

## TOMPKINS WAKE PRIVACY POLICY

Tompkins Wake Limited (“**Tompkins Wake**”, “**we**”, “**our**” or “**us**”) is committed to ensuring compliance with the New Zealand Privacy Act 2020 (“**Privacy Act**”) (if you are in New Zealand) and the European Union’s General Data Protection Regulation (“**GDPR**”) (if you are in a Member State of the European Union).

This Privacy Policy gives details of the Personal Information that we collect via the Website or when you interact with us or use our Services. It also covers how and why your Personal Information is collected, used, disclosed, and processed; the lawful basis on which your Personal Information will be processed by us; how you can request access to or correction of your Personal Information; and how you can manage receiving communications from us.

This Privacy Policy applies to anyone who visits our Website or uses our Services or otherwise interacts with us. If you are in the European Union, then you have additional rights under the applicable privacy laws which are outlined in the ‘GDPR’ section of this Privacy Policy.

From time to time, we may change this Privacy Policy and will post the changes on our Website. If you have any questions, you can contact our Privacy Officer at [privacyofficer@tompkinswake.co.nz](mailto:privacyofficer@tompkinswake.co.nz).

### 1. YOUR INFORMED CONSENT

- 1.1 Tompkins Wake will only use your Personal Information for the purposes that we collected it, and in accordance with this Privacy Policy. If we don’t need your Personal Information anymore for those purposes, then we’ll stop using it.
- 1.2 If you don’t agree with our Privacy Policy or don’t want us to collect your Personal Information, then please discontinue your use of our Website, Services or any interaction with us. If you withdraw your consent, we will stop collecting your Personal Information, but we may not be able to continue providing some or all of our Services to you.
- 1.3 You can opt-out of receiving marketing communications from us by clicking on the ‘unsubscribe’ link in the email communication and you can also withdraw your consent at any time for any reason by notifying us that you no longer wish your Personal Information to be used for the purposes outlined in this Privacy Policy.
- 1.4 You can contact us at any time by clicking [Contact us](#) on our Website.
- 1.5 For the purpose of:
  - (a) The GDPR, the withdrawal of your consent does not affect the lawfulness of any processing activities based on such consent before its withdrawal.
  - (b) The Privacy Act, your Personal Information will only be used for the purpose for which it was collected in accordance with this Privacy Policy and the law. If that purpose no longer exists or your Personal Information is no longer needed for the purpose in which it was collected, then we will no longer use your Personal Information.

## 2. DATA CONTROLLER

2.1 The “data controller” (for the purpose of the GDPR) and the “agency” (for the purpose of the Privacy Act) that will be collecting, using, disclosing, storing and processing your Personal Information is Tompkins Wake Limited (NZBN 9429037373382) based in New Zealand.

## 3. WHAT TOMPKINS WAKE COLLECTS

3.1 The table below outlines the 4 general categories of information that we collect for processing and the legal basis on which that information is processed:

Category		Types of Personal Information collected	Legal Basis for Processing
<p><i>Information you give us</i></p> <p>You may choose to provide us with your Personal Information when you communicate with us and use our Services</p>	<p><b>Example:</b> when you make Service requests or queries or when you opt-in to receive our marketing and promotional materials</p>	<ul style="list-style-type: none"> <li>• Contact details (name, postal address, email, phone number)</li> <li>• Your Service preferences</li> <li>• Your account information</li> <li>• Your payment information</li> <li>• Any other information you choose to give us</li> </ul>	<p>We collect and process this information based on our legitimate interest to provide you Services, to provide you with a high level of client service, to market and promote our Services, billing you, and to fulfil our contractual obligations to you</p>
<p><i>Information that is necessary for you to use our Services</i></p> <p>We ask for and collect Personal Information when you use our Services</p>	<p><b>Example:</b> when you use our Services</p>	<ul style="list-style-type: none"> <li>• Your Service preferences</li> <li>• Your account history</li> <li>• Any additional information we request and that you provide in connection with the operation of our business and performance of our Services to you</li> </ul>	<p>We collect and process this information based on our legitimate interest to respond to your requests or queries, to provide you with a high level of customer service, and to fulfil our contractual obligations to you. Without the information, we may not be able to provide you with the requested Services</p>
<p><i>Information we automatically collect from your use of our Website</i></p> <p>When you use our Website, we automatically collect Personal Information about the Services you use and how you use them</p>	<p><b>Example:</b> when you use certain features within our Website, when you visit or when you browse the Content on our Website, when you accept our ‘Cookies’</p>	<ul style="list-style-type: none"> <li>• Your geo-location through your IP address or mobile device’s GPS</li> <li>• Your user information (Content, webpages, other actions performed on our Website)</li> <li>• Your payment and account history</li> </ul>	<p>We collect and process this information based on our legitimate interest in ensuring a positive user experience, performance of our contract with you, to provide and improve the functionalities of our Website</p>
<p><i>Information we collect from Third Parties</i></p> <p>We may collect information that others provide about you when they use our Website or obtain information</p>	<p><b>Example:</b> when you link, connect or login to our Website from a Third Party service (eg Google, Facebook etc), and when other parties provide us with information, including</p>	<ul style="list-style-type: none"> <li>• Your service preferences</li> <li>• Your profile information from Third Party Websites</li> <li>• Your user information from Third Party Websites</li> <li>• Other information from publicly available sources</li> </ul>	<p>We collect and process this information based on legitimate interest in ensuring a positive user experience, ensuring the security of our Website and the safety of our customers and where necessary, to communicate with you</p>

