

# Privacy Policy

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Tolu Mining Limited ARBN 657 300 359 (**Company**)

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# Tolu Mining Limited - Privacy Policy

## 1. Summary and document revision

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### 1.1 Summary

<b>Introduction</b>	<p>In this privacy policy, the expressions “Tolu”, “Company”, “we”, “us” and “our” are reference to Tolu Minerals Limited ARBN 657 300 359 and its related bodies corporate (as defined by the provisions of the <i>Corporations Act 2001</i> (Cth)).</p> <p>This Privacy Policy applies to personal information collected by us in connection with our shareholder relations activities. We are bound by the Australian Privacy Principles and the <i>Privacy Act 1988</i> (Cth) (<b>Privacy Act</b>), which govern the way private sector organisations collect, use, keep secure and disclose personal information.</p> <p>By submitting an application to become a shareholder or if you do become a shareholder, you will supply us with personal information that is subject to the Privacy Act.</p> <p>If you have any concerns or complaints about the manner in which your personal information has been collected, used or disclosed by us, we have put in place an effective mechanism and procedure for you to contact us so that we can attempt to resolve the issue or complaint.</p>
<b>Purpose</b>	<p>The purpose of this Privacy Policy is to generally inform shareholders and prospective shareholders of:</p> <ul style="list-style-type: none"><li>• how and when we collect personal information;</li><li>• how we use and disclose personal information;</li><li>• how we keep personal information secure, accurate and up-to-date;</li><li>• how an individual can access and correct their personal information; and</li><li>• how we will facilitate or resolve a privacy complaint.</li></ul>
<b>Contact details</b>	<p>We can be emailed at <a href="mailto:sany.taylaran@toluminerals.com">sany.taylaran@toluminerals.com</a> or contact us on +61 7 3114 5188.</p>

### 1.2 Policy revision

Version	Release date	Change
1.0	28 October 2022	Initial policy adopted
2.0	19 July 2023	Updated contact details

## 2. What is Personal Information?

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The *Privacy Act 1988* (Cth) (**Privacy Act**) defines “personal information” to mean information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an identified individual or an individual whose identity is reasonably identifiable, from the information or opinion.

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## 3. Sensitive Information

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### 3.1 What is sensitive information?

(a) Sensitive information is a subset of personal information. It means information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political organisation, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, criminal record, health information about an individual, genetic information, biometric information that is to be used for the purpose of automated biometric verification or biometric identification or biometric templates.

(b) In general, we attempt to limit the collection of sensitive information we may collect from you, but depending on the uses you make of our products this may not always be possible and we may collect sensitive information from you in order to carry out the services provided to you. However, we do not collect sensitive information from you without your consent.

(c) The type of sensitive information we may collect from you or record about you is dependent on the services provided to you by Tolu and will be limited to the purpose(s) for which it is collected. We do not use sensitive information to send you Direct Marketing Communications (as defined in section 6 below) without your express consent.

### 3.2 Consent to collection of certain types of sensitive information

We may collect certain types of information where you have consented and agreed to the collection of such information.

Generally speaking, we will obtain this type of consent from you at (or around) the point in time in which we collect the information. If you are an employee, potential employee or contractor who may provide services to Tolu or an employee, potential employee or contractor of a user of Tolu's recruitment services, we may be required to collect the following types of sensitive information from you:

- (a) the result of your criminal records check; and
- (b) health or medical information,

but only to the extent that you volunteer such information or if it is necessary for, or incidental to, the purposes of collection set out in section 5.

## 4. Collection of your Personal Information

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### 4.1 Collection generally

As much as possible or unless provided otherwise in this Privacy Policy or a notification, we will collect your personal information directly from you, unless:

- (a) such information is in relation to credit information received from third parties, such as credit reporting bodies;
- (b) such information is received from any credit referee, trade referee or personal referee you have listed on any application form with Tolu;
- (c) we have collected this information from publicly available sources (such as court judgments, searches and social media); or
- (d) as otherwise required or authorised by law.

