

**HR3 Pty Ltd**

ABN 86 006 301 471 / ACN 006 301 471

Suite 3.01, 850 Collins Street,  
Docklands, VIC, 3008 Australia

W: [www.hr3.com.au](http://www.hr3.com.au)

P: 03 8563 9200

E: [info@hr3.com.au](mailto:info@hr3.com.au)



# PRIVACY POLICY

## **HR3 Pty Ltd**

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This Privacy Policy describes how HR3 Pty Ltd manages personal information of our end user customers. In this Privacy Policy, “we”, “our” and “us” are all references to HR3 Pty Ltd ABN 86 006 301 471 of Suite 3.01, 850 Collins Street, Docklands VIC.

### **Our legal obligations**

We are committed to respecting your privacy and complying with our privacy obligations in accordance with all applicable data protection laws, including the Australian Privacy Principles contained in Schedule 1 to the Privacy Act 1988 (Cth) (the “**Privacy Act**”). We also comply with the EU General Data Protection Regulation (“**GDPR**”) to the extent it applies to the personal data that we process (“**GDPR Data**”).

### **About this Privacy Policy**

This Privacy Policy sets out our policy on the collection, use and disclosure of personal data of users of our Enterprise Applications (collectively, our “Cloud Services”) in accordance with our statutory obligations under the Privacy Act (and how we process personal data for the purposes of the GDPR when the GDPR applies to that processing). It also describes:

- The period for which we store personal data;
- Your rights to access and rectify or to request erasure of personal data;
- Your right to withdraw consent;
- The right to lodge a complaint with the Office of the Australian Information Commissioner;
- Why we collect and process personal data, the categories of personal data that we process, and who we disclose it to;
- Details of the security measures that we take to help protect your personal data;
- Other information about how we collect, use, disclose and process personal data.

If we decide to change this Privacy Policy, we will post those changes here so that you will always know what personal data we gather, how we might use that information, and whether we will disclose it to anyone.

### **Personal data we collect and how we use it**

We collect personal data that you give us, whether by email, telephone, in person, via application forms or otherwise. We may obtain personal data directly from third parties such as our resellers, related companies, installers, sales agents and any of their representatives. In addition, we may obtain personal data from public sources, where available. However, if it is reasonable and practicable to do so, we will collect personal data about an individual only from that individual. We will only collect GDPR Data for specified, explicit and legitimate purposes and we will not further process GDPR Data that we collect in a manner that is incompatible with those purposes. If you enter and/or upload into the Cloud Services and/or otherwise provide us with personal data about any person other than you (including the personal data of any of your End Users), you must provide the information required

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by Australian Privacy Principle 5 and Article 14 of the GDPR to the relevant persons to whom the personal data relates.

We will not collect personal information (other than sensitive information) unless the information is reasonably necessary for one or more of our entity's functions or activities and we will not collect sensitive information unless you consent to the collection and the sensitive information is reasonably necessary for one or more of our functions or activities, or we collect it pursuant to subclause 3.4 of the Australian Privacy Principles. Please notify us if you are not old enough or not otherwise able to provide us with consent, and do not provide us with any consent for the purposes of applicable privacy law.

We will not process GDPR Data that is personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation, except where permitted by the GDPR.

The personal data that we collect and how we use it is as follows:

(a) *Subscription/registration, payment, transaction and profile data:* If you register or subscribe to our Cloud Services, we will collect, hold and otherwise process the following categories of personal data: names, telephone numbers, mobile numbers, email addresses, postal addresses, residential addresses, business addresses. We will process this personal data in order to administer our end user subscriptions, registrations and accounts on the Cloud Services, for the purposes of providing our end users with access to and use of the Cloud Services, to enforce our end users' obligations to pay the fees and charges to us and to otherwise enforce compliance by our end users with our Terms of Use and the contractual obligations that they owe to us. We will also process this personal data in order to provide our end users with information and assistance about the Cloud Services, and to communicate with our end users in connection with any maintenance notices, renewal notices and service status updates for the purposes of keeping our end users informed and up to date about the status of our Cloud Services.

