

## PRIVACY STATEMENT

### 1. Rights in relation to privacy

Caterpillar Financial Australia Limited, Caterpillar Financial Australia Leasing Pty Limited and their associated entities (together “**CFAL**”) understand the importance of protecting the privacy of an individual’s personal information. This statement sets out how CFAL aims to protect the privacy of personal information, including commercial credit-related personal information, rights in relation to personal information managed by CFAL and the way CFAL collects, holds, uses and discloses personal information (including commercial credit-related personal information).

In handling personal information, CFAL will comply with the *Privacy Act 1988* (Cth) (**Privacy Act**) and with the 13 Australian Privacy Principles in the Privacy Act.

In addition to personal information of a general nature (as described in further detail below), CFAL collects commercial credit-related personal information. However, CFAL does not solicit or take steps to collect consumer credit-related personal information.

This privacy statement may be updated from time to time.

Personal information is information or an opinion about an identified, or reasonably identifiable, individual. During the provision of its services, CFAL may collect personal information.

Generally, the kinds of personal information (including commercial credit-related personal information) CFAL collects are:

- contact and identification information such as an individual’s name, address, telephone number, drivers licence number, and email address
- information about assets, occupation and income, time in business, account balances, payment history, payment of rates notices and transactions with CFAL or a third party
- commercial credit-related personal information where relevant to CFAL’s assessment of an application for commercial finance with CFAL. To the extent not already described in this Privacy Statement, the commercial credit-related personal information that CFAL may collect, hold, use and disclose includes:
  - identification information (which includes the full name of an individual, the alias or previous name of the individual, the individual’s date of birth, the individual’s gender, the individual’s current or last known address, and two previous addresses, the name of the individual’s current or last known employer and the individual’s driver licence number)
  - information about the types of commercial credit being sought from CFAL
  - existing or previous commercial credit accounts
  - other credit providers having accessed, or having made a request for, information in connection with an application for commercial credit
  - commercial activities or credit worthiness
  - repayment of commercial credit obligations as a guarantor of commercial credit
  - payments no longer being overdue or about arrangements regarding commercial credit having been varied or terminated
  - pay-out amounts in relation to any equipment CFAL has provided financing for
  - personal insolvency events or court proceedings
  - commercial credit-related personal information from a credit reporting body,

### 2. What kinds of personal information does CFAL collect?

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including credit scores, assessment or records

- default information regarding commercial credit
  - information derived by CFAL from anything above, including internally generated scores, ratings or other assessments
  - commercial credit reports
  - that another credit provider has sought commercial credit-related personal information about an individual from a credit reporting body
  - information about court proceedings related to commercial credit provided to an individual
  - publicly available information relating to commercial credit worthiness, and
  - a commercial credit provider's reasonable belief that an individual has committed a serious credit infringement
  - additionally, where CFAL is assessing an application for credit, it may be necessary for CFAL to collect sensitive information about an individual associated with the credit applicant (such as a where an individual is applying for a position with CFAL (ie, criminal record))
  - where CFAL requests Personal Information from an individual will only be collected with consent of the individual and information about an individual's education and work history, qualifications and skills, and the opinions of others about the work performance of the individual, and
  - other information required for CFAL's functions and activities,
- (together "**Personal Information**").

In some circumstances, CFAL may also hold other Personal Information provided to CFAL in connection with the provision of its products and services.

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CFAL may collect Personal Information:

- directly from an individual through the completion of online or hardcopy finance application form and other exchanges with CFAL whether in person or by email, telephone (including text messages) or post, and
- from other sources including the applicant to an application for finance if that person is not the same as the individual, the applicant's legal or financial advisers, CFAL's dealers or brokers, information services providers, a publicly maintained record, related corporate entities of CFAL or professional advisors, business partners, associates and family members of individuals, credit reporting bodies, any other guarantor or prospective guarantor in connection with an application for finance, any person who has provided, provides or is considering providing commercial credit to the individual, or who has taken or may take any form of security from the individual with regard to commercial credit, or any holder or valuer of an asset referred to in a finance application.

Generally, CFAL will only collect Personal Information from sources other than the individual if it is unreasonable or impracticable to collect the Personal Information from the individual directly or if CFAL obtains consent from the individual to CFAL collecting Personal Information from a source other than the individual.

