

Last Update: 20 July 2018

## GDPR PRIVACY NOTICE

**THIS PRIVACY NOTICE ONLY APPLIES TO THE COMPANIES OF THE IMDEX GROUP ESTABLISHED WITHIN THE EEA AND TO THOSE IMDEX GROUP COMPANIES PROCESSING PERSONAL DATA OF EU INDIVIDUALS WHEN OFFERING THEIR GOODS OR SERVICES TO EU INDIVIDUALS OR MONITORING THEIR BEHAVIOUR**

### 1 INTRODUCTION

Your privacy is very important to us. We are committed to ensuring that when you use our services or engage with us, you know what personal data we collect about you and how we use your personal data. We are committed to protecting and respecting your privacy. This data privacy notice ("**Privacy Notice**") is a statement that describes how we will use your personal data. Please take the time to read and understand our Privacy Notice.

It is important that you read this Privacy Notice together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your personal data. This Privacy Notice supplements the other notices and is not intended to override them.

### 2 WHO WE ARE

IMDEX is a leading global mining equipment, technology and services multinational company, headquartered in Australia with subsidiaries in several EEA countries (the "**IMDEX Group**")

The IMDEX Group is comprised by Imdex Limited and the following EEA based companies:

IMDEX Global Coöperatie U.A., IMDEX Global B.V., AMC Europe GmbH, Reflex Instruments Europe Limited UK, IMDEX Sweden AB, and Reflex Instruments AB ("**IMDEX EEA**").

Each of the IMDEX EEA companies are separate data controllers but are collectively referred to in this Privacy Notice as "**IMDEX EEA**", "**we**" or "**our**" or "**us**".

The companies of IMDEX EEA operate through the following EEA websites: <http://www.imdexlimited.com/> , <https://www.amcmud.com/> and <https://reflexnow.com/> (our "**Websites**").

The "**customer**", "**you**" or "**your**" means an individual who is the subject of personal data we process as a data controller.

### 3 SCOPE OF THIS NOTICE

This Privacy Notice (together with our [Website Terms](#) and any other documents referred to in it) sets out the basis on which any personal data we collect from you, or that you provide to us, will be processed by

us. This Privacy Notice also sets out how you can instruct us if you prefer to limit the use of that personal data, as well as the procedures that we have in place to safeguard your privacy.

For the purpose of this Privacy Notice, Data Protection Legislation means: (i) the General Data Protection Regulation 2016/679 (the “**GDPR**”) applicable in the European Union, including the UK until any UK data protection legislation replaces or adopts the GDPR in the UK and; (ii) then in respect of the UK such UK data protection legislation replacing the GDPR once in force and applicable. For the purpose of the Data Protection Legislation, the data controllers are the companies of IMDEX EEA.

Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

By using our Websites, registering with us or submitting information to us you signify you have read and understood our collection, use and disclosure of your personal information in accordance with this Privacy Notice. If you do not agree with this Privacy Notice, you must not use our Websites, access our services or submit information to us.

#### **4 INFORMATION WE MAY COLLECT (OR RECEIVE) ABOUT YOU**

4.1 We may collect (or receive) and process your personal data when:

- (a) you contact us, whether through our Websites, or otherwise (for example, via our online form, by e-mail, post, fax or phone), as we may keep a record of that correspondence. For example, if you submit a complaint, report a problem with our service or our Websites or otherwise liaise with our customer service, technical support or any other department in our company;
- (b) you update the information in your customer account or you fill in and submit information on our Websites via your PC, a mobile device or otherwise such as your:
  - (i) name and address;
  - (ii) e-mail address;
  - (iii) username, password;
  - (iv) your IP address; and
  - (v) your phone number.
- (c) we verify your identity and contact information, such as your:
  - (i) date of birth; and
  - (ii) proof of your date of birth (including, but not limited to, driver’s licence, passport, birth certificate),

- (d) we collect details relating to the shareholding and transfer(s) of shareholding that are necessary for the efficient trading, management and administration of IMDEX Group shareholdings;
- (e) we collect any personal information linked, or related to, any drilling, geological or mineral services provided or the data collected in connection with the provision of such services; and
- (f) we ask you to complete surveys that we use for research purposes, although, you do not have to respond to them (e.g. your opinions, statements and endorsements collected personally or via surveys and questionnaires, including but not limited to your views on the products and services offered by IMDEX).

