

Privacy Policy

1 Definitions

1.1 In this Privacy Policy (**Policy**):

- (a) **Distillery Road Market, DRM, us, we, our** means Tonken OC Pty Ltd as trustee for Tonken OC Trust ABN 61 843 253 585 and all legal entities owned or controlled by us (across any jurisdiction).
- (b) **Distillery Road Market Website** means the website of Distillery Road Market.
- (c) **Personal Information** means information or an opinion about an identified natural person, or a natural person who is reasonably identifiable.
- (d) **Privacy Officer** means the Privacy Officer, with contact details provided at clause 17.1.
- (e) **Services** means all services offered by Distillery Road Market, being the provision of the markets offered by Distillery Road Market as described on the Distillery Road Market Website.
- (f) **You** means in the case of an individual using the Distillery Road Market Website, that individual, or in the case of an individual, using the Distillery Road Market Website on behalf of a company or other legal entity, the company or other legal entity.

2 Introduction

2.1 This Policy sets out how we collect, handle and use information that identifies you, for example, your name, email and address.

2.2 We care about your privacy and have put measures in place to protect you and the information you have entrusted to us.

2.3 We may update this Policy from time to time. Although we will not provide notice of the changes to you, you can view the latest version of this Policy on our website at any time.

2.4 In this Policy we set out:

- (a) the types of information that we may collect; and
- (b) how that information will be used, handled, stored, and disclosed.

3 Application

3.1 This Policy applies to Personal Information that we may collect about you in the manner outlined in this Policy. This Policy does not apply to any information that may be collected by a third party and how that third party may use, handle, store or disclose your Personal Information.

4 Information we collect about you

4.1 We may collect, use, store and transfer Personal Information about you, which information is

generally grouped into one of the following types of data:

- (a) **Website User Identity Data** being your first name, last name, title, Australian Business Number, address and email address collected through the Website;
- (b) **Contact Data** being your, email address and telephone numbers;
- (c) **Financial Data**, to the extent required by law or by any payment processor, being your bank account details, credit card details or other payment information;
- (d) **Transaction Data** being details about payments to and from you and other details of Services you have purchased from us;
- (e) **Technical Data** being information regarding the IP addresses used to connect your computer to the Internet, browser type and version, time zone setting, browser plug-in types and versions, cookies, operating system and platform, type of device;
- (f) **Usage Data** being information about how you use the Distillery Road Market Website and Services;
- (g) **Marketing and Communications Data** being information regarding your preferencing in receiving marketing from us and your communication preferences;
- (h) **Third-Party Data** being information we may receive from third-parties such as business partners, sub-contractors in technical and delivery services, advertising networks, analytics providers and search information providers, third party applications that plug into the Services and payment providers or merchants; and
- (i) **Distillery Road Market Services Data** being information, communication, or opinions about any Services and business activities.

4.2 In some situations you may have the option to deal with us anonymously or by using a pseudonym, however, where you are requesting Products or Services from us where such contact is via us or one of our services, it may become impracticable for us to provide those Products or Services to you without verifying your identity. Where you do not give us information or the information that you do give us is not complete or accurate it may affect our ability to provide you with our Services.

4.3 If we receive identifiable information from a third party we will take reasonable steps to ensure that you have given express or implied consent to the collection of that information. If it is determined that we are unable to have possession of the information under a relevant law, we will destroy the information or ensure that the information is de-identified.

