

# Privacy Policy (GDPR)

[www.kirstinferguson.com](http://www.kirstinferguson.com)

[www.headheartleader.com](http://www.headheartleader.com)



## 1. General

- 1.1 KIRSTIN FERGUSON PTY LTD is a company registered in Australia with company number ACN 149 071 189 and whose registered address is BDO Services Pty Ltd Level 10 12 Creek Street Brisbane QLD 4000 (**KF**).
- 1.2 KF operates this website [www.kirstinferguson.com](http://www.kirstinferguson.com) and/or [www.headheartleader.com](http://www.headheartleader.com) (**Website**).
- 1.3 KF respects your right to privacy and is committed to safeguarding the privacy of its customers and website visitors. This Privacy Policy sets out how KF collects and treats your Data.
- 1.4 Defined words for this Policy are set out in **Schedule 1**.
- 1.5 Type of Data relevant to this Policy are set out in **Schedule 2**.
- 1.6 KF adheres to the Australian Privacy Principles (**APP**) and to the extent applicable, the General Data Protection Regulation (**GDPR**).
- 1.7 It is important that you read this Policy together with any other privacy notice or fair processing notice KF may provide on specific occasions when KF is processing Data about you so that you are fully aware of how and why KF is using your Data. This Policy supplements the other notices and is not intended to override them.

## 2. Purpose

- 2.1 This Policy aims to give you information on how KF collects and processes your Data, which KF receive from Website forms to register, through physical and digital surveys and through your use of the Website.

## 3. Data Protection Officer

- 3.1 KF has appointed a Data Protection Officer (**DPO**). If you have any questions about this Policy or about how KF manages your Data, including any requests to exercise your legal rights, please contact the DPO.
- 3.2 The current DPO is Kirstin Ferguson who can be contacted at [contact@kirstinferguson.com](mailto:contact@kirstinferguson.com)

## 4. What is Collected

- 4.1 KF will, from time to time, receive and store Data and other information you submit to the Website, provide to KF directly, give to KF in other forms or through your interactions with KF.

## 5. **Failure to provide Data**

- 5.1 When KF needs to collect Data because of an obligation or for the provision of its goods or services and you fail to provide that Data when requested, the functionality of the Website or goods or services provided to you may be affected.

## 6. **How KF collects your Data**

- 6.1 KF collects Data from you through your interaction with KF electronically or in person, when you access the Website, when KF engages in business activities with you or from third parties.
- 6.2 By providing KF with Data, you consent to the provision of that Data subject to the terms of this Privacy Policy.

## 7. **How KF uses your Data**

- 7.1 KF may use Data collected from you to provide you with information about KF's goods, services, and opportunities.
- 7.2 KF will use Data only for the purposes that you consent to. This may include to:
  - 7.2.1 provide you with goods or services offered by KF, including but not limited to the sale of books and the personalisation of 'Head & Heart Leader Scale™';
  - 7.2.2 coordinate KF's business administration;
  - 7.2.3 manage, research and develop goods or services offered by KF;
  - 7.2.4 provide you with information about goods or services offered by KF;
  - 7.2.5 communicate with you;
  - 7.2.6 investigate complaints; and
  - 7.2.7 comply with KF's legal and contractual obligations.
- 7.3 If there is a change of control in KF's business or a sale or transfer of business assets, KF may transfer, to the extent permissible at law, KF's user databases, together with any Data and non-data contained in those databases.

## 8. **Disclosure of your Data**

- 8.1 KF may at its discretion disclose your Data to any of KF's employees, officers, insurers, professional advisors, agents, suppliers, or subcontractors for the provision of its goods or services.

## 9. **GDPR for the European Union (EU)**

- 9.1 KF will comply with the principles of data protection set out in the GDPR for the purpose of fairness, transparency and lawful data collection and use;

- 9.2 KF processes your Data as a processor and/or to the extent that KF is a controller as defined in the GDPR;
- 9.3 KF will establish a lawful basis for processing your Data. The KF's current basis for processing types of Data collected under this Policy is set out in **Schedule 3**;
- 9.4 KF will only collect your Data with your express consent for a specific purpose and any Data collected will not be excessive for its purpose;
- 9.5 KF will keep your Data safe and secure;
- 9.6 KF will process your Data if it is necessary for KF's legitimate interests, or to fulfil a contractual or legal obligation;
- 9.7 Unless KF has obtained your consent, KF does not collect or process any Data from you that is considered "Sensitive Personal Information" as defined in the GDPR;
- 9.8 KF does not knowingly collect or process the Data of children.

