

PRIVACY POLICY

1 INTRODUCTION

1.1 Privacy

One Rail Australia Pty Ltd (ABN 17 079 444 296) and its associated entities (together, One Rail or the Company), recognise the importance of protecting the privacy and the rights of individuals in relation to their personal information. This document is our privacy policy and it tells you how we collect and manage your personal information. This privacy policy supersedes and replaces any privacy policy previously adopted by One Rail and its associated entities.

We respect your rights to privacy under the Privacy Act 1988 (Cth) (Privacy Act) and we comply with all of the Privacy Act's requirements in respect of the collection, management and disclosure of your personal information.

1.2 What is your personal information?

When used in this privacy policy, the term "personal information" has the meaning given to it in the Privacy Act. In general terms, it is any information that can be used to personally identify you. This may include your name, address, telephone number, email address and profession or occupation. If the information we collect personally identifies you, or you are reasonably identifiable from it, the information will be considered personal information.

2 FOR OUR EMPLOYEES AND CONTRACTORS

2.1 What personal information do we collect and hold?

If you apply for a position with us (either as an employee or a contractor) or become an employee or contractor of ours, we may collect the following types of personal information about you:

- name;
- mailing or street address;
- email address;
- telephone number;
- acsimile number;
- age or birth date;
- occupation or job title;
- employment or contracting terms and conditions, including salary or fees paid;
- past employment history and references;
- proof of working rights documents;
- tax file number or Australian Business Number (as applicable) and superannuation details;
- details and other information that is relevant to your employment or other relationship with us, including your gender, marital status, emergency contact details, bank details, a copy of your signature, a photograph of you, details of any child support payment you are required to make, details of any additional superannuation payments, such as any salary sacrifice arrangements, details of any health benefits memberships and any deductions to be made to unions on your behalf);
- details of any medical conditions, injuries or disabilities that you may have or which you may suffer from;
- details of your qualifications, training, education history and skills; and
- any additional information relating to you that you provide to us or our representatives.

We may also collect sensitive information about you if it is necessary for us to provide our services to you or to manage your relationship with us. For example, we may ask you to undergo a health assessment to ensure you are capable of performing your job.

Sensitive information includes health information (such as any medical conditions you may have, details of any medical treatment you may be receiving and your wishes about future medical treatment), racial or ethnic origin, sexual orientation or practices, religious or philosophical beliefs, criminal record, political opinions and membership of any political, professional or trade association or union.

If you are injured while working on our premises or as a result of a railway incident, we may collect health information relating to the injuries that you have suffered and the medical treatment that has been provided to you. We also undertake drug and alcohol testing on employees and contractors who are involved in a workplace injury or a railway incident.

We may also collect some information that is not personal information because it does not identify you or anyone else. For example, we may collect anonymous answers to surveys or aggregated information about how users use our website.

2.2 How do we collect your personal information?

We collect your personal information directly from you unless it is unreasonable or impracticable to do so. When collecting personal information from you, we may collect it in various ways, including:

- when you apply for a position with us or send a resume or curriculum vitae to us;
- when you complete a new starter form or other employment-related form;
- when you use our online employee self-service website;
- during conversations between you and our representatives, including at any interviews we arrange or request that you attend; or
- where we are otherwise permitted to do so under the Privacy Act.

We may also collect personal information from third parties including:

- recruitment agencies that we deal with or which you have engaged;
- your former employer(s) or any referees that you provide; or
- from other relevant third parties, such as credit reporting bodies, law enforcement agencies and other government entities.

2.3 What happens if we can't collect your personal information?

If you do not provide us with the personal information described above, then we may not be able to:

- consider your application for employment or engagement as a contractor; or
- provide you with any benefits or otherwise administer our employment or contracting relationship with you.

Failure to provide necessary personal information (including the provision of false or misleading information) may result in disciplinary action where this is warranted.

2.4 For what purposes do we collect, hold, use and disclose your personal information?

We collect, hold, use and disclose your personal information for the following purposes:

- to manage your employment or contracting relationship with us, including to pay you any salary, fees or benefits;
- to enable us to carry out our human resources and compliance functions;
- to administer any training or education that you may require as part of your role;
- to assess your performance and provide you with performance feedback, including to undertake disciplinary action if necessary;
- to conduct business processing functions including providing personal information to our associated entities, contractors, service providers or other third parties;

- to provide your updated personal information to our associated entities, contractors or service providers;
- to update our records and keep your contact details up to date;
- to process and respond to any complaint or claim made by you; and
- to comply with any law, rule, regulation, lawful and binding determination, decision or direction of a regulator, or in co-operation with any governmental authority.

