



## PRIVACY POLICY

At Western Suburbs (Ncle) Leagues Club Limited trading as Balance Health Clubs ("Balance") (and all subsidiaries) we are fully committed to respecting your privacy. The following Privacy Policy has been published to provide a clear and concise outline of how and when personal information is collected, stored, and distributed by Balance. Balance is bound by the Privacy Act 1988 (Cth) and the Australian Privacy Principles. For more information visit [www.privacy.gov.au](http://www.privacy.gov.au).

You may contact us with any queries you may have about this Privacy Policy or your personal information by contacting our Privacy Officer via email: [privacyofficer@westsnewcastle.com.au](mailto:privacyofficer@westsnewcastle.com.au) [or telephone: +61 2 4935 1420.

### COLLECTION OF PERSONAL INFORMATION

This Privacy Policy explains our policy for dealing with personal information that we collect through the following channels (the "Collection Channels"):

- our online properties (each a "Website"), including:
- our websites, including but not limited to <http://www.balancecollective.com.au/> and <http://www.westsnewcastle.com.au/fitness>;
- any related website, social media page, internal website, intranet and any Balance mobile or tablet applications;
- when you complete a Membership Contract and a Pre-Exercise Questionnaire & General Exercise History Form;
- any other means through which you provide personal information to us, including either physically or electronically.

### GENERAL

Throughout this Privacy Policy, we refer to your 'personal information', which means 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. Your full name, gender, date of birth, home address, home telephone number, mobile telephone number, email address and workplace contact details are examples of information which may constitute personal information. Personal information may also include information we may collect about your individual preferences.

In order to keep up with changing legislation and best practice, we may revise this Privacy Policy at any time without notice. We will post any changes to this Privacy Policy on our Website, so we encourage you to check this Privacy Policy from time to time.

In addition to the provisions of this Privacy Policy, there may also be specific and additional privacy and consent provisions that apply to certain Collection Channels. Because those specific and additional provisions also relate to your privacy protection, we recommend that you review them wherever they appear. In the event of any inconsistency between the provisions of this Privacy Policy and those other specific and additional provisions, the specific and additional provisions will prevail.

### ANONYMITY AND PSEUDONYMITY

Where practicable, we will allow you to deal with us on an anonymous or pseudonymous basis. If this is practicable, our Collection Channels will only seek information in this way. However, where it is not practicable for the purposes for which information is collected, we will seek the information identified below. It will not be practicable to deal with you on an anonymous or pseudonymous basis when we wish to send you direct marketing materials or need to provide you with goods or services requested by you.

### KINDS OF PERSONAL INFORMATION THAT WE COLLECT AND HOLD

Personal information that may be requested includes:

- contact information such as your full name, current and valid email address, telephone number, residential address and postcode;
- more detailed contact preferences;
- credit card or bank account details;
- if required, health information and information about your fitness levels and history;
- information about your preferences, interests, and experiences with our products or services. This information is collected in order to tailor our communications to you and continuously improve our products and services;
- location information;
- if you are a representative of a business we trade with, additional information including financial information, trade history information, payment history information, credit history information and payment details;



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- the contact details of third parties. If you are asked to provide details about other people, please ensure that these individuals are happy for their details to be given to us and used for the purposes set out in this Privacy Policy (which may include using their details for marketing purposes);
- any other personal information which you provide directly to us. Where you provide us with unsolicited personal information, we will retain this information where it falls within our primary purposes for collection of personal information (as stated in this Privacy Policy);
- any other personal information requested or required by a Collection Channel;
- When you use a Website, we may also collect personal information about you in the following general categories:
- usage and preference information: we collect information about how you interact with a Website, including the pages you visit, your preferences and settings that you choose. We may do this through the use of cookies and other similar technologies that uniquely identify you;
- device information: we may collect information about your mobile device such as the hardware model, operating system, preferred language, unique device identifier and mobile network; and
- other information: we may also collect and log information such as your IP address, access dates and times, browser type and pages visited when you interact with a Website.

### **SENSITIVE INFORMATION**

We will only collect sensitive information with your consent. Where you provide us with any sensitive information (including, but not limited to, information about your medical history such as your health and medical history, weight and body measurements and current medications) we will only use this information for the purposes stated on the Collection Channel. We do not retain this information in our database.

