



Malibu Boats Pty Ltd Privacy Policy

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1. Introduction

1.1 Malibu Boats Pty Ltd ABN 56 056 239 500 (“Malibu”, “Axis”, “we”, “our” and “us”) is committed to responsible privacy practices and to complying with the Privacy Principles contained in the Privacy Act 1988 (Cth) (“Privacy Act”). Wherever applicable, Malibu will handle personal information relying on the related bodies corporate exemption and the employee records exemption in the Privacy Act and any other applicable exemptions in the Privacy Act or other legislation.

1.2 This Privacy Policy sets out Malibu’s policies on the management of personal information including how personal information is collected by us, the purposes for which we collect and use this information, and to whom we disclose this information to.

1.3 Authorised Malibu and Axis Products Dealers (“Dealers”) are independent entities and not related to Malibu. These Dealers may have privacy policies which differ from ours. Dealers are responsible for their own privacy policies and privacy practices. Please contact the individual Dealers directly for further information about this.

1.4 We may change our Privacy Policy from time to time at our discretion. At any time, the latest version of our Privacy Policy is available from our websites at www.malibuboats.com.au and www.axiswake.com.au.

2. Personal Information

2.1 Where referred to in this Privacy Policy, “personal information” has the meaning set out in the Privacy Act.

3. Types of Personal Information that Malibu collects

3.1 The types of personal information Malibu collects from individuals depends on the circumstances in which the information is collected.

3.2 Malibu may collect contact details including your name, address, email address and phone/fax numbers.

3.3 Where relevant, Malibu may also collect more identifying information such as your vehicle/marine licence and registration details, date of birth or age group, occupation, gender, information about your boat/trailer (including its registration number and hull/vehicle identification numbers), answers you provide to questions that we ask and other information in relation to your dealings with Malibu or our Dealers (such as types of boats purchased/replaced and repair/service history).

3.4 If you are an individual contractor to Malibu, in addition to the information referred to in section 3.3 we may collect information relevant to your engagement with Malibu including qualifications, length of engagement, resume, pay rate and salary, bank details, feedback from supervisors, training records and logs of your usage of Malibu equipment (e.g. phones, computers and vehicles). A reference to an individual contractor in this document includes those individuals who perform work for Malibu under a “purchased service” arrangement. If you are employed by or contracted to a Dealer, we may also collect and maintain training records about you.



3.5 When using the Malibu or Axis websites, we or our third party service providers may collect web site usage information such as the IP address you are using, the name of your Internet service provider, your browser version, the web site that referred you to us and the next website you go to, the pages you request, the date and time of those requests and the country you are in. Except where you provide it to us via the website, we do not collect personal information such as your name, mailing address, email address or phone number when you are browsing our website.

3.6 Malibu does not generally require customers to disclose any sensitive information (e.g. details of race, religious beliefs, sexual orientation, health information etc.) to us. In limited circumstances, we may require prospective employees, individual contractors and Dealer personnel to provide us with certain health information. See section 10 of this Privacy Policy for further details.

3.7 If you do provide sensitive information to us for any reason (for example, if you provide us with information about a disability you have), you consent to us collecting that information and to us using and disclosing that information for the purpose for which you disclosed it to us and as permitted by the Privacy Act and other relevant laws.

3.8 Occasionally, sensitive information in relation to an individual's membership of a trade or similar association may be provided to us but we do not actively seek this information. We will only use and disclose that information for the purpose for which you disclosed it to us and as permitted by the Privacy Act and other relevant laws.

3.9 In addition to the types of personal information identified above, Malibu may collect personal information as otherwise permitted or required by law.

4. How Personal Information is collected

4.1 Malibu may collect personal information in a variety of ways, for example:

- directly from you when you provide it to us or our agents or contractors;
- via Dealers from which you purchase Malibu or Axis related goods or services;
- via our website or through online dealings (including through social media);
- via market research agencies that we may engage;
- when you enter a competition or promotion;
- if you are an individual contractor to Malibu, from your employer or recruitment agency;
- if you are employed by or contracted to a Dealer, from that Dealer;
- via in-vessel technologies (e.g. Viper & DIACOM system analytics and diagnostics features);
- from publicly available sources;
- from our related companies; and
- from third parties (for example, from referees if you apply for a position as an employee or contractor with us).



5. Purposes that Personal Information is collected, used and disclosed

5.1 The purposes for which Malibu use and disclose your personal information will depend on the circumstances in which we collect it. Whenever practical we endeavour to inform you why we are collecting your personal information, how we intend to use that information and to whom we intend to disclose it at the time we collect your personal information.

5.2 We may use or disclose your personal information:

- for the purposes for which we collected it (and related purposes which would be reasonably expected by you);
- for other purposes to which you have consented; and
- as otherwise authorised or required by law.

5.3 In general we collect, use and disclose your personal information so that we can do business together and for purposes connected with our business operations.

