

## Privacy Policy

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### 1. INTRODUCTION

Deep Yellow Limited ABN 97 006 391 948 (**Company**) is an Australian incorporated company and it conducts its Australian operations in accordance with the *Australian Privacy Act 1988* (Cth) (**Privacy Act**) and the Australian Privacy Principles (**APPs**) which form part of the Privacy Act.

This Privacy Policy relates to the Company and each of its Australian subsidiaries (**we, us and our**).

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### 2. PURPOSE

This Privacy Policy sets out how we collect, use, and disclose personal information entrusted to us by our customers or otherwise collected and used by us.

To the extent that relevant national privacy laws permit:

- (a) this Privacy Policy is a privacy policy, privacy statement, privacy notice or like disclosure under those laws;
- (b) this Privacy Policy to be noticed to affected individuals under those relevant laws, or the basis for consent of individuals to the activities described in this Privacy Policy, this Privacy Policy is a notice and disclosure informing consent by individuals to such activities.

We may modify or amend this Privacy Policy from time to time. We will display a notice on our website indicating when any such revisions have been made.

Unless you notify us otherwise, we will assume that you have consented to the collection of all information which is provided to us for use in accordance with this Privacy Policy.

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### 3. WHAT IS PERSONAL INFORMATION?

- (a) Personal information is information or an opinion about an individual, or an individual who is reasonably identifiable, whether true or not and whether recorded in material form or not. Sensitive information is subset of personal information and has the meaning given to it in the Privacy Act.
- (b) Sensitive information is subset of personal information and has the meaning given to it in the Privacy Act. Sensitive information means information or an opinion about an individual's 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, criminal record, health, genetic or biometric information. We do not knowingly collect, hold or use such information. If we become aware that such information has inadvertently been inadvertently collected or is inadvertently held by us, we will destroy it.

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### 4. WHAT PERSONAL INFORMATION DO WE COLLECT?

We only collect personal information if it is necessary for one of our functions or activities. The types of personal information we collect will depend on the reason for collection. Generally, the types of personal information we collect will include name, contact details and records of communications with us. In addition, we collect personal information relating to:

- (a) shareholders: information about the shareholding, banking details and tax file numbers for payments of dividends and other amounts, through the Company's share registry;
- (b) employees: the information collected may include birthdates and working conditions; health and workers compensation claims information; banking and tax file number details; and, in some limited cases, voluntarily provided ethnic background information; and
- (c) job applicants: employment and academic histories, the names of referees and, in some cases, health information based on testing undertaken by or for us. We will collect this information directly, from organisations that provide recruitment related services to us, and from third parties who provide job applicants with professional or personal references.

We will also collect personal information, including names and contact details, about:

- (a) our suppliers and contractors. This information is collected for business-related purposes but contains some limited personal information being contact details for the people that we deal with;
- (b) people who correspond with us, including through our website, in which case we may keep a copy of that correspondence and relevant contact details; and
- (c) people who request information updates about us through our website mailing list.

When you access and use our website we will record and log for statistical purposes certain information about such access and use, including your IP address, the date and time of your visit, the parts of our website you access during your visit, your actions on our website, and the browser you are using.

Where we collect and use personal information about any identifiable individual from a publicly available source, we assess whether the collection and use is made a manner both reasonably contemplated and permitted by the provider of that publicly available source. Where the collection and use is made in a manner both reasonably contemplated and permitted by the provider of that publicly available source, we rely upon that provider to:

- (a) comply with relevant national privacy laws applying to the provider's activities; and
- (b) to provide the necessary notices as required by relevant national privacy laws to that identifiable individual and to obtain the necessary consents from that individual to permit collection and disclosure by the provider of that publicly available source of that personal information, including disclosure in a manner reasonably contemplated and permitted by the provider of that publicly available source.

As well as collecting information directly from you, there may be occasions when we collect information about you from a third party. For example, we may collect information in relation to shareholders from our share registrar. In such instances, we will determine whether we would have been entitled to collect such information from you, and to the extent we would not have been entitled to do so, we will destroy or de-identify such information as soon as reasonably practical.

