

## Privacy Policy

### 1. Introduction

1.1 Thank you for visiting the <http://www.capricho.com.au> website and/or the application which was developed for and related to Capricho Grill (Managed by Trifecta Australia Pty Ltd (ABN 61 111 423 164) and its related bodies (collectively referred to as “Capricho’s”, “we”, “us” or “our”). We recognise the importance of protecting the privacy and the rights of individuals in relation to their personal information and are committed to protecting the privacy of personal information in accordance with Australian privacy laws.

1.2 This Privacy Policy sets out Capricho’s approach to handling personal information and how Capricho’s restaurant and all its partners are expected to handle your personal information in the operation of their individually-owned Capricho restaurants, including how we collect, use, store and keep secure, disclose and provide access to your personal information. We respect your rights to privacy under the Privacy Act 1988 and The Australian Privacy Principles and we comply with all of the Act’s requirements with respect to the collection, use, management, storage, disclosure and provision of access to your personal information.

1.3 The scope of this Privacy Policy covers the personal information handling practices of restaurants owned by Trifecta (Australia) Pty Ltd. Capricho Grill does not control the collection, use or disclosure of, and may not have access to, the personal information held by all the franchisees; however, we are responsible for ensuring that your personal information collected by them is handled in accordance with this Privacy Policy and Australian privacy laws.

1.4 Trifecta (Australia) Pty Ltd also engages with a third-party company to handle the security of your personal information and we are directly responsible for ensuring that your personal information collected by them is handled in accordance with this Privacy Policy and Australian privacy laws.

1.5 This Privacy Policy forms part of our Terms and Conditions for use of the Website and other websites that may be operated by us from time to time, which you should also read.

### 2. Personal Information collected

2.1 The term “personal information” has the meaning given by the Privacy Act 1988 (Cth). In general terms, it is any information that can be used to personally identify you. This may include your name, gender, date of birth, 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.

2.2 We will collect your personal information in a fair and lawful manner and directly from you, and only to the extent that we reasonably require for one or more of our business functions or activities, to provide you with our product and services.

2.3 The kinds of personal information we may collect from you will depend on what type of interaction you have with us. However, it may include amongst other things:

a. personal information that you provide to us when you register to our application or participate in any promotion that requires you to provide any personal details. This includes the survey, market research, SMS, MMS and other mobile services, any competition or promotional activity and any other services provided by Trifecta (Australia) Pty Ltd a.k.a Capricho Grill; such as participating in our mobile programme and placing an online order, using our mobile order system and joining our Capricho Social Club membership, participating in and contributing to our online activities or interacting with or following our social media pages like Facebook and Instagram. This may include, but is not limited to, your first and last names, postal and physical addresses, email address, telephone numbers, age, date of birth and Capricho Social Club membership details

b. personal information that you provide to us via our restaurant or when you place an order by telephone or online ordering system, when purchasing any gift card or when you log on to Wi-Fi provided at one of our restaurants (where provided).

c. personal information that you provide via telephone, email or even in person when making a request or enquiry or submitting any compliments, complaints or feedback.

d. information regarding your interests, preference, purchasing behaviour and experience with our products and services, together with any additional information necessary to deliver those products and services and respond to your enquiries;

e. if you are applying for a position with us, we will collect information as detailed in Employment Application;

f. if you are applying to be franchisee, we will need to collect information that indicates the suitability to become one.

g. and any additional information, which is indicated as "Personal" under Privacy Act.

2.4 Capricho Grill will use your personal information only for the particular purpose that you provided it, or for a directly related purpose. Capricho Grill may otherwise use your personal information where that other use is required or permitted by law or with your express or implied consent.

2.5 You are not required to disclose any personal information to us, and where lawful you may deal with us as anonymous. However, the requested services or products that we can give you may become limited or not to the same standard, or not provided at all; we also may not be able to tailor the content

or even the promotion to your preferences and your experience of our Website and Application may not be as enjoyable or useful.

2.6 We collect personal information about you so we can perform our business activities and function to the fullest and best possible quality of customer service. The use and disclose of your personal information depends on the reasons for which it was collected; however this is generally for the general purposes.

### 3. Information disclosure

3.1 We may disclose your personal information to, and share personal information with, the following:

- a. our Franchisees, subsidiaries and related bodies corporate, especially where you liaise with (placed order or made an enquiry or complaint relating to restaurant).
- b. our officers, employees, contractors, agents or third parties that are directly involved in our operation to manage the system to perform at its best. It includes, without limitation to, web hosting providers, IT systems administrators, agencies, advertisers and business partners, payment processors, data entry service providers and professional advisors such as accountants, legal advisors, business advisors and consultants;
- c. suppliers and other third parties with whom we have commercial relationships with.

3.2 We may combine or share any personal information that we collect from you with information collected by any of our related bodies corporate (within Australia).

