Privacy Policy

External Use Only		
Amended by:	Board	March 2025
Approved and Issued for Use:	CEO	March 2025
Next Review Date:	Board	February 2026

The Queensland Chamber of Fruit and Vegetable Industries Co-operative Limited

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General

In this privacy policy, the expressions “Brismark”, "we", "us" and "our" are a reference to The Queensland Chamber of Fruit and Vegetable Industries Cooperative Limited (Reg No 146274124) and its Related Bodies Corporate (as defined by the provisions of the Corporations Act 2001 (Cth)).

Brismark is a member organisation for fruit and vegetable primary wholesalers operating in the Brisbane Produce Market.

Brismark has approximately 50 Members all of whom are primary wholesalers of fresh fruit and vegetables, receiving product from growers all around Australia. Brismark operates in the interest of its Members and provides services to groups including:

- Primary Wholesalers
- Secondary Wholesalers
- Independent Retailers
- job seekers
- growers and industry groups.

In our dealings with these groups, Brismark collects information for a range of purposes including but not limited to credit applications, membership applications, FreshTest requests and employment applications.

This privacy policy applies to personal information collected by us. We are bound by the Privacy Act 1988 (Cth) (**Privacy Act**), which governs the way private sector organisations collect, use, keep secure and disclose personal information.

This Privacy Policy is to inform people of:

- how and when Brismark collects personal information;
- how Brismark uses and discloses personal information;
- how Brismark keeps personal information secure, accurate and up to date;
- how an individual can access and correct their personal information; and
- how Brismark will facilitate or resolve a privacy complaint.

If you have any concerns or complaints about the manner in which your personal information has been collected, used or disclosed by us, we have put in place an effective mechanism and procedure for you to contact us so that we can attempt to resolve the issue or complaint. Please see paragraph 12 for further details.

We can be e-mailed at privacyofficer@brismark.com.au or you can write to us at PO Box 70, Brisbane Markets, Rocklea Qld 4106 or contact us on (07) 3915 4222 and our privacy officer will

then attempt to resolve the issue.

We recommend that you keep this information for future reference.

1. What is Personal Information?

The Privacy Act defines “personal information” to mean information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an identified individual or an individual whose identity is reasonably identifiable, from the information or opinion.

2. Sensitive Information

2.1. What is Sensitive Information?

a. Sensitive information is a subset of personal information. It means information or opinion about an individual’s racial or ethnic origin, political opinions, membership of a political organisation, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, criminal record, health information about an individual, genetic information, biometric information that is to be used for the purpose of automated biometric verification or biometric identification or biometric templates.

b. In general, we attempt to limit the sensitive information we collect from you, but depending on your use of our products and services this may not always be possible, and we may collect sensitive information from you in order to provide our products or services to you. However, we do not collect sensitive information from you without your consent.

c. The type of sensitive information we may collect from you or record about you is dependent on the products or services provided to you by Brismark and will be limited to the purpose(s) for which it is collected. We do not use sensitive information to send you Direct Marketing Communications (as defined in paragraph 7 below) without your express consent.

2.2. Consent to collection of certain types of sensitive information

We may collect certain types of sensitive information where you have consented and agree to the collection of such information.

Generally speaking, we will obtain this type of consent from you at (or around) the point in time in which we collect the information. If you are an employee, potential employee or contractor who may provide services to Brismark or an employee, potential employee or contractor of a user of Brismark’s recruitment service, we may be required to collect the following types of sensitive information from you:

a. the result of your criminal records check; and

b. health or medical information,

but only to the extent that where you volunteer such information or if it is necessary for, or incidental to, the purposes of collection set out in paragraph 4.

3. Collection of your Personal Information

3.1 We only collect personal information that is necessary for what we do and we hold the personal information we collect within our own data storage devices or with a third party provider of data storage. The type of information we may collect from you ultimately depends on the purpose of collection. We have set out the general purposes of collection at paragraph 4 below.

3.2 To the extent practicable, you will have the option of dealing with Brismark on an anonymous basis or through the use of a pseudonym. However, there may be circumstances in which it is no longer practicable for Brismark to correspond with you in this manner and your personal information may be required in order to provide you with Brismark's products and services or to resolve any issue you may have.

