

## Privacy Notice

We recognise that your privacy is important.

If you seek funding from us, you will need to provide us with personal information and authorise us to obtain information about you from third parties. We may also gather information about you from public sources.

This privacy notice sets out how Killarney Capital Limited collects, uses, holds and shares your personal information.

References to “we”, “our” and “us” means Killarney Capital Limited and our related entities. References to “Tumu Group” means Tumu Merchants Limited and its related entities including its shareholder and shareholder’s related entities.

We comply with the Privacy Act 2020 as well as any other applicable laws relating to our use of your personal information.

### ***What Types of Information Do We Collect?***

We collect information about you so that we can operate our business and for the purposes set out below.

The information we collect includes:

- your name, address, email and telephone number
- your organisation’s name, identifier or registration number, address, email and telephone number
- the name, address, email and telephone number of relevant third parties that control or own you or have authority to act for you or provide you with funding such as shareholders, directors, beneficiaries, trustees, authorised signatories, officers, partners or employees.
- identification data such as date of birth, citizenship, ethnicity, birth, marriage and death certificates, tax numbers, documents such as passport, driver’s licence, utility bill, rates bill
- documentation required to comply with the Land Transfer Act 2017 (to verify your identity when you grant a mortgage) and the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (to verify your identity) such as the identification data listed above and also trust deeds and statements of source of wealth or funds
- financial information including year-end accounts, asset and liability statements, profit and loss statements, property ownership details, funding arrangements with other funders, any funding pressures on you
- bank account details to enable us to make authorised deductions of payments due to us or to refund money
- credit history, criminal history, employment details, court cases that you are or were involved in, company records and relationships you have with other companies or entities
- prior experience in property development and construction including reputational information we discover as part of our due diligence into assessing your capability to carry out the proposed project
- insurance details for public liability insurance / contract works cover or any other insurances required including key person cover
- tax information such as recent tax returns and any information we may be required to hold under tax legislation such as tax residency
- biometric information such as photographs
- relevant life event information such as illness/injury, relationship splits, disputes with third parties

- behavioural information including how and where you use and interact with our website and digital platforms (the “**Platforms**”)
- photographs or videos for marketing purposes displayed on our Platforms or in hard copy (provided you have consented to us using your image)

### ***Collection of Information Directly From You***

We collect information directly from you when you interact with us. This includes providing us information via:

- Forms and formal documentation including application forms and onboarding forms
- Meetings, telephone calls, emails and other correspondence
- Competitions and promotions as described further below
- Use of our Platforms as per our Platform Use Policy
- Responding to surveys that we undertake

### ***Collection of Information About You From Other Sources***

We may collect information about you from other sources including:

- People and organisations acting with or for you, or advising you, such as:
  - Co-borrowers, your agents, authorised signatories, related parties
  - Guarantors of any funds you owe to us
  - Quantity surveyors, valuers, brokers, custodians, solicitors, referrers, accountants, tax advisers and others acting on your behalf or advising you
- People and organisations that we work with, such as:
  - Any other entities in TUMU Group that have had dealings with you;
  - Service providers such as AML service providers, marketing companies, cloud service providers or data analysis companies
  - Third party digital platforms like Facebook, Google
  - Credit reporting agencies
  - Debt recovery agencies
  - Any entities that help us manage our business
  - Our insurance partners
  - Banks or other financial institutions for instance to verify transactions or investigate fraud or unlawful or suspicious activity
  - Dispute resolution agencies like the Dispute Resolution Scheme
- Other organisations or people, such as:
  - Inland Revenue, the Financial Markets Authority and other applicable regulatory or government agencies
  - Central, regional and local government
  - Any person or entity assisting us to investigate any concerns or complaints or manage a legal action
- Public sources, such as:
  - Public registers like Land Information New Zealand, the Personal Property Securities Register, Companies Office, the High Court Caseflow Management System
  - News articles
  - Social media content

### ***Information you provide about others***

Where you provide us with the names and contact details of any other people, you confirm that you have their permission to provide us with this information and for us to hold and use it for the purposes set out in this privacy notice.

### **Your Rights**

You have rights of access to and correction of personal information that we hold. This can be done by contacting us by email at [privacy@tumu.co.nz](mailto:privacy@tumu.co.nz) or by mail at the address set out in the Contact Details section below.

