

## PRIVACY NOTICE

Expr3ss! Pty Ltd (**Expr3ss!**) collects personal information about individuals for a range of purposes to enable it to carry out its functions.

Australian Privacy Principle 5 (APP5) requires Expr3ss! to take reasonable steps to ensure that it notifies an individual of certain matters at the time it collects their personal information.

Expr3ss! is required to provide similar notification to European Residents whose personal data it collects in accordance with Articles 12 to 14 of the **General Data Protection Regulation (Regulation (EU) 2016/679) (GDPR)**.

The purpose of this privacy notice is to let those individuals making submissions to the Expr3ss! website (**Expr3ss! Site**) know what information is being collected from them, as well as how that information will be used.

This privacy notice should be read in conjunction with the full terms of Expr3ss!'s Privacy Policy, which can be accessed here: [<https://jobs.expr3ss.com/legal.php>]

### **Who collects your personal information, and who is the data controller for the purpose of the GDPR?**

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1. Your personal information is being collected by Expr3ss! which is also the data controller for the purposes of the GDPR, and can be contacted as follows:
  - (a) In writing  
Expr3ss! Pty Ltd  
Privacy Officer  
  
146 Arthur Street  
North Sydney NSW 2060
  - (b) By telephone  
1800 00 5598
  - (c) By email  
[contact@expr3ss.com](mailto:contact@expr3ss.com)

### **What personal information is collected?**

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2. Expr3ss! does not collect or solicit any personal information via the Expr3ss! Site which might be unlawful, unnecessary, excessive or unrelated to its functions or activities.
3. Personal information collected by Expr3ss! may include:
  - (a) name, gender and date of birth;
  - (b) your contact information, including postal and residential addresses, telephone and facsimile numbers, and email addresses;
  - (c) your education;

- (d) your employment history;
  - (e) academic records, transcripts, enrolment and assessment details; and
  - (f) passport and visa details.
4. Your personal information that Expr3ss! may collect includes a sub-category of information known as "sensitive information" (also known as special category data for the purposes of the GDPR). Sensitive information/special category information may include information in respect of:
- (a) health, genetics and biometrics;
  - (b) racial or ethnic origin;
  - (c) political opinions;
  - (d) membership of a political association;
  - (e) religious beliefs or affiliations;
  - (f) philosophical beliefs;
  - (g) membership of a professional or trade association;
  - (h) membership of a trade union;
  - (i) sexual orientation or practices;
  - (j) criminal record; and
  - (k) child related employment screening reports.
5. For the purposes of the APPs, Expr3ss! may collect sensitive information/special category data where that sensitive information/special category data:
- (a) is necessary for Expr3ss! to perform a relevant function or activity; or
  - (b) must be collected in order to comply with Expr3ss!'s obligations under law.
6. For the purposes of the GDPR, sensitive information/special category information will only be collected, used and stored where:
- (a) you have given explicit consent for Expr3ss! to do so;
  - (b) it is necessary for Expr3ss! to carry out its obligations in the fields of employment, social security or social protection law;
  - (c) the special category data has already been made public by you;
  - (d) it is necessary for the establishment, exercise or defence of legal claims;

- (e) it is necessary to protect your vital interests where you are physically or legally incapable of giving consent;
- (f) it is necessary for reasons of substantial public interest;
- (g) it is necessary for the purposes of preventive or occupational medicine, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services;
- (h) it is necessary for reasons of public interest in the area of public health; or
- (i) it is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

### **How is personal information collected?**

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- 7. Expr3ss! will only collect your personal information by lawful and fair means.
- 8. Expr3ss! will generally collect your personal information from you directly, unless:
  - (a) you consent to the collection of the information from someone else; or
  - (b) Expr3ss! is required or authorised by law to collect the personal information from a third party; or
  - (c) it is unreasonable or impracticable to obtain the personal information from you directly.
- 9. Expr3ss! collects your personal information when you submit information to the Expr3ss! Site via an online application.