4.2 We may have access to your financial information, if you are supplier to us or a customer requesting products or services from us such as credit information as well as contact, supply, payment or billing information (including but not limited to bank account details, direct debit, credit card details, billing address, repayment information and invoice details), the details of which are set out in our [Credit Reporting Policy](#).

## **5 HOW WE COLLECT THE INFORMATION**

5.1 We collect your personal data through:

- (a) our Websites;
- (b) our mobile applications;
- (c) emails you send to us, or that we send to you; or
- (d) our conversations with you.

## **6 HOW WE MAY USE THE INFORMATION**

6.1 We may process your personal data for one or more lawful bases of processing (“**Lawful Basis**”) depending on the specific purpose for which we are using your data (see below).

6.2 We may process this information for the purpose of:

- (a) the administration, management and improvement of our products and services, including charging, billing, credit card authorisation and verification, checks for financial standing, credit-worthiness (including but not limited to undertaking an assessment for credit loss and obtaining credit references, if applicable), fraud and collecting debts and business systems and infrastructure, the details of which are set out in our Credit Reporting Policy. Lawful Basis: performance of our contract with you or necessary for our legitimate interests;
- (b) dealing with your inquiries and requests, including contacting you where necessary. Lawful Basis: your consent or performance of our contract with you;

- (c) notifying you about important changes or developments to our Websites, or to our services (e.g. changes of features or enhancements) Lawful Basis: performance of our contract with you or necessary for our legitimate interests;
- (d) carrying out our obligations arising from any contracts connected to you, such as using the data you provide. Lawful Basis: performance of our contract with you or necessary for our legitimate interests;
- (e) providing and personalising our services. Lawful Basis: performance of our contract with you or necessary for our legitimate interests;
- (f) where applicable, processing your payments. Lawful Basis: performance of our contract with you or necessary for our legitimate interests;
- (g) for market research, analysis and creating statistics. Lawful Basis: your consent, performance of our contract with you or necessary for our legitimate interests;
- (h) to send you marketing communications, for instance, to contact you from time to time regarding things you have told us you want to hear about; new products, for example, or special offers, competitions and sponsored events. Lawful Basis: your consent or necessary for our legitimate interests;
- (i) verify your identity, prevent, detect and investigate potentially prohibited or illegal activities, and enforce our Website Terms. Lawful Basis: to comply with our legal obligations or necessary for our legitimate interests;
- (j) ensuring that content from our Websites is presented in the most effective manner for you and for your computer or mobile device. Lawful Basis: performance of our contract with you or necessary for our legitimate interests;
- (k) ensuring we have adequate security measures and services so you can safely access our Websites. Lawful Basis: performance of our contract with you, to comply with our legal obligations or necessary for our legitimate interests;
- (l) comply with all the applicable laws and regulations. Lawful Basis: to comply with our legal obligations;
- (m) debt recovery or debt tracing, crime, fraud and money laundering compliance. Please see Section 4 of IMDEX's Credit Reporting Policy for details in relation to the types of organisations your credit information may be disclosed to. Lawful Basis: to comply with our legal obligations or necessary for our legitimate interests;
- (n) for recruitment purposes if you have applied for a position with us including to contact you to discuss a role with us and to assess your suitability. Lawful Basis: your consent, performance of our contract with you or necessary for our legitimate interests;
- (o) to monitor how people use our Websites to see if they are being abused or threatened, for example, by internet trolls posting inappropriate comments in review areas or by would-be

hackers looking to undermine our security. Lawful Basis: your consent, performance of our contract with you or necessary for our legitimate interests;

- (p) to allow us to understand our customer base across all our businesses; and
- (q) the trading, management and administration of shareholdings held by our shareholders in the IMDEX Group.

6.3 If you are an existing customer, we may contact you with information, products or services that you request from us or ones which are similar to the services we are providing to you (independently or jointly with others), unless you opted out to be contacted for such purposes. We may contact you for this purpose by post, telephone, fax, as well as by email. If you change your mind about being contacted in the future, please let us know.

6.4 We do not sell, rent, or otherwise provide your personal data to third parties unless you consent to this or it is necessary to provide you with our services or as described in this Privacy Notice. We may share information with any member of the IMDEX Group, which means our subsidiaries, our ultimate holding company and its subsidiaries, as defined in section 1159 of the UK Companies Act 2006 (the “Affiliates”).

