

# Privacy and Credit Reporting Policy

## 1. About this Privacy and Credit Reporting Policy

- 1.1 The RSMART group of companies ("**RSMART Group**") consists of RSMART Pty Ltd ACN 629 737 319, Hutly Pty Ltd ACN 633 649 573, Hutly Pay Pty Ltd 639 351 009, Hutly Pay Australia ACN 633 814 828 with Australian Credit Licence 545798, ADL Software Pty Ltd ACN 605 421 805 and Property Data Pty Ltd ACN 639 352 104.
- 1.2 The RSMART Group (jointly and severally referred to as "**RSMART Group**", "**we**", "**us**" or "**our**") has implemented this privacy and credit reporting policy ("**Policy**") to provide information about what kinds of personal information and credit-related personal information (collectively, "**personal information**") we may collect or hold, how we collect, hold, use and disclose that personal information, choices you have regarding our use of that personal information, and your ability to access or correct that personal information. If you wish to make any inquiries regarding this Policy, you should contact our privacy representatives in any of the ways specified in paragraph 14.

## 2. What personal information do we collect and hold?

- 2.1 The types of personal information we may collect about an individual will depend upon the nature of our interaction with them. Personal information that we collect may include (but is not limited to) the following:
- (a) personal contact details (name, current address, telephone number and email address);
  - (b) previous address and the address of a future intended residence;
  - (c) transaction and booking history;
  - (d) geographical location, including GPS coordinates;
  - (e) photographs and video footage;
  - (f) age and/or date of birth;
  - (g) gender;
  - (h) identification information such as passport and visa details (if applicable), drivers' licence or other forms of identification;
  - (i) payment details, such as your credit card or bank account details;
  - (j) occupation and employment details including employment status and any previous work experience;
  - (k) real estate agent licence details if you are acting on behalf of a property owner;
  - (l) property ownership and tenancy details;
  - (m) insurance information;
  - (n) rental references and prior rental contacts;
  - (o) information about a property and its rental data (including data from residential rental agreements that you have uploaded or entered into via our Websites (as defined in paragraph 4.1 of this Policy));

- (p) information regarding your interactions with other registered users when accessing our Websites;
- (q) information from or in connection with your resume or job application if you apply for a position with us; and
- (r) any other personal information relevant to the products and services we are providing to you.

2.2 In addition to the above, if you apply for credit from us, we may collect, use, hold and disclose various credit information related to your assets and financial position, including income details, expense details, asset values and taxation information. Credit information is the information we may collect and give to a credit reporting body (“**CRB**”) and to assess your creditworthiness. This information includes (but is not limited to):

- (a) details of credit you have applied for (including the type and amount of credit);
- (b) your credit scores or assessments of your creditworthiness;
- (c) current and historical details about your credit applications and credit arrangements (whether with us or with another credit provider);
- (d) repayment history information;
- (e) payment or default information;
- (f) personal insolvency or bankruptcy information;
- (g) whether in our or another credit provider’s opinion you have committed a serious credit infringement;
- (h) details pertaining to your financial position, including any bank account details or credit card details; and
- (i) other publicly available information related to your creditworthiness.

### 3. **How and when do we collect personal information?**

3.1 We collect your personal information to allow us to conduct our business functions, to provide, market and sell our products and services, provide you with credit and for the specified purposes set out in paragraph 5. In some circumstances the collection of personal information may be required by law.

3.2 Personal information may be collected:

- (a) when you, as an individual in your own capacity or on behalf of your principal or employer enquire about, apply for, use, or subscribe to our products and services, including applying for credit from us;
- (b) in the course of providing you with a requested product, service or benefit;
- (c) when you interact with other users on any of our Websites;
- (d) when you upload content to any of our Websites. If such content contains personal information about yourself or others, you warrant that you have all necessary consents and authorisations to provide such information to us and you have shared or otherwise made this Policy known to such persons;

