

YENDA GROUP



PRIVACY POLICY

1. Introduction

- 1.1 The Yenda Group comprises the businesses of the Yenda Producers Co – operative Society Ltd (YPC) (a registered co-operative), Spencer and Bennett – Yenda Prods Pty Ltd (S&B), Yenda Prods – Irrigation T/A Riverina Water Engineering (RWE) and Yenda Prods Grain Pty Ltd (YPG) (collectively, **the Yenda Group**).
- 1.2 The Yenda Group provides products and professional services to the rural sector in and around the Riverina, New South Wales and North-east Victoria.
- 1.3 The Yenda Group collects personal information to allow them to provide products and services to their customers and members. The Yenda Group is committed to managing personal information in accordance with the Australian Privacy Principles (APP's) under the Privacy Act 1988 (Cth) (**the Privacy Act**) and in accordance with other applicable privacy laws.
- 1.4 This document sets out the Yenda Group's policies for managing your personal information and is referred to as our Privacy Policy.

2. Purpose and Scope of Privacy Policy

- 2.1 This Privacy Policy provides all stakeholders of the Yenda Group an understanding of how and why personal information is collected, stored, used, disclosed and protected by the Yenda Group. Other terms and conditions may apply to you such as:
 - (a) The terms and conditions in the Yenda Group customer credit application and other relevant applications or agreements;
 - (b) Any other collection notices and privacy statements which may be provided to you in connection with the provision of our products and services to you.
- 2.2 This Privacy Policy is applicable to all stakeholders and must be adhered to by all Yenda Group employees, contractors, agents and representatives that have access, whether intentional or not, to Personal information.

3. Commencement of Privacy Policy

- 3.1 This Privacy Policy will commence from 11 November 2021. It replaces all other Privacy Policies of the Yenda Group and may be amended from time to time, without any further notice to you. Where there is a material change to this Privacy Policy, we will provide you with notice.

4. Application of Privacy Policy

- 4.1 In this Privacy Policy,
 - (a) "stakeholders", "you", "your" and "yourself" refers to the individual about whom we collect personal information.
 - (b) "we", "our" and "us" refers to the Yenda Group.
 - (c) "personal information" has the definition under the *Privacy Act 1988* (Cth).

(d) "sensitive information" has the definition under the *Privacy Act 1988* (Cth).

4.2 This Privacy Policy applies to all instances where relevant personal and/or sensitive information is collected from you or from third parties.

5. What information does the Yenda Group collect about you?

Members and prospective members

5.1 By becoming a member of the Yenda Group or purchasing the products and services provided by the Yenda Group, members consent to the collection, use, disclosure, storage, processing, and distribution of their personal information as part of the membership process.

5.2 The type of personal information that the Yenda Group may collect from you will vary depending upon the nature of your transaction with us. For example, we may collect the following personal information from you as part of the membership process:

- (a) Your name(s);
- (b) Addresses including email, postal and residential;
- (c) Contact details;
- (d) Trading structures;
- (e) Date of birth, country of birth, citizenship or residency status;
- (f) Australian Business Number;
- (g) Tax File Numbers (required for YPC membership if applicant is an individual) or tax residency status;
- (h) Primary production assets, including farm maps, historical data and associated assets relating to the primary production enterprise (e.g. water entitlements);
- (i) Information about how you interact with our websites, including visitor information, browser type information and device type information; and
- (j) Other personal information, such as details of your interactions with the Yenda Group that you provide to us, or authorise us to collect, as part of interactions with you such as written or telephone correspondence.

5.3 The Yenda Group does not collect personal information in and above what is required to operate.

5.4 When you enquire about the Yenda Group's services or when you become a member of the Yenda Group, a record is made which includes your personal information.

Prospective employees or applicants

5.5 The Yenda Group collects personal information when recruiting people to work with us, such as your name, title, date of birth, citizenship or residency status, gender, contact details, qualifications and work history (including references and other information included in a CV or cover letter as part of the application process). Generally, we will collect this information directly from you.

5.6 The Yenda Group may also collect your personal information from third parties in ways which you would expect (for example, from recruitment agencies or referees you have nominated). We may collect additional details such as your tax file number and superannuation information

after offering you a position and other information necessary to conduct background checks to determine your suitability for certain positions.

- 5.7 We may also collect relevant information from third party sources such as LinkedIn and other professional websites.
- 5.8 When you apply for a position with the Yenda Group, a record is made which includes your personal information.