6.5 You may ask us to provide you with information about our services or about services offered jointly with or on behalf of other organisations by sending us an e-mail to [legal@imdexlimited.com](mailto:legal@imdexlimited.com) or writing to the following address: IMDEX Information Security Manager, PO Box 1262, Osborne Park, WA 6916.

6.6 If you stop using our Websites, or our services or your permission to use our Websites, or our services is terminated, we may continue to use and disclose your personal information in accordance with this Privacy Notice (as amended from time to time) and as permitted by law. However, if you wish us to stop e-mailing you with information in connection with our Websites, our Apps or our services, please unsubscribe or send your request to the contact details set out above.

## **7 CONTACTS INFORMATION**

7.1 Where applicable, you can change your contact details at any time by updating your profile in your customer account and update your contact preferences by changing your settings related to your notification choices.

7.2 We may use information you provide to us, or to third parties offering combined services with us, to customize the services we provide to you.

## **8 INFORMATION SECURITY**

8.1 The Internet is not a secure medium. However, we have put in place a range of security procedures, as set out in this Privacy Notice.

8.2 Where you have been allocated an account, this area is protected by your user name and password, which you should never divulge to anyone else.

- 8.3 Please be aware that communications over the Internet, such as emails/webmails, are not secure unless they have been encrypted. Your communications may route through a number of countries before being delivered. This is the nature of the World Wide Web/Internet.
- 8.4 We cannot accept responsibility for any unauthorised access or loss of personal information that is beyond our control.
- 8.5 We will use reasonable endeavours to implement appropriate policies, rules and technical measures to protect the personal data that we have under our control (having regard to the type and amount of that data) from unauthorised access, improper use or disclosure, unauthorised modification, unlawful destruction or accidental loss.
- 8.6 We will ensure that your information will not be disclosed to government institutions or authorities except if required by law (e.g. when requested by regulatory bodies or law enforcement organisations in accordance with applicable legislation).
- 8.7 Certain services may include social networking, chat room or forum features. When using these features please ensure that you do not submit any personal data that you do not want to be seen, collected or used by other users.

## **9 TO WHOM WILL YOUR INFORMATION BE DISCLOSED?**

- 9.1 Your information may, for the purposes set out in this Privacy Notice, be disclosed for processing:
- (a) to our employees, our Affiliates and their employees. For instance, IMDEX EEA are part of the IMDEX Group and will share your information;
  - (b) to our third-party consultants, (sub-)contractors, suppliers or other service providers who may access your personal information when providing services (including but not limited to IT support services) to us (e.g. for instance, we may share your data with email marketing companies who help us to email or mail our newsletter to you and other people who help us provide our Websites, and related services to you. This includes information technology experts who design and host our Websites and our Apps, and general service companies).
  - (c) to auditors or contractors or other advisers auditing, assisting with or advising on any of our business purposes;
  - (d) to analytics and search engine providers that assist us in the improvement and optimisation of our Websites;
  - (e) to our successors in title, our prospective sellers or buyers of our business or to our Affiliates when we have a merger or re-organisation;
  - (f) to government bodies and law enforcement agencies and in response to other legal and regulatory requests;
  - (g) to any third-party where such disclosure is required in order to enforce or apply our Website Terms or other relevant agreements;

- (h) to protect the rights, property, integrity or security of our company, our customers, or others (including, without limitation, you). This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction; and
- (i) where you have consented to this, to selected third parties that may contact you about products and services which may be of interest to you in any jurisdiction where we operate.

9.2 Any social media posts or comments you send to us (on our LinkedIn page, for instance) will be shared under the terms of the relevant social media platform on which they are written and could be made public. Other people, not us, control these platforms. We are not responsible for this kind of sharing. So before you make any such remarks or observations, you should review the terms and conditions and privacy policies of the social media platforms you use. That way, you will understand how they will use your information, what information relating to you they will place in the public domain, and how you can stop them from doing so if you are unhappy about it.