(b) *Data entered into and/or uploaded into the Cloud Services by the Customer and/or end users when accessing the Cloud Services:* Any personal data that our end users upload or enter into the Cloud Services either manually or via computer systems, smartphone devices and tablets, namely: names, telephone numbers, mobile numbers, email addresses, postal addresses, residential addresses, business addresses. The Cloud Services will also process any other personal information that our end users voluntarily enter or upload to HR3. We will process this personal data on behalf of our end users in our capacity as a processor in order to provide our end users with the Cloud Services in accordance with their specific instructions (unless applicable law to which we are subject requires other processing of that personal data by us, in which we will inform you of that legal requirement unless that law prohibits us from doing so on important grounds of public interest). We will also process this personal data as a controller to monitor compliance with the terms and conditions of our end users agreements, to maintain backups of our databases and to detect unauthorised use and faults with the Cloud Services (such as, by examining log files and error messages). The personal data will also be used to provide our end users with professional services (including technical support and training services) if and where required pursuant to our end users agreements.

(c) *Data relating to communications between us and our end users:* When our end users contact us, we will

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process personal data including the name of the end users, the IP address of the end users and any other personal data that the end users provide to us during the communications. For example, our end users and/or end users may contact us to ask questions about our Cloud Services, seek technical support or advice and to express their interest in subscribing to the Cloud Services or for the purposes of upgrading or modifying their accounts on our platform. We will process this personal data in order to provide our end users with information and assistance about the Cloud Services, and to communicate with our end users in connection with any breach, expiry, termination or suspension of the Cloud Services.

(d) *Analytics data:* We will process personal data known as analytics data for statistical and analytical purposes, designed to measure and monitor how the Cloud Services are being used and to highlight any areas for improvement, optimisation and enhancement of the Cloud Services, including IP addresses, cookie data, the amount of time a user spent on our cloud platform and in which parts of the platform, and the path they navigated through the platform. We will process this personal data in order to monitor and detect unauthorised use of the Cloud Services and to establish how the Cloud Services are used and to highlight areas for potential improvement of the Cloud Services.

(e) *Cookies:* We will not use cookies with your user account without your express consent, unless the cookies are strictly required in order for us to provide you with the Cloud Services. Cookies are pieces of information that a web site transfers to a computer's hard disk for record-keeping purposes. This helps us tailor and improve the information we present to you, promoting higher end users satisfaction when you visit our site. The use of cookies is common in the Internet industry, and many major web sites use them to provide useful features to their end users. A cookie may be used to tell when your computer has contacted HR3. Cookies may also be used to personalise your experience with us. Where we request your consent for a cookie we will explain to you what the cookie is proposed to be used for, and give you an opportunity to withdraw your consent to the placement of the cookie on your machine or device if you do consent. You may configure your web browser to reject or block cookies if you wish.

### Who we share personal data with

We only disclose personal data to third parties who perform services on our behalf to the extent necessary for them to perform those services. We do not sell personal data to third parties for their own marketing purposes. We may disclose personal data that we collect for all or any of the following purposes:

- To provide you with the Cloud Services – in which case we disclose your personal data to our upstream hosting suppliers and service providers who host HR3 and the personal data that you enter into and/or upload in to the Cloud Services;
- So that we can obtain assistance with the provision of the Cloud Services – in which case we may disclose your personal data to members of our corporate group who we may subcontract the provision of all or part of the Cloud Services to;
- Conducting publicity campaigns – in which case we may disclose your personal data to our marketing suppliers;
- Handling claims and complaints – in which case we may disclose your personal data to our lawyers and insurers;
- Sending out a newsletter – in which case we may disclose your personal data to our email and newsletter

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service providers;

- In order to identify our end users when we are contacted with questions or concerns regarding the products and services we provide;
- In order to configure a new service for our end users;

To enforce our rights and defend any claims, we may also provide your personal data to our lawyers, insurers and professional advisors and any court or administrative body, for one or more of the following purposes:

- For the purposes of obtaining professional advice;
- To obtain or maintain insurance;
- The prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;
- To protect or enforce our rights;
- Enforcement of our claims against you or third parties;
- The enforcement of laws relating to the confiscation of the proceeds of crime;
- The protection of the public revenue;
- The prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
- The preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of the court or tribunal.
- Where disclosure is required to protect the safety or vital interests of employees, end users or property.

