



**Watkins Bay Property Trust (“WBPT” or “Watkins Bay”) Privacy Charter**

March 28, 2020

Commercial In Confidence.

## OVERVIEW

Watkins Bay has created a large scale, innovative "build to operate" commercial real estate model that delivers significant NOI over a minimum 10-year cycle. The business plan allows for the construction of 101 properties across 38 cities throughout Australia, New Zealand, The USA, the UK, Switzerland, Netherlands, Germany, France, and Italy.

## PURPOSE AND SCOPE

Watkins Bay recognises that your privacy is important and needs to be protected. Watkins Bay is bound by the Australian Privacy Principles (APPs) in the Privacy Act 1988 (Cth), and these obligations are taken seriously. This Privacy Policy outlines how Watkins Bay manages the personal information it collects in the course of performing our functions, activities, services and products. It is in addition to our Terms of Use and any other terms and conditions applicable to any products and/or services we provide.

'Personal Information' means any information about someone which, when combined with other information, which may be from other sources not controlled by us, identifies an individual or renders the individual reasonably identifiable.

## COLLECTION AND USE OF PERSONAL DATA

Collection and use of personal information To provide you with products and/or services, we may need to collect your personal information. The personal data collected will depend on the products and/or services we provide to you so in most cases we will only collect the personal information we need to produce and market our products and services in the context of our day to day business.

We may collect any of the following personal information, depending upon the products and/or services we may offer or provide to you which may include: your name, gender, date of birth, phone numbers, postal and residential addresses, email address, occupation, professional experience and qualifications, financial information (including credit or debit card details) and bank account details.

We may collect information about you from third parties, including but not limited to:

- financial advisers
- custodians
- unit registrars and administrators
- suppliers, consultants or contractors
- potential, current or former employers and contractors
- tenants
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If we receive personal information we haven't requested or sensitive information, we will assess whether it could have been collected lawfully. If so, it will be retained and protected following this Privacy Policy, if not, the information will be destroyed or de-identified.

Where possible, we will collect personal information directly from you and explain to you, in general terms, why we are collecting it and how we will use or disclose it. If we collect personal or sensitive information from someone other than you, where practicable, we will tell you that we have it, who it came from and the circumstances of the collection. Sensitive information, such as country of origin or health status, will only be collected with your express consent.

Where possible, we will only use personal and sensitive information for the purpose for which it was collected.

Occasionally the information may be used for another purpose, such as marketing. In these situations, we will only use the information if we have your consent or if the reason we want to use it is directly related to the purpose for which it was initially collected, or it could be reasonably expected that we would use it for such a purpose.

From time to time, we may use your personal information to tell you about products or services we think you might be interested in. Suppose you don't want to receive direct marketing messages or wish to change contact preferences. In that case, you may request not to receive any direct marketing by following the "unsubscribe" instructions on the communication, changing your preferences on any user account, or by contacting the sender using the details set out in the communication.

## **TENANTS AND PROSPECTIVE TENANTS**

We use personal information about prospective tenants to evaluate whether we will grant leases and/or enter into agreements, document the leases/contracts, and manage the tenant relationship. We use the personal information of existing tenants to manage tenancies, maintain contact details and records, respond to queries or complaints, process transactions and for security and risk management purposes including incident investigation, loss prevention, claims management and litigation and to comply with any law or regulation.

## **INVESTORS & UNIT HOLDERS**

If you hold securities in Watkins Bay or units in an investment product offered by Watkins Bay, your personal information is used to carry out registry functions. Registry functions include making distribution payments, sending corporate communications, informing you of updates concerning Watkins Bay and our products and services or your investment, maintaining records and contact details, processing transactions, responding to queries or complaints and to comply with any law or regulation.

Unit registers are maintained by external parties who are required to have arrangements in place to protect personal information they collect on behalf of Watkins Bay.

## **VISITORS TO WATKINS BAY OWNED OR MANAGED PROPERTIES**

Watkins Bay may use camera surveillance systems (CCTV) to maintain the safety and security of property and individuals working at or visiting our properties. We will only use CCTV footage to

personally identify you for security, risk management, loss prevention and incident investigation purposes. Images collected by CCTV may be provided to tenants, law enforcement bodies and insurers. If you are involved in an incident, we may ask for medical information and information from other consultants and third parties.

Watkins Bay offers a free and member-based Wi-Fi Service at specific properties, including our shopping centres. If you are carrying a Wi-Fi enabled device within range of one of our Wi-Fi networks, we will automatically pick up location data transmitted from your device. This allows us to give you access to our network. We collect information about the devices including, for example, the type of device, its ID number or 'MAC address', and its movement throughout the centre. We will not use information from your device to personally identify you unless you connect to our free Wi-Fi network.

