

## **1 About this privacy policy**

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This document sets out the policy of KitchenAid Australia Pty Ltd (ACN 601 363 419) (**KitchenAid**) relating to the privacy of your personal information (**Privacy Policy**).

KitchenAid is committed to protecting the privacy of the personal information it collects and receives. KitchenAid is bound by the Australian Privacy Principles (**APP**) contained in the Privacy Act 1988 (Cth) and the Information Privacy Principles (**IPP**) contained in the Privacy Act 1993 (New Zealand).

This Privacy Policy applies to all your dealings with KitchenAid whether at one of KitchenAid's division offices, through KitchenAid call centres, with a KitchenAid advisor or via websites managed by KitchenAid being

[www.KitchenAid.com.au](http://www.KitchenAid.com.au), [www.KitchenAid.co.nz](http://www.KitchenAid.co.nz),  
[www.KitchenAidcommercial.com.au](http://www.KitchenAidcommercial.com.au), [www.KitchenAidcommercial.co.nz](http://www.KitchenAidcommercial.co.nz), [www.giftcards.kitchenaid.com.au](http://www.giftcards.kitchenaid.com.au)

(together, the **Websites**).

This Privacy Policy seeks to explain:

- the kinds of personal information that KitchenAid collects and holds;
- how KitchenAid collects and holds your personal information;
- why KitchenAid collects, holds, uses and discloses your personal information;
- how you may access and seek the correction of your personal information as held by KitchenAid;
- how you may complain about a breach of the APPs/IPP or a registered APP code or an IPP privacy code (if any) that KitchenAid is bound by, and how KitchenAid will deal with such a complaint; and
- if KitchenAid is likely to disclose your personal information to overseas recipients and the countries in which such recipients are likely to be located (if it is practicable to specify those countries in this policy).

You accept this Privacy Policy and expressly consent to KitchenAid's collection, use and disclosure of your personal information as described in this Privacy Policy by using the Website and/or subscribing to publications or mailing lists managed by KitchenAid.

## **2 Your Personal Information**

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KitchenAid only collects personal information (being information that identifies or could reasonably identify an individual or, for New Zealand consumers, information about an identifiable individual) where KitchenAid considers it to be reasonably necessary for KitchenAid functions and activities.

KitchenAid collects personal information to service the needs of its customers including when you:

- register your product;
- ask to be placed on one of our mailing lists;
- make an enquiry about our services;
- visit the Websites; and/or
- become a customer or debtor of KitchenAid.

The types of information KitchenAid collects includes:

- full name and address;
- contact details (including phone, fax and e-mail);
- your product information (warranty, product, product colour, serial number, purchase date, retailer purchased from);
- your comments made on the Websites; and
- your details in connection with a stockist enquiry.

## **3 Your Sensitive Information**

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Sensitive information is information about you that reveals your racial or ethnic origin, political opinions, religious or philosophical beliefs or affiliations, membership of a professional or trade association, membership of a trade union, details of health, disability, sexual orientation or criminal record.

It is KitchenAid's policy to only collect your sensitive information where it is reasonably necessary for KitchenAid functions or activities and either you have consented or KitchenAid are required or authorised by law to do so.

## **4 How KitchenAid collects your personal information**

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KitchenAid will solicit your personal information by lawful and fair means directly from you unless it is unreasonable or impracticable to do so.

KitchenAid will collect directly personal information:

- by written correspondence (such as letters, faxes and emails);
- over the telephone;
- on hard copy forms (including registration forms, competition entry forms and surveys);
- in person (at job interviews, in its distributor's retail outlets and at trade shows); or
- through the Websites (online purchases, web form submissions, online comments, or participation in a live chat); and

- electronic systems such as applications.

KitchenAid may collect your personal information from third parties including:

- your legal representatives;
- direct marketing database providers;
- sales agents;
- the Australian Tax Office (ATO) or, in New Zealand, the Inland Revenue;
- the Australian Securities and Investment Commission (ASIC) or, in New Zealand, the Companies Office; and
- public sources (directories, membership lists, professional and trade associations, bankruptcy or court searches).

## **5 Unsolicited Personal Information**

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Unsolicited personal information is personal information KitchenAid receives that KitchenAid has taken no active steps to collect (such as information sent to KitchenAid by an individual on their own initiative, rather than in response to an advertisement).