Other individuals

- 5.9 The Yenda Group may collect personal information about other individuals, such as members of the public who participate in events we are involved with, individual service providers and contractors to the Yenda Group, and other individuals who may interact with the Yenda Group on a commercial basis. The kinds of personal information we will collect will depend on the capacity in which you are dealing with the Yenda Group. Generally, it would include personal information such as your name, contact details, and information regarding our interactions with you.
- 5.10 If you are participating in an event we are managing or delivering, we may take images or audio-visual recordings which identify you.

Visitors to our websites

- 5.11 The way in which the Yenda Group handles the personal information of visitors on its websites is set out below.

6. Why and how does the Yenda Group collect your personal information?

- 6.1 The Yenda Group collects personal information for reasons including but not limited to the necessity to carry out its business functions, to assess and manage customer and members needs and provide its products and services. The Yenda Group may also collect information to fulfill any administrative functions such as billing or entering into contracts with you or third parties.
- 6.2 The purposes for which the Yenda Group will usually collect, store, process and use personal information will vary depending upon the nature of your dealings and interactions with us, but may include for the following purposes:
- (a) To ensure that sales accounts, membership accounts and credit applications are created correctly;
 - (b) To ensure that a legal tax deduction can be claimed by the stakeholder;
 - (c) To ensure that the membership and the financial benefits are held by the correct stakeholder;
 - (d) To ensure that the information pertaining to the points (b) and (c) above are received by the correct stakeholder;
 - (e) To ensure that the most accurate agronomic advice can be provided to the Yenda Group stakeholders;
 - (f) To consider account and credit applications;
 - (g) To maintain your account and contact details;
 - (h) To process transactions to which you are a party;

- (i) To advertise, promote and provide you with products or services distributed by the Yenda Group;
- (j) To improve the Yenda Group website and web services;
- (k) To improve our operations, products and services;
- (l) To monitor and screen members' accounts, products and services for anti-money laundering and countering financing of terrorism purposes and for fraud and crime detection purposes;
- (m) To register any security interest the Yenda Group may have in connection with your credit account on the Personal Property Securities Register or another security register;
- (n) To enable us to meet our legal, regulatory or other obligations;
- (o) For market research purposes and/or innovate our delivery of products and services; and
- (p) For any purpose for which the information was requested and any directly related purpose; or developing, improving and marketing our products and services.

6.3 The Yenda Group will only collect personal information from you if it is reasonably necessary to provide products or services (including on credit) or undertake ancillary functions for you. The Yenda Group will only collect personal information for the purposes for which we advised you we were collecting it for or a related purpose which would reasonably be expected or otherwise with your permission.

6.4 The Yenda Group will generally not be required to collect sensitive information about you. The Yenda Group will only do so if it is considered reasonably necessary for us to collect such information for us to perform our functions or activities and you consent, or collection is required by law.

6.5 The Yenda Group may collect personal information from:

- (a) You, directly;
- (b) Yenda Group agronomist and horticulturalists (collectively, **agronomists**) for the purpose of (inter alia) enabling the agronomists to provide you with specialised advice; and/or
- (c) From third parties, including but not limited to: service providers, companies or bodies that you own shares or have an interest in, credit reporting agencies (for example, we may request a credit report when you apply for credit).

7. **How does the Yenda Group notify you of the collection of your personal information?**

7.1 When the Yenda Group collects personal information about you, we will make it clear to you, either at or before the time, or as soon as practicable afterwards, including but not limited to:

- (a) The reason(s) why we are collecting such personal information;
- (b) The entities to which we usually disclose personal information to and the types of personal information that is being provided to each of these entities (if any); and
- (c) If any of the entities to which we usually disclose personal information to are located outside of Australia, the notice will include:
 - (i) The location of these overseas entities;

- (ii) That this type of overseas disclosure is likely to occur; and
- (iii) The countries in which these entities operate.

7.2 When the Yenda Group regularly discloses personal information collected from you to overseas entities, we will make it clear to you, either at or before the time, or as soon as practicable afterwards:

- (a) How the overseas provider might use, disclose and protect the personal information, including whether they may be required to disclose the personal information under a foreign law;
- (b) How an individual can request further information about laws or binding schemes that protect privacy in the country of receipt; and
- (c) How an individual can access personal information held by this entity.

7.3 The Yenda Group will also make it clear to you if they are required to collect such information by reason of a law or some other legal instrument; why they are collecting such information and any potential consequences for you if they do not collect such information.

8. How does the Yenda Group use and disclose your personal information?

8.1 The purposes for which we may use and disclose your personal information will depend on the products and services we are providing to you and the reasons we are interacting with you. Generally, we will use and disclose your personal information for the purpose for which we collected that information, and otherwise, we will use and disclose your personal information in accordance with the requirements of the Privacy Act and any applicable laws.