### **Not providing Information**

If you choose not to provide us with some information, or prevent us from obtaining information from third parties, we may not be able to provide you with funding or provide you with full access on our Platforms.

### **Use of Information**

We use your information:

- to communicate with you
- to verify your identity
- to conduct appropriate checks for creditworthiness
- to assess your capabilities in respect of the proposed project
- to provide you with the funding you have requested
- to monitor your compliance with funding conditions and to monitor the progress of the funded project
- to comply with our obligations and to enforce our legal rights under loan and security documentation entered into between you and us
- subject to your consent under the Unsolicited Electronic Messages Act 2007, marketing and promoting our products and services to you, including contacting you electronically (eg by text or email)
- to help us manage and improve our products and services
- to comply with our legal obligations
- to resolve and respond to complaints
- to improve our Platforms and conduct data analysis, surveys and market research
- for security, fraud and crime detection and prevention reasons or investigations

### **Information Sharing and Disclosure**

You agree that we may disclose your personal information:

- a) within the Tumu Group of companies for marketing purposes
- b) to our banks and to select individuals and entities (including our shareholders) that may fund us and/or may specifically fund your loan facilities via participation agreements
- c) to our contractors, suppliers, professional advisers (including lawyers, accountants and auditors) and other third parties to enable them to provide services and products to us and you, including in relation to the Platforms;
- d) to our staff to enable them to provide our services to you
- e) to your organisation, colleagues and representatives for applicable purposes
- f) to any prospective purchaser of our business or of our security position in respect of your loan
- g) to Government agencies, statutory supervisors and regulatory bodies or other third parties where we are authorised or required to do so by applicable law
- h) to agents, contractors, service providers and prize suppliers to conduct any promotion or competition we are running
- i) by sharing aggregated demographic information (in a form in which you will not be identified) about our user base with our partners
- j) when we believe it is appropriate to comply with applicable law, facilitate court proceedings or to protect our rights

### **Marketing**

From time to time, we may contact you to provide you with information about products, events and services provided by us or another entity within the Tumu Group. If you provide us with your email and mobile number, you agree that we may send you this marketing via electronic messages (e.g. texts and emails). However, you can withdraw your consent at any time by opting out in the marketing email itself or by contacting us using the details below.

### **Storage of Information**

We will protect your personal information using security safeguards that are reasonable in the circumstances to prevent the loss, unauthorised access, use, modification or disclosure of your information.

The information we hold is stored primarily on SaaS systems hosted in New Zealand and Australia, which are our preferred locations. We may also use some SaaS systems that are hosted in the USA or Europe where solutions cannot be found in our preferred locations. You can contact us at our address set out in the Contact Details section below.

All our service providers and contractors are contractually obligated to protect your information using such security safeguards as are reasonable in the circumstances against loss, unauthorised access, use, modification or disclosure and any other misuse. They may use your information if required to perform their respective services and have contracted with us to prevent unauthorised use and unauthorised disclosure of the information.

### **How long we hold your information**

We will not hold your personal information for longer than is required for the purposes for which it was collected. However, this is subject to any obligations at law requiring us to hold your information for minimum periods. In general, we will hold your information for a minimum period of seven (7) years.

We may retain non-personal data for as long as we have a business need to do so.

### **Changes to this Privacy Notice**

We may make changes to our privacy notice or alter our Platforms' functionality from time to time. Any changes made will be updated in this privacy notice accordingly, so we encourage you to review this notice for the latest information on our privacy practices.

### **Contact Details**

If you have any questions about our privacy notice, or any other matter, or you wish to withdraw your consent to this Privacy Notice to the extent applicable laws provide you this right, please feel free to contact us. You can reach us in one of the following ways:

Email: [privacy@tumu.co.nz](mailto:privacy@tumu.co.nz)

Phone: 06 872 6200

Mailing Address: Privacy Officer, PO Box 2308, Hastings, New Zealand 4156

### **Complaints**

If you wish to make a complaint about our handling of your personal information, you should first contact us directly using our contact details above. We will respond to you in accordance with applicable laws. If you are not satisfied with our response, you may be able to complain to the Office of the Privacy Commissioner.