

## Privacy Policy

Fernwood Women's Health Clubs Pty Ltd and its affiliates ("Fernwood") are committed to protecting the privacy of all individuals who:

- visit Fernwood's website located at ([www.fernwoodfitness.com.au](http://www.fernwoodfitness.com.au), which includes all subdomains, present and future, including <https://yourfernwood.fernwoodfitness.com.au/> (the "Website");
- use the Fernwood services including Fernwood Women's Health Clubs, Fernwood Online and other Fernwood products and services (the "Platforms"); or
- are an employee or other representative of a supplier or service provider to us.

To make this policy easier to read, we call the Website and the Platforms together the "Services".

This Privacy Policy outlines the way in which we obtain, use and disclose information about you. We adopt and are bound by the Australian Privacy Principles set out in Schedule 1 of the Privacy Act 1988 (Cth) ("the Act"). Where we engage with you multiple times over a short period in relation to the same matter, we may not provide you with a separate notice about privacy each time we engage with you.

We understand and appreciate that you are concerned about privacy, particularly in relation to the use and disclosure of Personal and Sensitive Information. We are committed to providing a high level of privacy in relation to all Personal and Sensitive Information that is collected by us.

By continuing to use our Services, visiting our website, participating in an online inquiry or registering an online account, or otherwise engaging or transacting with us, you consent to us using your Personal Information in accordance with the practices described in this Privacy Policy.

### **What Personal or Sensitive Information do we collect from you?**

"Personal Information" is information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual or an individual who is reasonably identifiable. "Sensitive Information" includes information about your health.

If you do not provide us with your Personal or Sensitive Information for the purposes set out in this Privacy Policy, we may be unable to carry out the services or provide the goods as requested by you, communicate with you or otherwise conduct transactions with you.

#### i. Fernwood Women's Health Club Users

The types of Personal Information generally collected by us include:

- your name and address,
- mobile and telephone numbers, facsimile number and email address,
- credit card or bank account details,
- occupation and your employer,
- your date of birth, and
- the number of children you have (if any).

Personal Information is collected when you provide business cards or other documentation to us containing such Personal Information, including when you complete a Membership Agreement and a Pre-Activity Questionnaire. Personal Information is also collected in the course of providing services to and communicating with you.

The types of Sensitive Information generally collected by us include information relating to:

- your health,
- your weight and body measurements,
- your medical history,
- whether you smoke or are pregnant,
- whether you are on any medication and
- other health related information that is necessary to properly advise you about fitness training.

#### ii. Registration and Logged In Users

When you first register for a Fernwood Online account we collect some Personal Information about you such as:

- your full name, display name, and email address
- your password, in connection with your account and your log-in facility
- the geographic area where you use your computer and mobile devices
- other information as part of your account profile

Alternatively, you may register for a Fernwood Online account using Supported Platforms such as Facebook, or Instagram and other third-party services using OAuth. When you register with a Supported Platform or when you link a Supported Platform to your Fernwood Online account, we may collect your Personal Information included in or related to your social profiles. When that occurs, a prompt will inform you of the details that will be accessible by Fernwood Online.

When purchasing an online program, we collect your credit card information, billing address, and such other information as is required to complete a commercial transaction on our site. We do not store your credit card details. We use one of Australia's leading payment providers – at the moment it is Westpac's PayWay – to process your transactions.

As a registered user of Fernwood Online, we may also collect the following:

- information you post in the form of messages, conversations, or contributions to discussions exchanged within the Platforms
- Sensitive Information you track or post in the form of weight, measurements, mood, journals, food and exercise or images you post within the Platform
- information we may receive relating to communications you send us, such as queries or comments concerning our services
- information relating to your real time location, but only where you enable your computer or mobile device to send us location information

Fernwood uses the collected information for the following general purposes:

- to identify you when you log in to your account
- to enable us to provide the Services to you
- to verify transactions you make and for billing, security, and authentication
- to analyse the Website, Services and our visitors, including research into our user demographics and user behaviour in order to improve our content and Services
- to contact you about your account and provide support
- to share aggregate (non-identifiable) statistics about users of our Services to prospective advertisers and partners
- to keep you informed of information about our Services we think you may find useful or which you have requested from us, provided you have indicated you would like to be contacted for these purposes

By submitting information to Fernwood Online when registering, you consent to the use of your information for these purposes. We may collect and use your Personal Information for other purposes not listed above. If we do so, we will make it known to you at the time we collect or use your Personal Information.