3.3 In the event we collect personal information from you, or a third party, in circumstances where we have not specifically requested that information (unsolicited information), and it is determined by Brismark (in its absolute discretion) that the personal information is not required, we will destroy the information or ensure that the information is de-identified.

3.4 The type of information we may collect from you includes (but is not limited to) the following:

a. your contact information such as full name (first and last), e-mail address, current postal address, delivery address (if different to postal address) and phone numbers;

b. details relating to your employment (if applicable) or your previous employment, which shall include, but is not limited to, obtaining your tax file number and superannuation details;

c. details relating to your education, qualifications and any licenses you hold, if applicable;

d. your date of birth and proof of your date of birth (including, but not limited to, driver's licence, passport, birth certificate);

e. emergency contact details;

f. any sensitive personal information listed in paragraph 2.2;

g. if applicable, details pertaining to your financial position, including any bank account details, personal assets, investments and liabilities (including but not limited to any vehicles, land, properties), shareholdings of any companies, and to the extent applicable any bankruptcy (or similar) relating to you, information relating to your good character and reputation (such as a referee's report or opinion), along with any other information considered relevant by Brismark;

h. if applicable:

1. any directorships, or other positions acting as an officer, of any companies;

2. the duration of time you have operated your business, including the duration of time you have traded with the Brisbane Markets; and
3. previous industry experience;

i. if applicable, details, including but not limited to financial details, which shall include but is not limited to assets and liabilities (including but not limited to any vehicles, land, properties), relating to any companies you may own or have owned, be associated or involved with or have a previous association or involvement, and to the extent applicable any insolvency or administration, or similar, of any company relating to you, along with any other information considered relevant by Brismark;

j. your opinions, statements and endorsements collected personally or via surveys and questionnaires, including but not limited to your views on the products and services offered by Brismark;

k. if you are requesting services from us or we are purchasing goods or services from you, then any relevant payment or billing information (including but not limited to bank account details, direct debit, credit card details, billing address, repayment information and invoice details); and

l. photographs or video images taken at Brismark's premises or its surrounding premises, which includes premises owned (or operated) by Brisbane Markets Limited.

3.5 As much as possible or unless provided otherwise under this privacy policy, we will collect your information directly from you. If we collect details about you from someone else, we will, whenever reasonably possible, make you aware that we have done this and why, unless:

a. such information is in relation to credit information received from third parties, such as credit reporting bodies;

b. such information consists of photographs or video footage taken at Brismark's premises or its surrounding premises, which includes premises owned (or operated) by Brisbane Markets Limited and where we require such photographs or video footage for verification of your attendance at Brismark's premises or for legal or employment purposes;

c. such information is received from any credit referee, trade referee or personal referee you have listed on any application form with Brismark;

d. we have collected this information from publicly available sources (such as court judgments, searches and social media); or

e. as otherwise required or authorised by law.

3.6 Brismark may also collect personal information about you from other sources, such as when you engage in certain activities, such as entering a contest or promotion, filling out a survey or sending us feedback, we may ask you to provide certain information. It is completely

optional for you to engage in these activities.

3.7 Depending upon the reason for requiring the information, some of the information we ask you to provide may be identified as mandatory or voluntary. If you do not provide the mandatory data or any other information we require in order for us to provide our services to you, we may be unable to effectively provide our services to you.

3.8 If you use our website, we may utilise "cookies" which enable us to monitor traffic patterns and to serve you more efficiently if you revisit our website. A cookie does not identify you personally but may identify your internet service provider or computer. You can set your browser to notify you when you receive a cookie and this will provide you with an opportunity to either accept or reject it in each instance. In some cases, cookies may enable us to aggregate certain information with other personal information we collect and hold about you.

3.9 We may gather your IP address as part of our business activities and to assist with any operational difficulties or support issues with our services. This information does not identify you personally.

4. How we may use and disclose your Personal Information

4.1 We will only use or disclose your personal information for the primary purposes for which it was collected or as consented to below.

