**

Subject to the exceptions set out in the Privacy Act and the NZ Privacy Act, including the exception that applies to our handling of employee records (in Australia only), you have a right to **access** your Personal Information. We will generally provide it to you but in some cases where and to the extent permitted by law, we may refuse access to some or all of that information. In those circumstances we will provide reasons.



We take reasonable steps to ensure your Personal Information is accurate, complete and up to date. If you believe that any Personal Information we hold about you is not correct, please contact us.

If you have any **concerns** or **complaints** regarding our handling of your Personal Information, you should feel free to refer them to us. Once a complaint has been lodged, the Privacy Officer will respond to you as soon as possible. We will endeavour to respond to any complaints received within 30 days.

In Australia you may also lodge a complaint with the Office of the Australian Information Commissioner by telephone: 1300 363 992 or email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au). In New Zealand you may also lodge a complaint with the Privacy Commissioner through its website or by calling 0800 809 909.

Depending on your circumstances, you may have **other rights** under the Global Privacy Policy. For example, you may have rights to request erasure of Personal Information and/or to enforce certain principles in the Global Privacy Policy as a third party beneficiary. Please review the Global Privacy Policy for details of any rights you may have.

See section 11 below for how to submit a privacy-related request or concern to us.

## 10. Security and storage

Personal Information is stored in a combination of paper based, hard copy and electronic files.

We will take reasonable steps to ensure your Personal Information is kept secure.

We maintain appropriate physical, procedural and technical security for our offices and information storage facilities so as to prevent any loss, misuse, unauthorised access, disclosure, or modification of Personal Information. This also applies to disposal of Personal Information.

In addition, we protect Personal Information by restricting access to those people who need access to do their job.

## 11. Contacting Us

If you would like contact us regarding any matter referred to in this **Privacy Policy**, or to submit a privacy-related request or concern, you can email our Privacy Officer at [AUPrivacy@airliquide.com](mailto:AUPrivacy@airliquide.com) or write to:

The Privacy Officer  
Air Liquide Australia  
Limited  
Level 9, 380 St. Kilda  
Road  
Melbourne, Victoria,  
3004

The Privacy Officer  
Air Liquide New  
Zealand Limited  
19 Maurice Road  
Penrose  
Auckland 1642

The Privacy Officer  
AL Healthcare  
Businesses  
Suite 4, 247 Coward  
Street  
Mascot  
New South Wales  
2020.

Alternatively, if your concern relates to our **Global Privacy Policy** or your rights or our obligations under it, you may prefer to use the form located at <https://www.airliquide.com/group/contact-us-gdpr>.

## 12. Changes

We reserve the right to change the terms of this Privacy Policy from time to time. We will notify you of substantial updates by posting an up-to-date copy of our Privacy Policy at <https://industry.airliquide.com.au/> (last updated May 2020).