



O U R G Y M  
*Nelson Bay*

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## PRIVACY POLICY

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Our Gym Nelson Bay knows that you care how information about you is used and shared and we appreciate your trust in us to do that carefully and sensibly.

This policy describes the types of personal information that we may collect about you, the purposes for which we use the information, the circumstances in which we may share the information and the steps that we take to safeguard the information to protect your privacy.

### THE POLICY

As used throughout this policy, the term “Our Gym Nelson Bay” refers to Our Gym Nelson Bay PTY LTD, ABN 37642350123.

We may amend or update our Privacy Policy at any time and will publish any updated policy on the Our Gym Nelson Bay website. We encourage you to check the Our Gym Nelson Bay website regularly to ensure that you are aware of the terms of our current Privacy Policy. By visiting Our Gym Nelson Bay and submitting any personal information to us (whether at the gym, via our website or otherwise), you are accepting and consenting to the practices described in this Privacy Policy.

### 1. WHAT PERSONAL INFORMATION ABOUT YOU DOES OUR GYM NELSON BAY COLLECT?

The information we gather from you helps us to continually improve your experience with Our Gym Nelson Bay. This personal information may include: your name and contact information; date of birth; preferred communication methods; business name (in the case of a corporate membership) and business address; bank details and/or credit card details and your objectives and interests. We also create information that becomes part of the personal information we hold about you, such as your membership number and your usage of the gym and the products that you purchase from us. We may also collect and create details on joint members and other family members, where applicable, including family members under the age of 18.

We may also collect the following information:

- Sensitive information

The term “sensitive information” in this context refers to information related to your racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices or criminal record, or your health information, genetic information that is otherwise not health information, or biometric information or templates. Whilst we do not generally collect sensitive information unless it is volunteered by you, we do specifically collect health data to the extent that it is required to assess your readiness for physical exercise.

- Personal Information from Children

Other than information that becomes part of the personal information we hold about our under 18 members such as their membership number and usage of the club and the products that are purchased on behalf of under 18 members, we do not knowingly collect personal information from individuals under 18 years of age without the permission of their parent or guardian. As a parent or legal guardian, please do not to allow your children to submit personal information without your permission.

- Photographs for Membership

In the interests of security and the prevention of crime, we take a digital photograph of each member to whom a membership card is issued including our under 18 year old members. By providing the digital photograph to us, you are consenting to our using it in the manner set out in this Privacy Policy.

- Contacting us via Website or otherwise

When you use the [www.ourgym.com.au](http://www.ourgym.com.au) website (Our Site) or contact us by post, telephone, fax, email or SMS, we collect, store and use certain personal information that you disclose to us. This includes details such as your name, address, telephone, fax, email and mobile phone number as well as traffic data, location data, web logs and other communication data, whether this is required for our own billing purposes, for marketing activities or other resources that you access. If you contact us, we may keep a record of that correspondence and if you have enquired about our products we may contact you to market our products unless you opt out of marketing communications (by sending an email to [hello@ourgym.com.au](mailto:hello@ourgym.com.au)).

- CCTV

We use CCTV in the gym for health and security reasons. If you have any queries in relation to the use of CCTV operating in and around our clubs please contact us.

- Surveys

We also ask you to complete surveys that we use for feedback and research purposes, although you do not have to respond to them.

- Online membership portal and profile

We may also collect and use the personal information you provide while using our online portals and any profile that you create while using our services including health, training and nutritional information.

- Social media and third party service providers

We may also collect and use personal information you provide when interacting with us via social media, when you enter competitions, or when you participate in promotions or events. This information may be collected by us directly, or by a third party on our behalf, and may include your photos, comments and experiences you provide or share with us. If you provide personal information to us via third parties or social media platforms, your personal information will be managed in accordance with the privacy policy in use by that third party, in addition to our own Privacy Policy. If you share your contact information with us via Facebook in response to a promotion by us, we may contact you to market our products unless you opt out of marketing communications (by sending an email to [hello@ourgym.com.au](mailto:hello@ourgym.com.au)).

## **2. WHY DO WE COLLECT PERSONAL INFORMATION FROM YOU AND HOW DO WE USE PERSONAL INFORMATION?**

The main types of personal information Our Gym Nelson Bay collects and the main purposes for which personal information is collected, used, held and disclosed are set out below:

- We use personal information to provide the services you request from Our Gym Nelson Bay such as to facilitate: administration of your membership of the gym, to manage our relationship with you, to communicate with you and assist you with queries and to facilitate bookings of classes and appointments with our own or third party service providers and other transactions.