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### 3. *How does CFAL collect Personal Information?*

### 4. *Why does CFAL need Personal Information?*

CFAL uses and discloses Personal Information it collects and holds for any one or more of the following purposes:

- providing commercial financing for the lease, hire or acquisition of CFAL equipment to a commercial entity (which may include the collection, handling, use and disclosure of Personal Information of an employee of the commercial entity or the Personal Information of an individual otherwise connected with the commercial entity)
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- managing and administering financing arrangements, including responding to any queries or complaints and assessing applications for finance
  - collecting or seeking to collect payments that are overdue in relation to commercial credit in respect of which an individual is a guarantor
  - assisting other credit providers in assessing commercial credit worthiness
  - identifying and addressing any unlawful activities, including fraudulent conduct
  - providing customers with information about products or services from CFAL or selected third parties that may be of benefit or interest to customers
  - researching or developing CFAL's products and services, and maintaining and developing CFAL's business systems and infrastructure
  - identifying, developing and facilitating business opportunities and relationships
  - accounting, billing and other internal administrative purposes
  - to support the recovery of deficiencies and enforce our rights, including the initiation and pursuit of legal proceedings
  - to secure and protect our interests and assets, including to monitor and assess our global credit risk exposure, to deploy and maintain technical and organizational security measures and to conduct internal audits and investigations
  - to conduct surveys (including through electronic means) to ascertain your satisfaction with our products and services, and
  - complying with any other legal requirements, including undertaking identification and verification activities in accordance with anti-money laundering and counter-terrorism finance laws or any other applicable laws including privacy laws, which may require us to disclose Personal Information about you to third parties, including to relevant government agencies responsible for the management of identity verification services and to third parties that are engaged by CFAL to facilitate identity verification.
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#### **5. Anonymity and Pseudonymity**

Where CFAL requests or takes steps to collect Personal Information from an individual, the individual is generally not obliged to provide the requested Personal Information to CFAL. Further, individuals generally have the right to deal with CFAL on a pseudonymous or anonymous basis. However, the foregoing does not apply if CFAL is required or authorised by or under an Australian law, or a court/tribunal order to deal with individuals who have identified themselves, or it is impracticable for CFAL to deal with individuals who have not identified themselves or who have used a pseudonym.

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#### **6. To whom does CFAL disclose Personal Information?**

CFAL discloses Personal Information for any one or more of the purposes for which CFAL collects it, that is, any one or more of the purposes set out at paragraph 4. This may include disclosing Personal Information to:

- agents, consultants, auditors, contractors or other third parties engaged by CFAL to perform or provide services to CFAL, including administrative or other business management services
  - insurance companies and brokers for the purposes of assuring the assets and credits
  - Courts and tribunals, vessel brokers, purchasers and other parties involved in enforcement actions
  - professional advisors including legal, financial, accounting, insurance and other advisors
  - credit-reporting bodies, credit providers and debt collection agencies but only where necessary in connection with a commercial credit arrangement
  - other guarantors or prospective guarantors of any commercial credit application provided by CFAL in connection with a finance application
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- CFAL's related companies (whether in Australia or overseas)
- CFAL's equipment dealers or brokers
- organisations involved, or interested, in a transfer or sale of all or part of CFAL's assets or business (including accounts and trade receivables)
- authorised representatives, legal advisers or accountants of an individual or entity with which an individual is connected
- any organisations that are engaged to verify the identity of an individual and any organisation that manages the verification of the identity of an individual
- enforcement bodies for the purpose of identifying and addressing any fraudulent or other criminal conduct, and
- government and regulatory authorities and other organisations, as required or authorised by law.

Such disclosures are always on the basis that the recipient of the disclosure will maintain the privacy of the Personal Information received from CFAL, or otherwise in accordance with law. CFAL may also disclose Personal Information with the individual's consent or if disclosure is required or authorised by law.

## 7. Overseas disclosure

CFAL may disclose Personal Information (including personal information that is commercial credit-related personal information or information that is personal information that is relevant to eligibility for credit) to overseas recipients for any one or more of the purposes set out above. It is not practicable to list every country in which recipients may be located, however it will include CFAL's related companies, located in North America, Latin America, Europe and the Asia Pacific and otherwise listed on CFAL's website.