- (e) when you contact us or visit our Websites and provide feedback, or you make an enquiry to which a later response is requested and to do so requires your contact details;
- (f) when you provide information to us in any way, disclosing information over the phone or via email, or providing us a business card;
- (g) when you ask to be included on marketing distribution lists, sign up under any of our Websites or interact with us on social media;
- (h) when you provide us, or you offer or apply to supply us, with goods or services;
- (i) when you visit or fill in a form, register for or use an account on any of our Websites or on any mobile application versions of our Websites;
- (j) when you (or your employer or principal) provide personal information to us in the course of conducting or administering our relationship with you, or when you are carrying out activities in connection with our business operations;
- (k) when evaluating job applicants and personnel, including their contact details, employment history and educational qualifications;
- (l) from publicly available sources of information, such as land title or real property registers held by each state and territory, the Personal Property Securities Register, public insolvency registers and registers of banned and disqualified persons for the purpose of reviewing applications for our products and services (including any application for credit);
- (m) when you enter into a competition or promotion with us or participate in a survey conducted by us;
- (n) when you otherwise contact us by telephone, fax, email, social media, post or in person, or
- (o) where we are otherwise required or authorised by law to do so.

3.3 Generally, we collect personal information directly from the relevant individual. We may also collect personal information about you from third parties and other sources (if permitted by law to do so) such as:

- (a) third party service providers which we have contracted with to provide you with our products and services (including credit) and to undertake identity verification activities;
- (b) our partners such as local State and Territory real estate institutes and bodies in respect of property and rental data;
- (c) your nominated representatives (eg spouse, accountant, power of attorney, brokers, agents and other professional advisors);
- (d) other registered users of our Websites (where in the context you would expect them to provide such information to us, given the nature of the services we and they provide);
- (e) property owners and real estate agents acting on behalf of property owners;
- (f) our related entities, companies and businesses;
- (g) publicly available sources of information;

- (h) other credit providers; and
- (i) credit reporting bodies who provide information about creditworthiness,

but we will only collect your personal information in this way if it is unreasonable or impracticable to collect this information directly from you or if we are otherwise permitted at law to do so.

- 3.4 If the personal information we collect includes sensitive information, including health information, we will ask for your consent to collect sensitive information, unless the law allows us to collect it without your consent.
- 3.5 Where we engage with you multiple times over a short period in relation to the same matter, we may not provide you with a separate notice about privacy each time we engage with you.
- 3.6 If you choose not to provide your personal information to us for the purposes set out in this Policy, or if we do not or are unable to collect the personal information we require, we may not be able to provide you with requested information, products or services (including credit), or to effectively conduct our relationship with you.

#### 4. **Information collected via our Websites**

- 4.1 Personal information may be collected by us and by our third party service providers who assist us in operating our platforms at [www.hutly.com](http://www.hutly.com), [www.propertydata.com.au](http://www.propertydata.com.au), [www.bondable.me](http://www.bondable.me), [www.vicforms.com.au](http://www.vicforms.com.au) and [www.adlsoftware.com.au](http://www.adlsoftware.com.au), including its subdomains, any other websites, mobile sites and any mobile application versions that we operate from time to time (collectively the “Websites”).

- 4.2 We may use various technological methods from time to time to track the visiting patterns of individuals accessing our Websites, including but not limited to the methods set out in this paragraph 4.

- 4.3 We reserve the right at all times to monitor, review, retain, and/or disclose any information as necessary to satisfy any applicable law, but we have no obligation to monitor the use of our Websites or to retain the content of any user session.

#### 4.4 **Google Analytics**

- (a) We use Google Analytics to help analyse how you use any of our Websites. Google Analytics generates statistical and other information about website use by means of cookies, which are stored on users' computers. The information generated is used to create reports about the use of our Websites. Google will store this information.
- (b) If you do not want your website visit data reported by Google Analytics, you can install the Google Analytics opt-out browser add-on. For more details on installing and uninstalling the add-on, please visit the Google Analytics opt-out page at <https://tools.google.com/dlpage/gaoptout>.

#### 4.5 **Click Stream Data**

When you read, browse or download information from any of our Websites, we or our internet service provider may also collect information such as the date, time and duration of a visit, the pages accessed, the IP address of your computer, and any information downloaded. This information is used for statistical, reporting and website administration, maintenance and improvement purposes.