from other sources (including our Third Party service providers) and combine that information we collect through our Website	data to help improve user experience and to detect fraud and Website security issues		
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In addition to those that are outlined in the table, we will also collect and process your Personal Information where you give us your informed consent.

#### 4. HOW TOMPKINS WAKE WILL USE AND DISCLOSE YOUR PERSONAL INFORMATION

4.1 You authorise Tompkins Wake to use your Personal Information (and where necessary), to disclose your Personal Information to Third Parties for the following purposes:

- (a) for the purposes of providing you with our Services, including to:
  - (i) communicate with you, including to send promotional emails about new services, special offers, promotions or other information;
  - (ii) provide client services;
  - (iii) respond to your queries regarding the Website or Services;
  - (iv) verify your identity when you create a user account with Tompkins Wake;
  - (v) administer your account;
  - (vi) provide you with a good user experience;
  - (vii) develop new services, features and/or Content; and
  - (viii) keep you updated on things that are happening at Tompkins Wake;
- (b) for internal record keeping purposes;
- (c) to the extent necessary to perform the purposes specified in this Privacy Policy and to allow for the operation of our business activities and functions;
- (d) for any other purposes you authorise;
- (e) for the purpose of Tompkins Wake selling all or most of our assets; and
- (f) to comply with our Legal Obligations, including obligations under the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (“AML/CFT”).

4.2 You agree that Tompkins Wake may share your Personal Information with Third Parties to fulfil business transactions for the purposes specified in this Privacy Policy (for example, providing

client services, sending marketing communications, complying with its AML/CFT obligations, and providing maintenance services).

## 5. HOW LONG TOMPKINS WAKE HOLDS YOUR PERSONAL INFORMATION

We will hold your Personal Information for as long as your Personal Information is required for the purposes and for as long as is necessary to comply with our Legal Obligations.

## 6. HOW TOMPKINS WAKE STORES AND PROTECTS YOUR PERSONAL INFORMATION

We will use reasonable care to protect your Personal Information from unauthorised access, use, modification, disclosure, and loss.

## 7. TOMPKINS WAKE MAY TRANSFER YOUR PERSONAL INFORMATION TO OTHER COUNTRIES

In order to provide you with our Services, we may need to disclose and transfer your Personal Information to Third Parties located outside of New Zealand. This may include countries located outside the European Economic Area. In such a situation, we will only disclose your Personal Information if we believe on reasonable grounds that the receiving country is subject to similar safeguards to those offered by the New Zealand privacy laws. If the jurisdiction does not offer comparable safeguards as the New Zealand privacy laws, we will notify you and will only disclose your Personal Information if we get your express authority.

## 8. FOR THE PURPOSE OF THE GDPR

8.1 If you are in a Member State of the European Union, you have the following rights with respect to your Personal Information:

- (a) **Lodging complaints:** You have the right to lodge a complaint with a 'supervisory authority' established by a Member State under Article 51 of the GDPR.
- (b) **Right of rectification:** You have the right to obtain from us without undue delay the rectification of inaccurate personal information. We may seek to verify the accuracy of the Personal Information before correcting it.
- (c) **Right to restrict processing:** You have the right to limit the ways in which we use your Personal Information, in particular where:
  - (i) you contest the accuracy of your Personal Information;
  - (ii) the processing is unlawful and you oppose the erasure of your Personal Information;
  - (iii) we no longer need your Personal Information for the purposes of the processing, but you require the information for the establishment, exercise or defence of legal claims; or
  - (iv) you have objected to the processing of your Personal Information pending the verification by a supervisory authority of whether our legitimate grounds to process override your own.
- (d) **Right of access and portability:** You have the right to request certain copies of your Personal Information held by us. You may also be entitled to request copies of

Personal Information that you have provided to us in a structured, commonly used, and machine-readable format and/or request us to transmit this information to another law firm nominated by you (where technically feasible).