5.4 Some of the specific purposes for which we collect, use and disclose personal information are as follows:

- to facilitate your request for a brochure or on-water demo, to add you to a mailing list or to respond if you request information (including via the Malibu website or via an email you send to us);
- to record and maintain the details of your purchase of a Malibu or Axis boat for warranty purposes or to effect a warranty transfer of an existing product;
- to keep track of the repairs and servicing of your Malibu boat by Dealers;
- to inform you in the event of a field service action, for example a recall, affecting your Malibu or Axis boat/trailer;
- to improve our products and services;
- to contact you (directly or through our service providers and marketing research agencies) to obtain your feedback and to find out your level of satisfaction with our products, services and Dealers through surveys;
- to report to and evaluate Dealers;
- to verify your identity;
- to facilitate your entry and participation in a competition or trade promotion;
- to consider you for a job at Malibu (whether as an employee or contractor) or other relationships with us;
- to provide goods or services to you or to receive goods or services from you;
- to address any issues or complaints that we or you have regarding our relationship; and



- to contact you regarding the above, including via electronic messaging such as SMS and email, by mail, by phone or in any other lawful manner.

5.5 We may also use and disclose your personal information for the purpose of direct marketing to you where

- you have consented to us doing so; or
- it is otherwise permitted by law.

5.6 Direct marketing involves communicating directly with you for the purpose of promoting goods or services to you and to provide you with special offers from Malibu or its Dealers. Direct marketing can be delivered by a range of methods including mail, telephone, email or SMS. You can unsubscribe from our direct marketing, or change your contact preferences, by contacting us (see section 15 of this Privacy Policy). If you wish to unsubscribe from direct marketing you have received from a Dealer, please contact that Dealer directly.

6. When you don't provide Personal Information

6.1 Generally, you have no obligation to provide any personal information requested by us. However, if you choose to withhold requested personal information, we may not be able to provide you with the products and services that depend on the collection of that information.

6.2 As an example, if we did not collect personal information about your new boat/trailer purchase, we would be unable to notify you directly of a product recall affecting your boat/trailer.

7. Who we disclose Personal Information to

7.1 We may disclose your personal information to third parties in connection with the purposes described in section 5 of this Privacy Policy.

7.2 This may include disclosing your personal information to the following types of third parties:

- Dealers;
- our related companies;
- our contractors (including mailing houses, marketing agencies, insurance providers, website and data hosting providers and other IT suppliers);
- other persons who perform services for, or in connection with, us (including to facilitate the delivery of purchases, for electronic direct mailing, for credit card payment authorisation, for trend analysis, for market research, for promotions and for the provision of statistical sales information to industry bodies);
- companies who may use your personal information in order to tailor electronic advertising to you (e.g. on a webpage) in relation to our products and services;
- our accountants, insurers (including those that provide extended warranties), lawyers, auditors and other professional advisers;
- if you are an individual contractor to Malibu, to your employer or agency in relation to the performance of your work with Malibu;
- if you are an individual contractor to Malibu or a prospective employee, to our medical service providers for any medical assessments or in relation to any health or safety incidents



and to HR related service providers (e.g. for background checks, screening or aptitude testing);

- any third parties to whom you have directed or permitted us to disclose your personal information (e.g. referees);
- in the unlikely event that we or our assets may be acquired or considered for acquisition by a third party, that third party and its advisors;
- third parties that require the information for law enforcement or to prevent a serious threat to public safety; and
- otherwise as permitted or required by law.

7.3 Where we disclose your personal information to third parties we will use reasonable commercial efforts to ensure that such third parties only use your personal information as reasonably required for the purpose we disclosed it to them and in a manner consistent with the Privacy Principles under the Privacy Act, e.g. by (where commercially practical) including suitable privacy and confidentiality clauses in our agreement with a third party service provider to which we disclose your personal information.

7.4 If you post information to certain public parts of our website or to our social media pages, you acknowledge that such information may be available to be viewed by the public. You should use discretion in deciding what information you upload to such sites.

7.5 Your personal information will not be “sold” by Malibu to any other organisation for that organisation's unrelated independent use. If you have opted in to receive marketing materials from Malibu, we may share anonymised “hashed” data with social media advertising partners, such as Facebook, so that they can create Custom Audiences and deliver advertisements on our behalf to their members. Members are identifiable when the Social Media partner matches our anonymised data to its anonymised data of its users.

8. Retention of Personal Information

8.1 Some of the third parties to whom we disclose personal information may be located outside Australia. For example, we may disclose personal information to our related companies overseas and to our overseas service providers.

8.2 The countries in which these third parties are located will depend on the circumstances. In the ordinary course of business we commonly disclose personal information to parties located in the United States (where our Malibu data centres are located). Except where an exception applies under the Privacy Act, we will take reasonable steps to ensure that such overseas recipients do not breach the Privacy Principles in the Privacy Act in relation to such information.

9. Protection of Personal Information

9.1 Malibu will take reasonable steps to keep any personal information we hold about you secure. However, except to the extent liability cannot be excluded due to the operation of statute, we exclude all liability (including in negligence) for the consequences of any unauthorised access to, disclosure of, misuse of or loss or corruption of your personal information. Nothing in this Privacy Policy restricts, excludes or modifies or purports to restrict, exclude or modify any statutory



consumer rights under any applicable law including the Competition and Consumer Act 2010 (Cth). Please notify us immediately if you become aware of any breach of security.