4.2 You consent to us using and disclosing your personal information collected in accordance with paragraph 3, to facilitate a purpose in connection with:

a. if required, the verification of your identity;

b. the verification of your date of birth, if applicable;

c. the provision of our services to you, which shall include but is not limited to:

1. contacting you to discuss the provision of our (or our related entities or Brisbane Markets Limited) services to you;

2. the processing of your application for membership of Brismark;

3. the FreshTest Australia service and other consultancy services in relation to food safety and work health and safety;

4. the provision of our training services to you;

5. if applicable, the processing of any credit service application, buying brand application, primary billing facility application, payment facility application, or similar forms, and the renewal of any of the foregoing, to carry out buyer or biller activities at the Brisbane Markets, which shall include but is not limited to obtaining details, or the confirmation of those details:

a. pertaining to your financial position, including any direct debit bank account

details, personal assets and liabilities (including but not limited to any vehicles, land, properties), shareholdings of any companies;

b. relating to any company you may own or have owned, be associated or involved with or have a previous association or involvement, including but not limited to financial details, assets and liabilities (including but not limited to any vehicles, land, properties), and checks on any former bankruptcy or association with any company that has entered into administration, receivership, liquidation or has been wound up;

c. relating to reference checks from third parties, which shall include but not be limited to financial credit checks and other checks as referred to in paragraph 4.2(c)12, personal references, trade references, the average amounts spent with those parties from whom the references are obtained and whether, as an applicant, you complied with their credit terms;

6. if applicable, the provision of our bookkeeping services to you, which includes but is not limited to obtaining details:

   a. pertaining to your financial position, including any bank account details, assets and liabilities (including but not limited to any vehicles, land, properties and shareholdings in any company);

   b. relating to your financial activity, including but not limited to information contained in Credit Service statements, debit account statements, share statements, account ledgers, online banking accounts; and

   c. relating to any business transactions (if relevant).

7. calculating tax claims as part of Brismark's bookkeeping service;

8. collecting any amounts you may owe any Brismark credit service billing entity in relation to any credit and dealing with serious credit infringements;

9. if applicable, the processing of any deed of guarantee & indemnity or other type of guarantee in relation to any type of credit application or any other instance where you have agreed to act as a guarantor;

10. if applicable, the processing of your application for a fuel card;

11. if applicable, the processing of your application for employment with Brismark or users of Brismark's recruitment service;

12. the administration and management of our services, including charging, billing, credit card authorisation and verification, checks for financial standing, credit-worthiness (including but not limited to undertaking an assessment for credit loss and obtaining credit references, if applicable), tax compliance, fraud and collecting debts;

13. assisting you to avoid defaults;
14. if applicable, the provision of our web and mobile application Brisbane Markets Price Report (**App**), and managing your subscription to the App;
15. handling any complaints or disputes in relation to any credit facility offered to you;
16. offering you updates, or other content or services that may be of interest to you;
17. facilitating the administration and management of Brismark, including but not limited to:
    a. the use of your personal information collected in accordance with paragraph 3 in the administration and management of Brismark, which shall include but is not limited to the credit service committee (and any considerations and determinations made by the aforesaid committee);
    b. any auditing or governance requirements of Brismark;
    c. managing the credit that we may provide you on behalf of a Brismark credit service billing entity; and
    d. managing our risks and to help identify and investigate illegal activity, such as fraud;
18. as may be applicable, assisting Brisbane Markets Limited with:
    a. coordinating, managing and maintaining goods orders and security at the Brisbane Markets, which shall include but not be limited to protecting the rights and safety of other parties at the Brisbane Markets premises; and
    b. investigating and reporting information to third parties regarding any accidents or incidents that may have occurred at the Brisbane Markets premises;
19. the improvement of our services (including to contact you about those improvements and asking you to participate in surveys about our services);
20. the maintenance and development of our services, business systems and infrastructure;
21. marketing and promotional activities by us and our related bodies (including by direct mail, telemarketing, email, SMS messages) such as our customer loyalty programs and newsletters (other than in relation to your sensitive information);
22. providing customer service functions, including handling customer enquiries and complaints (which shall include, but is not limited to, any complaints in relation to non-payment of any account with Brismark or the Brismark credit service);
23. our compliance with applicable laws; and
24. any other matters reasonably necessary to continue to provide our products and services to you.