KitchenAid may keep records of unsolicited personal information if the information is reasonably necessary for one or more of KitchenAid functions or activities. If not, it is KitchenAid's policy to destroy the unsolicited information or ensure that the information is de-identified, provided it is lawful and reasonable to do so.

## **6 Using your personal information**

The main purposes for which KitchenAid collects, holds, uses and discloses personal information is to provide products, services, and information in connection with KitchenAid's brands to interested parties.

KitchenAid collects information to service its customers and distributors. KitchenAid can use your information to:

- provide you with further products and/or services;
- to answer or forward any requests or enquiries;
- inform interested parties of products and/or services offered by KitchenAid;
- present information relevant to you on the Websites;
- deliver or enhance products and/or services offered by KitchenAid;
- maintain contact with you about products and/or services offered by KitchenAid; and
- any other purpose directly related to KitchenAid work and for which you have provided consent (where it is reasonably required by law).

The Websites may require subscriptions or registrations in order to use certain services, functions or content. You will know what information is being collected via these processes when you complete the relevant forms and provide the required details prior to submitting the application. KitchenAid will collect data relating to any interactions you carry out through the Websites.

KitchenAid may also use your data to monitor for any unauthorised use of the Websites, content or subscriptions to KitchenAid' services.

## **7 Purpose of collection**

If KitchenAid collects personal information for a purpose (the primary purpose), KitchenAid will not use or disclose the information for any other purpose (the secondary purpose) unless:

- you would have consented to the use or disclosure of your personal information; or
- in relation to the use or disclosure of your personal information:
  - you would reasonably expect KitchenAid to use or disclose your information for the secondary purpose and the secondary purpose is directly related to the primary purpose (sensitive information) or related to the primary purpose (not sensitive information);
  - use or disclosure is required or authorised under Australian law, New Zealand law, or a court/tribunal;

- a permitted situation exists in relation to KitchenAid's use or disclosure of the information;
- a permitted health situation exists in relation to use or disclosure of the information; or
- KitchenAid reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

If KitchenAid uses or discloses your personal information because KitchenAid reasonably believes that the use or disclosure of your information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body, KitchenAid will make a written note of the use or disclosure.

## **8 Do you have to provide personal information?**

You can refuse to provide personal information. However a refusal may mean that the service you requested is not provided or products will be refused or forfeited.

## **9 Sharing your personal information**

KitchenAid may use and disclose personal information for related purposes to third parties. Types of organisations to whom KitchenAid may disclose your personal information include:

- government bodies such as ATO / Inland Revenue, ASIC / Companies Office, Australian Prudential Regulatory Authority and the police or courts (as required by law);
- professional or government organisations; and
- anyone to whom KitchenAid assets or business (or any part of it) is transferred;
- KitchenAid's contracted service providers including:
  - sales agent;
  - information technology service providers;
  - marketing and communications agencies;
  - mailing houses, freight and courier services;
  - printers & distributors of marketing material; and
  - external advisers (recruiters, auditors and lawyers).

KitchenAid does not rent, sell or exchange your personal information to third parties without your prior approval.

## **10 Government identifiers**

KitchenAid does not adopt, use or disclose government related identifiers (such as a Medicare number or driver's licence number) as KitchenAid's own identifier for you unless:

- it's required/authorised by law or court/tribunal order;
- it's reasonably necessary to verify your identity;
- it's reasonably necessary to fulfil KitchenAid's obligations; or
- KitchenAid reasonably believes it is reasonably necessary for enforcement related activities.

## **11 Cookies**

To improve KitchenAid's services, KitchenAid sometimes collects de-identified information from web users. Although the information collected does not identify an individual, it does provide KitchenAid with useful data and statistics which permit KitchenAid to analyse and improve its web and digital services.

When you visit the Websites, a record of your visit is logged and the following data is supplied by your browser:

- your IP address and/or domain name;
- your operating system (type of browser & platform);
- the date, time and length of your visit;
- the resources you accessed or downloaded; and
- advertising click-through metrics

KitchenAid uses this information to customise information for the Websites' visitors and to collect aggregated data for the purposes of analysis, quality control, administering and improving the Websites and digital services. It is not used for any other purpose.

Aggregated data may be shared with third parties. You can stop your browser from accepting new cookies or disable cookies altogether by changing your browser preferences.

