

## COLLECTION STATEMENT

By entering into the Merchant Agreement, the Company agrees to the uses and disclosures of its personal information as set out in this Collection Statement (the **Collection Statement**), which forms part of the Merchant Agreement. Unless otherwise defined, all capitalised terms shall have the same meaning as used in the General Terms of the Merchant Agreement.

### IMPORTANT:

This Collection Statement explains how the First Data collects, uses, and discloses, personal information.

The use and disclosures of personal information set out in this Collection Statement remain subject to any prohibitions (except those capable of being overcome by consent) under laws applicable in the Country.

**Personal information** is information about, or which identifies, individuals and includes trading history information. It includes information obtained from any source. Credit information is a subset of personal information.

First Data will not use or disclose information collected about the Company otherwise than as set out in this **Collection Statement**, for a purpose the Company would reasonably expect, a purpose required or authorised by law, or a purpose otherwise disclosed to, or authorised by, the Company.

This Collection Statement also contains the Company's consent for First Data to send communications about products and services including commercial electronic messages.

### 1. PERSONAL INFORMATION ABOUT THIRD PARTIES

If at any time the Company supplies First Data with personal information about another person (i.e. an individual – for example, a referee, a director, or a person to whom the payment is to be directed), the Company represents that, it is authorised to do so and the Company agrees to inform the individual about who First Data is, how First Data will use and disclose that individual's personal information, and how that individual they can gain access to the information that First Data holds about them in accordance with Clause 4 below.

### 2. USES AND DISCLOSURES OF PERSONAL INFORMATION

#### 2.1 Purposes for which First Data collects and uses personal information:

- (a) Personal information about the Company which may at any time be provided to First Data in connection with the provision of Acquiring Services may be held and used by First Data to establish, provide, and administer, the Acquiring Services and to consider and execute the Company's instructions.
- (b) The Company agrees that, in assessing the Company and collecting amounts payable by the Company, First Data may seek and obtain from a credit reporting agency, a commercial and or consumer credit report, or from another financial institution an opinion or bank reference about the Company, and may give personal or credit information about the Company to the credit reporting agency or other financial institution for this purpose. The Company agrees to a credit reporting agency or other financial institution providing reports and information to First Data and to the credit reporting agency creating and maintaining a credit information file containing information about the Company.
- (c) The Company also agrees that personal information about the Company which may at any time be provided to First Data in connection with the Acquiring Services, including any commercial or consumer credit report First Data obtains about the Company, may be held and used by First Data for the purposes (as relevant) of:

- assessing the Company or whether First Data will accept a guarantee and indemnity from the Company or any other person;
  - providing the Acquiring Services to the Company, including processing Card transactions, tracing payments, administering chargebacks, and resolving the Company's enquiries;
  - complying with legislative and regulatory requirements or as otherwise permitted or authorised by law;
  - considering any other application or request the Company may make to First Data;
  - performing First Data's administrative operations, including accounting, risk management, record keeping, archiving, systems development and testing, credit scoring and staff training;
  - managing First Data rights and obligations in relation to external payment systems such as the Networks;
  - conducting market or customer satisfaction research;
  - developing, establishing and administering alliances and other arrangements (including rewards programs) with other organisations in relation to the promotion, administration and use of First Data's respective products and services;
  - developing and identifying products and services that may interest the Company; and
  - (Unless the Company requests otherwise) telling the Company about products and services offered by First Data or any of its affiliates.
- (d) The collection of information about the Company is not required by law, but without it, First Data may not be able to provide the Company with the Acquiring Services.
- (e) Where personal information, which is collected about the Company, is sensitive information (such as information about health status, religious belief, membership of a professional or trade association, or a criminal record), by disclosing that information to First Data, the Company consents to its collection by First Data.

## 2.2 Commercial electronic messages

- (a) First Data may use the Company's personal details, including any electronic addresses the Company has provided to First Data or for which the Company is the relevant electronic account holder to contact the Company in order to provide the Company with information and to tell the Company about products and services, including those of third parties.
- (b) The Company warrants that it has authority either as, or on behalf of the, relevant electronic account holder to provide this consent.
- (c) The Company agrees that until the Company provides written notice or uses an unsubscribe facility included with a commercial electronic message to withdraw its consent, First Data may continue to send commercial electronic messages to the Company's addresses.