4.3 We may also use or disclose your personal information and in doing so we are not required to seek your additional consent:

a. when it is disclosed or used for a purpose related to the primary purposes of collection detailed above and you would reasonably expect your personal information to be used or disclosed for such a purpose;

b. if it is unreasonable or impractical to obtain consent and we reasonably believe that the use or disclosure is necessary to lessen or prevent a serious or imminent threat to an individual's life, health or safety or to lessen or prevent a threat to public health or safety;

c. if we have reason to suspect that unlawful activity has been, or is being, engaged in; or

d. if it is required or authorised by law.

4.4 In the event we propose to use or disclose such personal information other than for reasons in 4.1, 4.2, and 4.3 above, we will first seek your consent prior to such disclosure or use.

4.5 Any other use or disclosure we make of your personal information will only be as required by law or as permitted by the *Privacy Act* or by this privacy policy or otherwise with your consent.

5. The types of organisations to which we may disclose your personal information

5.1 We may disclose your personal information to organisations outside of Brismark. Examples of organisations and/or parties that your personal information may be provided to include:

a. related entities and subsidiaries of Brismark;

b. The Australian Chamber of Fruit and Vegetable Industries Limited (ACN 065 246 808);

c. Brismark credit service billing entities, which will include primary wholesalers that operate at the Brisbane Markets;

d. Brisbane Markets Limited (ACN 064 983 017) ;

e. third parties, such as the Australian Taxation Office, external debt recovery agents or the appropriate court (depending on the value of the debt);

f. guarantors, if any;

g. if applicable, credit references and trade references (to the extent we have received a signed authority or they have been nominated by you on any application form with Brismark),

h. if applicable, credit reporting bodies, such as Equifax and CreditorWatch (see paragraph 6 for further information) and credit providers; and

i. our contractors and agents, including but not limited to Brismark's third party payment providers, auditors and any companies who assist us in providing our products and

services to you.

5.2 Your personal information is disclosed to these organisations and/or parties only in relation to the goods or services we provide to you or for a purpose permitted by this privacy policy.

5.3 We take such steps as are reasonable to ensure that these organisations and/or parties are aware of the provisions of this privacy policy in relation to your personal information.

6. Credit information and our credit reporting policy

6.1 The Privacy Act contains provisions regarding the use and disclosure of credit information, which applies in relation to the provision of both consumer credit and commercial credit.

6.2 When you apply for a credit facility (of any description) with Brismark in relation to any purchases or request for ancillary services from any Brismark credit service billing entity who operates at the Brisbane Markets, or where you agree to be a guarantor, we may need to carry out credit reference checks in relation to you and/or your company. One of our checks will include, but is not limited to, obtaining a credit report about you.

6.3 To the extent necessary, you give your **express voluntary consent** to Brismark obtaining credit reports about you from credit reporting bodies.

6.4 We use credit related information for the purposes set out in paragraph 4.2 (other than paragraphs 4.2c.16, 4.2c.18.b), 4.2c.19 and 4.2c.21, which includes but is not limited to using the information for our own internal assessment of your credit worthiness (as undertaken by the Brismark credit service committee).

6.5 We will store any credit information you provide us, or which we obtain about you, with any other personal information we may hold about you.

6.6 You may request to access or correct your credit information in accordance with the provisions of paragraph 11.

6.7 Please see paragraph 12 if you wish to make a complaint in relation to our handling of your credit information.

6.8 Brismark obtains credit reports from Equifax Australia Information Services and Solutions Pty Limited and CreditorWatch Pty Ltd and they can be contacted at:

Equifax:

Phone: 138 332

Website: www.equifax.com.au

Email: subscriberassist.au@equifax.com

Address: GPO Box 964, North Sydney NSW 2059

CreditorWatch

Phone:	1300 50 13 12
Website:	www.creditorwatch.com.au
Email:	accounts@creditorwatch.com.au
Address:	GPO Box 276, Sydney NSW 2001

6.9 Please see our Credit Reporting Policy (click here) for further information as to the manner in which we collect, use, store and disclose credit information. You can also request a copy by contacting us via the details set out at the top of this document.