## **12 Links to other websites**

Links to third party websites that KitchenAid does not operate or control are provided for your convenience. KitchenAid is not responsible for the privacy or security practices of websites that are not covered by this Privacy Policy. Third party websites should have their own privacy and security policies which KitchenAid encourages you to read before supplying any personal information to them.

## **13 Direct Marketing**

If KitchenAid holds your personal information, KitchenAid may use or disclose that personal information (other than sensitive information) for direct marketing if:

- KitchenAid collected the information from you; and
- you would reasonably expect KitchenAid to use or disclose the information for that purpose; and
- KitchenAid provided you with a simple way to opt out of receiving direct marketing from KitchenAid; and you have not made such an opt out request to KitchenAid.

KitchenAid may also use or disclose your personal information (other than sensitive information) for direct marketing if:

- KitchenAid collected the information from you and you would not reasonably expect KitchenAid to use or disclose the information for that purpose or someone other than you; and
- either:
  - you have consented to the use or disclosure of the information for that purpose; or
  - it is impracticable to obtain that consent; and
- in each non-electronic direct marketing communication with you:

- KitchenAid includes a prominent statement that you can request to opt out; or
- KitchenAid otherwise draw your attention to the fact that you can request to opt out; and
- you have not made such a request to KitchenAid.

KitchenAid can use or disclose your sensitive information for the purpose of direct marketing if you have consented to the use or disclosure of that information for direct marketing.

KitchenAid may also use or disclose your personal information for direct marketing if:

- KitchenAid is a contracted service provider for a Commonwealth contract or New Zealand Government contract; and
- KitchenAid collected your information in order to meet an obligation under that contract; and
- the use or disclosure is necessary to meet (directly or indirectly) such an obligation.

If KitchenAid has collected the personal information that KitchenAid used to send you direct marketing material from a third party, you can ask KitchenAid to notify you of its source of information. It is KitchenAid's policy to do so unless it is unreasonable or impracticable.

KitchenAid may only send electronic direct marketing to you in accordance with the Spam Act 2003 (in Australia) or the Unsolicited Electronic Messages Act 2007 (in New Zealand). Refer to section 21 below for further information.

## **14 How to opt out of direct marketing**

If KitchenAid uses or discloses your personal information for the purpose of direct marketing, you may request not to receive direct marketing communications from KitchenAid.

If KitchenAid uses or discloses your personal information for the purpose of facilitating direct marketing by other organisations, you may request that KitchenAid does not use or disclose your information for this purpose.

KitchenAid will give effect to your request not to receive direct marketing from KitchenAid or an entity facilitated by KitchenAid free of charge within a reasonable time after the request is made.

To opt out of direct marketing, please contact KitchenAid's Privacy Officer.

## **15 Collection Notices**

At or before the time of collection of personal information from you, or as soon as practicable afterwards, KitchenAid will take reasonable steps to notify you or to otherwise ensure that you are aware of:

- KitchenAid's contact details;
- the fact that KitchenAid collects, or has collected, your personal information and the circumstances of that collection (if not collected from you);
- if the collection is required or authorised by law or a court/tribunal order;
- why the personal information was collected by KitchenAid;
- the consequences to you if KitchenAid does not collect all or some of your personal information;

any other entity, body or person, or the types of any other entities, bodies or persons, to which KitchenAid usually disclose personal information;

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- if KitchenAid is likely to disclose your personal information to overseas recipients and if so, the countries in which such recipients are likely to be located (if it is practicable to specify those countries or to otherwise make the individual aware of them); and
- this privacy policy, which explains how:
  - you may access personal information held by KitchenAid and seek the correction of the information;
  - you may complain about a breach of the APPs/IPP, or a registered APP code or IPP privacy code (if any) that KitchenAid is bound by and how KitchenAid will deal with a complaint.

KitchenAid will generally include these matters in a collection notice. For example, where personal information is collected on a paper or website form, KitchenAid will include a collection notice, or a clear link to it, on the form.

Collection notices may provide more specific information than this Privacy Policy in relation to particular collections of personal information. The terms of this Privacy Policy are subject to any specific provisions contained in collection notices and in terms and conditions of particular offers, products and services. KitchenAid encourages you to read those provisions carefully.