- We also use personal information in order to provide and improve our services and operate our facilities (including as described above), or otherwise as required or authorised by law. For example, when an individual sends Our Gym Nelson Bay a query, we will use the individual's personal information for the purposes for which the individual provided it.

- We may also use the information to: advertise products and services, to carry out market data analysis so that we can continue to deliver enhanced services and facilities, to process payments and maintain accounts and records, to prevent crime and aid in the prosecution of offenders, to comply with the law, and to administer and maintain membership records. In addition, we use this information to improve our platform, prevent or detect fraud or abuses of our website and enable third parties to carry out technical, logistical or other functions on our behalf. As part of conducting our business, personal information may also be used to maintain and develop our business systems, including testing and upgrading them.

- We also use your details to send you newsletters and promotions, and to conduct online surveys or surveys by telephone; prize draws; competitions and other promotions via email, social media, telephone or post. We will also use the information in the course of collecting your membership fees and any other payments that may be due to us from you. If you apply for employment at Our Gym Nelson Bay, we use the personal information you supply to process your job application. This Privacy Policy does not apply to acts and practices in relation to employee records of our current and former employees, which are exempt from the Privacy Act and

are covered by a separate policy.

- We use health information provided by you so that we can assess your general health, wellbeing and your readiness for physical exercise. If we need to collect sensitive information (such as health information), we will not collect that information unless we have first obtained your consent.
- We use social media platforms to undertake marketing activities to offer you products and services that we legitimately feel may be of interest to you, to generate leads and to drive traffic to our website. To do this we may use limited personal information of yours, such as your email address, with social media platforms. We do not control how social media platforms use your personal information so please be sure to direct any questions around how your social media platforms use or store your personal information to that social media platform. You may opt out of these marketing activities at any time by sending an email to [hello@ourgym.com.au](mailto:hello@ourgym.com.au).

Other than as set out in this Privacy Policy we will not share your personal information with third parties for marketing or any other purposes without your consent, unless we are required to do so by law. We operate an automatic opt-in policy which means that when you request information from us on one of our clubs or make an enquiry we add you to our database.

### **3. IN WHAT CIRCUMSTANCES MAY OUR GYM NELSON BAY DISCLOSE PERSONAL INFORMATION?**

Information about our club users is an important part of our business and we do not sell it to others. Our Gym Nelson Bay discloses member information in connection with the purposes outlined in this Privacy Policy. We only disclose personal information as described below and with our group companies which are either subject to this Privacy Policy or follow practices at least as protective as those described in this Privacy Policy.

Our personnel (including our employees and contractors):  
Our personnel have access to personal information to the extent that they need to access your personal information in connection with their duties and your membership.

Third party service providers:

We employ other companies and individuals to perform functions on our behalf. Examples include our banking services, sending postal mail and e-mail, removing repetitive information from member lists, analysing data, managing marketing promotions or competitions and providing marketing assistance. We also use third party information technology service providers for the purposes of hosting, storing and securing information and data. Third party service providers have access to personal information needed to perform their functions, but may not use it for other purposes.

Further, they must process the personal information in accordance with this Privacy Policy and as permitted by the Privacy Act.

Promotional offers:

Sometimes we send offers to gym members on behalf of other businesses. When we do this, we do not give that business your name and address or any of your health information or other sensitive information. Please tick the opt-out box in your terms and conditions, or let us know in writing, if you don't want to receive any of the following offers:

- marketing communications from Our Gym Nelson Bay;
  - marketing communications from other Our Gym Nelson Bay members;
- or
- marketing communications from our partners.

Protection of Our Gym Nelson Bay and others:

We release account and other personal information when we believe release is appropriate to comply with the law; enforce or apply our membership or other agreements; or protect the rights, property or safety of Our Gym Nelson Bay, our users or others. This includes exchanging information with other companies and organisations (including credit reporting agencies) for fraud protection and credit risk reduction and with police or other government authorities. Obviously, however, this does not include selling, sharing or otherwise disclosing personally identifiable information from members for commercial purposes in a way that is contrary to the commitments made in this Privacy Policy.

With your consent, other than as set out above, you will receive notice when information about you might go to third parties and you will have an opportunity to choose not to share the information.

#### **4. WHAT ABOUT COOKIES?**

Cookies are alphanumeric identifiers that we transfer to your computer's hard drive through your web browser to enable our systems to recognise your browser and to automatically collect information from your computer such as your IP address and other details about your computer which are automatically collected by our web server, operating system and browser type, for system administration and to report aggregate information to our advertisers. This is statistical data about our users' browsing actions and patterns, and does not identify any individual. The Help menu on the menu bar of most browsers will tell you how to prevent your browser from accepting new cookies, how to have the browser notify you when you receive a new cookie and how to disable cookies altogether. Additionally, you can disable or delete similar data used by browser add-ons, such as Flash cookies, by changing the add-on's settings or visiting the website of its manufacturer. However, because cookies allow you to take advantage of some of Our Gym Nelson Bay's essential features, we recommend that you leave them turned on. If you do leave cookies turned on, be sure to sign off when you finish using a shared computer.