5 **How do we collect information from you**

5.1 We use different methods to collect data from you and about you, including:

- (a) **(direct interactions)** – you may give us your Identity, Contact, Financial and Profile Data by completing online forms or corresponding with us. You do not have to provide us with the personal data we request, but this may mean that you cannot use some parts of our Websites or Services;
- (b) **(interactions you have with other sources)** – we may receive Identity, Contact,

Financial, Transaction, Usage and Marketing and Communications Data from business partners, sub-contractors in technical and delivery services, advertising networks, analytics providers and search information providers, third party applications that plug into the Services and payment providers or merchants;

- (c) **(automated technologies or interactions)** – we may collect information automatically when you visit our websites and services, for example your IP address and device type or details of what pages you looked at and what links you clicked on. This information is useful for us to improve the value of our Services to you. We may use the following technologies to collect Technical and Third-Party Data:
 - (i) “Cookies” are data files that are placed on your device or computer and often include an anonymous unique identifier. For more information about cookies, please see: <https://allaboutcookies.org>;
 - (ii) “Log files” track actions occurring on the Distillery Road Market Website, and collect data including your IP address, browser type, Internet service provider, referring/exit pages, and date/time stamps; and
 - (iii) “Web beacons”, “tags”, and “pixels” are electronic files used to record information about how you browse the Distillery Road Market Website and Services.

6 How do we use your personal information?

6.1 Where we collect personal data, we will process it for the following broad purposes:

- (a) to perform a contract with you and provide you with the Services;
- (b) where we have legitimate interests to process the personal data and they are not overridden by your rights;
- (c) in accordance with a legal obligation; and
- (d) where we have your consent.

6.2 In performing the purposes at clause 6.1, we may use your personal data to:

- (a) communicate with you;
- (b) manage our relationship with you;
- (c) to provide technical or other support to you;
- (d) to enhance our websites and services and develop new ones;
- (e) to protect you;
- (f) to market to you;
- (g) to analyse, aggregate and report; and
- (h) perform the activities in the below table at clause 6.3.

6.3 Website Users

Purpose / Activity	Type of Data	Lawful basis for processing (including basis of legitimate interest)
To process your Services including, manage payments, fees, and charges, perform fraud checks and collect and recover money owed to us	Website User Identity Data Contact Data Financial Data Technical Data Transaction Data Usage Data Marketing and Communications Data Third-Party Data	To perform a contract with you Necessary for our legitimate interests (to recover debts due to us and reduce this risk of fraud)
To manage our relationship with you which may include, notifying you about changes to our terms or privacy policy, asking you to leave a review or take a survey, engaging with you in relation to any support request or communication that you may submit	Website User Identity Data Contact Data Profile Data Marketing and Communications Data	To perform a contract with you Necessary to comply with a legal obligation Necessary for our legitimate interests (to keep our records updated and to study how customers use our Services)
To administer and protect our business and the Distillery Road Market Website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	Website User Identity Data Contact Data Technical Data	Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) Necessary to comply with a legal obligation
To deliver relevant Distillery Road Market Website content and measure or understand the effectiveness of our website and to ensure the proper function of the website	Website User Identity Data Contact Data Profile Data Usage Data Marketing and Communications Data Technical Data	Necessary for our legitimate interests (to study how customers use our Services, to develop them, to grow our business and to inform our marketing strategy)
To improve the Services or businesses that we undertake	Website User Identity Data Contact Data Profile Data Usage Data Marketing and Communication Data	Necessary for our legitimate interests (to improve our Services)
To use data analytics to improve the Distillery Road Market Website, Services, marketing, customer relationships and experiences and to gather anonymous statistics	Technical Data Usage Data Third-Party Data	Necessary for our legitimate interests (to define types of customers for our Services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)
To provide you with our newsletter (if we choose to) and make suggestions and recommendations to	Website User Identity Data Contact Data Technical Data Usage Data	Necessary for our legitimate interests (to develop our Services and grow our business)

you about goods, services or promotions that may be of interest to you, whether initiated by us	Profile Data Marketing and Communications Data	
To improve our Services and business activities we undertake	Distillery Road Market Services Data Contact Data Website User Identity Data Usage Data Marketing and Communications Data	Necessary for our legitimate interests (to develop our Services and grow our business)

7 Data Retention

- 7.1 The length of time we keep your personal data depends on what it is and whether we have an ongoing business need to retain it (for example, to provide you with a service you have requested or to comply with applicable legal, tax or accounting requirements).
- 7.2 We will retain your personal data for as long as we have a relationship with you and for a period of time afterwards where we have an ongoing business need to retain it, in accordance with our data retention practices and/or any terms and conditions entered into with you. Following that period, we will make sure it is deleted or anonymised.