#### **16 Protecting your personal information**

KitchenAid stores information in different ways, including paper and electronic form. KitchenAid takes reasonable steps to protect it from misuse, interference, loss, unauthorised access, modification or disclosure including:

- secure password protected databases for storage;
- confidentiality requirements of staff;
- security measures for access to KitchenAid's systems including firewalls;
- servers kept at a secure location with limited access;
- document storage security requirements;
  - access controls for KitchenAid's building;
  - limit the provision of personal information to third parties and subject to guarantees about use; and
  - employees are trained to deal with the information.

KitchenAid cannot guarantee that personal information will be protected against unauthorised access or misuse and KitchenAid does not accept any liability for the improper actions of unauthorised third parties.

KitchenAid will retain your personal information for as long as necessary to fulfil KitchenAid's obligations to you, to protect KitchenAid's legal interests, to comply with Australian or New Zealand law or as otherwise stated to you when KitchenAid collected your personal information.

Once KitchenAid is no longer required to retain your personal information, KitchenAid will take reasonable steps to destroy your personal information or to ensure that your personal information is de-identified.

#### **17 Disclosing your personal information overseas**

KitchenAid and its related entities may disclose your personal information to other third party service providers operating outside Australia who work with KitchenAid or one of KitchenAid's suppliers, agents, or partners. KitchenAid may also store your personal information on servers based overseas or in the "cloud" or other types of networked or electronic storage.

Before disclosing your personal information to an overseas third party, KitchenAid will first take reasonable steps to ensure that the overseas recipient:

- does not breach the Australian Privacy Principles or, if applicable, the IPPs in relation to your personal information; or
- the recipient of the information is subject to a law, or binding scheme, that has the effect of protecting your personal information in a way that is substantially similar to the way in which the Australian Privacy Principles or, if applicable, the IPPs protect the information.

Personal information may be disclosed by KitchenAid to other KitchenAid entities and third parties in jurisdictions including: New Zealand and the United States of America. The European Commission has recognized these countries as providing adequate protection of personal information.

To make it easy for you to deal with KitchenAid and provide you with a more personal and consistent experience, KitchenAid may exchange and combine personal information with related entities for the purposes described in this Privacy Policy.

If your personal information is collected using a document that references this Privacy Policy, you are taken to consent to the disclosure, transfer, storing or processing of your personal information outside of Australia.

You acknowledge and understand that by providing such consent:

- KitchenAid will not be required to take steps as are reasonable in the circumstances to ensure that such third parties comply with the APPs;
- if the overseas recipient handles your personal information in breach of the APPs:
  - KitchenAid will not be liable under the Privacy Act 1998 (Cth); and
  - you will not be able to seek redress under the Privacy Act 1988 (Cth);
- the overseas recipient may not be subject to any privacy law or principles similar to the APPs;
- you may be unable to seek redress overseas;
- the overseas recipient is subject to a foreign law that could compel the disclosure of personal information to a third party, such as an overseas authority.

If you withdraw consent, KitchenAid will not rely on this consent when dealing with your information going forward.

#### **18 Anonymity**

You have the option of not identifying yourself or using a pseudonym when dealing with KitchenAid provided that it is lawful and practicable.

KitchenAid will try to accommodate a request for anonymity if possible. However, your right to anonymity does not apply in relation to a matter if:

- KitchenAid is required or authorised by law or a court/tribunal order to deal with individuals who have identified themselves; or
- it is impracticable for KitchenAid to deal with individuals who have not identified themselves.

It is KitchenAid's policy to enable you to access the Websites and make general phone queries without having to identify yourself and to enable you to respond to KitchenAid's surveys anonymously.

In some cases however, if you don't provide KitchenAid with your personal information when requested, KitchenAid may not be able to respond to your request or provide you with products and/or services. For example, you must identify yourself to become a customer.

## **19 Accessing to your personal information**

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You have the right, upon request, to access any of KitchenAid's records containing your personal information.

To request access to your personal information please contact KitchenAid's Privacy Officer. KitchenAid will respond to your request to access your personal information within a reasonable period of time. On the basis that it is reasonable and practicable to do so, KitchenAid will give you access to the information requested.

If KitchenAid refuses your request to access personal information, KitchenAid will provide a written notice setting out the reasons for the refusal and how you can complain about the refusal.

