

# Management of Personal Information Policy (Privacy Policy) Henkel Australia and New Zealand

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## 1 Purpose

Henkel Australia Pty Ltd and Henkel New Zealand Limited (both, **Henkel, we, us**) are committed to respecting the privacy of all employees, customers and vendors, and complying with all applicable privacy laws.

These are set out in:

- the Privacy Act 1988, which contains the Australian Privacy Principles (APPs) and in relevant privacy codes. See <http://www.oaic.gov.au/privacy/privacy-resources/privacy-fact-sheets/other/privacy-fact-sheet-17-australian-privacy-principles>;
- the Privacy Act 1993, which contains the New Zealand Information Privacy Principles (IPPs). See <https://privacy.org.nz/the-privacy-act-and-codes/> (both, **Privacy Acts**); and
- where Personal Information is controlled or processed on our behalf by our parent company, Henkel AG & Co. KgaA, or another Henkel company in the European Union, the EU's General Data Protection Regulation (**GDPR**). See <https://gdpr-info.eu/>.

This Policy is intended to adopt the highest applicable privacy laws in Australia and New Zealand, and incorporates the GDPR to the extent applicable. To the extent of any inconsistency with local laws (Australia and New Zealand), this Policy imposes whichever is the higher standard.

Where the Acts and the GDPR use different terms with the same or a similar meaning, this Policy uses the term from the Acts. For example, the term "Personal Information" in the Acts has a similar definition to the term "Personal Data" in the GDPR – in this policy "Personal Information" is used to apply to both terms.

This Policy outlines the circumstances surrounding the management of personal information in accordance with privacy laws.

## 2 Commencement of Policy

This Policy will commence from 1 December 2018. It replaces all other privacy and personal information management policies of Henkel.

## 3 Application of Policy

This Policy applies to all Henkel's dealings with individuals, including employees (past and present) and prospective employees of Henkel. This Policy does not form part of any employee's contract of employment.

## 4 What is Personal Information?

**Personal information** is information or an opinion about an identified individual, or an individual who is identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not (i.e. digitally or hard copy).

**Sensitive information** is a special category of personal information includes information or an opinion about a person's health, race or ethnic origin, political, religious or philosophical beliefs, membership of a trade union or association, criminal record, sex life, sexual orientation and genetic and 'biometric' information.

Henkel also treats credit card or bank account information as sensitive.

We will only collect a person's sensitive information where it is reasonably necessary for our business activities and with the person's consent.

## **5 Use of Personal Information**

### **5.1 For what purposes does Henkel use personal information?**

Henkel only uses personal information which is reasonably necessary for our dealings with the relevant individual in the course of our business.

In general, we use personal information for the following purposes:

- providing products or services that have been requested;
- communicating with the individual;
- assessing the creditworthiness of prospective customers;
- helping us manage and enhance our products and services, including conducting market research, analysing customer feedback and future customer needs;
- providing ongoing information about our products and services to individuals that we believe may be interested;
- complying with regulatory and legal obligations; or
- recruiting and managing employees and engaging contractors.

In addition to the above purposes, we may also use personal information where an individual has consented to one or more specific purposes, or as necessary for compliance with our legal obligations, or otherwise for a legitimate purpose that is not overridden by the individual's fundamental rights and freedoms.

### **5.2 What kinds of personal information does Henkel collect?**

The kinds of personal information that Henkel collects will depend upon the dealings the relevant individual may have with us. We may collect information about:

- purchasers or potential purchasers of our products (for example, in the ordinary course of dealings, in relation to credit applications and sales and marketing and promotional activities);

- suppliers (for example, when establishing records and systems to enable payment for goods or services);
- job applicants (for the purposes of employment);
- employees (employee records);
- individuals as contractors (for example, when establishing records and systems to enable payment for services); or
- other individuals who may come into contact with us.

The kinds of personal information may include, but are not limited to:

- information that identifies a person (for example, name, address, contact details);
- information about a person's financial position (creditworthiness);
- information about a person that is required or authorised by law;
- where a person is an employee or prospective employee or contractor, their date of birth, tax file number, employment history, references, educational qualifications, dependants, driver's licence, passport details, residency or visa status etc;
- a person's opinion about Henkel's products, services or staff.

### **5.3 How does Henkel collect personal information?**

Henkel primarily collects information directly from individuals. However, in some cases, we may receive that information from other sources, such as a third party who discloses the information to us in connection with providing a product or service requested by the individual.

If Henkel collects personal information directly from an individual, we will notify the individual, at the time of collection, of the following information:

- Henkel's identity and the contact details of our representative who handles privacy related enquiries and requests (see 14 below);
- the facts and circumstances of the collection;
- whether and how the collection is required or authorised by law;
- the purposes of collection;
- the length of time we will keep the information;
- the consequences if personal information is not collected;
- how and to whom else we may disclose that personal information;
- information about our Privacy Policy, including an individual's right to access and seek correction of personal information we have about them; and

- whether we are likely to disclose personal information to overseas recipients, and if practicable, the countries where they are located (see 11. **Overseas recipients of Personal Information**).