### **ACTIVE INFORMATION COLLECTION**

Personal information may be collected (and combined) via our Collection Channels if you:

- join as a Balance member or promotional member;
- sign-up and/or register to become a member of any Collection Channel;
- use our services;
- participate in surveys and other types of research (including Customer Comment Cards);
- enter a promotion, sweepstake, or contest hosted by Balance and other partners;
- participate in any offers or marketing activities;
- attend an event where we are an exhibitor;
- provide a service;
- submit a job application or résumé;
- report an incident or occurrence;
- become an employee of Balance.
- have previously provided us with personal information prior to this Privacy Policy coming into effect, either directly from you personally or via a third party;
- subscribe to any newsletters, updates, alerts or news and media releases, or request information about our products or services;
- complete and submit any forms to us;
- contact us directly in person or via any medium including mail, telephone, social media and commercial electronic messages (SMS (Short Message Service), MMS (Multimedia Message Service), IM (Instant Messaging) and email) including via the contact details listed on a Website;
- interact with a Website for a specific purpose;
- interact with or browse a Website generally; or
- if you are a business we trade with, complete a credit application.
- Personal information is requested in order to join Balance and/or facilitate or provide you with certain content, products or services, and information about such content, products or services (including the uploading, access to, and receipt of content on a Website); marketing materials; newsletters; electronic newsletters (e-newsletters); news and media releases; launch information, and also to advise you of other products, services, offers, competitions or events which may be of interest. No one is obligated to provide personal information. However, failure to do so may result in you being unable to join Balance and/or in us being unable to facilitate or provide you with certain content, products or services; products or services information; upcoming promotion, competition, offer or event information; or accept competition entries (where applicable).
- We may also obtain your personal information from legitimate third party sources including list brokers and other data providers or organisations that share data in circumstances where it is lawful and/or you have



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given permission for them to do so, including our service providers and retail partners. If you are a representative of a business we trade with, we may also obtain your credit history information from a credit reporting body, and trade history information from references you provide us with.

### **CHILDREN**

Personal information will not be collected by any person who we know to be under the age of fifteen (15) without the consent of a parent or legal guardian. Persons under age fifteen (15) may only use our Websites and provide personal information with the involvement and consent of a parent or legal guardian.

### **PASSIVE INFORMATION COLLECTION**

As with many commercial websites, we may also collect information which tells us about visitors to our Websites. For example, we may collect information about the date, time and duration of visits and which pages of a Website are most commonly accessed. This information is generally not linked to the identity of visitors, except where a Website is accessed via links in an email we have sent or where we are able to uniquely identify the device or user accessing a Website. By accessing a Website via links in an email we have sent and/or by accessing a Website generally, you consent to the collection of such information where it is personal information.

As you navigate through our Websites, certain information can be passively collected (that is, gathered without you actively providing the information) using various technologies, such as Unique Device Identifiers (UDI), cookies, Internet tags or web beacons, and navigational data collection (log files, server logs, clickstream). In certain circumstances, this information may be considered anonymous information or personal information under the Privacy Act 1988 (Cth). This is dependent on the device used and the method by which an individual connects to the Internet. Your Internet browser automatically transmits to the Website you are browsing some of this anonymous information or personal information, such as the URL of the website you just came from, the Internet Protocol ("IP") address, the UDI (if applicable) and the browser version your device is currently using. Our Websites may also collect anonymous information or personal information from your device through cookies and Internet tags or web beacons. You may set your browser to notify you when a cookie is sent or to refuse cookies altogether, but certain features of a Website might not work without cookies and this may limit the services provided by a Website. Cookies and other technical methods may involve the transmission of information either directly to us or to another party authorised by us to collect information on our behalf.

Our Websites may use and combine such passively collected anonymous information or personal information from various third party sources, including as described in paragraph 14, to provide better service to Website visitors and users, customise a Website based on your preferences, compile and analyse statistics and trends, and otherwise administer and improve a Website for your use. We may combine your visitor session information or other information collected through tracking technologies with personally identifiable information from time to time in order to understand and measure your online experiences and to determine what products, promotions and services are likely to be of interest to you. By accessing a Website, you consent to information about you being collected, compiled and used in this way.

For more information about cookies and how you can opt out, you can visit <http://www.youronlinechoices.com.au/>.

