

# Privacy Policy

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**LANDPOWER NEW ZEALAND LIMITED**

**SEPTEMBER 2014**

## 1. General

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- 1.1 This Privacy Policy applies to:
- 1.1.1 personal information submitted by you to Landpower New Zealand Limited, its related entities, subsidiaries and registered Landpower dealers (**Landpower**) (as a customer or recipient of services provided by Landpower) when purchasing equipment, goods, machinery or services from Landpower or any registered Landpower dealer and otherwise in the course of receiving or using any of Landpower's services including the Landpower website ([www.landpower.co.nz](http://www.landpower.co.nz));
  - 1.1.2 any information automatically retrieved by Landpower during your visits to the Website; and
  - 1.1.3 any other personal information received by Landpower from you from time to time.
- 1.2 This Privacy Policy is prepared in accordance with the Privacy Act 1993 (**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 Landpower understands the importance of safeguarding the personal and financial information of its customers and upholding their rights under the Act.
- 1.4 Landpower 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 Landpower.
- 1.6 By accessing and browsing the Website you consent to the collection, use, disclosure, storage and processing of your information by Landpower in accordance with this Privacy Policy.

## 2. Changes to this Privacy Policy

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Landpower 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. Landpower will provide a notice on the Website when the Privacy Policy has been amended.

## 3. Privacy Act 1993

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- 3.1 **Background:**
- 3.1.1 The Act establishes 12 information and privacy principles that cover the collection, use and disclosure of information relating to individuals by an agency as well as the access to and correction of that information by the individuals concerned.
  - 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:* Information must be collected for a lawful purpose connected with the activity and functions of Landpower.
- (b) *Principle 2 – Source:* Personal information must be collected directly from the individual concerned.
- (c) *Principle 3 – Collection:* When personal information is collected directly from an individual, Landpower 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:* Landpower 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 Landpower as to whether it holds personal information, and access to that information about them if it is readily retrievable.
- (g) *Principle 7 – Correction:* An individual is entitled to request correction of personal information about them held by Landpower.
- (h) *Principle 8 – Accuracy:* Landpower 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 – Time Limit:* 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:* Personal information obtained for one purpose may not be used for another purpose.
- (k) *Principle 11 – Limits on Disclosure:* Landpower 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 – Unique Identifier:* Landpower 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 Landpower’s policy toward the 12 Privacy Principles is set out in more detail below.

#### 4. Collection of Personal Information

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- 4.1 **Purpose of Collection:** Landpower 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 Landpower’s related companies, agents, assigns, associates and transferees and registered Landpower 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. Landpower 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 and other personal details. You may also be asked to submit further information via the Website from time to time.

#### 5. Storage and Security

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- 5.1 Landpower will take all practicable steps to safeguard and secure any personal information gathered from you. You consent to Landpower 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 username and password. Landpower recommends the password you select should not relate to any readily accessible data such as your name, birth date, address, telephone number, driver’s licence, licence 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 Landpower immediately if you believe that your username and password have been used without authorisation. Landpower 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 Landpower or others due to such unauthorised use. You agree that all information provided to Landpower by you in relation to any username and password shall be current, complete and accurate.

## 6. Use of Information

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- 6.1 Personal information obtained by Landpower 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 Landpower customer.
- 6.2 Unless you have specifically requested otherwise, Landpower may use information provided to it for the purposes of marketing the services of Landpower or its related entities to you.
- 6.3 For the avoidance of doubt, Landpower may search information collected from you for statistical analysis or to target special offers to you.
- 6.4 Landpower may disclose information about you to its related entities for those same purposes.
- 6.5 Landpower 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, Landpower should be contacted as per the details contained in clause 11.1.

## 7. Limits on Disclosure

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- 7.1 Landpower will not disclose to any person or agency your personal information except as provided in this Privacy Policy. In particular, Landpower 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 Landpower'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 Landpower will only assign a unique identifier to you if this is necessary to enable it to carry out its functions efficiently.

## 8. Accuracy

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- 8.1 Landpower 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 Landpower 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 Landpower will keep personal information about you for as long as you continue to be a customer of Landpower. Thereafter, personal information will be destroyed within seven years of the termination of the relationship.

## 9. Access to and Correction of Personal Information

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- 9.1 You may contact Landpower 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 Landpower correct any personal information held about you. To access or update your personal information please contact Landpower as per clause 11.1.
- 9.3 You may at any time request that your personal information not continue to be used by Landpower, and you may at any time asked to be removed from a mailing list.

## 10. Cookies and Automatically Retrieved Information

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- 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 Landpower's server, so that when you visit the particular Website again, the cookie will identify your computer to Landpower's web server. This allows Landpower to improve the speed and reliability of the Website and provide you with a better service. 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 Landpower'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 Landpower's services, and to also determine the preferences and interests of visitors to the Website.
- 10.4 From time to time, Landpower 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 Landpower accepts no liability for breaches of privacy once such a link has been followed.

## 11. Questions, Concerns and Complaints

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- 11.1 If you have any queries or concerns about this Privacy Policy or you wish to make a complaint please contact:

Lee Gardiner  
Group People & Brand Manager  
lee.gardiner@landpower.co.nz

- 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)