

TRADING ENTITY: ICS Industries Pty Ltd | ABN 14 125 123 757

## Website Privacy Policy and Terms of Use

### Introduction

Welcome to the privacy notice and website terms of use. ICS Industries Pty. Ltd., a wholly owned subsidiary of EnerSys Australia Pty Ltd. (“**EnerSys**”) respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data and tell you about your privacy rights.

### 1. Important information and who we are

#### Purpose of this privacy notice

This privacy notice aims to give you information on how we collect and process your personal data through your use of this website.

This website is not intended for children and we do not knowingly collect data relating to children.

It is important that you read this privacy notice together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy notice supplements the other notices and is not intended to override them.

#### Contact details

Our full details are: ICS Industries Pty. Ltd.

Email address: [legal@enersys.com](mailto:legal@enersys.com)

Postal address: 309 Settlement Rd, Thomastown Vic 3074 Australia

#### Your duty to inform us of changes

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

#### Third-party links

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements or practices. When you leave our website, we encourage you to read the privacy notice of every website you visit.

### 2. The data we collect about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, title, date of birth and gender.
- **Contact Data** includes billing address, delivery address, email address and telephone numbers.
- **Financial Data** includes bank account and payment card details.
- **Transaction Data** includes details about payments to and from you and other details of products and services you have purchased from us.

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- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website.
- **Profile Data** includes your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses.
- **Usage Data** includes information about how you use our website, products and services.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We also collect, use and share aggregated data such as statistical or demographic data for any purpose. aggregated data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your usage data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect aggregated data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

We do not collect any special categories of personal data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

### If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

### 3. How is your personal data collected?

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your identity, contact and financial data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:
  - apply for our products or services;
  - create an account on our website;
  - subscribe to our service or publications;
  - request marketing to be sent to you;
  - enter a competition, promotion or survey; or
  - give us some feedback.
- **Automated technologies or interactions.** As you interact with our website, we may automatically collect technical data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. We may also receive technical data about you if you visit other websites employing our cookies. Please see our cookie policy below for further details.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources as set out:
  - Technical data from the following parties:
    - (a) analytics providers;

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- (b) advertising networks; and
  - (c) search information providers.
- Contact, financial and transaction data from providers of technical, payment and delivery services.
  - Identity and contact data from data brokers or aggregators.
  - Identity and contact data from publicly available sources.

#### 4. How we use your personal data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract, we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

Generally, we do not rely on consent as a legal basis for processing your personal data. You have the right to withdraw consent to marketing at any time by [contacting us](#).

#### Purposes for which we will use your personal data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please [contact us](#) if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a new customer	(a) Identity (b) Contact	Performance of a contract with you
To process and deliver your order including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to recover debts due to us)
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave a review or take a survey	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)
To enable you to partake in a prize draw, competition or complete a survey	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to study how customers use our products/services, to develop them and grow our business)

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Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation
To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical	Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow our business and to inform our marketing strategy)
To use data analytics to improve our website, products/services, marketing, customer relationships and experiences	(a) Technical (b) Usage	Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to you about goods or services that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile	Necessary for our legitimate interests (to develop our products/services and grow our business)

### Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising.

#### Promotional offers from us

You will receive marketing communications from us if you have, for example, requested information from us or purchased goods or services from us or if you provided us with your details when you entered a competition or registered for a promotion and, in each case, you have not opted out of receiving that marketing.

#### Third-party marketing

We will get your express opt-in consent before we share your personal data with any company outside the EnerSys group of companies for marketing purposes.

#### Opting out

You can ask us to stop sending you marketing messages at any time by [contacting us](#).

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of a product/service purchase, warranty registration, product/service experience or other transactions.

#### Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly.

#### Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please [contact us](#).

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If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### 5. Disclosures of your personal data

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- Internal third parties (other subsidiaries or affiliates of EnerSys) and external third parties (including professional advisors, service providers, and regulatory authorities).
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy notice.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

### 6. International transfers

We share your personal data within the EnerSys group. This will involve transferring your data.

Whenever we transfer your personal data, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data.
- Where we use certain service providers, we may use specific contracts which give personal data protection.
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide protection to personal data.

Please [contact us](#) if you want further information on the specific mechanism used by us when transferring your personal data.

### 7. Data security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

### 8. Data retention

#### How long will you use my personal data for?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

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In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

### No fee usually required

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

### What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

### Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## 9. Terms of Use

### ACCESS AND USE

This website is provided for use solely by customers, employees, suppliers and business partners (**Users**) of EnerSys in order to assist them in their business dealings with EnerSys. All other uses are strictly prohibited. All those accessing and using this website shall be deemed to have read, understood and agreed to these terms. Users are prohibited from posting information on this website without the prior, written permission of EnerSys. To the extent that this website provides access to e-mail facilities of EnerSys, Users may not use these facilities to disseminate vulgar, obscene or defamatory material or provide the confidential information of EnerSys to third parties.