## 10. **Your rights**

- 10.1 You have certain rights as to how your Data is obtained and used under the APP or GDPR. KF complies with your rights under the APP and GDPR as to how your Data is used and controlled.
- 10.2 Except as otherwise provided in the APP or GDPR, you have the right to: be informed how your Data is being used; access your Data; correct your Data if it is inaccurate or incomplete; delete your Data; restrict processing of your Data; retain and reuse your Data for your own purposes; dispute the use of your Data; and dispute any automated decision-making or profiling.
- 10.3 Please verify your identity and contact the DPO at any time to exercise your rights under the APP or GDPR.

## 11. **Hosting**

- 11.1 The hosting facilities for the Website are situated in Sydney and Melbourne offered by Ventrapp Australia.
- 11.2 Transfer of Data will be protected by appropriate safeguards, which includes either the use of standard data protection clauses adopted or approved by the European Commission which you can obtain from the European Commission Website or a variant used by KF which you can obtain from the DPO.
- 11.3 You acknowledge that Data that you submit for publication through the Website or services may be available, via the internet, around the world. KF cannot prevent the use or misuse of such Data by others.

## 12. **Security of your Data**

- 12.1 KF is committed to ensuring that the Data or information you provide to KF is secure. In order to prevent unauthorised access or disclosure, KF has put in place suitable physical, electronic and protocols to safeguard and secure Data and protect it from misuse, interference, loss and unauthorised access, modification and disclosure.

- 12.2 Where KF employs data processors to process Data on KF's behalf, KF only does so on the basis that such data processors comply with the requirements under the GDPR and the APP.
- 12.3 The transmission and exchange of Data or information is carried out at your own risk. KF cannot guarantee the security of any Data or information that you transmit to us, or receive from us. Although KF takes measures to safeguard against unauthorised disclosures of Data or information, KF cannot assure you that Data that KF collects will not be disclosed in a manner that is inconsistent with this Policy.

### 13. **Access to your Data**

- 13.1 You may request details of Data that KF holds about you in accordance with the provisions of the *Privacy Act 1988 (Cth)*, and to the extent applicable the EU GDPR. If you would like a copy of the Data which KF holds about you or believe that any information KF holds on you is inaccurate, out of date, incomplete, irrelevant or misleading, please email the DPO.
- 13.2 KF may refuse to provide you with information that KF holds about you as set out in the Privacy Act or any other applicable law.

### 14. **Retaining Data**

- 14.1 KF retains Data that it collects for as long as it needs to provide access to the Website or offer the goods or services.
- 14.2 In some circumstances, we may anonymise your Data for research, marketing or statistical purposes in which case we may use this Data indefinitely without further notice to you.

### 15. **Complaints about privacy**

- 15.1 If you have any complaints about KF's privacy practices, please feel free to send in details of your complaints to the Office of the Australian Information Commissioner. KF take complaints very seriously and will respond shortly after receiving written notice of your complaint.

### 16. **Changes to Privacy Policy**

- 16.1 Please be aware that KF may change this Policy in the future. KF may modify this Policy at any time, in KF's sole discretion and all modifications will be effective immediately upon KF's posting of the modifications on the Website or notice board. The most up to date Policy will be available on the Website.
- 16.2 This version was last updated on 23 June 2022. Historic versions are archived and can be obtained by contacting the DPO.

### 17. **Website**

#### 17.1 **When you visit the Website**

When you come to the Website, KF may collect certain information such as browser type, operating system, website visited immediately before coming to the Website etc. This information is used in an aggregated manner to analyse how people use the Website, such that KF can improve KF's service.

## 17.2 Cookies

KF may from time to time use Cookies on the Website. You may prevent Cookies from accessing your computer however any prevention may impact your use of the Website or access to goods or services.

## 17.3 Third party sites

The Website may from time to time have links to other websites not owned or controlled by KF. Links to third party websites do not constitute KF's endorsement or approval of these websites. KF is not responsible for the privacy or practises of third party websites. KF encourages you to be aware of, and understand, the third party's privacy practices.

