

SOUTH YARRA STRENGTH
- ELITE PERSONAL TRAINING & GYM -

Privacy Policy

This Policy was last reviewed and updated on 28 June 2024

1. About our Privacy Policy

- (a) South Yarra Strength Pty Ltd ACN 637 753 354 (“**South Yarra Strength, us, our, we**”) values and respects the privacy of the people we deal with. South Yarra Strength is committed to protecting your privacy and complying with the *Privacy Act 1988* (Cth) (“**Privacy Act**”) and other applicable privacy laws and regulations. This Privacy Policy (“**Policy**”) describes how we collect, hold, use and disclose your Personal Information, and how we maintain the quality and security of your Personal Information.
- (b) We have adopted this Privacy Policy to ensure that we have standards in place to protect the Personal Information that we collect about individuals that is necessary and incidental to:
 - (i) providing the system and services that South Yarra Strength offers;
 - (ii) the operation of our website and our social media accounts; and
 - (iii) the normal day-to-day operations of our business.
- (c) We ensure that we comply with the Australian Privacy Principles set by the Federal Australian Government for the handling of Personal Information under the Privacy Act. By adopting this Privacy Policy, we are ensuring that information we gather is done legally and reflects South Yarra Strength’s business and corporate values. In addition to gathering and protecting the Personal Information we gather; we also have adopted a data breach process that we will implement in the event there is a breach or a suspected breach of the Personal Information we hold about individuals at any given time.
- (d) This Policy contains common questions that arise from individuals and businesses about privacy as well as the Australian Privacy Principles which we follow as required under the Privacy Act.
- (e) This Policy will always be available on our website for anyone to review at anytime.
- (f) This Policy may be provided upon request under a non-Disclosure agreement to our clients and other third parties who have a need to understand our commitment to privacy.

2. What is Personal Information?

“Personal Information” means any information or opinion, whether true or not, and whether recorded in a material form or not, about an identified individual or an individual who is reasonably identifiable. In general terms, this includes information or an opinion that personally identifies you either directly (e.g your name) or indirectly.

3. What Personal Information do we collect?

3.1 Contact Information

The contact information we collect about you depends on the nature of your dealings with us or what you choose to share with us. The contact information we can collect about you may include the following:

- (a) Your name;

- (b) mailing address;
- (c) street address;
- (d) date of birth;
- (e) email address; and/or
- (f) telephone/mobile number.

3.2 Sensitive Information

- (a) South Yarra Strength will also need to collect sensitive information about you. This might is defined under the Privacy Act to include any information or opinion about your racial or ethnic origin, political opinions, political association, religious or philosophical beliefs, membership of a trade union or other professional body, sexual preferences, criminal record or health information.
- (b) As a personal fitness and gym business, we will need to obtain health and medical information about you so we can assist you when providing our services. Sensitive information (in our case, Health information) that we need to obtain from clients in order to provide our services includes (but is not limited to):
 - 1. Diet and Food allergies;
 - 2. Alcohol intake;
 - 3. Prescribed Medication(s);
 - 4. Existing health condition(s);
 - 5. Injuries history (exercises unable to perform, causes of pain and discomfort etc);
- (c) As required under the Privacy Act to gather your sensitive information, we will do so only with your express and fully informed consent, if it is necessary to prevent a serious and imminent threat to life or health, or as otherwise required or authorised by law. At all times, we take appropriate measures to protect the security of this information.
- (d) You do not have to provide us with your Personal Information. Where possible, we will give you the option to interact with us anonymously or by using a pseudonym. However, if you choose to deal with us in this way or choose not to provide us with your Personal Information, we may not be able to provide you with our services or otherwise interact with you.

3.3 Non consented collection of Information

As there are many circumstances in which we may collect information both electronically and physically, we will endeavor to ensure that an individual is always aware of when their Personal Information is being collected. Where we obtain Personal Information without an individual's knowledge (such as by accidental acquisition from a client or other third party) we will either delete/destroy the information, or inform the individual that we hold such information, in accordance with the Australian Privacy Principles.

3.4 How do we collect your Personal Information?

We collect your Personal Information directly from you when you:

- (a) interact with us over the telephone;
- (b) interact with us in person, (whether at our address of business or otherwise);
- (c) interact with us online (either via our website or our accounts on social media);
- (d) participate in surveys or questionnaires;
- (e) attend a South Yarra Strength event;
- (f) subscribe to our mailing list;
- (g) apply for a position with us as an employee, contractor or volunteer; or
- (h) to enter a competition, lottery, trade promotion or any other type of game of skill, game of chance or in any other type of competition or promotion we run which you may be able to receive gifts or a reward (or rewards) from us.

4. Collecting Personal Information from Third Parties

We may also collect your Personal Information from third parties or through publicly available sources, for example from Suppliers and Couriers, whom South Yarra Strength collects Personal Information.