### **THIRD-PARTY LINKS & WEBSITES**

Our websites and applications may contain links to websites operated by third parties. Those links are provided for your convenience and may not remain current or be maintained. Unless expressly stated otherwise, we are not responsible for the privacy practices of, or any content on, those linked websites, and have no control over or rights in those linked websites. We note that the privacy policies that apply to those websites may differ from this Privacy Policy. You should check those third-party websites for their respective privacy policies and for information on how they handle your personal information.

### **USERS OF OUR APPLICATIONS AND WEBSITES**

If you sign-up to access or use any of our mobile or digital applications (including our Charli App and websites), in addition to the general personal information collected above, we may also collect technical identity data (including your IP address and data derived from your IP address, browser type and versions and other technology on the device you use to access our applications or the products and/or services we, or other third parties offer through the applications, including mobile device identifiers (e.g. 'MAC' address) and, as applicable, cookie identifiers. We may also collect location data from your device to enable us to provide our services to you. You have a right to opt-out of any collection or use of location data; however, this may result in us being unable to offer all or part of products and/or services to you through the applications.

We may use 'cookies' or an equivalent tracking technology on our websites and applications. A cookie is a small text file used to store information on your browser or device. Usually, cookies are used so our sites and apps can remember your preferences and improve your experience. A cookie cannot read data on your hard disk or read cookie files created by other websites. We may also use cookies for profiling purposes to tailor our marketing to users' interests. Sometimes, cookies may collect and store personal information about you (but not all cookies collect personal data). We treat this information in the same way as any other personal information you provide. You can adjust your browser settings to disable cookies or to warn you when cookies are being used. However, if you disable cookies, you may not be able to access certain areas or experience the added features offered with the enablement of cookies. We handle personal information collected by cookies in the same way that we handle all other personal data as described in this privacy policy.

In certain circumstances, we may collect, use and share de-identified, aggregated and/or anonymised data for analytics purposes (“Aggregated Data”) including the usage statistics or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not personal data under privacy laws as this data does not directly or indirectly identify you or reveal your identity. For example, we may aggregate your usage data and provide to third party vendors of products or services on any application to calculate the percentage of users accessing a specific application feature, their ordering habits and spending and other anonymised analytics data and research, to enhance the accuracy of our or their digital advertising products and services to you. Suppose we combine Aggregated Data with your personal data and we identify you or your identity is revealed. In that case, we will treat this combined data as personal data to be used following this Privacy Policy and all applicable privacy laws.

Please note that third parties (including, for example, advertising networks and providers of external services like web traffic analysis services) may also use cookies, over which we have no control. These cookies are likely to be analytical/performance cookies.

## **JOB APPLICANTS**

Suppose you apply for a position with us. In that case, we may collect information from you (including your name, contact details, working history and relevant records checks), from a recruitment consultant, your previous employers and others who may be able to provide information to assist in our decision on whether or not to make you an offer of employment or engage you under a contract. Watkins Bay may keep this information, so we can contact you if an opportunity arises in the future.

## **DISCLOSING PERSONAL DATA**

Watkins Bay is careful about how we use your information and who we share it with. We may share information with other members of the Watkins Bay Group without disclosing this to you. We may also disclose your personal information to third parties who assist us in the operation of our business and/or the provision of our products and services such as custodians and unit registry providers. Personal information could also be disclosed to:

- financial institutions for payment processing;
- valuers where we are seeking to value a property or lease;
- credit reporting agencies or guarantors;
- claims management services;
- injury management services;
- property management services;
- vendors, advertisers and affiliated business partners, for example, when you sign up for any digital application or service, to facilitate orders, payments, promotions and marketing in respect of products or services offered;
- third party service providers, contractors and partners who help us manage our business and deliver our services, including IT service providers who manage our applications, systems and networks and/or provide hosting, storage and maintenance and support services;
- regulatory authorities or government agencies or bodies where required by law.

Where we have disclosed personal information to a third party acting on our behalf, we require that those third parties do not use the personal data for their purposes and that they use, disclose, store and otherwise handle personal information only in a way that is compliant and consistent with this Privacy Policy. Your data will not be shared, sold, rented or disclosed other than as described in this Privacy Policy.

Where possible, Watkins Bay will not transfer personal or sensitive information to a party in a foreign country outside the Watkins Bay Group, unless we are reasonably satisfied that the recipient of the data is subject to information privacy requirements similar to those of Australia, the recipient agrees to abide by Australian privacy laws in its handling of personal and/or sensitive information, you have consented to the transfer, the disclosure is required or permitted by an Australian law or a court/tribunal order, or the information is required under foreign law or regulation.