### Schedule 1 - Index

Term	Definition
<b>APP</b>	the Australian Privacy Principles contained in the <i>Privacy Act 1988</i> (Cth);
<b>Cookies</b>	those files used by KF on its Website to identify you when you come back to the site and to store details about your use of the Website;
<b>Data</b>	includes each of those types of Data set out in Schedule 2 and 3;
<b>GDPR</b>	the EU General Data Protection Regulation;
<b>Policy</b>	this Privacy Policy.

### Schedule 2 – Data Types

Data Type	Definition
<b>Aggregate Data</b>	includes information and Data about groups or categories of individuals which does not identify and cannot reasonably be used to identify an individual;
<b>Anonymous Data</b>	includes information and Data about groups or categories of individuals which does not directly or indirectly identify and cannot reasonably be used to identify an individual;
<b>Contact Data</b>	includes email addresses, postal address, phone numbers and other information which allows KF to directly contact you;
<b>Financial Data</b>	includes bank account and other payment details;
<b>Identity Data</b>	includes data such as name, gender, country and age;
<b>Marketing and Communications Data</b>	includes your user preferences for marketing and communication you may receive from KF and third parties;
<b>Personal Information</b>	includes information or an opinion about an identified individual, or an individual who is reasonably identifiable whether the information or opinion is true or not; and whether the information or opinion is recorded in a material form or not.

<b>Data Type</b>	<b>Definition</b>
<b>Profile Data</b>	includes information such as usernames and passwords, feedback, personality information, and survey responses.
<b>Technical Data</b>	includes information about the technical makeup of the devices and systems you are using including but not limited to internet protocol (IP) addresses, your browser plug-ins and versions, operating system and platform and the like you use to access the Website.
<b>Transaction Data</b>	includes details about payments to and from you and other details of goods or services you have purchased from KF.
<b>Usage Data</b>	includes information about how you use the Website and services.

### Schedule 3 –Basis

Purpose	Type of Data	Lawful basis
Anonymization of data for use in marketing goods or services offered by KF	<ul style="list-style-type: none"> <li>• Anonymous;</li> <li>• Aggregate;</li> <li>• Marketing and Communications;</li> <li>• Profile Data;</li> </ul>	<ul style="list-style-type: none"> <li>• Necessary for KF's legitimate interests to develop goods or services;</li> </ul>
Marketing of goods or services offered by KF to Third Parties	<ul style="list-style-type: none"> <li>• Anonymous;</li> <li>• Aggregate;</li> <li>• Marketing and Communications;</li> </ul>	<ul style="list-style-type: none"> <li>• To engage in marketing;</li> </ul>
To administer KF's business and Website. Note, we may use third parties for the hosting of data, applications, website and technical support..	<ul style="list-style-type: none"> <li>• Identity</li> <li>• Contact</li> <li>• Technical</li> </ul>	<ul style="list-style-type: none"> <li>• Necessary for the administration of KF;</li> <li>• Necessary to comply with KF's legal obligation</li> </ul>
To enable you to complete a survey or provide feedback.	<ul style="list-style-type: none"> <li>• Identity</li> <li>• Contact</li> <li>• Profile</li> <li>• Usage</li> <li>• Marketing and Communications</li> </ul>	<ul style="list-style-type: none"> <li>• Necessary for the personalisation of 'Head &amp; Heart Leader Scale™';</li> <li>• Necessary for business development of KF;</li> </ul>
To manage KF's relationship with you	<ul style="list-style-type: none"> <li>• Identity</li> <li>• Contact</li> <li>• Profile</li> </ul>	<ul style="list-style-type: none"> <li>• comply with KF's legal obligations</li> </ul>
To process and deliver your purchases or orders including the management, payment and delivery of goods or services of KF	<ul style="list-style-type: none"> <li>• Identity</li> <li>• Contact</li> <li>• Financial</li> <li>• Transaction</li> <li>• Marketing and Communications</li> </ul>	<ul style="list-style-type: none"> <li>• To manage the payment and delivery of goods or services;</li> </ul>
To provide access to KF's goods or services and for updates about KF's goods or services and register you as a user.	<ul style="list-style-type: none"> <li>• Identity</li> <li>• Contact</li> </ul>	<ul style="list-style-type: none"> <li>• Performance of a contract</li> <li>• Necessary for KF's legitimate interests</li> </ul>
To use data analytics to improve the Website and KF's goods or services;	<ul style="list-style-type: none"> <li>• Technical</li> <li>• Usage</li> </ul>	<ul style="list-style-type: none"> <li>• Necessary for the functionality of the Website and development of KF's business;</li> </ul>