

## **Privacy Policy – New Zealand**

### **1. General**

1.1 This Privacy Policy applies to:

1.1.1 personal information submitted by you to CLAAS Harvest Centre, its related entities and subsidiaries (CLAAS Harvest Centre) (as a customer or recipient of services provided by CLAAS Harvest Centre) when purchasing equipment, goods, machinery or services from CLAAS Harvest Centre or any registered CLAAS Harvest Centre dealer and otherwise in the course of receiving or using any of CLAAS Harvest Centre's services including the CLAAS Harvest Centre website ([www.claasharvestcentre.co.nz](http://www.claasharvestcentre.co.nz)) and JCB Agriculture New Zealand website ([www.jcbagriculture.co.nz](http://www.jcbagriculture.co.nz));

1.1.2 any information automatically retrieved by CLAAS Harvest Centre during your visits to the Website; and

1.1.3 any other personal information received by CLAAS Harvest Centre from you from time to time.

1.2 This Privacy Policy is prepared in accordance with the Privacy Act 2020 (Act) and will be subject to:

1.2.1 the exceptions set out in the Act; and

1.2.2 any other enactment or rule of law that may override the provisions of the Act.

1.3 CLAAS Harvest Centre understands the importance of safeguarding the personal and financial information of its customers and upholding their rights under the Act.

1.4 CLAAS Harvest Centre does not sell, publish, share or give away personal or financial information relating to its customers to any third parties except as set out in this Privacy Policy.

1.5 You agree to the terms of this Privacy Policy and to be bound by the Privacy Policy that is in effect at the time you provide information to CLAAS Harvest Centre.

1.6 By accessing and browsing the Website you consent to the collection, use, disclosure, storage and processing of your information by CLAAS Harvest Centre in accordance with this Privacy Policy.

### **2. Changes to this Privacy Policy**

CLAAS Harvest Centre may modify, alter or otherwise update this Privacy Policy from time to time, with or without notice to you. Such amendments will be effective immediately upon the posting of the amended Privacy Policy on the Website. CLAAS Harvest Centre will provide a notice on the Website when the Privacy Policy has been amended.

### **3. Privacy Act 2020**

3.1 Background:

3.1.1 The Act establishes 13 information and privacy principles that govern how businesses and organisations collect, handle, and use personal information.

3.1.2 Personal information under the Act means "information about an identifiable individual".

3.1.3 The Act endeavours to balance the rights of individuals to privacy against the rights of the business.

3.1.4 The privacy principles are subject to certain restrictions imposed by the Act, and may be expressly overridden by provisions in other Acts.

3.1.5 Other than the right of access to personal information, which confers a legal right that is enforceable in a Court of law, the privacy principles are not directly enforceable.

3.1.6 A breach of the privacy principles may amount to interference to privacy, which may be investigated by the Privacy Commissioner.

### 3.2 Privacy Principles:

3.2.1 A brief summary of each principle is provided below:

(a) Principle 1 – Purpose for Collection of Personal Information: Information must be collected for a lawful purpose connected with the activity and functions of CLAAS Harvest Centre.

(b) Principle 2 – Source of Information: Personal information must be collected directly from the individual concerned.

(c) Principle 3 – Collection of Information: When personal information is collected directly from an individual, CLAAS Harvest Centre must ensure that the individual is aware of a number of matters, including the purpose for which it is collected, the intended recipient, the fact that the individual has a right to access to, and a right to request correction of, that information.

(d) Principle 4 – Manner of Collection: Personal information may not be collected unlawfully, or in any way that is unfair in the circumstances or which intrudes unreasonably on personal privacy.

(e) Principle 5 – Storage and Security: CLAAS Harvest Centre must ensure that it has reasonable safeguards for securing the protection of the information.

(f) Principle 6 – Access to Personal Information: Any individual is entitled to confirmation from CLAAS Harvest Centre as to whether it holds personal information, and access to that information about them if it is readily retrievable.

(g) Principle 7 – Correction of Personal Information: An individual is entitled to request correction of personal information about them held by CLAAS Harvest Centre.

(h) Principle 8 – Accuracy of Personal Information: CLAAS Harvest Centre cannot use personal information without taking reasonable steps to ensure that the information is up to date, complete, relevant and not misleading.

(i) Principle 9 – Retention of Personal Information: Personal information may not be kept longer than necessary for the purpose for which it may lawfully be used.

(j) Principle 10 – Limits on Use of Personal Information: Personal information obtained for one purpose may not be used for another purpose.