#### 4.6 **Cookies**

- (a) Our Websites may use 'cookies' from time to time. Cookies are small text files that are transferred to a user's computer hard drive by a website for the purpose of storing information about a user's identity, browser type or website visiting patterns. Cookies may be used on our Websites to monitor web traffic, for example the time of visit, pages visited and some system information about the type of computer being used. We use this information to enhance the content and services offered on our Websites by providing a service that is tailored to your preferences.
- (b) Cookies are sometimes also used to collect information about what pages you visit and the type of software you are using. If you access our Website or click-through to our Website from a link in an email we send you, a cookie maybe downloaded onto your computer's hard drive.
- (c) You can configure your browser to accept all cookies, reject all cookies, or notify you when a cookie is sent. If you disable the use of cookies on your web browser or remove or reject specific cookies from our Websites or linked sites then you may not be able to gain access to all of the content and facilities in those websites.

#### 4.7 **Web Beacons**

Web beacons are images that originate from a third party site to track visitor activities. We use web beacons to track the visiting patterns of individuals accessing our Websites.

#### 4.8 **Third party content**

Some of the content on our Websites includes links to third party service providers such as the Resolve Disputes Online platform which is used in the case of disputes between users. We also link to applications made available by third parties, such as social media buttons or links that allow you to share content or links to our Websites through the relevant third party platforms. These third party plug-ins and applications themselves may facilitate collection of information by those third parties, through your interaction with the applications and sometimes even if you do not interact directly with them. We are not responsible for the technical operation of these plug-ins or applications or the collection and use practices of the relevant third parties. Please visit the relevant third party websites to understand their privacy practices and options they may make available to you in relation to their collection of your personal information.

### 5. **How do we use your personal information?**

- 5.1 We use the personal information we collect about you for our business functions and activities, in order to operate our business efficiently, and to market our products and services for the benefit of our customers.
- 5.2 We may collect, hold and use your personal information:
  - (a) for security and verification purposes;
  - (b) to process applications or requests for our products or services, including using credit-related information to assess an application for credit;
  - (c) providing our products or services, communicating with you, managing your account and billing, and delivering customer or technical support;
  - (d) to respond to queries or provide you with the requested information about your application, account or any of our products, services or arrangements (including credit);
  - (e) to otherwise assist you by providing you with information and support;
  - (f) to manage and administer any account you may hold with us;

- (g) to provide you with information that we believe may be of interest to you or that you may be interested in receiving, including advertising and marketing material, regarding us, our clients, and our business partners;
- (h) to help us research the needs of our customers to enable us to market our products and services with a better understanding of your needs and the needs of customers generally;
- (i) to personalise and customise your experiences on our Websites;
- (j) for fraud, crime or misconduct identification, investigation and prevention services;
- (k) to enforce our rights, including debt collection activities, legal proceedings and assigning a debt you owe us;
- (l) to collect and process payments through the platforms operated on our Websites;
- (m) to undertake property and rental market research and analysis;
- (n) for development, analysis and business intelligence functions;
- (o) to conduct research for the purposes of improving existing products or services or creating new products or services;
- (p) to help us to manage and enhance the goods and services we procure from our suppliers and subcontractors;
- (q) to allow you to purchase products from third parties which we may refer you to;
- (r) to carry out checks on the Personal Property and Securities Register (PPSR) (which may involve a disclosure to the PPSR operator);
- (s) to notify and assess insurance claims, pay settlements and finalise claims, and determine liability;
- (t) for business support purposes including maintenance, backup and audit;
- (u) for developing, operating and improving our network, product, service, apps, content offerings and business processes;
- (v) to detect, prevent, and address any fraud, misuse, security risks, and technical issues that could harm us, our users and the public, which includes blocking suspected spammers, dealing with instances of misuse, and enforcing our terms of use and our other policies;
- (w) for employment-related purposes (e.g. verifying your work experience or undertaking criminal history checks when you apply for a job with us);
- (x) to respond to any queries or complaints you may have or to resolve disputes; or
- (y) to comply with our statutory and legal obligations.

5.3 When we assess your creditworthiness, we share some of your personal information with, and collect your credit information from CRBs. The information we share is recorded by these CRBs. Personal information we share with CRBs in exchange for receiving your credit-related information may be included in future credit reports provided to other creditors to assist them in assessing your creditworthiness. The CRBs that we deal with are:

- (a) Equifax Australian Group Pty Ltd;

- (b) Illion Australia Pty Ltd; and
- (c) Experian Australia Credit Services Pty Ltd.