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When you engage in certain activities, such as filling out a survey or sending us feedback, we may ask you to provide certain information. It is completely optional for you to engage in these activities.

Depending upon the reason for requiring the information, some of the information we ask you to provide may be identified as mandatory or voluntary. If you do not provide the mandatory information or any other information we require in order for us to provide our products or services to you, we may be unable to provide our products or services to you in an effective manner, or at all.

## 4.2 Type of information collected

We only collect personal information that is necessary for what we do and we hold the personal information we collect within our own data storage devices or with a third party provider of data storage. The type of information we may collect from you ultimately depends on the purpose of collection. We have set out the general purpose of collection at section 5 below.

The type of information we may collect from you includes, but is not limited to, the following

- (a) your contact information such as full name (first and last), e-mail address, current postal address, delivery address (if different to postal address) and phone numbers;
- (b) details relating to your employment (if applicable) or your previous employment, which shall include, but is not limited to, obtaining your tax file number and superannuation details;
- (c) details relating to your education, qualifications and any licenses you hold, if applicable;
- (d) your date of birth and proof of your date of birth (including, but not limited to, driver's licence, passport, birth certificate);
- (e) emergency contact details;
- (f) any sensitive personal information listed in section 3.1;
- (g) if applicable, details pertaining to your financial position, including any bank account details, personal assets, investments and liabilities (including, but not limited to, any vehicles, land, properties), shareholdings of any companies, and to the extent applicable, any bankruptcy (or similar) relating to you, information relating to your good character and reputation (such as a referee's report or opinion), along with any other information considered relevant by Tolu;
- (h) if applicable,
  - (1) any directorships, or other positions acting as an officer, of any companies;
  - (2) the duration of time you have operated your business, including the duration of time you have traded with Tolu;
- (i) if applicable, details, including but not limited to financial details, which shall include but is not limited to assets and liabilities (including but not limited to any vehicles, land, properties), relating to any companies you may own or have owned, be associated or involved with or have a previous association or involvement, and to the extent applicable any insolvency or administration, or similar, of any company relating to you, along with any other information considered relevant by Tolu;
- (j) your opinions, statements and endorsements collected personally or via surveys and questionnaires, including but not limited to your views on the products and services offered by Tolu;

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(k) if you are requesting services from us or we are purchasing goods or services from you, then any relevant payment or billing information (including but not limited to bank account details, direct debit, credit card details, billing address, repayment information and invoice details).; and

(l) photographs or video images taken at Tolu's premises.

## 4.3 Anonymity and pseudo anonymity

To the extent practicable, you will have the option of dealing with Tolu on an anonymous basis or through the use of a pseudonym. However, there may be circumstances in which it is no longer practicable for Tolu to correspond with you in this manner and your personal information may be required in order to provide you with Tolu's products and services or to resolve any issue you may have.

## 4.4 Other collection types

We may also collect personal information about you from third parties, such as our share registry provider.

## 4.5 Notification of collection

If we collect details about you from someone else, we will, whenever reasonably possible, make you aware that we have done this and why, unless special circumstances apply.

Generally speaking, we will not tell you when we collect personal information about you from our share registry provider, or as otherwise required or authorised by law.

## 4.6 Unsolicited personal information

In the event we collect personal information from you, or a third party, in circumstances where we have not specifically requested that information (unsolicited information), and it is determined by Tolu (in its absolute discretion) that the personal information is not required, we will destroy the information or ensure that the information is de-identified.

## 4.7 How we hold your personal information

Once we collect your personal information, we will either hold it securely and store it on infrastructure owned or controlled by us or with a third party service provider who have taken reasonable steps to ensure they comply with the Privacy Act 1988 (Cth). We provide some more general information on our security measures in section 8 (Data security and quality).

## 5. How we may use and disclose your personal information:

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### 5.1 Use and disclose details

We will only use or disclose your personal information for the primary purposes for which it was collected or as consented to below.'