### **Why does Expr3ss! collect your personal information?**

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Expr3ss! collects your personal information on the lawful basis that it:

- (a) is complying with Expr3ss! 's legal obligations. This includes:
  - (i) its obligations under the *Corporations Act 2001* (Cth);
- (b) is pursuing Expr3ss! 's legitimate interests. This includes:
  - (i) to communicate with you in respect of news and information about our products and services;
  - (ii) to provide job advertisers with the services and/or products which we have undertaken to provide them with under contract;
  - (iii) to collate your contact details;

- (iv) to facilitate communication and engagement between you and job advertiser employers who utilise our services as part of their recruitment processes;
  - (v) to facilitate future employment opportunities with that employer in the event your initial employment application is unsuccessful;
  - (vi) to operate and maintain its information technology systems;
  - (vii) to improve the functionality of its website;
  - (viii) to personalise your experience with our products and services, for example, via connectivity with social media services;
  - (ix) to enable third party organisations to provide us with technical and support services;
  - (x) to obtain legal, financial, business and other professional advice in respect of its operations;
  - (xi) to carry out direct marketing;
  - (xii) to carry out statistical analysis and internal research in respect of its customer base, products and services; and
- (c) is necessary to protect your vital interests. This includes:
- (i) releasing sensitive information where Expr3ss! considers that there is an imminent threat to your health, safety or life generally, or where it considers that it is necessary to avoid, lessen or prevent a serious emergency or crime.

#### **What will happen if Expr3ss! does not collect your personal information?**

10. You may elect not to provide Expr3ss! with your personal information. However, if you choose to do so, Expr3ss! may be restricted (if not rendered completely incapable) in its capacity:
- (a) to facilitate any communication or engagement between you and a job advertiser; or
  - (b) provide you with any other support or assistance in your search for employment.

#### **To whom will Expr3ss! disclose your personal information?**

11. If Expr3ss! collected your personal information for a particular purpose (the primary purpose), Expr3ss! will not use or disclose this information for another purpose (the secondary purpose), unless:
- (a) you consented to the use or disclosure of the information; or

- (b) you would reasonably expect Expr3ss! to use or disclose the information for the secondary purpose .
- 12. Expr3ss! will take reasonable steps to ensure that personal information is not disclosed to a third-party, except in certain permitted situations. These include:
  - (a) where Expr3ss! obtains the individual's consent;
  - (b) where it is necessary to provide that information to a third-party who provides services to Expr3ss! ;
  - (c) where the disclosure is required or authorised by law or regulatory obligations; or
  - (d) any other circumstance permitted by the APP.
- 13. Third parties in Australia to whom Expr3ss! may disclose your personal information may include:
  - (a) Job Advertisers; and
  - (b) contracted service providers including:
    - (i) information technology service providers, including cloud service providers;
    - (ii) external business advisors, including accountants, auditors and lawyers;
    - (iii) third party marketing providers.
- 14. Third parties outside of Australia to whom Expr3ss! may disclose your personal information include:
  - (a) information technology service providers, including cloud service providers;
  - (b) third party marketing providers.

### **Overseas disclosure of your personal information**

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- 15. You consent to us disclosing your personal information to overseas recipients including, but not limited to, third party servers, international advertisers, or international branches of Australian based companies for purposes necessary or useful in the course of operating our business.
- 16. If it becomes necessary for Expr3ss! to disclose the personal information of European residents to a recipient outside of the European Union, it will only do so where:
  - (a) the foreign jurisdiction governing a third party has been assessed as "adequate" in terms of data protection in accordance with the GDPR;

- (b) sufficient safeguards (such as a binding contract or corporate rules or any other safeguards prescribed by the GDPR) have been put in place; or
- (c) an exception listed in the GDPR applies.

