



Privacy Policy

General

- (a) This website (**Site**) is operated by The Earth Element Group Pty Ltd. (ACN 644 319 157) (**we, us or our**).
- (b) Your privacy is important to us and we are committed to protecting your personal information in accordance with the Privacy Act 1988 (Cth) (**Privacy Act**).
- (c) This policy outlines how and when we collect, use, share and store your personal information and applies to all personal information we collect through:
 - (i) the Site; and
 - (ii) your purchase or use of our products and services.
- (d) By accessing or using the Site or our products or services, you indicate that you:
 - (i) have read and understood this policy; and
 - (ii) agree that your access to, or use of, the Site or our products or services indicates your consent to this policy.
- (e) If you have any questions about this policy, you can contact us at:

Privacy Officer

info@theearthelement.com.au

What personal information we collect

- (a) In this policy, **personal information** refers to information or an opinion about an identified individual or an individual who is reasonably identifiable, whether or not the information is true or recorded in a material form.
- (a) We collect and use personal information from customers, clients, visitors to the Site, purchasers of our products or services, and any other individual who interacts with us.
- (b) We collect and use different types of personal information depending on the type of dealing you have with us, which may include:
 - (i) your name, date of birth, address, phone number and email address;
 - (ii) information about the products or services you order or enquire about, including how the products or services are used;
 - (iii) your financial information (such as credit card and bank account details), method of payment and any additional information required for user authentication processes;
 - (iv) information about your health and wellbeing, including notes about your symptoms and diagnosis, genetic information and other health information; and

- (v) any other information relating to you that you provide to us, including the information you provide by email or telephone, or through surveys, competition forms, special events and other promotional activities.
-

Collection

3.1 Methods of collection

- (a) We collect your personal information in several ways, including:
 - (i) through your use or orders of our products or services, such as during your appointments;
 - (ii) when you visit the Site or submit information through the Site, contact us, or complete any forms or documents for our products or services, such as our booking form which is powered by Cliniko;
 - (iii) when you participate in our surveys, competitions, promotions or other promotional activities; and
 - (iv) from publicly available sources of information.
- (b) The personal information we collect will track and enhance your use of the Site or our products or services, and assist us in providing a better service to you.
- (c) We will only collect personal information that is necessary for one or more of our functions or for a purpose outlined in this policy or otherwise disclosed to you.
- (d) By providing your personal information to us, you acknowledge that you are authorised to provide such information to us.

3.2 Collection from you

- (a) When we collect personal information directly from you, we will take reasonable steps to notify you (**collection notice**) at, before, or as soon as practicable after, the time of collection.
- (b) As a collection notice is specific to a particular collection of personal information, it will provide more specific information about our information-handling practices than this policy.
- (c) This policy is subject to any specific provisions contained in our collection notices and the terms and conditions of any offers, products and services. We therefore encourage you to read those provisions carefully.

3.3 Collection from an authorised representative

- (a) We may from time to time collect your personal information from your authorised representative, including where a family member books an appointment for you.
- (b) If you provide us with personal information about another individual (as their authorised representative), we rely on you to:
 - (i) inform them that you are providing their personal information to us; and
 - (ii) advise them that they can contact us for further information.

- (c) You must take reasonable steps to ensure the individual is aware of, and consents to, the matters outlined in this policy, including that their personal information is being collected, the purposes for which that information is being collected, the intended recipients of that information, the individual's right to access that information, and who we are and how to contact us.
-

How we use your personal information

4.1 Purposes of use and disclosure

- (a) We only use and disclose your personal information for the purposes for which it is collected.
- (b) In particular, we use your personal information to:
 - (i) provide you with our products or services, or the Site;
 - (ii) improve, develop and manage our products, services and the Site;
 - (iii) operate, maintain, test and upgrade our systems; and
 - (iv) notify you of opportunities we think you might be interested in, including new product or service offerings, and surveys, competitions, promotions or other promotional activities.
- (c) We may also use your personal information:
 - (i) to customise the advertising and content on our Site;
 - (ii) to charge and bill you for our products and services;
 - (iii) to verify your identity;
 - (iv) to conduct fraud, risk reduction and creditworthiness checks;
 - (v) to perform research and analysis about our products, services and the Site;
 - (vi) to comply with regulatory or other legal requirements,
 - (vii) for any purpose to which you have consented; and
 - (viii) for any other purpose notified to you at the time of collection.
- (d) In the event of a merger, acquisition or sale of the whole or part of our business or assets, we reserve the right to transfer your personal information as part of the transaction, without your consent or notice to you.

4.2 Disclosure to third parties

- (a) We may provide your personal information to our business partners, contractors, suppliers, service providers and agents (together, **Authorised Third Parties**) for the purpose of providing our products, services or Site or performing functions on our behalf.
- (b) Authorised Third Parties may only process or use your personal information for the purpose for which they have been given access.
- (c) Our booking form on the Site is powered by Cliniko. Cliniko will store the information you provide on the booking form, and use it to provide support and technical assistance to us (where necessary). Cliniko's privacy policy can be found [here](#).