### **PURPOSES FOR WHICH WE COLLECT, HOLD, USE AND DISCLOSE PERSONAL INFORMATION**

Personal information collected will be used for the following primary purposes:

- For the purposes stated in a privacy collection statement on a particular Collection Channel.
- To allow you to join as a member of Balance and to use our facilities safely.
- To allow you to hire our facilities.
- To maintain the functionality of a Website, including the provision of information to you relating to the content available on the Website.
- To complete a transaction.
- In order to facilitate or provide you with certain products or services, and information about such products or services.
- To provide you with marketing materials; newsletters; electronic newsletters (e-newsletters) and news and media releases.
- To assist with your queries or customer service issues promptly. We may also keep information on your communications with our customer service representatives.
- To keep you up-to-date with products, services, events or promotions we think would be of particular interest through a variety of channels. You are able to "opt-out" from this activity at any time;



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- For planning, product development or research purposes.
- To contact you in relation to employment opportunities.
- To maintain our relationship with you.
- To enter you into and administer competitions and promotions.
- To send you any technical, administrative or legal notices important to our Websites.
- To provide you with information about your transactions (including uploading, access to, and receipt of content on a Website), content, services and products.
- To provide direct marketing materials, events, special offers, competitions and promotions in person and via any medium including mail, telephone and commercial electronic messages (SMS (Short Message Service), MMS (Multimedia Messaging Service), IM (Instant Messaging), email) or any other form of electronic, emerging, digital or conventional communications channel.
- To provide you with relevant advertising when you use our Websites or those of a third party.
- To render services related to our company (such as after sales services and enquiries).
- To respond to enquiries.
- To improve Website and system administration.
- To obtain opinions or comments about products and/or services and to conduct other research and development.
- To record statistical data for marketing analysis and to conduct market research.
- To share personal information with our group companies, our promotional partners and other trusted third parties in the manner described below.
- If you are a business we trade with, to carry on our trading relationship with you including identifying and contacting you, invoicing you correctly, assessing the risks of providing credit to you or your business, and securing and recovering any debts owed to us.
- To copy with our obligations as a Fitness Centre under the Fitness Industry Code of Practice.
- To fulfil our obligations under either the Registered Clubs Act 1976 (as amended) or the Memorandum & Articles of Association of Western Suburbs (Ncle) Leagues Club Limited.
- For the purposes described above, personal information may be shared with our group companies, our promotional partners and other trusted third parties (and their directors, servants and agents) in Australia. Failure to provide personal information may result in us being unable to provide you with certain content, products and services.
- In order to operate a Website or deliver a service, or for the purposes described above, personal information may also be shared with our group companies, selected service providers and/or other trusted third parties in Australia. Our group companies, selected service providers and/or other trusted third parties may be engaged to perform a variety of functions, such as legal and accounting services, data storage, fulfilling orders, conducting market research, processing credit card payments, assisting with promotions and providing technical services for our Websites. These companies may have access to personal information if needed to perform such functions. If you are a business we trade with, we may disclose your information to debt recovery agents or credit reporting bodies if necessary.
- We recognise the trust with which you provide personal information, and except as stated in this Privacy Policy, such information will not be used or disclosed for any other purposes without consent. However, we reserve the right to use or disclose any information, including personal information, as needed to satisfy any law, regulation or legal request, to protect our rights or property or any member of the Western Suburbs (Ncle) Leagues Club Limited, or any member of the public, to protect the integrity of a Website, to fulfil your requests, or to cooperate in any law enforcement investigation or an investigation on a matter of public safety.

### CONTACTING YOU

Balance and Western Suburbs (Ncle) Leagues Club Limited group companies, (and their directors, servants and agents), our promotional partners or trusted third parties (and other selected service providers and other non- Western Suburbs (Ncle) Leagues Club Limited companies or professionals) either in Australia or overseas, may contact you via telephone, SMS (Short Message Service), MMS (Multimedia Messaging Service), IM (Instant Messaging), email, post or any other form of electronic, emerging, digital or conventional communications channel using the information provided in order to contact you in respect of the primary purposes for collection of personal information as stated above.

We do not send advertising or marketing information without obtaining prior consent, for example the consent contained within this Privacy Policy, or if it is otherwise lawful to do so. If, for any reason, you would like to be removed from our mailing lists, please complete one of the following:

- Submit an "Opt-Out" card, which is available from Club Reception, Administration or from our Privacy Officer;
- Select 'Unsubscribe' on electronic communications;



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- Email [privacyofficer@westsnewcastle.com.au](mailto:privacyofficer@westsnewcastle.com.au).
- Please allow 30 days for this request to be processed.
- Despite removing your name from the database from receiving future advertising and marketing information, we may send you non-commercial "Administrative Emails". Administrative Emails relate to a user account and may include administrative and transaction confirmations, requests and inquiries or information about a particular user account. If you do not wish to receive such communications, you may remove your name from the database by utilising the functional unsubscribe facility.