Your personal information will not be shared, sold, rented or disclosed other than as described in this privacy policy.

2.5 To whom do we disclose your information?

We may disclose your personal information to:

- our other employees, associated entities, contractors or service providers for the purposes of operation of our business, including to web hosting providers, IT systems administrators, mailing houses, couriers, payment processors, superannuation payment clearing houses, data entry service providers, electronic network administrators, debt collectors, health service providers (in relation to assessing your ability to perform your role) our insurers, human resources consultants, employment agencies, labour hire agencies and our professional advisors such as accountants, solicitors, business advisors and other consultants;
- customers and suppliers and other third parties with whom we have commercial relationships that you may be required to deal with as part of your role;
- government departments and entities, including the Australian Taxation Office, Centrelink, Medicare, Department of Human Services, workplace health and safety regulators or other government bodies that we may deal with; and
- any organisation for any authorised purpose with your express consent.

We may combine or share any information that we collect from you with information collected by any of our associated entities (within Australia).

3 FOR OUR CUSTOMERS, SUPPLIERS AND MEMBERS OF THE PUBLIC

3.1 What personal information do we collect and hold?

If you are a customer or supplier of ours (or employed or engaged by a customer or supplier) or a member of the public that we deal with, we may collect the following types of personal information about you:

- name;
- mailing or street address;
- email address;
- telephone number;
- facsimile number;
- age or birth date;
- employer, profession, occupation or job title;
- details of the services you or your employer have acquired from us or have enquired about, together with any additional information necessary to deliver those services and to respond to your enquiries;
- any additional information relating to you that you provide to us directly through our website or indirectly through use of our website or online presence, through our representatives or otherwise; and
- information you provide to us through our customer surveys or visits by our representatives from time to time.

We may also collect sensitive information about you if it is necessary for us to provide our services to you or to manage your relationship with us.

Sensitive information includes health information (such as any medical conditions you may have, details of any medical treatment you may be receiving and your wishes about future medical treatment), racial or ethnic origin, sexual orientation or practices, religious or philosophical beliefs, criminal record, political opinions and membership of any political, professional or trade association or union.

If you are injured while on our premises or as a result of a railway incident, we may collect health information relating to the injuries that you have suffered and the medical treatment that has been provided to you.

We may also collect some information that is not personal information because it does not identify you or anyone else. For example, we may collect anonymous answers to surveys or aggregated information about how users use our website.

3.2 How do we collect your personal information?

We collect your personal information directly from you unless it is unreasonable or impracticable to do so. When collecting personal information from you, we may collect it in ways including:

- when you or your employer use our services or provide services to us;
- through your access and use of our website, including to make an enquiry; or
- during conversations between you and our representatives.

We may also collect personal information from third parties including:

- your employer; or
- from other relevant third parties, such as credit reporting bodies, law enforcement agencies and other government entities.

3.3 What happens if we can't collect your personal information?

If you do not provide us with the personal information described above, some or all of the following may happen:

- if you are a customer, potential customer or member of the public:
 - we may not be able to provide our services to you or your employer, either to the same standard or at all; or
 - we may not be able to provide you with information about services that you or your employer may want, including information about special promotions;
- if you are a supplier or potential supplier, we may not be able to transact with you or your employer or obtain products or services from you or your employer; or
- we may be unable to tailor the content of our website to your preferences and your experience of our website may not be as enjoyable or useful.

3.4 For what purposes do we collect, hold, use and disclose your personal information?

We collect personal information about you so that we can perform our business activities and functions and to provide the best possible quality of customer service. We collect, hold, use and disclose your personal information for the following purposes:

- if you are a customer or potential customer (or an employee of a customer or potential customer):
 - to provide our services and to send communications requested by you or your employer; or
 - to provide you with information about services that you may want, including to answer queries and provide information or advice about existing and new services;
- if you are a supplier or potential supplier (or an employee of a supplier or potential supplier), to transact with you or your employer or obtain products or services from you or your employer;
- to assess the performance of our website and to improve the operation of our website;

- to conduct business processing functions including providing personal information to our associated entities, contractors, service providers or other third parties;
- for the administrative, marketing (including direct marketing), planning, product or service development, quality control and research purposes One Rail and its associated entities, contractors or service providers;
- to provide your updated personal information to our associated entities, contractors or service providers;
- to update our records and keep your contact details up to date;
- to process and respond to any complaint made by you; and
- to comply with any law, rule, regulation, lawful and binding determination, decision or direction of a regulator, or in co-operation with any governmental authority.

Your personal information will not be shared, sold, rented or disclosed other than as described in this privacy policy.