## **KEEPING YOUR DATA SECURE**

We take reasonable steps to protect your personal information from misuse, interference and loss, as well as unauthorised access, modification or disclosure.

We may hold your personal information in either electronic or hard copy (paper) form. We retain your personal information in our computer systems and databases and our physical files. We use technologies and processes such as access control procedures, network firewalls, encryption, password-protected databases and physical security measures to protect your personal information.

We will store your personal information for as long as is reasonably necessary for the purposes for which it was collected, as explained in this Privacy Policy. Where your information is no longer needed, we will ensure that it is disposed of securely.

Suppose we establish that your personal information has been accessed or disclosed without authorisation. In that case, Watkins Bay has an obligation under the Privacy Amendment (Notifiable Breaches) Act 2017 (Cth) to investigate the circumstances of the breach and take appropriate action to correct it. Where it is determined that a reasonable person would conclude that the access or disclosure to your personal information would likely result in serious harm to you, we will advise you and the Office of the Australian Information Commissioner (OAIC) of the incident and provide details of the remedial actions we are taking to correct it. "Serious harm" is defined as a situation where the person affected could suffer serious physical, psychological, emotional, economic or financial harm or severe harm

to their reputation. In such circumstances, Watkins Bay will assess the data breach considering the list of relevant matters included in the legislation.

## **ACCESS TO YOUR DATA**

We will take reasonable steps to ensure that the information we collect, use and disclose is relevant, accurate, up-to-date, and complete. In some cases, the accuracy of that personal information largely depends on the details you provide to us. Please keep us up to date with any changes to your personal

information. You have the right to ask us what personal information we hold about you and request that changes be made to the data. If you wish to request access to the personal information we hold, you can contact our Privacy Officer. If we correct personal or sensitive information about an individual which was previously provided to a third party, and the individual requests us to notify the third party of the correction, we will take all reasonable steps to give that notification, unless it is impracticable or unlawful to do so.

We may charge a fee for responding to a request for personal information to cover our reasonable costs in locating and supplying the information. There is no cost for asking for access to information, and we will make sure any charges for providing the data are not excessive.

There are several exceptions in the Privacy Principles that allow us to refuse your request for access to your personal information. The exceptions are summarised in Privacy Fact Sheet 17: Australian Privacy Principles which is available from the OAIC. If we deny an access request, we will explain why.

If you believe that personal information we hold about you is incorrect, incomplete or inaccurate, you can ask us to amend it. If you contact us for a correction, we will review the information to ascertain if correction is required and take the appropriate action. In some circumstances, we may not agree that the data should be changed. If this happens, we will provide a reason explaining our decision, and we will add a note to the personal information stating that you disagree with it.

## **CHANGES TO THE WBPT PRIVACY POLICY**

Watkins Bay reserves the right to modify or amend this Privacy Policy at any time, and we will update any changes to the Privacy Policy on Watkins Bay's website. We encourage you to check this Privacy Policy from time to time.

## **MAIN CONTACT FOR FURTHER INFORMATION**

For more information, contact the Watkins Bay's Privacy Officer if you would like to know more about the Privacy Act, or if you would like more information about the way Watkins Bay uses personal data.

## **COMPLAINTS**

If you think Watkins Bay has have breached your privacy, or you wish to make a complaint about the way we have handled your personal information, please contact our Privacy Officer using the contact details set out below. We will investigate your complaint. After Watkins Bay has completed its investigation, we will contact you to advise the outcome. If your complaint is not satisfactorily resolved, you may apply to the Office of the Australian Information Commissioner (OAIC) to have the complaint heard and determined.

## **EUROPEAN UNION (EU) RESIDENTS ONLY**

If you are domiciled in the EU, then you may have additional rights. Some of these rights will only apply in very limited circumstances.

- You can ask us to confirm if we are using or holding your personal information.

- You can ask us to delete your personal information. This right applies only on limited circumstances and will not usually apply where it remains necessary for us to use your data for the purposes for which it was collected, we are required by law to retain your information, or your information is relevant to a legal dispute.
- You can ask us to help you move your personal information to other companies, where this is technically possible and only if we have collected and used your data via automatic means.
- You have the right to be informed and now about any protections that we have in place where we are transferring your data overseas.

Watkins Bay Privacy Officer

Email: [privacyofficer@wtkinsbay.com](mailto:privacyofficer@wtkinsbay.com)

**OR**

Office of the Australian information commissioner

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Sydney NSW 2001

Phone 1300 363 992

Visit [oaic.gov.au](http://oaic.gov.au)