(k) Principle 11 – Limits on Disclosure of Personal Information: CLAAS Harvest Centre must not disclose personal information to any person or agency, unless one of the following applies:

- (i) there is a reasonable belief that disclosure is one of the purposes for which information has been obtained;
- (ii) disclosure is to or on behalf of the individual concerned;
- (iii) disclosure is necessary to enable the sale of the business;
- (iv) disclosure is necessary to prevent a serious or imminent threat to public health or safety;
- (v) it has been authorised by the Privacy Commission; (vi) the information is publicly available;
- (vii) disclosure is necessary to avoid prejudice to the maintenance of law;
- and
- (viii) the information will not be used in a form which identifies the individual concerned; and

(l) Principle 12 – Disclosure Outside of New Zealand: CLAAS Harvest Centre can only disclose personal information to another organization outside of New Zealand if checks are made that the receiving organization:

- (i) is subject to the Privacy Act because they do business in New Zealand
  - (ii) will adequately protect the information, e.g. by using model contract clauses, or
  - (iii) is subject to privacy laws that provide comparable safeguards to the Privacy Act
- If none of the above criteria apply, permission must be sought from the person concerned.

(m) Principle 13 – Unique Identifier: CLAAS Harvest Centre may not assign a unique identifier to an individual unless this is necessary to enable it to carry out its functions effectively. A “unique identifier” is a tag that does not use the individual’s name.

3.3 CLAAS Harvest Centre’s policy toward the 13 Privacy Principles is set out in more detail below.

#### **4. Collection of Personal Information**

4.1 Purpose of Collection: CLAAS Harvest Centre will hold any personal information you provide securely, and such personal information will be only used to consider your orders for machines, agricultural equipment, tractors (Equipment) goods and/or services, administer, manage and monitor any Equipment, goods and/or services provided to you including warranties provided for that Equipment, conduct market research, data processing and statistical analysis and unless you disagree, provide you with information about other products or services including select third party products or services.

4.2 Source and Collection: Any information about you will be collected directly from you, unless otherwise authorised. Information so collected may be disclosed to CLAAS Harvest Centre’s related companies, agents, assigns, associates and transferees and registered CLAAS Harvest Centre dealers. You have a right to access and request correction of any such information.

4.3 Manner: Information gathered will be limited to that information necessary to serve the purposes outlined above, and will be collected in a fair manner.

4.4 Website: You may browse and access information contained on the Website without providing personally identifiable information. However, some information may be automatically retrieved while visiting the Website. CLAAS Harvest Centre may collect

information about you, including information about the products and services that you view from time to time.

4.5 To register and apply for certain services on or through the Website, you may need to submit personal information such as your name, physical address, phone number, date of birth, email address, business name and other personal details. You may also be asked to submit further information via the Website from time to time.

## **5. Storage and Security**

5.1 CLAAS Harvest Centre will take all practicable steps to safeguard and secure any personal information gathered from you. You consent to CLAAS Harvest Centre contracting with a third party service provider for the storage and security of your personal information.

5.2 Secure Password: Certain services offered via the Website may require you to have a user name and password. CLAAS Harvest Centre recommends the password you select should not relate to any readily accessible data such as your name, birth date, address, telephone number, driver's license, license plate or passport. Nor should it be an obvious combination of letters and numbers, including sequential or same numbers or letters. You may not use another person's account, username or password.

5.3 Your responsibility: You are entirely responsible for maintaining the security of your username and password, and for all activity which occurs on or through your username and password, whether authorised or unauthorised. You should change your password and notify CLAAS Harvest Centre immediately if you believe that your username and password have been used without authorisation. CLAAS Harvest Centre shall not have any liability for your failure to comply with these obligations or for any losses caused by unauthorised use of your username and password. You may be liable for the losses of CLAAS Harvest Centre or others due to such unauthorised use. You agree that all information provided to CLAAS Harvest Centre by you in relation to any username and password shall be current, complete and accurate.

## **6. Use of Information**

6.1 Personal information obtained by CLAAS Harvest Centre will not be used except in association with any of the purposes listed in clause 4.1 or to verify that you are entitled to log in to the Website as a CLAAS Harvest Centre customer.

6.2 Unless you have specifically requested otherwise, CLAAS Harvest Centre may use information provided to it for the purposes of marketing the services of CLAAS Harvest Centre or its related entities to you.