- (e) **Right to be forgotten:** You have the right to request the erasure of your Personal Information without undue delay where one of the grounds set out in Article 17(1) of the GDPR apply. Please note that:
- (i) we may retain some of your Personal Information as necessary for our legitimate business interests, such as fraud detection and prevention and enhancing safety;
  - (ii) we may retain and use your Personal Information to the extent necessary to comply with our Legal Obligations. For example, we may keep some of your information for tax, legal reporting, auditing and regulatory compliance obligations; and
  - (iii) because we maintain our Website to protect from accidental or malicious loss and destruction, residual copies of your Personal Information may not be able to be removed from our backup systems.

## 9. RIGHTS OF ACCESS AND CORRECTION OF YOUR PERSONAL INFORMATION

You have the right to request access to any Personal Information that we hold about you and the right to request correction of the Personal Information that we hold about you by emailing us at [privacyofficer@tompkinswake.co.nz](mailto:privacyofficer@tompkinswake.co.nz).

If we cannot give you access to the Personal Information that you have requested, then we will let you know the legal reasons for not disclosing your Personal Information.

We will correct your Personal Information if it is necessary to ensure that your Personal Information is accurate, up to date, complete and not misleading. If we decide that it is unnecessary to correct your Personal Information, you have the right to request a statement of the correction sought but not made, be attached to the information. If you are not happy with the response to your request, then you have the right to complain to the New Zealand Privacy Commissioner: [www.privacy.org.nz/your-rights/how-to-complain/](http://www.privacy.org.nz/your-rights/how-to-complain/).

## 10. MINORS

Where Personal Information is collected from a minor then the means of collection is going to be fair and will not intrude to an unreasonable extent of personal affairs of the individual concerned.

## 11. WHAT HAPPENS IF YOU DONT GIVE TOMPKINS WAKE YOUR PERSONAL INFORMATION

If you decide not to give us your Personal Information, or otherwise wish to withdraw your authorisation at any time, then you:

- (a) may not be able to use our Website and Services;
- (b) won't be kept updated on things that are happening at Tompkins Wake.

## 12. PRIVACY COMPLAINTS

If you think that your privacy rights have been breached, you can make a written complaint to our privacy officer at [privacyofficer@tompkinswake.co.nz](mailto:privacyofficer@tompkinswake.co.nz) or otherwise contact the NZ Privacy Commissioner at <https://www.privacy.org.nz/your-rights/making-a-complaint/complaintform/>.

## 13. COOKIES

13.1 A cookie is a small file that can be placed on your computer, mobile, tablet or any other electronic device to store data that can be recalled by a web server in the domain that placed the cookie. Cookies allow the website to recognise your device. Tompkins Wake may use cookies in order to make it easier to use the Website and to help Tompkins Wake to analyse the profile of visitors and users in order to improve usability and features of the Website and Services provided to you.

13.2 There are two types of cookies used by Tompkins Wake:

(a) **Session cookies:** These are used to store information about your activities so you can move from one webpage to another. These cookies track your movement from webpage to webpage of a website so that you do not have to provide the same information provided on earlier webpages. Session cookies only remain in the cookie file of your browser until you close the browser.

(b) **Persistent cookies:** These are used to store your preferences to improve your experience on future visits to the Website. For example, these cookies can remember log-in details or language preferences so that you don't have to continually re-enter these each time you visit a website. Persistent cookies stay in the cookie file of your browser after you have closed your browser and activate again when you next visit that website.

13.3 To enable some of the features and functionality of our Website, you will need to permit Tompkins Wake to place cookies on your device. If you choose not to, then those features and functionality will not be available to you. You can remove or block cookies by using the settings in your browser but it may affect your ability to use the Website.

## 14. DEFINITIONS

**"Services"** means any products, services, software, Content, features, functionalities and any other services provided to you in person, by phone, email, app, or via the Tompkins Wake website.

**"Website"** means Tompkins Wake website (or websites) located at [www.tompkinswake.co.nz](http://www.tompkinswake.co.nz) operated by Tompkins Wake from time to time.

**"Content"** means all content delivered via the Website and Services including all text, software, scripts, graphics, photos, sounds, music, videos, audio-visual works or combinations of works, live streaming, interactive features and other materials.

**“Legal Obligations”** means any legal or regulatory obligation that Tompkins Wake has under the laws of any relevant any country in relation to the collection, use, disclosure, storage or processing of your Personal Information.

**“Personal Information”** means any information that can be used to directly or indirectly identify an individual, and includes Sensitive Information, and references to “your Personal Information” also includes any personal information that you provide to Tompkins Wake about someone else.

**“Sensitive Information”** means information about your racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, health or sexual orientation.

**“Third Parties”** or **“Third Party”** means any person, company, body corporate, entity, governmental or regulatory authority in any country.