You consent to us using and disclosing your personal information collected in accordance with section 4, to facilitate a purpose in connection with:

- (a) if required, the verification of your identity;
- (b) the verification of you date of birth, if applicable;

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## 5.2 Other uses and disclosures

We may also use or disclose your personal information and in doing so we are not required to seek your additional consent:

- (a) when it is disclosed or used for a purpose related to the primary purposes of collection detailed above and you would reasonably expect your personal information to be used or disclosed for such a purpose;
- (b) if it is unreasonable or impractical to obtain consent and we reasonably believe that the use or disclosure is necessary to lessen or prevent a serious or imminent threat to an individual's life, health or safety;
- (c) if we have reason to suspect that unlawful activity has been or is being, engaged in; or
- (d) if it is required or authorised by law.

## 5.3 Use and disclosure procedures

In the event we propose to use or disclose such personal information other than for reasons in section 5.1 above, we will first see your consent prior to such disclosure or use.

Any other use or disclosure we make of your personal information will only be as required by law or as permitted by the Privacy Act or by this privacy policy or otherwise with your consent.

We take such steps as are reasonable to ensure that these organisations or parties are aware of the provisions of this Privacy Policy in relation to your personal information.

## 5.4 Cookies and IP addresses

If you use our website, we may utilise "cookies" which enable us to monitor traffic patterns, trends and to serve you more efficiently if you revisit our website. In most cases, a cookie does not identify you personally but may identify your internet service provider or computer.

We may gather your IP address as part of our business activities and to assist with any operational difficulties or support issues with our services. This information does not identify you personally.

However, in some cases, cookies may enable us to aggregate certain information with other personal information we collect and hold about you. Tolu extends the same privacy protection to your personal information, whether gathered via cookies or from other sources, as detailed in this Privacy Policy.

You can set your browser to notify you when you receive a cookie and this will provide you with an opportunity to either accept or reject it in each instance. However, if you disable cookies, you may not be able to access certain areas of our websites or take advantage of the improved web site experience that cookies offer.

## 6. Direct Marketing

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### 6.1 Express informed consent

Your expressly consent to us using your personal information, including any email address you give to us, to provide you with information and to tell you about our products, services or events on any other direct marketing activity (including third party products, services, and

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events) (**Direct Marketing Communications**) which we consider may be of interest to you, whether by post, email, SMS, messaging applications, telephone or by other means.

## 6.2 Inferred consent and reasonable expectations of direct marketing

Without limiting section 6.1, if you have provided inferred or implied consent (e.g. not opting out where an opt-out opportunity has been provided to you) or if it is within your reasonable expectation that we send you Direct Marketing Communications given the transaction or communication you have had with us, then we may also use your personal information for the purpose of sending you Direct Marketing Communications which we consider may be of interest to you.

## 6.3 Opt-out

If at any time you do not wish to receive any further Direct Marketing Communications from us or others under this section you may ask us not to send you any further information about products and services and not to disclose your information to other organisations for that purpose. You may do this at any time by using the “unsubscribe” facility included in the Direct Marketing Communication or by contacting us via the details set out at the top of this document.

## 7. Cross Border Disclosure

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### 7.1 Cross border disclosures

(a) We may disclose your personally information to Tolu, our personnel and any related entities, and to third parties such as our Share Registry, the Lead Manager, auditors, management, legal and other professional advisors, IT and other service providers, suppliers, insurers, payment processors, marketing and public relations providers.

(b) Any personal information provided to Tolu may be disclosed to, or stored at, a destination outside Australia, including, but not limited to Papua New Guinea.

(c) Personal information may also be processed by staff or by other third parties operating outside of Australia who work for us or for one of our suppliers, agents, partners or related companies. As we use service providers and platforms which can be access from various countries via an Internet connection it is not always practicable to know where your information may be held. If your information is stored in this way, disclosures may occur in countries other than those listed above.