We do not otherwise disclose your Personal Information without your permission, unless the disclosure is in accordance with this Privacy Policy or any agreement you enter into with us, or required or authorised by law, including without limitation the Australian Privacy Principles under the Privacy Act 1988 (Cth).

### iii. Viewers of our Website

Through our website, we can obtain Personal Information if you send an email message, complete an online inquiry, or register to receive our monthly newsletter. By submitting this information you consent to the use of your information for the purposes of communicating with you, including for direct marketing purposes if you register to receive our monthly newsletter.

When you view our website, we may make a record of your visit. The following information may be logged, through the use of cookies and analytical software such as Google Analytics and web beacons, for statistical purposes:

- Your Internet protocol (IP) address; The date and time of your visit to the site;
- The pages you have accessed and documents downloaded; and
- The type of browser you were using.

Any such statistical analysis does not identify you.

## How do we use your Personal and Sensitive Information and who will we give it to?

Any Personal or Sensitive Information that we collect about you will be used and disclosed by us so that we can provide you with the services that you have requested or otherwise to enable us to carry out our functions. For example, we must make all of our staff in our Health Clubs aware of information about you



health, so that they can safely advise about fitness programs and diet and so on. If we were to sell our business, we may disclose your Personal or Sensitive Information to the purchaser of the business.

When you become a member of our Health Clubs or you register an online account we will add your name, address, mobile and telephone numbers, facsimile number and email address to our database. The database may be used for ongoing marketing and educative purposes. If we elect to retain such Personal Information, you have our commitment to your privacy.

You consent to us using your Personal Information for sending you information, including promotional material, about us or our products and services, as well as the products and services of our related entities and third parties, now and in the future. You also consent to us sending you such information by email or SMS. The type of marketing and educative activities that we undertake includes forwarding material to you so that you are kept updated in relation to relevant matters including new programs or classes, new offers, promotions or opportunities, dietary or other health or fitness related information.

We do not and will not rent, sell or otherwise disclose your Personal or Sensitive Information to any other company or organization, without your prior consent where that consent is required by law.

You consent to our use and disclosure of your Personal Information to third parties:

- where it is incidental to a sale of our business to a third party
- where we outsource duties to an external service provider for purposes of rendering the required services, including enforcing the terms and conditions of our engagement with you or managing our database , or
- where the third party provides products and services to us or through us (such as Westpac Bank) for the purposes of conducting our business functions (such as providing health and fitness advice, processing online payment transactions or direct marketing).

Some of your Personal Information may be transferred, stored, processed or used overseas by us or by these third parties. This may happen if our related entities are overseas, if we outsource certain activities overseas or if transactions, information, services or products have an overseas connection. You consent to the collection, use, storage, and processing of your Personal Information outside of Australia.

In particular, your Personal Information may be disclosed to third party service providers which may store your Personal Information in Singapore and USA, and such other countries in which those parties or their, or our, computer systems may be located from time to time, where it may be used for the purposes described in this Privacy Policy, without us being responsible under the Privacy Act 1988 (Cth) for such use (or for any breach). In these circumstances, you consent to the collection, use, storage and processing of your Personal Information in Singapore and USA. Where such parties are located overseas, you may have rights to enforce such parties' compliance with applicable data protection laws, but you may not have recourse against those parties under the Australian Privacy Act in relation to how those parties treat your Personal Information.

You also consent to your Personal and Sensitive Information being disclosed to Fernwood Women's Health Clubs head office, other franchisees and placed on an intranet that is accessible by head office and all franchisees, including for the purposes outlined above. One reason for this is to enable you to be recognised as a Fernwood member, no matter which Fernwood Women's Health Club you attend in Australia. When emailing Personal or Sensitive Information to us, or completing an online inquiry, please be aware that there are risks involved in transmitting such information across the Internet. Our website contains links to other websites. We have no control over and take no responsibility for the privacy practices employed at other websites.

