

## Promise #5:

# CONSUMER PROTECTION

**DEFINITION:** : Organisations that provide products and services to consumers, have a responsibility to act ethically towards those consumers.

**STATEMENT OF INTENT:** Shearwater is committed to “create magical customer experiences”. Our longevity has only been possible thanks to our long-standing relationships with our customers. These relationships are built on a strong foundation of treating customers ethically.

**SCOPE:** This consumer commitment extends to:

1. Fair marketing practices;
2. Customer service, complaint and dispute resolution; and
3. Data and privacy protection.

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## 1. FAIR MARKETING, FACTUAL AND UNBIASED INFORMATION AND FAIR CONTRACTUAL PRACTICES

Shearwater is committed to providing factual information about our products and services in a manner that can be understood by consumers, so they can make informed decisions about the suitability of our offerings.

We commit to:

- Avoid any practice that is deceptive, misleading, fraudulent or unfair, unclear or ambiguous, including omission of critical information;
- Consent to sharing relevant information in a transparent manner which allows for easy access and comparisons as the basis for an informed choice by the consumer;
- Clearly identify advertising and marketing and never engage in unfair, incomplete, misleading or deceptive marketing;
- Openly disclose total prices and taxes, as well as all terms and conditions;
- Substantiate claims or assertions by providing underlying facts and information upon request;

We ensure contracts:

- Are written in clear, legible and understandable language;
- Do not include unfair contract terms, such as the unfair exclusion of liability, the right to unilaterally change prices and conditions, the transference of risk to consumers or unduly long contract periods; and
- Provide clear and sufficient information about prices, features, terms, conditions, costs and the duration of the contract.

## 2. CONSUMER SERVICE, COMPLAINT AND DISPUTE RESOLUTION

We pride ourselves on delivering exceptional consumer service and support. Shearwater provides warranties on the validity and benefit of our work through make good provisions, although these rarely need to be called upon. In the rare event of any complaint or dispute, we always strive to resolve matters promptly and amicably.

We take steps to monitor the effectiveness of our services with post-engagement surveys and ongoing client interactions to ensure satisfaction.

## 3. CONSUMER DATA PROTECTION AND PRIVACY

Shearwater complies with all Australian privacy legislation, notably the Australian

Privacy Principles (APP), as well as other legal frameworks, such as the European GDPR, as required.

In line with normal business processes, we collect and store information on customers.

- **Collection:**

Customer data is collected for the purpose of performing requested tasks as well as marketing and sales activities. Shearwater avoids collecting data unless required for these purposes.

- **Storage**

Customer data is stored securely in a cloud-based CRM or in our secure internal network. Access to this data is limited to those that require access and is encrypted at rest.

- **Access**

Individuals have a right to request access to any personal information we hold on them. They have the right to request personal information to be corrected, should it be demonstrated to be incorrect. Individuals also have the right to have their data removed on request.

- **Complaints**

Complaints regarding privacy related issues should be sent to [info@shearwater.com](mailto:info@shearwater.com) or [privacy@shearwater.com.au](mailto:privacy@shearwater.com.au). The complaint will be investigated by Shearwater within 14 days. In the event of a suspected breach, Shearwater has internal incident response plans to remediate the situation and complies with all notification requirements.

Shearwater is subject to the APP and in the event a complaint is not resolved to either party's satisfaction, it can be referred to the OAIC in accordance with the APP.

- **Disclosure to third parties**

Information will only be disclosed to third parties where there is a legal or contractual obligation to do so. For example as a QSA company we are contractually required to hand over certain information to the PCI Security Standards Council if requested. This may include personal data.

Shearwater will comply with lawful requests from Australian law enforcement agencies. Foreign entities are expected to follow protocol and request information via relevant Australian agencies.

Information requests by domestic or foreign entities relating to customer information stored by Shearwater on behalf of the customer will be referred back to the customer for resolution and will only be released at the request of the customer or when there is a legal obligation to do so. Shearwater will follow lawful instructions issued by Australian Courts and by domestic law enforcement.