Reasons for a refusal may include if it:

- poses a serious threat to the life, health or safety of any individual, or to public health or public safety;
- would have an unreasonable impact on others' privacy;
- is frivolous or vexatious;
- in Australia, relates to existing or anticipated legal proceedings with you and would not be accessible by the process of discovery in those proceedings;
- in New Zealand, would breach legal professional privilege;
- in Australia, would reveal KitchenAid's intentions in relation to negotiations with you in such a way as to prejudice those negotiations;
- would be unlawful;
- denying access is required or authorised by law or court/tribunal order;
- would be likely to prejudice one or more enforcement related activities; or
- relates to commercially sensitive decision making in Australia.

When you make a request to access personal information, KitchenAid will require you to provide some form of identification (such as a driver's licence or passport) so KitchenAid can verify that you are the person to whom the information relates.

KitchenAid will take reasonable steps to ensure KitchenAid's records of personal information are accurate, up-to-date and complete.

However, the accuracy of information depends to a large extent on the information you provide. If you do not give KitchenAid all the personal information KitchenAid may require, or the personal information provided is inaccurate or incomplete, then the products, services and information KitchenAid provide may be affected.

If you think there is something wrong with the information KitchenAid holds about you please contact KitchenAid's Privacy Officer to:

- let KitchenAid know if there are any errors; and
- keep KitchenAid up-to-date with any changes, and KitchenAid will try to correct your personal information.

KitchenAid will respond to requests to correct your personal information free of charge and in a reasonable period of time. If KitchenAid refuses your request, KitchenAid will provide written notice setting out the:

- reasons for the refusal; and
- mechanisms available to complain about the refusal.

If KitchenAid refuses to correct your personal information, you may request that KitchenAid associate your information with a statement that the information is inaccurate, out of date, incomplete, irrelevant or misleading.

KitchenAid will take reasonable steps to make the statement visible to users of your personal information.

If KitchenAid does correct your personal information and KitchenAid has previously disclosed your personal information to a third party, upon your request, KitchenAid

will notify that third party of the correction unless it is impracticable or unlawful to do so.

## **21 Dealing with SPAM**

KitchenAid will not send you any commercial electronic messages (SMS or emails) unless it is permitted by the Spam Act 2003 (in Australia) or the Unsolicited Electronic Messages Act 2007 (in New Zealand) (for example, KitchenAid has your express or inferred consent). Any commercial electronic message that KitchenAid sends will identify KitchenAid or the KitchenAid-managed brands as the sender and will include relevant contact details and an unsubscribe facility.

If you do not wish to receive commercial electronic messages from KitchenAid, please contact the Privacy Officer or use the applicable unsubscribe facility.

## **22 Do not call register**

KitchenAid will not call you on a number listed on the Do Not Call Register unless it is permitted under the Do Not Call Register Act and related instruments (for example, if KitchenAid has your express or inferred consent to do so).

If you do not wish KitchenAid to call you on a particular number, please contact KitchenAid's Privacy Officer.

## **23 Resolving your privacy issues**

If you have any issues you wish to discuss with KitchenAid or if you're concerned about how KitchenAid has collected or managed your personal information please contact KitchenAid's Privacy Officer.

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For information about privacy or if your concerns are not resolved to your satisfaction, you may contact the Office of the Australian Information Commissioner at [www.oaic.gov.au](http://www.oaic.gov.au) and on 1300 363 992, or the New Zealand Privacy Commissioner at [www.privacy.org.nz](http://www.privacy.org.nz) and on 0800 803 909.

**24 Changes to this privacy policy**

KitchenAid may, from time to time, review and update this privacy policy to take account of new laws and changes to KitchenAid's operations. Changes to this Privacy Policy will not affect KitchenAid's use of previously provided information.

**25 How to access this privacy policy**

A copy of this Privacy Policy is available on the Websites. A printed copy of the privacy policy can be obtained free of charge by contacting KitchenAid's Privacy Officer.

**26 KitchenAid's Privacy Officer**

KitchenAid's Privacy Officer can be contacted at:

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- [Email: privacy@KitchenAid.com.au](mailto:privacy@KitchenAid.com.au)
  - Telephone: (02) 49026500
  - Fax: (02) 49026501
  - Post: PO Box 185 West Wallsend, NSW 2286.