8.2 You agree that the Yenda Group may disclose your personal information to:

- (a) Related companies of the Yenda Group (whether incorporated or constituted in Australia or elsewhere) for the purpose of providing our goods and services to you or for the Yenda Group;
- (b) Agents and other third parties of the Yenda Group (whether in Australia or overseas) for the purposes of providing information to you about our products and services;
- (c) Credit reporting agents and third parties, to or for the Yenda Group, such as CreditorWatch, to enable us to assess an application for credit including for example, the fact that you have applied for credit, the amount and that we are providing credit to you;
- (d) Other third parties such as mailing houses, electronic network administrators or other companies that are part of the Yenda Group;
- (e) Agents and other third parties of the Yenda Group for identity verification and customer due diligence purposes in respect of the requirements under anti-money laundering legislation;
- (f) Any other registries where we are required to do so under the laws, rules or regulations applying to that party;
- (g) Any regulator where we are required to do so by law;
- (h) The police, certain governmental agencies, regulators or other financial institutions where we reasonably believe that disclosure will assist in the investigation, detection or prevention of fraud or other criminal offences or where we are required by law; and

- (i) Research firms engaged by us to carry out customer surveys and conduct market research; and
- (j) Any other relevant party authorised by you.

Use and disclosure for administration and management

8.3 The Yenda Group will also use and disclose personal information for a range of administrative, management and operational purposes. This includes:

- (a) Administering billing and payments and debt recovery;
- (b) Planning, managing, monitoring and evaluating our services;
- (c) Quality improvement activities;
- (d) Training staff, contractors and other workers;
- (e) Risk management and management of legal liabilities and claims (for example, liaising with insurers and legal representatives);
- (f) Responding to enquiries and complaints regarding our services;
- (g) Obtaining advice from consultants and other professional advisers; and
- (h) Responding to subpoenas and other legal orders and obligations.

Disclosure to contractors and other service providers

8.4 The Yenda Group may disclose personal information to third parties we engage in order to provide our product and services, including contractors and service providers used for data processing, data provision and analysis, customer satisfaction surveys, information technology services and support, payment processing, website (including our platform) maintenance / development, printing, archiving, mail-outs, and market research.

8.5 Third parties to whom we have disclosed your personal information may contact you to let you know that they have collected your personal information and to give you information about their privacy policies.

Use and disclosure for business sale or corporate transactions

8.6 The Yenda Group may use or disclose your personal information with third parties, whether affiliated or unaffiliated, for the purpose of facilitating or implementing a transfer or sale of all or part of our assets or business or if we undergo any other kind of corporate restructure, acquisition or sale. In this context, your personal information may be transferred to another entity (or if such a sale, transfer, acquisition or corporate restructure is being contemplated by us).

Use and disclosure of your personal information for direct marketing

8.7 The Yenda Group may use and disclose your personal information for the purposes of sending you direct marketing communications and information about our products and services that we consider may be of interest to you, or as otherwise permitted under applicable privacy laws.

8.8 These communications may be sent in various forms, including mail, fax and email, in accordance with the applicable laws from time to time.

8.9 In addition, at any time you may opt-out of receiving marketing communications from us by contacting us, or by using opt-out functionalities provided in the marketing communications, and we will then ensure that your name is removed from our mailing list.

- 8.10 If you opt-out of receiving marketing material from us, we may still contact you in relation to our ongoing relationship with you.

Other uses and disclosures

- 8.11 The Yenda Group may use and disclose your personal information for other purposes explained at the time of collection or otherwise as set out in this Privacy Policy.

9. How does the Yenda Group interact with you via the internet?

- 9.1 You may visit our websites without identifying yourself. If you identify yourself (for example, by submitting an inquiry or filling out a form), any personal information you provide to us will be managed in accordance with this Privacy Policy.
- 9.2 The Yenda Group's websites may set and access cookies on your computers in order to collect non-personal information including type of operating system, domain name and IP address. A 'cookie' is a small file stored on your computer's browser, which assists in managing customised settings of the website and delivering content. The information collected is anonymous and is used for the purpose of understanding member behaviour when accessing our products and service.
- 9.3 You can change the settings in your browser to control how your browser deals with cookies. However, in doing so, you may be unable to access certain pages or content on our website.