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## **5. ANONYMITY**

You do not have to provide us with any personal information if you choose not to, however if you do not provide us with your personal information, we may be limited in our interactions with you.

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## **6. COOKIES**

If you use our website, some of the personal information referred to in section 3 may be collected through the use of cookies. Most browsers are set by default to accept cookies. However, if you do not wish to receive any cookies you may set your browser to either prompt you whether you wish to accept cookies on a particular site, or by default reject cookies. Please note that rejecting cookies may mean that some or all of the functions on our website will not be available to you.

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## **7. HOW YOUR PERSONAL INFORMATION IS USED**

We may use personal information for the primary purpose for which it is collected (e.g. provision of our services, including administration of our services), or for purposes related to the primary purpose where it would reasonably be expected that we would use the information in such a way, or in other limited circumstances set out in the Privacy Act.

We collect, hold, and use personal information to:

- (a) communicate with, and comply with our legal obligations to, our shareholders, and to process payments to them;
- (b) enable third party service providers to provide us and our related companies with services such as information technology, auditing, legal advice, printing and mailing services, and services relating to our share register and any employee incentive plan;
- (c) correspond with people who have contacted us, and deal with feedback;
- (d) provide services to, and manage, our related companies;

- (e) recruit and assess potential employees; and
- (f) maintain and update our records.

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## **8. DISCLOSURE OF YOUR PERSONAL INFORMATION**

We do not disclose personal information to third parties unless we are permitted to do so by law, or we have obtained consent to do so. We may disclose personal information for the primary purpose for which it is collected or for purposes related to the primary purpose where it would reasonably be expected that we would use the information in such a way. Also, we are permitted to disclose personal information in circumstances set out in the Privacy Act (including but not limited to disclosures to our related companies).

Third parties we may disclose personal information to include:

- (a) our related companies;
- (b) our service providers and professional advisors including IT service providers, auditors, legal advisors, mail houses and to share registrar;
- (c) financial institutions; and
- (d) Government agencies.

We take steps to ensure that our service providers are obliged to protect the privacy and security of personal information and use it only for the purpose for which it is disclosed.

We may disclose personal information we have collected to third parties located overseas in circumstances permitted by the Australian Privacy Principles (APP), including in Namibia, where the Company's operations are located.

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## **9. ACCESSING AND CORRECTING YOUR PERSONAL INFORMATION**

- (a) We will, on request, provide you with access to the information we hold about you, including for the purpose of correcting or updating that information, unless there is an exception to such disclosure which applies under the APPs.
- (b) If you require access to your personal information, please contact the Company at [info@deepyellow.com.au](mailto:info@deepyellow.com.au). Before we provide you with access to your personal information, we will require some proof of identity. For most requests, your information will be provided free of charge, however, we may charge a reasonable fee if your request requires a substantial effort on our part.
- (c) If we refuse to provide you with access to the information, we will provide you with reasons for the refusal and inform you of any exceptions relied upon under the APPs (unless it would be unreasonable to do so).
- (d) We take reasonable steps to ensure that your personal information is accurate, complete, and up-to-date whenever we collect or use it. If the personal information we hold about you is inaccurate, incomplete, irrelevant, or out-of-date, please contact us and we will take reasonable steps to either correct this information, or if necessary, discuss alternative action with you.

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## 10. CONTACT

If you have any queries or complaints with regard our collection, use or management of your personal information, please contact:

Gillian Swaby  
Executive Director - Corporate  
Deep Yellow Limited  
Level 1  
502 Hay Street  
Subiaco WA 6008  
Tel: + 61 8 9286 6999  
Email: [gillian.swaby@deepyellow.com.au](mailto:gillian.swaby@deepyellow.com.au)

If you wish to make a complaint about an alleged breach of the Privacy Act, we ask that you send us your complaint in writing to the email address listed above. We endeavour to respond to complaints within a reasonable period (usually 30 days). If you are not satisfied with our response, you may make a complaint to the Office of the Australian Information Commissioner by phoning 1300 363 992 or by email at [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

<b>Last review date:</b> <b>29 June 2023</b>
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