### **Storage and Security of Information**

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- 17. Expr3ss! will generally hold your personal information as either physical records, records on our servers, and in some cases, records on third party servers, which may be located overseas.
- 18. Expr3ss! has in place:
  - (a) data is encrypted in transit and at rest.
  - (b) your personal data is accessible only to registered employees and contractors of the employer via password protected logins
- 19. Generally, subject to your right to erasure, personal information retained by Expr3ss! will be stored for as long as Expr3ss! requires it to carry out the purpose for which the data was collected, following which time it will be either destroyed or anonymised.
- 20. Expr3ss! reserves the right to retain the personal information of European Residents which it holds for the following purposes indefinitely:
  - (a) archiving purposes in the public interest;
  - (b) scientific or historical research purposes; or
  - (c) statistical purposes.
- 21. In the event that Expr3ss! engages a data processor to process the personal information of European Residents on Expr3ss! 's behalf, it will only do so if that data processor has provided Expr3ss! with sufficient guarantees that it will implement appropriate technical, contractual and organisational measures that ensure compliance with the GDPR, and the protection of the personal information of European residents.

### **Access and correction of your personal information**

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- 22. You can review your personal information online via the Expr3ss! Site, or you may request access to your personal information at any time by sending a written request to our Privacy Officer, or using the contact form on the Expr3ss! Site as specified from time to time.
- 23. In the event that Expr3ss! is satisfied that the personal information it holds is inaccurate, out-of-date, incomplete, irrelevant or misleading, it will take all reasonable steps to correct that information to ensure that it is accurate, up-to-date, complete, relevant and not misleading.
- 24. Expr3ss! will generally grant an individual access to their personal information unless an exception applies. Exceptions include where:

- (a) giving access would have an unreasonable impact on the privacy of other individuals;
  - (b) the request for access is frivolous or vexatious;
  - (c) the request is manifestly unfounded or excessive (taking into account whether the request is repetitive in nature); or
  - (d) the access would be unlawful.
25. Expr3ss! will not impose a fee for making an access or correction request in the first instance.
26. Expr3ss! may charge a reasonable fee for the administrative costs it incurs as a result of providing access to the personal information (particularly where a request is manifestly unfounded or excessive).
27. If a request for access or correction is denied by Expr3ss! it will, within a reasonable time period, provide the individual who made the request with a general, written explanation as to why the request was refused.

#### **Additional rights of European Residents under the GDPR in respect of their personal information**

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28. In addition to the protections afforded under the Privacy Act and the APPs, if you are European resident, you have a number of additional rights under the GDPR, including:
- (a) the right to receive personal data you have provided to us in a structured, commonly used and machine readable format, including the right to request that we transmit this data directly to another data controller.
  - (b) the right to restrict the processing of your personal data in certain circumstances. This means that you can limit the way that we use your data (this right is an alternative to requesting the erasure of your data); and
  - (c) the right to require us to erase your data in certain circumstances.
29. If you wish to exercise these rights, please contact the Privacy Officer.
30. In the event that a European Resident requests that their data be erased, Expr3ss! will assess this request against any relevant record keeping obligations it has under any statute or regulation, and retains the right to seek professional advice in respect of any conflict of law issues that might arise as a result of the initial assessment before the European Resident's request for erasure is granted.

#### **Status of your consent**

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31. If you have provided your consent to the collection, use and disclosure of your personal information in accordance with the Privacy Policy, you have the right to withdraw that consent at any time online via [contact@expr3ss.com](mailto:contact@expr3ss.com)

32. Alternatively, you will have the opportunity to withdraw your consent each time you are sent a new communication piece, including emails, letters and phone calls.
33. The withdrawal of your consent does not affect the lawfulness of the manner in which your personal information was handled/processed before your consent was withdrawn.

#### **Privacy complaints and concerns**

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34. If you wish to make a complaint about the way Expr3ss! has handled your personal information under the Privacy Act or APPs, please contact Expr3ss! 's Privacy Officer by email to [contact@expr3ss.com](mailto:contact@expr3ss.com), or by mail directed to:
  - (a) Privacy Officer  
LG 146 Arthur Street  
North Sydney NSW 2060
35. You may also lodge a complaint with the Office of the Australian Information Commissioner.
36. If you are a European resident, please also contact Expr3ss! 's Privacy Officer.
37. You can also lodge a complaint with the relevant supervisory authority in your jurisdiction.