10. Does the Yenda Group disclose your personal information overseas?

- 10.1 The Yenda Group may disclose Personal Information to overseas recipients.
- 10.2 We generally collect personal information about you in Australia which may be handled, processed, stored and disclosed to overseas recipients, including but not limited to the following circumstances:
- (a) Yenda Group has an arrangement with CreditorWatch that, for the purposes of providing the credit reporting services, does disclose personal information to some multinational organisations that are located both in Australia and overseas, including the United Kingdom, the United States and New Zealand;
 - (b) Where we provide agronomy services, the Yenda Group may engage with third party agronomic service provider, and personal information provided to these service providers may be managed from overseas, including AgWorld; and
 - (c) Where the Yenda Group uses Microsoft servers to hold your personal information, including servers located in the United States;
 - (d) Yenda Group has an arrangement with Syndex Pty Ltd and its subsidiaries and affiliates (**Syndex**) for the purpose of Syndex managing the Yenda Group member registry and in the circumstances, we disclose your personal information to Syndex which is located overseas in New Zealand and Japan.
- 10.3 The Yenda Group will only disclose your personal information outside the jurisdiction it was collected where we are permitted to do so under applicable privacy laws. Generally, this means we will take reasonable steps to ensure your personal information is treated securely and in accordance with applicable Australian Privacy Principles.
- 10.4 Unless we have your consent, or an exception under the Australian Privacy Principles applies, we will only disclose your personal information to overseas recipients where we have taken reasonable steps to ensure that the overseas recipient does not breach the Australian Privacy Principles in relation to your personal information.

10.5 There are other circumstances where we may disclose your personal information to an overseas recipient. For example, where you have provided your consent, or we are otherwise permitted to do so under the Privacy Act.

11. Does the Yenda Group adopt, use or disclose government related identifiers?

11.1 Generally, the Yenda Group does not use government related identifiers.

11.2 The Yenda Group will not use or disclose a government related identifier unless the use or disclosure of the identifier is:

- (a) Reasonably necessary for the Yenda Group to be able to verify your identity;
- (b) Reasonably necessary for the Yenda Group to fulfil any obligations the Yenda Group may have to a government agency or the State or Territory; or
- (c) Required or authorised by or under an Australian law or a court or tribunal.

11.3 The Yenda Group may use or disclose such an identifier if it is reasonably necessary for an enforcement related activity by or on behalf of an enforcement body. The Yenda Group may also use or disclose a government related identifier related to you if we are allowed or required by law or regulation to do so.

12. How does the Yenda Group ensure the quality of your collected personal information?

12.1 The Yenda Group will take all steps reasonable in the circumstances to ensure that the personal information we collect from you is accurate, up to date and complete. Where information is collected from you directly, we rely on you to supply accurate information.

12.2 The Yenda Group will also ensure that all steps reasonable under the circumstances are taken to ensure that the personal information used or disclosed is, when considered in relation to the purpose for which we are using or disclosing the information, accurate, up to date, complete and relevant.

12.3 Where personal information is collected for a one off purpose, such as to establish a credit account for you, and that information is not likely to be used again, we will not update that information unless it becomes necessary to use or disclose it again (for example, when you apply to increase your credit limit).

13. How does the Yenda Group hold your personal information?

13.1 When you enquire about our products and services or when you become a member of the Yenda Group, a record is made which includes your personal information. We hold your personal information within each branch of the Yenda Group in both paper-based files, or other electronic record keeping methods in secured databases.

13.2 Personal information may be collected in paper-based documents and converted to electronic form for use or storage (with the original paper-based documents either archived or securely destroyed).

13.3 We take reasonable steps to protect your personal information from misuse, interference and loss and from unauthorised access, modification or disclosure.

13.4 The Yenda Group maintains physical security over paper-based documents onsite including through locks and electronic data is securely stored on the Yenda Group server(s), through the use of firewalls (security measures for the internet) and other security systems at our premises, such as, user identifiers and passwords to control access to our computer systems. Personal information is only taken off site via the daily Yenda Group server backup which is also secured and encrypted.

13.5 We may store electronic records of your personal information with other third parties, including but not limited to:

- (a) Third party database storage providers, which may be based in Australia and/or overseas; and/or
- (b) Third party agronomic software and stored on a secured electronic cloud server.

13.6 The Yenda Group takes all reasonable measures to ensure that third party providers store any personal information in a safe and secure place.

13.7 We will only keep your personal information we hold for as long as is necessary for the purposes set out in this Privacy Policy or as required to comply with any applicable legal obligations. The retention periods we apply to personal information take account of:

- (a) Legal and regulatory requirements and guidance;
- (b) Limitation periods that apply in respect of taking legal action;
- (c) Our ability to defend ourselves against legal claims and complaints;
- (d) Good practice; and
- (e) The operational requirements of the Yenda Group business.