### ACCURACY OF INFORMATION; DISCLAIMER OF WARRANTIES

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### COPYRIGHT AND OTHER INTELLECTUAL PROPERTY RIGHTS

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## Cookies Policy

### 1. How we use cookies and similar technologies

EnerSys uses cookies and similar technologies including web beacons, embedded scripts and e-tags (together referred to as “cookies”, unless otherwise stated) to provide users an efficient experience in using the website.

A cookie is a small data file that is placed on your computer or mobile device by your web browser when you visit a website. It is a tool that stores information about website visits, recognizes you and your preferences each time you visit our website, and ensures website functionality and generally improving your experience of a website.

A cookie file can contain information such as a user ID that the site uses to track the pages you have visited, but the only personal data a cookie can contain is information you supply yourself. A cookie cannot read data off your hard disk or read cookie files created by other sites. Some parts of our website use cookies to track user traffic patterns. EnerSys does this in order to determine the usefulness of our website information to our users and to see how effective our navigational structure is in helping users reach that information. EnerSys does not connect this information with data about individual users, nor does it share this information or sell it to any third party.

By using our website you accept our use of these cookies. If your browser settings are set up as ‘Do Not Track’, we will not use cookies and tracking technologies. See section four below for more details on how you can opt-out of cookies.

Here are some additional things you should know about our use of cookies:

- you may encounter cookies from our third-party service providers, that we have allowed on our website that assist us with various aspects of our website operations and services.
- you also may encounter cookies from third parties on certain pages of the websites that we do not control and have not authorized. For example, if you view a web page posted as a link from our website, there may be a cookie placed by that web page.

### 2. Cookies used on our website

EnerSys uses cookies for a variety of reasons, including providing you the service you have requested, to enhance the performance of and analyse how our website is used and to enhance your online experience, for example, by, remembering your log-in status and viewing preferences from a previous use of our website.

Our use of cookies falls into four categories:

**Strictly necessary cookies:** these are essential in order to enable you to move around the website and use its features. Without these cookies, the services you have asked for cannot be provided.

**Performance cookies:** also known as “analytical” cookies. These cookies allow us to recognize and count the number of visitors and to see how visitors move around the sites when they are using them. For example, they allow us to understand which pages are visited most often, and if they get error messages from web pages. All information collected by these cookies is aggregated and therefore anonymous.

**Functionality cookies:** these cookies are necessary for our website to operate and allow us to remember what choices you make and provide enhanced, more personal features. The information these cookies collect may be anonymised and they cannot track your browsing activity on other websites.

**Advertising and marketing cookies:** these cookies are used to send you advertising and marketing-related material tailored to you and your interests. They are also used to limit the number of times you see an advertisement as well as help measure the effectiveness of the advertising campaigns. They are usually placed by advertising networks with the website operator’s permission. They remember that you have visited a website and this information is shared with other organizations such as advertisers.

We may change our use of cookies over time, but our use of cookies will generally fall into the above categories. Please visit this page regularly so that you are aware of any changes.

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## Cookies Policy

### 3. Google Analytics

This Website uses Google Analytics (or similar) to collect information about how users use the Website. The information generated by the cookie about your use of the Website will be transmitted to and stored by Google on servers in the United States. Only in exceptional cases will the full IP address be transferred to a Google server in the United States, and then shortened so it is only partially used there. The IP-anonymization is active on this Website.

Google will use this information on behalf of the operator of this Website for the purpose of analysing your use of the Website, compiling reports on Website activity for Website operators and providing them other services relating to Website activity and internet usage. The IP address that your browser conveys within the scope of Google Analytics will not be associated with any other data held by Google. You may refuse the use of cookies by selecting the appropriate settings on your browser; please note, however, that if you do this you may not be able to use the full Website. We respect your privacy and are not collecting any identifiable information through the use of Google's or any other third party re-marketing system. You can also opt-out from being tracked by Google Analytics in the future by downloading and installing 'Google Analytics Opt-out Browser Add-on' for your current web browser: <http://tools.google.com/dlpage/gaoptout?hl=de>.

Alternatively, you can opt-out from being tracked by Google Analytics in the future by clicking on the following link: <https://tools.google.com/dlpage/gaoptout>.

### 4. Opting out of cookies

You have the right to decide whether to accept or reject cookies. If you don't want to receive cookies, you can modify your browser so that it notifies you when cookies are sent to it or you can refuse cookies altogether. You can also delete cookies that have already been set. If you wish to restrict or block web browser cookies which are set on your device then you can do this through your browser settings; please visit your browser's help menu for further details. Please note that if you choose to reject cookies, doing so may impair some of our web site functionality.

For more information and how cookies they can be managed and deleted please visit <http://www.allaboutcookies.org/> or <http://www.networkadvertising.org/choices/>.

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