5.4 You consent to us using your personal information in the above ways and as set out in this Policy.

5.5 We may otherwise collect, use or disclose your personal information where the collection, use or disclosure is:

- (a) in accordance with this Policy or any agreement you enter into with us; or
- (b) required or authorised by law, including without limitation the Australian Privacy Principles under the Privacy Act 1988 (Cth).

## 6. **When do we disclose your personal information?**

6.1 Depending on the circumstances and the nature of your engagement with us, we may disclose your personal information to our related entities, to third parties that provide products and services to us or through us (including providers of plug-ins), or to other third parties (such as your referee(s) in connection with a job application you have submitted).

6.2 We may disclose your personal information to:

- (a) other registered users when you interact with such users on our Websites. For example, one of the features on our Websites is the 'living contract' ("**Living Contract**") which is a software application that utilises blockchain technology to facilitate and record digital transactions, interactions, payments, processes and other events between registered users. By using our Living Contract feature, you consent to our disclosure of your personal information to other registered users who are parties to the same Living Contract that you have entered into;
- (b) providers of plug-ins that you agree to use through our Websites;
- (c) providers of maintenance, dispute resolution, property inspection and identity verification services that we have contracted with and which you agree for us to disclose your personal information to;
- (d) our related entities and our business partners, including your local real estate institute;
- (e) your nominated representatives;
- (f) other organisations or individuals who assist us in providing products and services to you, including those that assist us with fraud and identity checks, to the extent necessary for them to do so;
- (g) professional service providers and advisors who perform functions on our behalf, such as lawyers, accountants, tax advisors and auditors;
- (h) representatives, agents or contractors who are appointed by us in the ordinary operation of our business to assist us in providing goods or services or administering our business (such as for data storage or processing, printing, mailing, marketing, planning and product or service development);
- (i) other third parties where it is necessary to enable us to provide a product or service (including credit) or where you otherwise consent to the disclosure;
- (j) debt collecting agencies and CRBs; and

- (k) government, regulatory authorities and other organisations as required or authorised by law (such as Centrelink or the Police).

6.3 Where you have applied for and obtained credit from us, and you fail to meet your payment obligations or we believe you have committed a serious credit infringement, we may, to the extent permitted by law, disclose personal information that may adversely affect your creditworthiness to the CRBs.

6.4 As we continue to develop our business, we may acquire, merge, be acquired by or partner with other companies or businesses, and in so doing, acquire information (where we are authorised to do so). In such transactions, personal information may be among the transferred assets. Similarly, in the event that a portion or substantially all of our business or assets are sold or transferred to a third party, we may also disclose information including your personal information to a purchaser or potential purchaser in connection with the sale or potential sale of us, our business or any of our assets, including in insolvency.

## 7. Overseas disclosures

7.1 From time to time, some of your personal information may be disclosed, stored, or processed by our employees, representatives or other third parties operating outside of Australia who works for or is engaged by us in other countries, including Sri Lanka, United Kingdom of Great Britain and Northern Ireland and New Zealand. The reasons for the disclosure of your personal information to such overseas recipients include:

- (a) our offices or related entities are overseas and the disclosure is reasonably necessary;
- (b) transactions, information, services or products have an overseas connection and the disclosure is reasonably necessary, or
- (c) our computer systems including IT servers are located overseas.

7.2 In particular, your personal information may be disclosed to third parties in such countries in which those parties or their, or our, computer systems may be located from time to time, where it may be used for the purposes described in this Policy. In these circumstances, you consent to the collection, use, storage and processing of your personal information in those countries, without us being responsible under the Privacy Act 1988 (Cth) for such use (or for any breach). Where such parties are located overseas, you may have rights to enforce such parties' compliance with applicable data protection laws, but you might not have recourse against those parties under the Privacy Act 1988 (Cth) in relation to how those parties treat your personal information.

## 8. Other uses and disclosures

We may seek to collect, use and disclose your personal information for other purposes not listed in this Policy. If we do so, we will make it known to you at the time we collect or use your personal information and seek your consent.

## 9. Marketing

9.1 You consent to us using your personal information for sending you information, including promotional material, about us or our products and services, as well as the products and services of our related entities and third parties.. You also consent to us sending you such information by means of direct mail, telemarketing, email, SMS and MMS messages.