CFAL will comply with the requirements of the *Privacy Act* with respect to the disclosure of any Personal Information CFAL holds about an individual to a third party located outside Australia.

## 8. Direct marketing

CFAL may collect, hold, use and disclose Personal Information (with the exception of commercial credit-related Personal Information) in order to inform interested persons or entities of products and services offered by CFAL or to facilitate business relationships. Individuals can opt-out of receiving such communications by contacting CFAL on the contact details set out in paragraph 10 or through any opt-out mechanism contained in a marketing communication.

Please note that third parties to which CFAL has disclosed Personal Information may directly market their products or services to you, in accordance with their privacy policy. You should refer to the privacy policy of the relevant third party to understand how they handle and use personal information for the purpose of direct marketing.

## 9. Security of Personal Information

CFAL takes steps reasonable in the circumstances to ensure that the Personal Information it holds is protected from misuse, interference and loss and from unauthorised access, modification or disclosure. These steps include technical and organizational measures. CFAL holds Personal Information in both hard copy and electronic forms in secure databases on secure premises, accessible only by authorised staff.

CFAL will destroy or de-identify Personal Information in circumstances where it is no longer required, unless CFAL is otherwise required or authorised by law to retain the information.

## 10. Can an individual access and correct the Personal Information that CFAL holds about them?

CFAL takes steps reasonable in the circumstances to ensure Personal Information it holds is accurate, up-to-date, complete, relevant and not misleading. Individuals can access of Personal Information (including commercial credit-related personal information or information that is personal information that is relevant to eligibility for credit) that is collected and held by CFAL, or otherwise request more information on CFAL's approach to privacy, by contacting CFAL via the contact details set out in paragraph 10 below.

Additionally, individual can seek correction of Personal Information (including commercial credit-related personal information or information that is personal information that is

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relevant to eligibility for credit) that is collected and held by CFAL.

CFAL will grant access to the extent required or authorised by the Privacy Act or other law and take steps reasonable in the circumstances to correct Personal Information where necessary and appropriate. To provide access to Personal Information, CFAL:

- requests proof of identity to ensure that Personal Information is provided only to the correct individuals and that the privacy of others is protected
- requests reasonably specific details about the information required, and
- may charge a reasonable administration fee, which reflects the cost to CFAL, for providing access in accordance with a request.

Such requests should be made to CFAL by contacting CFAL's Privacy Officer – Customer Service using the details set out below.

If CFAL refuses a request for access to, or correction of, Personal Information, CFAL will provide written reasons for the refusal and details of complaint mechanisms. CFAL will also take steps reasonable in the circumstance to provide access in a manner that meets the needs of the individual and the needs of CFAL.

CFAL will endeavour to respond to a request for access to, or correction of, Personal Information within 30 days from the request.

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#### **11. How to contact us**

For further information or enquiries regarding CFAL's handling of Personal Information, or to opt-out of receiving any promotional communications, CFAL's Privacy Officer - Customer Service can be contacted at:

**Caterpillar Financial Australia Limited (ABN 70 006 714 585)**

**Caterpillar Financial Australia Leasing Pty Limited (ABN 64 166 301 515)**

Address: 1 Caterpillar Drive, Tullamarine, Victoria 3000

Tel: 1800 010 808

Email: [CFAL.CustomerService@cat.com](mailto:CFAL.CustomerService@cat.com)

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#### **12. Privacy complaints**

Privacy complaints (including complaints regarding an alleged failure of CFAL to comply with the credit reporting requirements under the *Privacy Act 1988* (Cth)) should be directed to CFAL's Privacy Officer - Customer Service.

At all times, privacy complaints:

- will be treated seriously
- will be dealt with promptly
- will be dealt with in a confidential manner, and
- will not affect any existing obligations to, or commercial arrangements with, CFAL.

CFAL's Privacy Officer - Customer Service will commence an investigation into a complaint and inform the complainant of the outcome. In the event a complainant is dissatisfied with the outcome, the complaint can be referred to the Office of the Australian Information Commissioner.

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#### **13. Additional Information**

For additional information on the corporate approach to the protection of customer data adopted by companies within the Caterpillar group please visit our website: [www.Caterpillar.com/dataprivacy](http://www.Caterpillar.com/dataprivacy).

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