- (d) Other examples of Authorised Third Parties include financial and credit card institutions to process payments, web developers and designers, internet service providers, external business advisors (including auditors and lawyers) and our insurer.
 - (e) Authorised Third Parties may provide us with personal information collected from you. If you disclose personal information to an Authorised Third Party, we rely on you to provide the Authorised Third Party with consent for us to collect, store, use and disclose your personal information.
 - (f) We may disclose any personal information required or necessary to comply with any applicable law, regulation, legal process, governmental request or industry code or standard.
 - (g) We may also disclose your personal information where it is, in our opinion, reasonably necessary to protect our rights or property, avoid injury to any person or ensure the proper functioning of the Site.
 - (h) This policy only covers the use and disclosure of information we collect from you. The use of your personal information by any third party is governed by their privacy policies and is not within our control.
-

Storage and security

5.1 Protecting your personal information

- (a) We take reasonable steps in the circumstances to keep your personal information safe. We use a combination of technical, administrative, and physical controls to protect and maintain the security of your personal information.
- (b) Our officers, employees and Authorised Third Parties are expected to observe the confidentiality of your personal information.
- (c) Wherever possible, we procure that Authorised Third Parties who have access to your personal information take reasonable steps to:
 - (i) protect and maintain the security of your personal information; and
 - (ii) comply with the relevant sections of the Privacy Act when accessing and using your personal information.

5.2 No guarantee

- (a) The transmission of information via the internet is not completely secure. While we do our best to protect your personal information, we cannot guarantee the security of any personal information transmitted through the Site.
- (b) You provide your personal information to us at your own risk and we are not responsible for any unauthorised access to, and disclosure of, your personal information.

5.3 Destruction of personal information

We will destroy or de-identify personal information where it is no longer required, unless we are required or authorised by law to retain the information. We are generally required to keep personal information about a patient for 7 years after the patient stops seeking our services.

5.4 Suspected data security

- (a) We have a data breach notification policy and response plan (**Response Plan**), which outlines the steps we take in the event of a data breach. This allows us to identify and deal with a data breach quickly to mitigate any harm that may result.
 - (b) As part of the Response Plan, we will notify you as soon as practicable if we:
 - (i) discover or suspect that your personal information has been lost, accessed by, or disclosed to, any unauthorised person or in any unauthorised manner;
 - (ii) believe that you are likely to suffer serious harm as a result; and
 - (iii) are unable to prevent the likely risk of harm.
 - (c) If you would like more information about our Response Plan, please contact us.
-

Direct marketing

- (a) We may use your personal information to send you information, including about our product and service offerings, where you have provided your consent (expressly or impliedly) for us to do so or we are permitted to do so by law.
 - (b) We may send this information to you via the communication channels specified at the time you provide your consent. These communication channels may include mail, email, SMS telephone, social media or by customising online content and displaying advertising on our Site.
 - (c) These communications may continue, even after you stop using our products or services.
 - (d) You can opt out of receiving these communications by:
 - (i) contacting us; or
 - (ii) using the unsubscribe function in the email or SMS.
-

Cookies

- (a) We may collect information when you access and use our Site by utilising features and technologies of your internet browser, including cookies, beacons, tags, scripts and similar technologies. A cookie is a piece of data that enables us to track and target your preferences.
- (b) The type of information we collect may include statistical information, details of your operating system, location, your internet protocol (IP) address, the date and time of your visit, the pages you have accessed, the links which you have clicked and the type of browser that you were using.
- (c) We may use these technologies to:
 - (i) enable us to identify you as a return user and personalise and enhance your experience and use of our Site;
 - (ii) track traffic patterns and gather demographic, geographic and related information; and
 - (iii) conduct credit fraud protection and risk reduction.

- (d) Most browsers are initially set up to accept cookies. However, you can reset your browser to refuse all cookies or warn you before accepting cookies.
 - (e) If you reject our cookies or similar technologies, you may still use the Site but may only have limited functionality of the Site.
-

Access

- (a) We will use our reasonable endeavours to keep your personal information accurate, up-to-date and complete.
 - (b) You have the right to access any personal information we hold about you, subject to some exceptions provided by law.
 - (c) You can access, or request that we correct, your personal information by writing to us. We may require proof of identity.
 - (d) If we do not allow you to access any part of your personal information, we will tell you why in writing.
 - (e) We will not charge you for requesting access to your personal information but may charge you for our reasonable costs in supplying you with access to this information.
-

Consent

You acknowledge and agree that we, our Authorised Third Parties and each of their officers, employees, agents and contractors are permitted to collect, store, use and disclose your personal information in accordance with this policy and the Privacy Act.

Changes to the policy

- (a) We may change this policy at any time.
 - (b) Any updated policy will be posted on our Site and effective from the time of posting.
 - (c) Using our products, services or the Site after the updated policy is posted indicates your consent to the updated policy.
 - (d) You should regularly check the policy for updates.
-

Further information

Further information about Australian privacy law is available from the Office of the Australian Information Commissioner's website at www.oaic.gov.au.

Complaint

- (a) If you have any issues about this policy or the way we handle your personal information, please contact us and provide full details of your complaint and any supporting documentation.
- (b) At all times, privacy complaints will:
 - (i) be treated seriously, and dealt with promptly and confidentially; and
 - (ii) not affect your existing obligations or arrangements with us.
- (c) Our Privacy Officer will endeavour to:
 - (i) respond to you within 10 business days; and
 - (ii) investigate and attempt to resolve your concerns within 30 business days or any longer period necessary and notified to you by our Privacy Officer.

Last updated: 2 October 2020