3.5 To whom do we disclose your information?

We may disclose your personal information to:

- our employees, associated entities, contractors or service providers for the purposes of operation of our website or our business, fulfilling requests by you, and to otherwise provide services to you including, without limitation, web hosting providers, IT systems administrators, mailing houses, couriers, payment processors, data entry service providers, electronic network administrators, debt collectors, our insurers and professional advisors such as accountants, solicitors, business advisors and consultants;
- suppliers and other third parties with whom we have commercial relationships, for business, marketing, and related purposes; and
- any organisation for any authorised purpose with your express consent.

We may combine or share any information that we collect from you with information collected by any of our associated entities (within Australia).

3.6 Direct marketing materials

We may send you direct marketing communications and information about our services that we consider may be of interest to you. These communications may be sent in various forms, including mail, SMS, fax and email, in accordance with applicable marketing laws, such as the Spam Act 2003 (Cth). If you indicate a preference for a method of communication, we will endeavour to use that method whenever practical to do so. In addition, at any time you may opt-out of receiving marketing communications from us by contacting us (see the details below) or by using opt-out facilities provided in the marketing communications and we will then ensure that your name is removed from our mailing list.

We do not provide your personal information to other organisations for the purposes of direct marketing.

4 ADDITIONAL INFORMATION

4.1 Do we disclose your personal information to anyone outside Australia?

We may disclose personal information to our related bodies corporate, third-party suppliers and service providers located overseas for some of the purposes listed above.

We take reasonable steps to ensure that the overseas recipients of your personal information do not breach the privacy obligations relating to your personal information.

We may disclose your personal information to entities located outside of Australia, including the following:

- our related bodies corporate, located in the United States of America, the United Kingdom and any other countries that we notify you of or in which the Genesee & Wyoming group of entities operates or does business in from time to time (including as set out on the group's website at www.gwrr.com/about_us);

- our data hosting and other IT service providers to the extent located in the United States of America and the United Kingdom; and
- other third parties located in the United States of America and the United Kingdom.

4.2 Security and data quality

We take reasonable steps to ensure your personal information is protected from misuse and loss and from unauthorised access, modification or disclosure. Hard copy employee files are stored in locked filing cabinets in a locked filing room. The keys to the filing room are locked in a key safe, which is password protected.

Electronic files are kept securely on our network and in our password protected HRIS system. Within the HRIS there is tiered security for users so that only appropriately authorised personnel can access information relevant to their role.

We may hold your information in either electronic or hard copy form. Personal information is destroyed or de-identified when no longer needed or when we are no longer required by law to retain it (whichever is the later).

4.3 How can you access and correct your personal information?

You may request access to any personal information we hold about you at any time by contacting us (see the details below). Where we hold information that you are entitled to access, we will try to provide you with suitable means of accessing it (for example, by mailing or emailing it to you). We may charge you a reasonable fee to cover our administrative and other reasonable costs in providing the information to you. We will not charge for simply making the request and will not charge for making any corrections to your personal information.

There may be instances where we cannot grant you access to the personal information we hold. For example, we may need to refuse access if granting access would interfere with the privacy of others or if it would result in a breach of confidentiality. If that happens, we will give you written reasons for any refusal.

If you believe that personal information, we hold about you is incorrect, incomplete or inaccurate, then you may request that we correct it. We will consider if the information requires correction. If we do not agree that your personal information is incorrect, incomplete or out of date, then we will add a note to the personal information stating that you disagree with it.

4.4 What is the process for complaining about a breach of privacy?

If you believe that your privacy has been breached, please contact us using the contact information below and provide details of the incident so that we can investigate it. We will treat your complaint confidentially, investigate your complaint and aim to ensure that we contact you and your complaint is resolved within a reasonable time (and in any event within the time required by the Privacy Act, if applicable).

4.5 Contacting us

If you have any questions about this privacy policy, any concerns or a complaint regarding the treatment of your privacy or a possible breach of your privacy, please use the contact link on our website or contact our Chief People Officer using the details set out below. We will treat your requests or complaints confidentially. Our representative will contact you within a reasonable time after receipt of your complaint to discuss your concerns and outline options regarding how they may be resolved. We will aim to ensure that your complaint is resolved in timely and appropriate manner.

Please contact our Chief People Officer at;

Post: Chief People Officer
One Rail Australia Pty Ltd
P.O. Box 309
Marleston SA 5033 Australia
Tel: +61 8 8343 5495
Email: Humanresources@1rail.com.au

4.6 Changes to our privacy policy

We may change this privacy policy from time to time. Any updated versions of this privacy policy can be obtained by contacting us using the details set out above.

This privacy policy was last updated on 4 May 2020.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Luke Anderson', with a long horizontal stroke extending to the right.

Luke Anderson
Chief Executive Officer