6.3 For the avoidance of doubt, CLAAS Harvest Centre may search information collected from you for statistical analysis or to target special offers to you.

6.4 CLAAS Harvest Centre may disclose information about you to its related entities for those same purposes.

6.5 CLAAS Harvest Centre may communicate electronically with you in relation to the above, including by way of email. If you do not wish to be contacted in this manner, CLAAS Harvest Centre should be contacted as per the details contained in clause 11.1.

## **7. Limits on Disclosure**

7.1 CLAAS Harvest Centre will not disclose to any person or agency your personal information except as provided in this Privacy Policy. In particular, CLAAS Harvest Centre

will not give information you have provided to it personally or on the Website to a third party unless:

7.1.1 it is one of the purposes for which the information has been obtained (for example to undertake a credit check for the purpose of processing an application for credit);

7.1.2 it is disclosure to you or a person authorised by you;

7.1.3 it is necessary to enable a sale of CLAAS Harvest Centre's business;

7.1.4 it is necessary to prevent a serious or imminent threat to public health or safety;

7.1.5 it is authorised by the Privacy Commission;

7.1.6 the personal information is publicly available;

7.1.7 it is necessary to avoid prejudice to the maintenance of law; and/or

7.1.8 the information will not be used in a form which identifies you.

7.2 CLAAS Harvest Centre will only assign a unique identifier to you if this is necessary to enable it to carry out its functions efficiently.

## **8. Accuracy**

8.1 CLAAS Harvest Centre will not use any personal information about you without taking reasonable steps to ensure that the information is up-to-date, complete, relevant and not misleading. This means that CLAAS Harvest Centre will not act on any information provided without:

8.1.1 being satisfied that it is accurate; and/or

8.1.2 seeking verification of that information from you or if necessary and with your consent, from a third party.

8.2 CLAAS Harvest Centre will keep personal information about you for as long as you continue to be a customer of CLAAS Harvest Centre. Thereafter, personal information will be destroyed within seven years of the termination of the relationship.

## **9. Access to and Correction of Personal Information**

9.1 You may contact CLAAS Harvest Centre at any time to confirm that it holds personal information about you, and are entitled to request a copy of that personal information, which will be provided to you within 20 working days.

9.2 You may request that CLAAS Harvest Centre correct any personal information held about you. To access or update your personal information please contact CLAAS Harvest Centre as per clause 11.1.

9.3 You may at any time request that your personal information not continue to be used by CLAAS Harvest Centre, and you may at any time asked to be removed from a mailing list.

## **10. Cookies and Automatically Retrieved Information**

10.1 Cookies: When you enter the Website your computer may automatically be issued with a cookie. These are text files that identify your computer to CLAAS Harvest Centre's server, so that when you visit the particular Website again, the cookie will identify your computer to CLAAS Harvest Centre's web server. This allows CLAAS Harvest Centre to improve the speed and reliability of the Website and provide you with a better experience. Cookies in

themselves do not identify individual users and are not used to collect or store personal information about you. Visitors have the ability to set their computers to notify them when a cookie is issued, or to reject any cookies, but the latter means that certain of CLAAS Harvest Centre's services may not be provided to the visitor.

10.2 Automatically Retrieved Information: Some information may be automatically retrieved while you access and browse the Website including:

10.2.1 the features that you use, the pages that you visit and the actions that you take on the Website;

10.2.2 your IP address (i.e. the location of your computer on the internet);

10.2.3 the domain name that you are accessing the internet from; and

10.2.4 the browser and search engine (if any) that your computer uses.

10.3 The information automatically retrieved is used in statistical and aggregate formats to assess the effectiveness of and to improve the Website and CLAAS Harvest Centre's services, and to also determine the preferences and interests of visitors to the Website.

10.4 From time to time, CLAAS Harvest Centre may enable third parties to advertise on the Website. If you follow a link to a third party website from the Website, the website privacy policy of that third party applies, and CLAAS Harvest Centre accepts no liability for breaches of privacy once such a link has been followed.

**11. If you have any queries or concerns about this Privacy Policy or you wish to make a complaint please contact:**

Tim Needham  
General Manager – Product  
Tim.Needham@landpower.com.au

11.2 If you are not satisfied with the response, you can contact the Privacy Commissioner:  
Office of the Privacy Commissioner  
PO Box 10094  
The Terrace  
Wellington 6143

Phone: 0800 803 909  
Fax: 04 474 7590 [www.privacy.org.nz](http://www.privacy.org.nz)