9.2 If you do not want to receive marketing information from us or if you want to stop receiving telemarketing, you can unsubscribe in any of the following ways:

- (a) clicking on the 'Unsubscribe' or subscription preferences link in a direct marketing email that you have received from us;



- (b) logging into your account with us and editing your communication preferences; or
- (c) contacting us using the contact details specified in paragraph 15.

9.3 If you provide your consent to receiving direct marketing from third parties, we will provide them with your personal information relevant to their products or services, to enable them to identify opportunities and send relevant information and advertising material to you. Our disclosure of your personal information may be for the purposes of enabling the relevant third party to directly market to you on their own behalf. You can request that we stop sharing your information with third parties for these purposes at any time by using the contact details specified in paragraph 14. However, for third parties with whom we have already shared your personal information in accordance with this paragraph, you may need to contact those third parties directly if you'd like to no longer receive direct marketing from each of them.

## 10. **Storage and security of personal information held by us**

10.1 We aim to keep your personal information secure. Any personal information that is collected via our Websites or which is held on our computer systems is protected by safeguards including physical, technical (firewalls, SSL encryption etc) and procedural methods.

10.2 If we find that we no longer require or have no further need for your personal information we will de-identify it or remove it from our systems and destroy all record of it.

## 11. **You can access and update your personal information**

11.1 You are generally entitled to access personal information that we hold about you. If you request access to your personal information, in ordinary circumstances we will give you full access to your personal information. Depending on the nature of the request, we may charge for providing access to this information, however such charge will not be excessive. However, there may be some legal or administrative reasons to deny access. If we refuse your request to access your personal information, we will provide you with reasons for the refusal where we are required by law to give those reasons.

11.2 You can access and correct some of your personal information through the Website or our app by logging into your account and updating or editing your profile at any time. Alternatively, a request for access can be made by contacting us in any of the ways specified in paragraph 14.

11.3 We take all reasonable steps to ensure that any personal information we collect and use is accurate, complete and up-to-date. To assist us in this, you need to provide true, accurate, current and complete information about yourself as requested, and properly update the information provided to us to keep it true, accurate, current and complete.

11.4 Please contact us in any of the ways specified in paragraph 14 if:

- (a) you believe that the personal information is inaccurate, incomplete or out of date, and we will use all reasonable efforts to correct the information; or
- (b) you require us to erase, delete or otherwise stop using some or all of your personal information for any reason. If we are unable to accommodate your request for any reason, we will contact you to explain why.

11.5 It would assist us to ensure we properly understand your request, and allow us to respond more promptly, if requests are made in writing and include as much detail as possible.

## 12. **How do we deal with complaints about privacy?**

12.1 If you feel that we have breached your privacy rights or that we have conducted ourselves inconsistently with this Policy, please contact our privacy representatives in any of the ways specified in paragraph 14 and advise us as soon as possible. We will investigate your queries

and privacy complaints within a reasonable period of time depending on the complexity of the complaint. You can also lodge a complaint directly with the Office of the Australian Information Commission (OAIC) by either visiting them at [www.oaic.gov.au](http://www.oaic.gov.au) or calling 1300363992

12.2 It would assist us to respond to your complaint promptly if it is made in writing. Please detail information relevant to your complaint.

12.3 We will notify you of the outcome of our investigation.

12.4 You are also entitled to make a complaint to the Office of the Australian Information Commissioner

### 13. **Updates to this Privacy Policy**

We may, from time to time, review and update this Policy, including to take into account new laws, regulations, practices and technology. All personal information held by us will be governed by our most recent Policy. Any changes to this Policy may be advised to you by updating this page on our website. We encourage you to check this page from time to time for any changes.

### 14. **What to do if you have a question, problem or want to contact us about our use of your personal information or this Policy**

If you:

- (a) have a query or concern about this Policy or our personal information handling processes;
- (b) wish to make a complaint in relation to a breach of your privacy;
- (c) would like to access your personal information held by us;
- (d) would like to update or correct your personal information held by us; or
- (e) would like to opt out of direct marketing;

please contact our privacy representatives in any of the following ways:

**Email address:**

[privacy@hutly.com](mailto:privacy@hutly.com)

**Mailing address:**

c/- Titan Partners Level 3, 7 Macquarie Place, Sydney NSW 2000

This Privacy and Credit Reporting Policy was last updated on 6 September 2023.