7. Direct Marketing

7.1 You expressly consent to us using your personal information, including any email address you give to us, to provide you with information and to tell you about our products, services or events or any other direct marketing activity (including third party products, services, and events) (**Direct Marketing Communications**) which we consider may be of interest to you.

7.2 Without limiting paragraph 7.1, if it is within your reasonable expectation that we send you Direct Marketing Communications given the transaction or communication you have had with us, then we may also use your personal information for the purpose of sending you Direct Marketing Communications which we consider may be of interest to you.

7.3 If at any time you do not wish to receive any further Direct Marketing Communications from us, you may ask us not to send you any further information about products and services and not to disclose your information to other organisations for that purpose. You may do this at any time by using the “unsubscribe” facility included in the email or by contacting us via the details set out at the top of this document.

8. Photographs and Closed Circuit Television

8.1 As indicated above in paragraph 3.5b)Brisbane Markets Limited may take photographs of you within the premises of Brisbane Markets and surrounding areas, and Brisbane Markets Limited may use these for marketing and advertising purposes. Unless you otherwise advise us, you expressly agree and consent to the use of any photographs which may include you, for the aforementioned purposes, without compensation.

8.2 As part of the security system at the Brisbane Markets, a closed circuit television (CCTV) system is used at certain locations. Use of CCTV is integral to Brisbane Market’s security system. The CCTV images are stored for 60 days and may be viewed and used by Brisbane Markets Limited and Brismark in the event of any incident, accident, employment or security requirement (or as otherwise required by law).

9. Cross Border Disclosure

9.1 Any personal information provided to Brismark may be disclosed to, or stored at, a destination outside Australia, including but not limited to Ireland and the United States of

America where we may utilise third party service providers to assist us with providing goods and services to you. We may store personal information in cloud or other types of networked or electronic storage. As this type of storage can be accessed from various countries via an internet connection, it is not always practicable to know where your information may be held. If your information is stored in this way, disclosures may occur in countries other than those listed. Personal information may also be processed by staff or by other third parties operating outside Australia who work for us or for one of our suppliers, agents, partners or related companies.

9.2 By submitting your personal information to Brismark, you expressly agree and consent to the disclosure, transfer, storing or processing of your personal information outside of Australia. In providing this consent, you understand and acknowledge that countries outside Australia do not always have the same privacy protection obligations as Australia in relation to personal information. However, we will take steps to ensure that your information is used by third parties securely and in accordance with the terms of this privacy policy.

9.3 The Privacy Act requires us to take such steps as are reasonable in the circumstances to ensure that any recipients of your personal information outside of Australia do not breach the privacy principles contained within the Privacy Act. By providing your consent, under the Privacy Act, we are not required to take such steps as may be reasonable in the circumstances. However, despite this, we acknowledge the importance of protecting personal information and have taken reasonable steps to ensure that your information is used by third parties securely and in accordance with the terms of this privacy policy.

9.4 If you do not agree to the transfer of your personal information outside Australia, please contact us by via the details set out at the top of this document.

10. Data Quality and Security

10.1 We have taken steps to help ensure your personal information is safe. You will appreciate, however, that we cannot guarantee the security of all transmissions or personal information, especially where the Internet is involved.

10.2 Notwithstanding the above, we will take reasonable steps to:

a. make sure that the personal information we collect, use or disclose is accurate, complete and up to date;

b. protect your personal information from misuse, loss, unauthorised access, modification or disclosure both physically and through computer security methods; and

c. destroy or permanently de-identify personal information if it is no longer needed for its purpose of collection.

10.3 We are required to provide the Australian Information Commissioner (**Commissioner**) with a Notifiable Data Breach statement if an eligible data breach were to occur in relation to

personal information handled by us. An “eligible data breach” occurs where:

a. there is unauthorised access to, disclosure of, or loss of personal information held by us;

b. the unauthorised access, disclosure or loss of the personal information is likely to result in serious harm to an individual to whom the information relates; and

c. we have not been able to reduce the risk of serious harm.