## **10 YOUR RIGHTS IN RELATION TO YOUR INFORMATION**

10.1 You can write to us at any time to obtain a copy of your information and to have any inaccuracies corrected.

10.2 You have the following rights, though, please note that they do not apply in all circumstances:

- (a) request access to your personal data (commonly known as a "data subject access request");
- (b) request correction of the personal data that we hold about you;
- (c) request erasure of your personal data. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request;
- (d) object to processing of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms;
- (e) request restriction of processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it;
- (f) request the transfer of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used,

machine-readable format. Note that this right only applies to automated information (i.e. not to hard copies) which you initially provided consent for us to use or where we used the information to perform a contract with you; and

- (g) withdraw consent at any time where we are relying on consent to process your personal data. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

- 10.3 Please write to the IMDEX Privacy Officer at PO Box 1262, Osborne Park, WA 6916 and our Privacy Officer.
- 10.4 Please quote your name and address. We should be grateful if you would also provide brief details of the information of which you would like a copy or which you would like to be corrected (this helps us to more readily locate your data).
- 10.5 We will require proof of your identity before providing you with details of any personal information we may hold about you.
- 10.6 We try to respond to all legitimate requests within 1 (one) month. Occasionally, it may take us longer than 1 (one) month if your request is particularly complex or you have made a number of requests. In this case, we will notify you within 1 (one) month of the receipt of your request and keep you updated.
- 10.7 We may charge you a reasonable fee to you when a request is manifestly unfounded, excessive or repetitive, or we receive a request to provide further copies of the same information. Alternatively, we may refuse to comply with your request in these circumstances.

## **11 COOKIES**

- 11.1 We use cookies to store and collect information about your use of our Websites. Cookies are small text files stored by the browser on your equipment's hard drive. They send information stored on them back to our web server when you access our Websites. These cookies enable us to put in place personal settings and load your personal preferences to improve your experience.

## **12 WHERE WE STORE AND PROCESS YOUR INFORMATION**

- 12.1 The data that we collect from you may be transferred to, and stored at, a destination outside the European Economic Area ("**EEA**"). It may also be processed by staff operating outside the EEA who work for us or for one of our suppliers or Affiliate companies (i.e. other companies of the IMDEX Group). Such staff may be engaged in, among other things, the fulfilment of your request, the processing of your payment details and the provision of support services. By submitting your personal data, you agree to this transfer, storing or processing. We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Notice.



### **13 YOUR CONSENT AND CHANGES TO THIS PRIVACY NOTICE**

- 13.1 We reserve the right to amend or modify this Privacy Notice and if we do so we will post the changes on our Websites. It is your responsibility to check the Privacy Notice every time you submit information to us.
- 13.2 In the event that the purposes for processing personal information change, we will contact you as soon as practicable and seek your consent where such notification relates to a new additional purpose for processing.

### **14 USE OF YOUR PERSONAL INFORMATION SUBMITTED TO OTHER WEBSITE**

- 14.1 Except as otherwise expressly included in this Privacy Notice, this document addresses only the use and disclosure of information we receive about you or collect from you.
- 14.2 If you disclose your information to others (e.g. websites we link to), different rules may apply to their use or disclosure of the information you disclose to them. We are not responsible for the privacy policies and practices of other websites even if you accessed the third party website using links from our Websites.
- 14.3 We recommend that you check the policy of each website you visit and contact the owner or operator of such website if you have concerns or questions.

### **15 DATA RETENTION**

- 15.1 We will only retain your personal data for as long as you have consented to it or when is necessary to us to provide you with our services or fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements or any legal or regulatory requirements. For instance, by law we have to keep basic information about our customers (including contact, identity, financial and transaction data) typically for six years after they cease being customers for tax purposes.
- 15.2 To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.
- 15.3 In some circumstances you can ask us to delete your personal data.
- 15.4 In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

### **16 FURTHER INFORMATION**

- 16.1 If you would like to let us know about something we have done, or failed to do, whether positive or negative, please let us know. Your comments enable us as an organisation to learn and continuously improve our services.

16.2 If you think there is a problem with the way we are handling your data, you have the right to complain to the Information Commissioners Office at: <https://ico.org.uk/concerns/>

16.3 Questions, comments and requests regarding this Privacy Notice should be addressed to [legal@imdexlimited.com](mailto:legal@imdexlimited.com).

## **17 YOUR DUTY TO INFORM US OF CHANGES**

17.1 It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

17.2 If your personal details change, please help us to keep your information up to date by notifying us at [legal@imdexlimited.com](mailto:legal@imdexlimited.com).