8 Do Not Track Settings

- 8.1 Please note that we do not alter our Distillery Road Market Website data collection and use practices when we see a Do Not Track signal from your browser.

9 Behavioural Advertising

- 9.1 As described above, we use your Personal Information to provide you with targeted advertisements or marketing communications we believe may be of interest to you. For more information about how targeted advertising works, you can visit the Network Advertising Initiative's ("NAI") educational page at <http://www.networkadvertising.org/understanding-online-advertising/how-does-it-work>.
- 9.2 You can opt out of targeted advertising by using the links below:
- (a) Facebook: <https://www.facebook.com/settings/?tab=ads>
 - (b) Google: <https://www.google.com/settings/ads/anonymous>
- 9.3 Additionally, you can opt out of some of these services by visiting the Digital Advertising Alliance's opt-out portal at: <http://optout.aboutads.info/>.

10 Website analytics

- 10.1 To improve your experience on our Website, we may use 'cookies'. Cookies are an industry standard and most major web sites use them. A cookie is a small text file that our Website may place on your computer as a tool to remember your preferences. You may refuse the use of cookies by selecting the appropriate settings on your browser, however please note that if you do this you may not be able to use the full functionality of our Website.
- 10.2 Our website may contain links to other websites. Please be aware that we are not

responsible for the privacy practices of such other sites. When you go to other websites from here, we advise you to be aware and read their privacy policy.

- 10.3 Our website uses Google Analytics, a service which transmits website traffic data to Google servers in the United States. Google Analytics does not identify individual users or associate your IP address with any other data held by Google. We use reports provided by Google Analytics to help us understand website traffic and webpage usage.
- 10.4 By using our Website, you consent to the processing of data about you by Google in the manner described in Google's Privacy Policy and for the purposes set out in this policy. You can opt out of Google Analytics if you disable or refuse the cookie, disable JavaScript, or use the opt-out service provided by Google.

11 Storing your Information

- 11.1 We are a growing business. To offer a consistent service to you we may store and manage data electronically or in paper form.
- 11.2 Where data is stored electronically, it is done so on cloud-based services with the service providers disclosed at clause 12 below. Please see each service providers' privacy policy for confirmation of which jurisdictions in which your data will be held. At the date of this policy, Distillery Road Market understand this includes:
- (a) Australia;
 - (b) United States of America;
 - (c) Israel;
 - (d) Germany; and
 - (e) Japan.
- 11.3 The data that we collect from you may be transferred to and be stored to these servers or processed by staff operating in other jurisdictions or who work for Distillery Road Market.
- 11.4 We will take all steps reasonably necessary to ensure that your information is secured from misuse, interference, loss, unauthorised access, unauthorised modification, or unauthorised disclosure. Any information will be handled in accordance with this Policy and applicable privacy laws. Despite using all steps reasonably necessary, the transmission of information through the internet is not completely secure.
- 11.5 Submission of any information to us is an acknowledgement that you agree to such use, storage, and disclosure.

12 Sharing your Personal Information

- 12.1 We share your Personal Information with third parties to help us use your Personal Information and provide the Services and / or employ you. Specifically, we share your Personal Information with the following service providers:
- (a) We use the following bookkeeping and accounting services to provide the Services and you can read the privacy policies of those providers at the below links: Xero -

<https://www.xero.com/au/about/legal/privacy/>.