If an eligible data breach occurs in respect of the personal information we hold about you, we will notify you directly of the contents of the relevant Notifiable Data Breach statement or, if this is not practicable, publish a copy of the statement on our website and take reasonable steps to publicise the contents of same. We may also be required to notify the Commissioner of an eligible data breach where necessary.

10.4 The accuracy of personal information depends largely on the information you provide to us, so we recommend that you:

a. let us know if there are any errors in your personal information; and

b. keep us up-to-date with changes to your personal information (such as your name or address).

11. Access to and Correction of your personal information

11.1 You are entitled to have access to any personal information relating to you which we possess, except in some exceptional circumstances provided by law. You are also entitled to edit and correct such information if the information is inaccurate, out of date, incomplete, irrelevant or misleading.

11.2 If you would like access to or correct any records of personal information we have about you, you are able to access and update that information (subject to the above) by contacting us via the details set out at the top of this document.

12. Resolving Privacy Complaints

12.1 We have put in place an effective mechanism and procedure to resolve privacy complaints. We will ensure that all complaints are dealt with in a reasonably appropriate timeframe so that any decision (if any decision is required to be made) is made expeditiously and in a manner that does not compromise the integrity or quality of any such decision.

12.2 If you have any concerns or complaints about the manner in which we have collected, used or disclosed and stored your personal information, please contact us by:

- Telephone: (07) 3915 4222
- Email: privacyofficer@brismark.com.au
- Post: PO Box 70 Brisbane Markets Qld 4160

12.3 Please mark your correspondence to the attention of the Privacy Officer.

12.4 In order to resolve a complaint, we:

a. will liaise with you to identify and define the nature and cause of the complaint;

b. may request that you provide the details of the complaint in writing;

c. will keep you informed of the likely time within which we will respond to your complaint; and

d. will inform you of the legislative basis (if any) of our decision in resolving such complaint

12.5 We will keep a record of the complaint and any action taken in a Register of Complaints.

13. Consent

13.1 By using our website or by accepting the terms of one of our terms and conditions which refer to this privacy policy, you are agreeing to the terms of this privacy policy.

13.2 This privacy policy is a compliance document prescribed by law, rather than a legal contract. However, certain contracts may incorporate all or part of this privacy policy in such a way that impose contractual obligations on you, but not on us.

13.3 We reserve the right to modify our privacy policy as our business needs require. We will notify you of such changes (whether by direct communication or by posting a notice on our website), after which, your continued use of our products, services or website or your continued dealings with us shall be deemed to be your agreement to the modified terms. If you do not agree to our continued use of your personal information due to the changes in our privacy policy, please contact us via the details set out at the top of this document.

Appendix 1 – Data Sovereignty

System	Usage	Location Cloud or On Prem	Data Location (Jurisdiction)	Description of data stored
Xero	Brismark Payroll software	Cloud	AWS - USA	Staff Payroll information
Tencia	Brismark Accounting software	Cloud	AWS - Sydney Australia	Financial data including suppliers and debtors
Credit Service Platform	Credit Service processing application	Cloud	AWS - Sydney Australia	Invoices, credit files, statements, receipts
Brismark Servers	Central depository for organisation	Cloud	AWS - Sydney Australia	All departmental working documents
MailChimp	mass messaging, communication	Cloud	AWS - USA	contact details name, email addresses
Microsoft 365	Email, Onedrive, Sharepoint	Cloud	Sydney, Australia	Emails, Intranet data, Polices / Procedures
Barracuda	Emails	Cloud	Australia	Emails
Credit Service Cloud (Glue Dev Platform)	Mailchimp contacts sync	Cloud	AWS - Sydney Australia	Contact details - name, email addresses, phone number, organisation details
Exclaimer (Signature Manager)	stamp email signatures	Cloud	Azure - Australia East - NSW	Staff contact name, email, phone numbers
Github	Developer code storage	Cloud	AWS - USA	Code repository - CRS Cloud (Glue Developed), brismarkonline.com.au code