### **ABILITY OF OTHERS TO VIEW INFORMATION**

We may provide areas on a Website where you can upload user-generated content, post or provide information about yourself, communicate with other users, provide reviews for content, products and/or services or interact with or vote on particular content. This information may be shared with others and may be publically posted on our Websites, including without limitation, other social media platforms and other public forums in which you choose to participate. This information may become publically available and may be read, collected and used by others outside of our Websites. We are not responsible for the conduct of others who may read, collect and use this information.

### **YOUR RIGHT OF ACCESS**

You have the right to access and review your personal information that may be recorded on our database. Information may be reviewed by contacting our privacy officer at the contact details in this Privacy Policy. Please allow 30 days for this request to be processed.

### **CHANGING AND DELETING THE INFORMATION WE HAVE ABOUT YOU**

Balance's goal is to ensure that your personal information is accurate, complete and up-to-date. To assist us with this, please contact Club Reception, Human Resources or our Privacy Officer if any of the details you have provided change. Further, if you believe that the information we have about you is not accurate, contact us and we will use all reasonable efforts to correct the information. No fee applies to correction of personal information. Please allow 30 days for this request to be processed.

In the same way, a request may be made to delete personal information, and all reasonable steps to delete the information will be made, except where it is required for legal reasons. Deletion of information may result in us being unable to facilitate or provide you with information about certain transactions (including the uploading, access to, and receipt of content on a Website, and purchase transactions undertaken on a Website), other content, services or product information, upcoming promotion, competition or event information, and/or provide certain content, goods or services.

We are not responsible for removing your personal information from the lists of any third party who has previously been provided your information in accordance with this policy.

### **STORAGE AND SECURITY OF PERSONAL INFORMATION**

Balance is committed to ensuring the security of your personal information and we will take all reasonable precautions to protect this information from loss, misuse or alteration. We will endeavour to take all reasonable steps to keep secure any personal information recorded (including your credit card details), and to keep this information accurate, up to date, complete and relevant. We ensure only those necessary have access to your personal information. We may hold personal information electronically and in hard copy at our premises. The information is also stored on secure servers that are protected in controlled facilities. This service may be performed on our behalf and data may be hosted by our selected data storage providers.

### **LINKS TO OTHER WEBSITES**

Our Websites may, from time to time, contain links to the websites of other organisations which may be of interest to you. Inclusion of such links cannot be taken to imply any endorsement or validation by us of the content of the third party website. Linked websites are responsible for their own privacy practices and you should check those websites for their respective privacy statements. We are not responsible, nor do we accept any liability, for the conduct of companies linked to our Websites.

We may use third party advertisements on our Websites. All third party advertisements are not recommendations or endorsements by us or any of our affiliates. We are not responsible for the content (including representations) of any third party advertisement on a Website. Cookies may be associated with these advertisements to enable the advertiser to track the number of anonymous users responding to the campaign. We do not have access to or control of cookies placed by third parties.



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### **RELATED WEBSITES**

All Websites operated by us will adhere to this Privacy Policy. The policies on the Websites of some members of Balance may vary, however, because of local customs, practices or laws.

### **SALE OF THE COMPANY**

If our company merges with, or is acquired by, another company, or sells all or a portion of its assets, your personal information may be disclosed to our advisers and any prospective purchaser's adviser, and may be among the assets transferred. However, personal information will always remain subject to this Privacy Policy.

### **PROBLEMS OR QUERIES**

If you have any questions about our Privacy Policy, or any problems or complaints regarding a possible breach of the APPs or how we have collected, used, stored, handled and/or disclosed your personal information, please contact our Privacy Officer via one of the following channels:

Address: Balance Heath Clubs 88 Hobart Road, New Lambton, NSW 2305

Telephone: +61 2 4935 1420

Email: [privacyofficer@westsnewcastle.com.au](mailto:privacyofficer@westsnewcastle.com.au)

Please allow 30 days for this request to be processed. On receipt of your complaint a review will be conducted and findings will be communicated to you where required. If you do not receive a satisfactory response to your query, problem or complaint within 30 days, you may refer your query, problem or complaint to the Office of the Australian Information Commissioner via the contact details listed at <http://www.oaic.gov.au/about-us/contact-us-page>.

### **CHANGES TO THIS STATEMENT**

Balance may make changes to this Privacy Policy from time to time for any reason. We will publish those changes on our website [www.balancecollective.com.au](http://www.balancecollective.com.au). For more information please email [info@balancecollective.com.au](mailto:info@balancecollective.com.au).