### Third party platforms

HR3 may include links to third party websites and platforms. Our linking to those websites and platforms does not mean that we endorse or recommend them. Where an end user uses HR3 or the Cloud Services to provide personal data to a third party website or platform, the end user does so at its own risk. We do not warrant or represent that any third party website or platform operator complies with applicable data protection laws. You should consider the privacy policies of any relevant third party websites and platforms prior to sending your personal data to them.

You may interact with social media platforms via social media widgets and tools such as the Facebook Like button and the Facebook pixel that may be installed on HR3. These widgets and tools may collect your IP address and other personal data. Your interaction with such widgets and tools, and any single sign-on services such as Open ID is governed by the privacy policies of the relevant social media operators and single sign-on service providers.

### Security

We only process personal data in a manner that ensures appropriate security of the personal data, including by protecting the personal data against unauthorised or unlawful processing and against accidental loss, destruction or damage using appropriate technical or organisational measures.

The technical and organisational measures that we have implemented, and will continue to implement while you are a subscriber of HR3cloud are security measures as implemented at Microsoft Azure data centres in Australia.

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### **If you refuse to provide us with personal data**

You can only browse limited pages of HR3 without registering as a subscriber of HR3, such as the pages that generally describe the services that we make available through HR3, and our About Us and Contact Us pages. However, when you subscribe to HR3, we need to collect personal data from you in order to identify you and setup an account for you on HR3. We will also collect personal data from you when you use the Cloud Services when you enter the personal data into HR3, when you contact us for technical support and assistance with your account and when gathering analytics data about your use of HR3. You have the option of not identifying yourself or using a pseudonym when contacting us to enquire about our Cloud Services, but not if you wish to actually access our Cloud Services or any of our other services.

### **Spam email**

We do not send “junk” or unsolicited e-mail in contravention of the Spam Act 2003 (Cth). We will, however, use e-mail in some cases to respond to inquiries, confirm purchases, notify you of Software updates and promotions or contact end users. These transaction-based e-mails may be automatically generated. Anytime an end users or visitor receives e-mail it does not want from us the end users can request that we not send further e-mail by contacting us via email at: [info@hr3.com.au](mailto:info@hr3.com.au)

### **Contactors and offshore providers**

Subject to the following section “GDPR offshore transfers”, and provided that we comply with the provisions of the Australian Privacy Principle 8 (Cross-border disclosure of personal information), we may transfer your personal data to our contractors and service providers who assist us with providing our products and services to you, where we consider it necessary for them to provide that assistance.

We will only engage new third parties to process GDPR Data entered into and/or uploaded into the Cloud Services by you for us to process as a processor on your behalf (“subprocessors”) if you have authorised us to do so pursuant to a specific or general written authorisation and otherwise in compliance with the requirements of the GDPR.

### **GDPR offshore transfers**

However, we will not transfer GDPR Data to any country or organisation outside of the European Union, except:

- (a) as reasonably necessary for us to provide or procure the provision of the Cloud Services; or
- (b) as instructed by you.

Unless otherwise agreed in writing by you, any transfer by us of that you upload and/or enter into the Cloud Services for us to process on your behalf which is the subject of the GDPR outside the European Union must not be made unless we have taken such measures as are necessary to ensure the transfer complies with Data Protection Laws. This may include (without limitation) transferring pursuant to the standard contractual clauses approved by the European Commission (including those clauses annexed to Commission decision of 5 February

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2010 (2010/87/EU) as amended or superseded), or transferring to a country or organisation in a country outside the European Union that the European Commission has determined provides adequate protection for personal data.