- (b) We use Google Analytics to help us understand how our customers use the Website – you can read more about how Google uses your Personal Information here: <https://policies.google.com/privacy>. You can also opt-out of Google Analytics here: <https://tools.google.com/dlpage/gaoptout>.
- (c) We use Facebook Pixel as an analytics tool to help us understand how our customers use the Website and to determine how effective our advertisements on Facebook and Instagram are – you can read about how Facebook uses your Personal Information here: <https://www.facebook.com/privacy/explanation>.
- (d) We use squarespace.com to host our website and use the Analytics to help us understand how our customers use the Website, you can read the privacy policy here: <https://www.squarespace.com/privacy>.
- (e) We use Dropbox to store client files, staff meeting notes, practicum student information and relevant client and staff information, to read the privacy policy of Dropbox, see here: <https://www.dropbox.com/privacy>.
- (f) We use SharePoint to manage and share Personal Information and content within our organisation - you can read more about how SharePoint uses your Personal Information here: <https://privacy.microsoft.com/en-gb/privacystatement>.
- (g) We use Active Campaign to manage Vendor applications and correspondence, to read the privacy policy of Active Campaign see here: <https://www.activecampaign.com/legal/privacy-policy>.
- (h) We use Vision 6 to share with our customers e-newsletters – you can read about Vision 6 privacy policy here: <https://www.vision6.com.au/privacy-policy/>.

12.2 Finally, we may also share your Personal Information to comply with applicable laws and regulations, to respond to a subpoena, search warrant or other lawful request for information we receive, or to otherwise protect our rights.

13 How we disclose your Information

13.1 There may be times when we need to share your personal data with third parties.

13.2 We may share your information with:

- (a) any and all of our affiliates;
- (b) third parties including business partners, suppliers and subcontractors;
- (c) where we are required to disclose your information in order to comply with any legal obligation, or in order to enforce any agreements; or to protect the rights, property, or safety of us and our customers, or others. This includes, where relevant, exchanging information with organisations for the purposes of fraud protection and credit risk reduction;
- (d) an actual or potential buyer (and its agents and advisors) in connection with an actual or proposed purchase, merger or acquisition of any part of our business; and

- (e) other people where we have your consent, including your implied consent given where disclosure is required for the performance of a contract with you.

14 Accessing and Correcting your Information

- 14.1** You may request access to Personal Information that we hold about you at any time by contacting our Privacy Officer using the details set out in this Policy. We will respond to any such request for access to Personal Information within a reasonable time and will provide you access to the Personal Information that we hold relating to you unless we are authorised not to do so by law.
- 14.2** Where permitted by law, we may charge you a reasonable fee for processing your request to access your Personal Information and should we decline you access to your Personal Information, a written explanation will be provided setting out the legal reasoning for doing so.
- 14.3** If upon receiving your Personal Information, or at any other time, you believe the Personal Information that we hold about you is incorrect, out of date, incomplete, irrelevant, or misleading, please notify our Privacy Officer using the details set out in this Policy.
- 14.4** If we decline to correct your Personal Information as requested by you, a reason for refusal will be provided except to the extent that it is unreasonable to do so. If we decline the request to correct Personal Information, you may request to associate a statement with the information.

15 Complaints

- 15.1** If you believe we have not fulfilled our obligations under any relevant law or have not complied with the terms of this Policy or would like to appeal a decision made by us in relation to your Personal Information, you can make a complaint in writing to our Privacy Officer using the contact details set out in this Policy.
- 15.2** We will respond to you within a reasonable period of time (or where a period is specified by any law, that period) to acknowledge your complaint and inform you of the next steps we will take in dealing with your complaint.

16 Unsubscribe

- 16.1** When it comes to marketing communications, you can ask us not to send you these at any time by following the unsubscribe instructions contained in the marketing communication.

17 Contact

- 17.1** If you have any comments, concerns or questions regarding this Policy or Personal Information that we hold about you, please contact our Privacy Officer by email info@drm.market or by post at:

Privacy Officer
Distillery Road Market
PO Box 2089, Beenleigh QLD 4207
Australia

We reserve the right to update this policy at any time without notice. Any changes will be published

on our Website.

Last revised and updated on 7 August 2023.