We have secured our Website using industry standard technology. However, we cannot provide any guarantee with respect to the security of your Personal or Sensitive Information that you submit via the Website and we will not be liable for any breach of security or unintended loss or disclosure of information due to the Website being linked to the Internet.

### **What to do if you don't want our mail-outs?**

In each e-mail or each piece of marketing material that you receive from us, we will endeavour to attach simple instructions on how you can immediately unsubscribe from our mailing list. In any event, you can also opt out from receiving promotional material by emailing the relevant Privacy Officer and asking to be removed from the mailing list. Alternatively, you can fax or mail a request asking for deletion. Our contact details are set out below. There is no fee due to us for any such deletion.

### **How to check or change your details?**

There is a Fernwood Privacy Officer at head office and for each franchisee (that is, your local Fernwood Women's Health Club).

You are entitled to check or access Personal Information that we hold about you. If you request access to your Personal Information, in ordinary circumstances we will give you full access to your Personal Information. However, there may be some legal or administrative reasons to deny access. If we refuse your request to access your Personal Information, we will provide you with reasons for the refusal.

If you are a club member, the Privacy Officer at your local Fernwood Women's Health Club will assist you to ensure that your Personal and Sensitive Information is accurate, complete and up-to-date. If you only have an online account, the Privacy Officer at head office will assist you to ensure that your Personal and Sensitive Information is accurate, complete and up-to-date.

If you wish to view the Personal or Sensitive Information we hold about you, please contact us using the details shown in '[Contacting us](#)', below. A fee may apply for such access.

We take all reasonable steps to ensure that any Personal or Sensitive Information we collect and use is accurate, complete and up-to-date. To assist us in this, you need to provide true, accurate, current and complete information about yourself as requested, and properly update the information provided to us to keep it true, accurate, current and complete. If you wish to amend that information because it is out of date or incorrect, or if you wish your Personal or Sensitive Information to be deleted from our database, please contact us in any of the ways specified in '[Contacting us](#)', below. We will use all reasonable endeavours to ensure the information is up-to-date and correct.

### **Security**

We use all reasonable endeavours to secure any Personal or Sensitive Information that we hold about you and to keep this information accurate and up-to-date. Your Personal and Sensitive Information is stored behind industry standard firewalls and where applicable, protected by user names and passwords. Where appropriate any hard copies of your Personal and Sensitive Information are kept within a locked storage room.

### **Changes to our Privacy Policy**

From time to time we may decide to amend or update this Privacy Policy. When this occurs, we will post any changes on the website. We encourage you to periodically review this Privacy Policy so that you remain informed as to how we are protecting your Personal and Sensitive Information.

We welcome your questions and comments regarding this Privacy Policy. If you have any suggestions as to how we may improve our Privacy Policy, or if you are of the view we have not adhered to this Privacy Policy, please contact us at the details shown in '[Contacting us](#)', below.

## **Contacting us**

If you:

- have a query or concern about this Privacy Policy or our Personal Information handling processes
- wish to make a complaint in relation to a breach of your privacy
- would like to access, update or correct your Personal or Sensitive Information held by us
- wish your Personal or Sensitive Information to be deleted from our database
- would like to opt out of direct marketing, or
- would like to correct your Personal or Sensitive Information held by us.

Please contact us in the following ways:

- If you are a club member, please contact the Privacy Officer at your local Fernwood Women's Health Club, or the Privacy Officer at head office using the details below.
- If you only have an online account, please contact the Privacy Officer at head office using the details below.

Fernwood Women's Health Club Pty Ltd

Level 1, 49 Elizabeth Street,

Richmond VIC 3121

**Telephone No:** +613 9630 8800

**Facsimile No:** +613 9630 8830

**Email:** [privacy@fernwoodfitness.com.au](mailto:privacy@fernwoodfitness.com.au)

We will investigate your queries and complaints within a reasonable period of time. A Fernwood staff member will endeavour to promptly follow up with you and rectify the issue within 14 days of receiving the complaint. We will notify you of the outcome of our investigation within a reasonable period of time.



**WHY FERNWOOD**



**SERVICES**



**LIBRARY**



**CONTACT**



**TERMS**



respectfully acknowledge them as  
Traditional Owners, and pay our  
respects to their Elders, past, present,  
and emerging.

Payment:  LATITUDEPAY