5. How do we use your Personal Information?

We use Personal Information for many purposes in connection with our functions and activities, including but not limited to:

- (a) providing you with information or services that you request from us;
- (b) deliver to you a more personalised experience through the services that we offer;
- (c) improve the quality of the services we offer;
- (d) internal administrative purposes;
- (e) marketing and research purposes; or
- (f) any other purposes that we may need from time to time.

6. Disclosure of Personal Information to third Parties

We may disclose your Personal Information to third parties in accordance with this Policy in circumstances where you would reasonably expect us to disclose your information. For example, we may disclose your Personal Information to:

- (a) Australia Post, Couriers and Delivery companies;
- (b) our marketing providers;
- (c) our professional services advisors; or
- (d) any other entity that provides a service that we may utilise from time to time.

7. How do we protect your Personal Information?

7.1 Internal and External Electronic Protection Measures

- (a) We have a Human Resources (HR) Officer who acts as our Privacy Officer to oversee the management of this Privacy Policy, compliance with the Australian Privacy Principles and the Privacy Act. Our HR officer has other duties within our business in addition to having access to support from both internal and external professionals and advisors.
- (b) While we do not work with any overseas based entities, however in the event that we do need to disclose an individual's information during the ordinary course of business, we will not disclose an individual's Personal Information to any overseas entity that is in a jurisdiction that does not have a similar regime to the Australian Privacy Principles or has not implemented an enforceable privacy policy similar to this Privacy Policy.
- (c) In the event we need to provide Personal Information about an individual to an overseas based entity, we will take reasonable steps to ensure that any disclosure will not be made until that entity has agreed in writing with us to safeguard Personal Information as we do.
- (d) South Yarra Strength will take all reasonable steps to ensure that the Personal Information that we hold about you is kept confidential and secure, including:
 - (i) having a robust physical security system installed on our business premises;
 - (ii) deploying modern and effective security software such as anti-virus software and fire walls (which we regularly review and update) to protect our databases/records; and
 - (iii) taking measures to restrict access to only personnel who need that Personal Information to effectively provide services to you.

8. Online Activity Tracking

8.1 Cookies

- (a) Occasionally, South Yarra Strength may use cookies on its website. A cookie is a small file of letters and numbers our website puts on your device if you allow it. These cookies recognise when your device has visited our website before, so we can distinguish you from other users of the website. This improves your experience and provides feedback and information to South Yarra Strength which we can use to improve our products and services.
- (b) We do not use cookies to identify you, rather to improve your experience on our website. If you do not wish to use the cookies, you can amend the settings on your internet browser so it will not automatically download cookies. However, if you remove or block cookies on your computer, please be aware that your browsing experience and our website's functionality may be affected.

8.2 Statistical Information and Website Analytics

- (a) Occasionally, we may adapt various analytics services to help us better understand visitor traffic, so we can improve our services. Although this data is mostly anonymous, it is possible that under certain circumstances, we may connect it to you. If we contact you, you have the right to reject to participate and not provide any Personal Information.

- (b) When you use our website, we may make a record and log some or all of the following information for statistical or maintenance purposes:
 - (i) duration of use;
 - (ii) data level and bandwidth used;
 - (iii) data level uploaded and downloaded;
 - (iv) the type of software used; and/or
 - (v) the Provider to whom you are connected with.

We may collect any personal correspondence that an individual or a business sends us.

8.3 Direct Marketing

- (a) Upon request, we can send you direct marketing communications and information about our services, products, opportunities or events that we consider may be of interest to you if you have requested or consented to receive such communications. These communications may be sent in various forms, including mail, SMS, fax and email, in accordance with applicable marketing laws, such as the *Australian Spam Act 2003* (Cth).
- (b) You consent to us sending you those direct marketing communications by any of those methods. If you indicate a preference for a method of communication, we will endeavor to use that method whenever practical to do so.
- (c) You may opt-out of receiving marketing communications from us at any time by following the instructions to “unsubscribe” set out in the relevant electronic or print communication as well as contacting us using the details set out in the “How to contact us” section below.

9. Data Breach Response Plan and Investigation Measures

- (a) In the event that we are subject to a data breach or suspected data breach, we will adopt our Data Breach Response Plan (“**Response Plan**”) to ensure that we will use our best endeavors to mitigate any loss or damage to both us and any individuals whose information may be leaked. We regularly review our Response Plan to ensure it remains effective over time and as technologies change.
- (b) Our Response Plan is similar to the one that the Office of Australian Information Commissioner (“OAIC”) has adopted. Our plan also contains all the recommendations that the OAIC suggests for entities that follow the Australian Privacy Principles.
- (c) Outlined below is an overview of our data breach Response Plan:

Step No:	Issue	Actions we take
1.	Identification	<input type="checkbox"/> Record the date and time the breach (or suspected breach) was discovered;