## 2.3 Disclosure of personal information

- (a) The Company agrees that First Data may collect personal information about the Company from, and disclose it to the following, as appropriate, even if the disclosure is

to an organisation located in another country which is not subject to the privacy obligations which are equivalent to those which apply to First Data:

- First Data's agents, contractors, and external advisers, whom First Data engages from time to time to provide services to First Data or to carryout, or advise on, First Data's functions and activities and the Company authorises them to seek disclosure of the Company's credit information for this purpose;
- The Company's agents and contractors, including the Company's legal or financial adviser;
- The Company's executor, administrator, trustee, guardian, or attorney, if the Company authorises them in writing to seek disclosure of this information;
- The Company's franchisor (if applicable);
- any financial institution with whom the Company has an account;
- regulatory bodies, government agencies, multi-jurisdictional agencies, law enforcement bodies and courts;
- debt collecting agencies;
- any person or organisation who introduces the Company to First Data;
- other organisations with whom First Data has alliances or arrangements (including reward programs) for the purpose of promoting First Data's respective products and services;
- anyone supplying goods or services to the Company in connection with a rewards program or other alliance associated with the facility;
- external payment systems operators and participants (e.g. credit card payment systems (e.g. Visa and MasterCard, CUP or JCB) or debit payment systems);
- The Company's and First Data's insurers or prospective insurers and their underwriters;
- The Company's co-applicants, sureties, guarantors and co-guarantors and prospective co-applicants, sureties, guarantors and co-guarantors for the purposes of considering whether to provide a guarantee and indemnity or security;
- any person considering purchasing a contract entered into by the Company from First Data and that person's advisers, persons involved in assessing the risks and funding of the purchase and, after purchase, the purchaser and any manager on an ongoing basis;
- any person to the extent necessary, in First Data's view, in order to carry out any instruction the Company gives to First Data;
- unless the Company tells First Data not to, to other organisations including First Data's related bodies corporate (and First Data's agents and their agents) for the marketing of their products and services.

#### 2.4 Direct Marketing

- (a) The Company agrees that First Data may collect information about the Company from, and disclose it to, third party organisations including First Data's related bodies corporate (and First Data's agents and their agents) for the marketing of products and services.

- (b) By accepting First Data's services, the Company expressly permits First Data to use the Company's personal information for First Data's (and its affiliates') direct marketing purposes expressly set out in this Collection Statement. The Company consents to the use of its information to issue product and professional mail outs by email, fax, social media, or letters, and undertaking other marketing or service based activities. The Company may opt out of any direct marketing service at any time.

### **3. WHAT CREDIT INFORMATION CAN BE DISCLOSED?**

3.1 Applicable Laws may allow First Data to disclose certain credit information about the Company. Subject to restrictions under applicable Laws in the Country, the information about that First Data discloses to credit reporting agencies is:

- The Company's identity particulars;
- the fact that the Company has applied for commercial credit and the amount of commercial credit applied for;
- the fact that First Data is a current credit provider to Company;
- repayments overdue by more than sixty (60) days, and for which debt collection action has started;
- dishonored cheques – cheques drawn by the Company which have been dishonored more than once.
- that the Company's overdue repayments have been paid; and
- information that, in First Data's opinion, the Company has committed a serious credit infringement.

This information may be given before, during or after the provision of credit to the Company.

3.2 The credit information about the Company that First Data discloses to the other organisations listed in this Collection Statement is the above information, together with any information contained in or derived from a credit report obtained from a credit reporting agency including information about the Company's credit worthiness, credit standing, credit history or credit capacity but only to the extent permitted by applicable Laws.

### **4. ACCESS TO THE COMPANY'S PERSONAL INFORMATION AND CONTACTING FIRST DATA**

4.1 Subject to any limitations under applicable Laws (including privacy and data protection laws) in the Country, the Company may seek access to information, which First Data holds about the Company at any time by calling First Data Customer Care Line operated by First Data or by contacting First Data at the address specified in this Agreement.

4.2 The Company may, at any time, ask First Data not to send the Company any further information about products and services and not to disclose its information to any other organisations (including related bodies corporate) for that purpose. The Company may do this by calling the First Data Customer Care Line or by contacting First Data at the address specified in this Agreement.