### **Retention and de-identification of personal data**

We will not keep personal data in a form which permits identification of any person for longer than is necessary for the purposes for which the personal data is processed. We will only process personal data that you enter into HR3, and only thereafter for the purposes of deleting or returning that personal data to you (except where we also need to retain the data in order to comply with our legal obligations, or to retain GDPR Data to protect your or any other person's vital interests). We will, following your cessation of use of the Cloud Services, at your option delete or return to you all of the personal data uploaded and/or entered into the Cloud Services by you. Where you require that personal data is to be returned, it will be returned to you after the end of the provision of services relating to the processing ("Processing Conclusion Date"), and we will thereafter delete all then remaining existing copies of that personal data in our possession or control as soon as reasonably practicable thereafter, unless applicable law requires us to retain the personal data in which case we will notify you of that requirement and only use such retained data for the purposes of complying with those applicable laws.

Where required under the Privacy Act, we will destroy and/or de-identify personal data that we collect about you in accordance with our legal obligations

### **Your rights under the GDPR**

Subject to the provisions and exceptions set out in the Privacy Act and GDPR, under the Privacy Act and/or GDPR, you have a number of rights, including:

- (a) the right to request from us access to and rectification or erasure of your personal data or restriction of processing concerning your personal data;
- (b) the right to object to the processing of your data;
- (c) the right to data portability;
- (d) the right to withdraw consent (where you have consent to the processing of your personal data for one or more specific purposes);
- (e) the right to lodge a complaint with the Office of the Australian Information Commissioner or any supervisory authority;
- (f) the right to not to be subject to a decision based solely on automated processing, including profiling,

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which produces legal effects concerning you or it similarly significantly affects you.

Please contact us if you wish to opt out of any communications that we send you or if you wish to exercise any of your rights under the GDPR. We will handle all such requests in accordance with our statutory obligations. If you withdraw your consent for processing, object to the processing of your personal data or request us to erase your personal data and as a result it is not possible or practical for us to continue providing you with the Cloud Services, we may, but we are not obliged to, terminate your subscription and/or access to HR3.

### **How to access and correct personal data held by us**

Please contact us if you wish to access your personal data that we hold about you, using the details set out at the end of this Privacy Policy. We will handle your request for access to your personal data in accordance with our statutory obligations. To ensure that we only obtain, collect, use and disclose accurate, complete and up to date personal data, we invite you to contact us and inform us if any of your personal details we hold change or if any of the personal data held by us is otherwise incorrect or erroneous. In exchange for your payment to us of a reasonable fee, we will provide you (or if you wish, another controller) with a copy of the personal data we hold about you in a structured, commonly used and machine readable format. You can access, modify and delete the personal data that you have uploaded or entered into HR3 via our Cloud Services.

### **Notifiable data breaches**

Since 22 February 2018, data breaches that are likely to result in serious harm must be reported to affected individuals and the Office of the Australian Information Commissioner, except where limited exceptions apply. For the purposes of the GDPR, certain types of data breaches must also be reported to affected individuals if the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms. In addition, the GDPR requires organisations to report certain types of data breaches to the relevant supervisory authority. We have prepared a response plan for addressing data breaches that may occur and have allocated responsibility for managing breaches to a relevant individual or team. We will notify you of any data breach that may affect you where we are required to do so in accordance with our legal obligations.

### **Our contact details**

HR3 is owned and operated by HR3 Pty Ltd ABN 86 006 301 471 of Suite 3.01, 850 Collins Street, Docklands, VIC 3008. If you wish to contact us for any reason regarding our privacy practices or the personal data that we hold about you, please contact us at this address.

### **Privacy Representative**

Information Security & Technical Services Consultant (ISTC), Suite 3.01, 850 Collins Street, Docklands, VIC 3008  
[istsc@hr3.com.au](mailto:istsc@hr3.com.au)

We will use our best endeavours to resolve any privacy complaint within 10 business days following receipt of your complaint. This may include working with you on a collaborative basis to resolve the complaint or us proposing



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options for resolution.

If you are not satisfied with the outcome of a complaint you make refer the complaint to the Office of the Australian Information Commissioner (OAIC) who can be contacted using the following details:

Call: 1300 363 992 Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au) Address: GPO Box 5218, Sydney NSW 2001