		<input type="checkbox"/> The type of information (personal, sensitive or other) at risk; <input type="checkbox"/> the cause and extent of the breach; and <input type="checkbox"/> the context of the affected information and the breach.
2.	Containment	<input type="checkbox"/> Identify the information that has been exposed and lock the databases; <input type="checkbox"/> Inform our off site I.T support of the breach and to take action to trace the breach and review current protections; <input type="checkbox"/> Ensure all other information held is protected and unaffected.
3.	Assessment	<input type="checkbox"/> the HR Manager will decide whether the breach is a notifiable data breach (If no, then no further action will be taken) <input type="checkbox"/> If yes, provide all information about the breach that has been gathered to the affected individuals and update them of the ongoing investigation, the cause of the breach and the extent of the harm as well as other harms; <input type="checkbox"/> contact I.T support to implement further systems or recovery operations;
4.	Report	<input type="checkbox"/> the HR Manager will file an online submission to the OAIC outlining the aforementioned actions undertaken at https://www.oaic.gov.au/privacy/notifiable-data-breaches/report-a-data-breach <input type="checkbox"/> This is in accordance with the Notifiable Data Breach scheme (NDB).
5.	Review & Reflect	<input type="checkbox"/> Once we have submitted our breach to the OAIC, we will review our actions in consultation with our I.T Support to identify any weaknesses in our plan and how it can be improved, in addition to further training that may be required; <input type="checkbox"/> All records and documents created during a breach (or suspected breach) will be stored for seven (7) years.

In addition, we may also use your Personal Information or disclose your Personal Information to third parties for the purposes of advertising, including online behavioural advertising, website personalisation, and to provide targeted or retargeted advertising content to you (including through third party websites).

10. Retention of Personal Information

We will not keep your Personal Information for longer than we need to. In most cases, this means that we will only retain your Personal Information for the duration of your relationship with us unless we are required to retain your Personal Information to comply with applicable laws, for example record-keeping obligations.

Power Diary

Power diary is a software program that we use to store your personal and sensitive information. This is needed for our files and to assist us in providing our clients the best services that are catered to their specific needs and fitness objectives.

South Yarra Strength Custom App

The South Yarra Strength Custom App called Trainorize is a smart phone application adopted under a lease from the owner which we use to deliver our services. It records workouts and exercise routine(s) information to guide as well storing personal information such users name, birthday, email address and telephone number.

Users also have the option to input their weight, height, gender, connect to Applesmart Watch, Bluetooth scales and the MyFitnessPal Application (to track nutrition) as well upload progress photos. South Yarra Strength advises users of this Application that they are subject to the Privacy Policy of the Application Owner, which is governed by California State Privacy laws.

11. How to access and correct your Personal Information

- (a) At all times, South Yarra Strength will use it's best endeavours to keep your Personal Information accurate, complete and up to date.
- (b) If you wish to make a request to access and/or correct the Personal Information we hold about you, you should make a request by contacting us directly and we will usually respond within 1-2 business days.
- (c) For more urgent requests or suspected breaches, we will investigate and respond immediately in accordance with our aforementioned Response Plan.

12. Links to Third Party sites

South Yarra Strength's website may contain links to websites operated by third parties. If you access a third-party website through our website, your Personal Information may be collected by that third party website.

For the avoidance of any doubt, we make no representations or warranties in relation to the privacy practices of any third-party provider or website and we are not responsible for the privacy policies or the content of any third-party provider or website. Third party providers/websites are responsible for informing you about their own privacy practices and we encourage you to read their privacy policies.

13. Updates to this Privacy Policy

- (a) If we decide to change this Privacy Policy, we will post the changes on our webpage at: <https://www.southyarrastrength.com.au/>
- (b) Please refer back to this Privacy Policy to review any amendments. We may do things in addition to what is stated in this Privacy Policy to comply with the

Australian Privacy Principles, and nothing in this Privacy Policy shall deem us to have not complied with the Australian Privacy Principles. As an Australian Privacy Policy reporting entity under the Privacy Act, we are obligated to adhere to the Privacy Act and the Australian Privacy Principles. You can review the Australian Privacy Principles here: <https://www.oaic.gov.au/privacy/australian-privacy-principles/read-the-australian-privacy-principles>

14. Inquiries and Complaints

- (a) For complaints about how South Yarra Strength handles, processes or manages your Personal Information, please contact our Human Resources Officer. Please note that we may require proof of your identity and full details of your request before we can process your complaint.
- (b) Please allow up to seven (7) business days for South Yarra Strength to respond to your complaint. It will not always be possible to resolve a complaint to every individual's complete satisfaction. If you are not satisfied with South Yarra Strength's response to a complaint, you have the right to contact the Office of Australian Information Commissioner (at www.oaic.gov.au/) to lodge a complaint.

15. How to Contact Us

If you have a question or concern in relation to our handling of your Personal Information or this Policy, you can contact us for assistance as follows:

Contact Number

0406 646 887

Email:

info@southyarrastrength.com.au

Post

Attention: Mr Brett Mckeown, Human Resources Officer

South Yarra Strength

Address: 15 Claremont Street, South Yarra VIC 3141