13.8 Personal information that is collected by mistake and is not required for the purpose of carrying on the Yenda Group business will be destroyed as soon as it is identified as information that is deemed to be sourced incorrectly. If the Yenda Group does receive unsolicited personal information that is deemed to be necessary for the purpose of carrying on the business, the Yenda Group will contact the stakeholder and seek the consent of the stakeholder to retain the information.

13.9 Our websites do not necessarily use encryption or other technologies to ensure the secure transmission of information via the internet. Users of our websites are encouraged to exercise care in sending personal information via the internet.

14. How can you access and seek correction of your personal information?

14.1 You are entitled to access your personal information held by the Yenda Group on request. You can access your personal information by contacting the Yenda Group and filling out a copy of Annexure "A". This will confirm who is requesting the information and for what purpose. This form also allows for the release of information to a third party (e.g. accountant), following a request by the stakeholder.

14.2 On certain occasions, the Yenda Group employee may need to identify the person requesting the information. This is usually done by asking the stakeholder to confirm their identity by providing a copy of the stakeholder's license or going into one of the Yenda Group branches in person. By taking this extra step, the Yenda Group is ensuring that the personal information provided is going to the correct person and that personal information is not accessed incorrectly or fraudulently.

14.3 If you consider that there is any personal information that we hold about you is inaccurate, out of date, incomplete, irrelevant or misleading, you are entitled to request correction of the personal information. After receiving a request from you, we will take reasonable steps to correct your personal information.

15. How can you make a complaint about the handling of your personal information?

15.1 You may contact the Yenda Group at any time if you have any questions or concerns about this Privacy Policy or about the way in which your personal information has been handled.

- 15.2 The Yenda Group will do its best to provide its stakeholders with a high-quality service. However, should you not be satisfied with the service or you would like to make a complaint, you can contact the Yenda Group Managing Director on 02 6961 3300.
- 15.3 The Yenda Group will:
- (a) Keep a record of your complaint;
 - (b) Give you a reference number, along with a staff member's name and contact details if you want to follow it up;
 - (c) Provide a preliminary response to the complaint within 7 days;
 - (d) Keep you updated on what they're doing to fix the problem; and
 - (e) Give their final response within 30 days.
- 15.4 In most cases, the Yenda Group will investigate and provide a final response to your complaint within 30 days. If the matter is more complex or our investigation may take longer, we will let you know.
- 15.5 If you are not satisfied with our response to your complaint, or you consider that the Yenda Group may have breached the Australian Privacy Principles or the Privacy Act, a complaint may be made to the Office of the Australian Information Commissioner. The Office of the Australian Information Commissioner can be contacted by telephone on 1300 363 992 or by using the contact details on the website www.oaic.gov.au.
- 16. How changes are made to this Privacy Policy?**
- 16.1 The Yenda Group may amend this Privacy Policy from time to time, with or without notice to you. We recommend that you visit our website regularly to keep up to date with any changes.
- 16.2 How can you contact the Yenda Group?**
- 16.3 Contact details for the Yenda Group are (02) 6961 3300 or via email address on yenda@yendaprods.com.au.

YENDA GROUP



Annexure A

YENDA GROUP REQUEST FOR INFORMATION FORM

Business within the Yenda Group to supply the information *(Please tick box)*:

Yenda Producers Co – operative Society Ltd (YPC)

Spencer and Bennett – Yenda Prods Pty Ltd (S & B)

Yenda Prods Irrigation Pty Ltd T/ A Riverina Water Engineering (RWE)

Yenda Prods Grain Pty Ltd

Full Name of Account Holder	
Account Details	
Address	
Contact Number	

I would like to request the following documents/information:
(Please specify; e.g. Account Statement, Dividend & Rebate Statement etc.)

1.	
2.	
3.	

I also authorise the release of this information relating to my trading account and/or membership (YPC only) when requested by:
(Please complete if applicable)

Full name(s) <i>(e.g. Accountant)</i>			
Full name(s) <i>(Authorised Representative)</i>			
Email		Mobile	

I acknowledge that the Yenda Group will release information to the above named entity, when requested to do so. This authority will continue indefinitely unless changed or revoked in writing.

Signed: _____ **Date:** _____

Print Name: _____

Office Use Only

Approved by (Print Name)¹		Date	
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Signature	
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¹ All forms are to be submitted to the Yenda Group head office.