Where personal information has been collected indirectly (i.e. from a third party), Henkel will notify the individual of the above matters as soon as reasonably practicable, unless doing so would be impossible or involve a disproportionate effort. In addition, we will inform the individual of the source from which we obtained the information.

To the extent practicable, we will also provide individuals with the option of de-identifying themselves or of using a pseudonym when dealing with us.

## **6 Direct marketing**

Henkel will provide a simple means by which individuals may opt-out of direct marketing communications.

## **7 Credit information**

**Credit information** may include information that has a bearing on an individual's eligibility to be provided with credit, their history in relation to credit or their capacity to repay credit. Henkel may obtain credit information directly from an individual or from a credit reporting body in connection with an application for commercial credit or provision of a guarantee relating to such an application. We will only do so where an individual has consented to the disclosure of that information.

Where we obtain credit information, we will only use that information for a credit guarantee purpose, or internal management purposes that are directly related to the provision or management of any credit by it or for debt collection purposes.

## **8 Employees**

### **8.1 Job applicants**

Henkel may collect personal information from job applicants in the course of the recruitment process.

If a job applicant is unsuccessful but they would like Henkel to hold onto their application to consider them for other positions which may arise from time to time, Henkel will obtain the applicant's written consent to do so.

### **8.2 Access to employment records**

In addition to the Privacy Acts, Australia and New Zealand each have separate Acts giving employees the right to access certain statutory employment records, including:

- their employment agreement
- their time and wages records

- their leave records

## 9 Consent and withdrawal of consent

Where Henkel relies on an individual's consent to lawfully collect and use their personal information, that consent must be explicit (i.e. not implied), freely given, informed and specific (i.e. distinguishable from consent for other matters or purposes).

Individuals may withdraw their consent at any time by notifying us. We will then delete the individual's Personal Information unless we have another legitimate basis to use that information. Withdrawal of consent may mean that we will no longer be able to offer the same products and services to the individual.

## 10 How long is Personal Information kept?

Henkel keeps personal information only as long as necessary to fulfill the purpose for which it was collected. When we no longer need it for that purpose, Henkel will destroy the information or ensure that the information is de-identified (i.e. it will no longer be possible to connect the information to the individual).

Generally speaking, we keep employee records for seven years or as required by law.

## 11 Overseas recipients of Personal Information

In some circumstances, Henkel may disclose personal information to entities or organisations in other countries (**Overseas Recipients**).

For example, we may utilise shared service centres in Slovakia, India, Philippines, Egypt and Mexico where personal information is stored and processed. We may also disclose personal information, particularly of employees, as part of personnel management and reporting to regional operations in New Zealand, Malaysia, China, India and our head office in Germany.

Henkel will take reasonable steps to ensure that Overseas Recipients comply with the laws and the GDPR in relation to that information.

## 12 Integrity of Personal Information

### 12.1 Right to access and correct

Henkel takes reasonable steps to ensure that the personal information it uses is accurate, up-to-date and complete. However, where this is not the case, individuals have a number of rights they may exercise:

(a) Individuals have the right to:

- access their personal information held by Henkel;
- access information about where and for what purpose we have used their information;

- correct any incorrect information;
- (b) If an individual makes a request for access to or correction of their personal information, Henkel will respond within a reasonable period and, if reasonable and practicable to do so, we will:
- provide the information, unless we consider that there is a sound and lawful reason to withhold it;
  - correct the information, if we are satisfied the information we hold is incorrect.
- (c) If Henkel refuses to give access to or correct personal information as requested by an individual, we will explain our decision to the individual and advise them of mechanisms available to them to complain about that refusal.

## **12.2 Right to be forgotten**

Individuals have the right to have their personal information erased in certain circumstances, including where the information is no longer relevant to the original purpose for which it was collected or where the individual withdraws their consent.

## **12.3 Right to object to or restrict use**

Where Henkel uses personal information without the individual's consent (but pursuant to another legitimate purpose), the individual has the right to object to or restrict such use of their personal information.

## **13 Data breach notification regime**

In the event of a data breach that is likely to result in serious harm to the individual, Henkel will comply with mandatory data breach notification laws. This includes notification to the affected individual and, if the breach is in Australia, also to the Australian Information Commissioner.

## **14 Variations**

Henkel reserves the right to vary, replace or terminate this policy from time to time.

## **15 Availability of this policy**

An up-to-date version of this policy is available at [www.henkel.com.au/privacy](http://www.henkel.com.au/privacy).

## **16 Contact details**

Individuals who wish to exercise any of these rights or have questions about this Policy may contact our privacy policy representative:



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