Please note that our advertisers may also use cookies, over which we have no control:

- To estimate our audience size and usage pattern.
- To store information about your preferences, and so allow us to customise Our Site according to your individual interests.
- To speed up your searches.
- To recognise you when you return to Our Site.

## **5. HOW SECURE IS INFORMATION ABOUT ME?**

Our Gym Nelson Bay endeavours to take all steps as are reasonable in the circumstances to protect your personal information from misuse, interference and loss and from unauthorised access, modification or disclosure.

We maintain physical, electronic and procedural safeguards in connection with the collection, storage and disclosure of personally identifiable information. Our security procedures mean that we may occasionally request proof of identity before we disclose personal information to you.

## **6. WHAT ABOUT LINKS TO OTHER WEBSITES?**

Our site may include links to other websites. We do not provide any personally identifiable customer information to these advertisers or third-party websites. These third-party websites may use technology to send (or “serve”) the advertisements that appear on our website directly to your browser. They automatically receive your IP address when this happens. They may also use cookies, JavaScript, web beacons (also known as action tags or single-pixel gifs), and other technologies to measure the effectiveness of their ads and to personalise advertising content. We do not have access to or control over cookies or other features that they may use, and the information practices of these advertisers and third-party websites are not covered by this Privacy Policy. Please contact them directly for more information about their privacy practices. In addition, the Network Advertising Initiative offers useful information about Internet advertising companies (also called “ad networks” or “network advertisers”), including information about how to opt-out of their information

collection.

## **7. WHAT CHOICES DO I HAVE?**

As discussed above, you can always choose not to provide information however this may mean we cannot provide some or all of our services to you. If you do not want to receive e-mail or other mail from us, please let us know in writing if you don't want to receive these offers. However, please note, if you do not want to receive legal notices from us, such as this Privacy Policy, those notices will still govern your use of Our Gym Nelson Bay and it is your responsibility to review them for changes. You have the right to ask us not to process your personal information for marketing purposes by sending an email to Our Gym Nelson Bay, whose details are set out in section 10 below.

## **8. HOW CAN I ACCESS OR CORRECT MY PERSONAL INFORMATION OR MAKE A COMPLAINT?**

You may request access to the personal information we hold about you by contacting us using the details set out in section 10 of this Privacy Policy. We will respond to any such request within a reasonable period of time. Although we will be able to provide you with most personal information we hold about you, in some circumstances it may not be possible for us to provide you with access to all of your personal information. Where this is the case, we will notify you and give you the reasons why (except to the extent it would be unreasonable for us to do so). If you believe that any of the personal information we hold about you is inaccurate, incomplete or not up-to-date, you

may contact us using the details set out in section 10 below to request that we correct the information. Although we will take reasonable steps to ensure that the information is corrected, in some circumstances it will not be possible for us to correct your personal information in the manner in which you have requested. Where this is the case, we will notify you and give you the reasons why (except to the extent it would be unreasonable for us to do so).

If you wish to make a complaint about the way we have handled your personal information (including if you think we have breached the Privacy Act), you may do so by contacting us using the details set out in section 10 below. If you make a complaint, please include contact details such as your name, address, telephone number and email address and clearly describe your complaint. We will respond to your complaint within a reasonable period and will endeavour to resolve the issue in an efficient manner. If we are unable to resolve your complaint and you believe that we have breached the Privacy Act, you may wish to contact the Office of the Australian Information Commissioner.

## **9. NOTICES AND REVISIONS**

Our business changes constantly and our Privacy Policy and the website terms and conditions will change also. We may e-mail periodic reminders of our notices and conditions, unless you have instructed us not to, but you should check our website frequently to see recent changes. Unless stated otherwise, our current Privacy Policy applies to all information that we have about you and your account. However, we stand behind the promises we make and will never materially change our policies and practices to make them less protective of

member information collected in the past without the consent of affected members.

## **10. CONTACT**

For further information about Our Gym Nelson Bay's privacy procedures and practices, or to request access to or correction of your personal information or make a complaint, please contact us using the following details:

Email: [hello@ourgym.com.au](mailto:hello@ourgym.com.au)  
Address: Our Gym Nelson Bay  
88 Shoal Bay Road  
Nelson Bay, 2315, NSW

This Privacy Policy was last updated September 2020.