10. Personal Information provided in job applications

10.1 If you submit a job application to Malibu, we will use the information provided by you to assess your application. Malibu may disclose the information contained in your application to contracted service providers for purposes such as screening, aptitude testing, medical testing and human resources management activities.

10.2 As part of the application process or (if you are successful in being employed by Malibu) after you commence employment with Malibu, you may be required to complete a health questionnaire. You may also be asked to undergo a medical assessment. In that case, you will be asked to give specific consent for Malibu to disclose your questionnaire to its service providers for the purposes of the medical assessment and for the relevant service providers to disclose the results of the assessment to Malibu.

10.3 If you refuse to provide any of the information requested by Malibu, or to consent to Malibu disclosing your questionnaire to its service providers for the purpose of a medical assessment or to the disclosure of the results of your medical assessment to Malibu, we may be unable to consider your application (or if you have been successful in being employed by Malibu, we may not be able to consider you for particular roles or positions within Malibu).

10.4 Malibu will handle health information in accordance with applicable laws.

11. Accuracy of Personal Information we store

11.1 We endeavour to maintain your personal information as accurately as reasonably possible. We rely on the accuracy of personal information as provided to us both directly (from you) and indirectly (e.g. from a Dealer).

11.2 We encourage you to contact us if the personal information we hold about you is incorrect or to notify us of a change in your personal information. Our contact details are set out in section 15 of this Privacy Policy.

12. Links, cookies and use of the Malibu & Axis websites

12.1 The Malibu website contains links to other sites. This Privacy Policy applies to the Malibu and Axis websites and not any linked sites. We encourage you to read the privacy policies of each website that collects your personal information.

12.2 Malibu and its third party service providers and / or advertising partners uses web tracking and storage technology tools such as web beacons, "cookies", "pixel tags" and java code on Malibu websites and in emails you have agreed to receive from us to collect or receive information regarding your activities on the site (eg. your IP address, page(s) visited, time of day). The use of such technology is an industry standard and helps monitor the effectiveness of advertising and how visitors use websites. A "cookie" is a small data element stored by your web browser on your computer system. If selected by you, the Malibu websites will store your username and password in a "cookie" to enable you to be automatically logged in when you return.



12.3 We, our third party service providers and / or advertising partners use this technology to generate statistics and measure site activity to improve the usefulness of customer visits.

12.4 Each time you access Malibu websites, Malibu and its third party service providers and / or advertising partners may deliver certain customised information, including ads, to you based on the data stored in your cookie. Third party advertising partners may show our ads on sites on the Internet and serve these ads based on information they collected about a user's prior visits to our website and other Internet activity. Malibu may also use analytics data supplied by third party vendors to inform and optimise our ad campaigns. This practice is commonly referred to as "interest-based advertising".

12.5 Opting out of Interest-Based Advertising: You may learn about how to opt-out of this kind of collection and use of information for your browser or device by managing your settings, and for your social media accounts by managing your preferences in your account settings.

12.6 Opting out from specific advertisers: Facebook: To learn more about how to opt out of Facebook Interest-Based Advertising, go to the Privacy tab on the Facebook website footer, and then select Facebook Ads Controls.

13. Accessing and correcting personal information we hold about you

13.1 You may seek access to personal information which Malibu holds about you by contacting us as described in section 15 of this Privacy Policy. We will provide access to that information in accordance with the Privacy Act, subject to certain exemptions which may apply. We may require that the person requesting access provide suitable identification and where permitted by law we may charge an administration fee for granting access to your personal information.

13.2 If you become aware that any personal information we hold about you is incorrect or if you wish to update your information, please contact Malibu (see section 15 of this Privacy Policy).

13.3 If you wish to access, correct or update personal information held by a Dealer, or unsubscribe from direct marketing from the Dealer, please contact that Dealer directly.

14. Queries, comments and complaints about our handling of personal information

14.1 If you have any questions, concerns or complaints about our collection, use or disclosure of personal information, or if you believe that we have not complied with this Privacy Policy or the Privacy Act, please contact us (see section 15 of this Privacy Policy).

14.2 When contacting us please provide as much detail as possible in relation to your question, concern or complaint.

14.3 Malibu will take any privacy complaint seriously and any complaint will be assessed by an appropriate person with the aim of resolving any issue in a timely and efficient manner. We request that you cooperate with us during this process and provide us with any relevant information that we may need.

14.4 If you are not satisfied with the outcome of our assessment of your complaint, you may wish to contact the Office of the Australian Information Commissioner.



15. Contact details

15.1 Please address all privacy complaints to:

Attention: Privacy Officer

Malibu Boats Pty Ltd

813 Hope Court

Albury, NSW 2640

OR

admin@malibuboats.com.au

15.2 If you wish to seek access to or correct or update any personal information we hold about you, or to unsubscribe from or change your contact preferences in relation to our direct marketing, you can also contact us as follows:

- phone Malibu directly on (02) 6040-1174; or
- email us at admin@malibuboats.com.au.