### 4. Direct marketing materials

4.1 We may also send you direct marketing communications and information about our own products and services and direct marketing communications on behalf of other related companies. These communications may be sent in various forms, including by post, telephone calls, SMS, MMS, fax and email in accordance with applicable laws. By providing your personal information to us, you consent to us sending you those direct marketing communications by any of those methods.

4.2 If you indicate a preference for a method of communication, we will be more than delighted to use that method whenever practical to do so. In addition, at any time you can opt-out of receiving marketing communications from us by contacting us.

4.3 If we obtain your prior consent, we may use your personal information for the purpose of direct marketing of products and services on behalf of selected third parties, provided you have agreed to your details being passed on to the third parties.

## 5. What is the process for complaining about a breach of privacy?

5.1 If you believe that this Privacy Policy has been breached, or your personal information has not been collected, stored, used or disclosed appropriately, please contact our Privacy Officer using the contact information below, and provide details of the incident so that we can investigate it. We request that complaints about breaches of privacy be made in writing so that we can be sure about the details of the complaint.

5.2 We will attempt to confirm as appropriate and necessary with you your understanding of the conduct relevant to the complaint and what you expect as an outcome. We will inform you whether we will investigate, the name, title and contact details of the person investigating the complaint and the estimated completion date for the investigation process.

5.3 After we have completed our enquiries, we will contact you, usually in writing, to advise you of the outcome and invite a response to our conclusions about the complaint. If we receive a response from you, we will assess it and advise if we have changed our view.

## 6. Security

6.1 Where we store your personal information depends on what interaction you have had with us. Some areas may include servers and databases for processing customer, franchisee and employee enquiries, comments and feedback, mail exchange servers, third party servers or email databases for marketing communications.

6.2 We take reasonable steps to ensure that your personal information is protected from misuse, interference and loss, and from unauthorised access, modification or disclosure. We may hold your information in either electronic or hard copy form. We only keep your personal information for as long as it is required for the purposes for which it was collected or as otherwise required by law. We will take appropriate measures to destroy or permanently de-identify your personal information if we no longer need to retain it. These measures may vary depending on the type of information concerned, the way it was collected and how it was stored.

6.3 As our Website is linked to the Internet, and the Internet can be inherently insecure, we cannot provide any assurance regarding the security of transmission of information you will communicate to us online. We also cannot guarantee that the information you supply will not be intercepted while being transmitted over the Internet. Accordingly, any personal information or other information which you transmit to us online is transmitted at your own risk.

## 7. Links

7.1 Our Website may contain links to other Websites operated by third parties which may be of interest to you. We make no representations or warranties in relation to the privacy policies of any third-party website and we are not responsible for the privacy policies or the content of any third-party website. Third party websites are responsible for informing you about their own privacy practices.

7.2 We may use third party advertisements on our Website. Third party advertisements are not recommendations or endorsements by Capricho Grill's or any of its related bodies corporate or affiliates. To the extent permitted by law, Capricho Grill is not responsible for the content (including representations) of any third party advertisement on the Website. These third parties may view, edit or set their own cookies. The use of these technologies by such third parties is subject to their own privacy policies and is not covered by this Privacy Policy.

## 8. Franchise privacy policies

As mentioned above, a number of Capricho Grill's restaurants are owned and operated by franchisees who are independent business owners. Some franchisees also operate websites and are expected to comply with this Privacy Policy

## 9. Changes to this privacy policy

From time to time, we may revise this Privacy Policy. Any updated version of this Privacy Policy will be posted on our Website, so we ask that you please review it regularly. Your continued use of the website, and acceptance of our products and services, will be deemed acceptance of any amended Privacy Policy.

## 10. Contacting us

10.1 If you have any questions or comments about this Privacy Policy, please use the contact link on our website, or contact our Privacy Officer using the details set out below:

Capricho Grill (Managed by Trifecta Australia Pty Ltd (ABN 61 111 423 164))

Attn: Capricho's Privacy Officer

5 Carinish Road, Oakleigh South, VIC, 3167

Telephone: (03) 9887 6198

Email: [customercare@caprichogrill.com.au](mailto:customercare@caprichogrill.com.au)

10.2 Capricho Grill is committed to working with its customers, franchisees and applicants to obtain a fair resolution of any complaint or concern about privacy. To contact us with a query, feedback, compliment or complaint, please provide our Privacy Officer with full details of your query, feedback, compliment or complaint and any supporting documentation.

10.3 Upon receipt of your query, feedback, compliment or complaint, our Privacy Officer will endeavour to: provide an initial response to you within 14 business days; and investigate and attempt to resolve your query, feedback, compliment or complaint within 30 business days, or such longer period as is necessary and notified to you by our Privacy Officer.

This Privacy Policy was last updated on 22 September 2020.