### 7.2 Provision of informed consent

(a) By submitting your personal information to Tolu, you expressly agree and consent to the disclosure, transfer, storing or processing of your personal information outside of Australia. In providing this consent, you understand and acknowledge that countries outside Australia do not always have the same privacy protection obligations as Australia in relation to personal information. However, we will take steps to ensure that your information is used by third parties securely and in accordance with the terms of this Privacy Policy.

(b) The *Privacy Act* requires us to take such steps as are reasonable in the circumstances to ensure that any recipients of your personal information outside of Australia do not breach the privacy principles contained within the *Privacy Act*. By providing your consent, under the *Privacy Act*, we are not required to take such steps as may be reasonable in the circumstances. However, despite this, we acknowledge the importance of protecting personal information and have taken reasonable steps to ensure that your information is used by third parties securely and in accordance with the terms of this privacy policy.



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## 7.3 If you do not consent

If you do not agree to the disclosure of your personal information outside of Australia by Tolu, you should tell Tolu that you do not consent. To do this, either elect not to submit the personal information to Tolu after being reasonably informed in a collection notification or please contact us via the details set out at the top of this document.

## 8. Data Security and Quality

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### 8.1 Tolu's security generally

We have taken steps to help ensure your personal information is safe. You will appreciate, however, that we cannot guarantee the security of all transmissions or personal information, especially where the Internet is involved.

Notwithstanding the above, we will take reasonable steps to:

- (a) make sure that the personal information we collect, use or disclose is accurate, complete and up to date;
- (b) protect your personal information from misuse, loss, unauthorised access, modification or disclosure both physically and through computer security methods; and
- (c) destroy or permanently de-identify personal information if it is no longer needed for its purpose of collection.

### 8.2 Accuracy

The accuracy of personal information depends largely on the information you provide to us, so we recommend that you:

- (a) let us know if there are any errors in your personal information; and
- (b) keep us up to date with changes to your personal information (such as your name or address).

We provide information about how you can access and correct your information in section 9.

### 8.3 Data breach

We are required to provide the Australian Information Commissioner (**Commissioner**) with a Notifiable Data Breach statement if an eligible data breach were to occur in relation to personal information handled by us. An "eligible data breach" occurs where:

- (a) there is unauthorised access to, disclosure of, or loss of personal information held by us;
- (b) the unauthorised access, disclosure or loss of the personal information is likely to result in serious harm to an individual to whom the information relates; and
- (c) we have not been able to reduce the risk of serious harm.

If an eligible data breach occurs in respect of the personal information we hold about you, we will notify you directly of the contents of the relevant Notifiable Data Breach statement or, if this is not practicable, publish a copy of the statement on our website and take reasonable steps to publicise the contents of same. We may also be required to notify the Commissioner of an eligible data breach where necessary.

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## 9. Access to and Correction of your Personal Information

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- (a) You are entitled to have access to any personal information relating to you which we hold, except in some exceptional circumstances provided by law. You are also entitled to edit and correct such information if the information is inaccurate, out of date, incomplete, irrelevant, or misleading.
- (b) If you would like access to correct any records of personal information we have about you, you are able to access and update that information (subject to the above) by contacting us via the details set out at the top of this document.

## 10. Resolving Privacy Complaints

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### 10.1 Complains generally

We have put in place an effective mechanism and procedure to resolve privacy complaints. We will ensure that all complaints are dealt with in a reasonably appropriate timeframe so that any decision (if any decision is required to be made) is made expeditiously and in a manner that does not compromise the integrity or quality of any such decision.

### 10.2 Contacting Tolu regarding complaints

If you have any concerns or complaints about the manner in which we have collected, used or disclosed and stored your personal information, please contact us by:

Telephone: +61 7 3114 5188 Craig Dawson/CFO

Email: Craig.dawson@enhance.net.au

Post: Ground Floor, 488 Queen Street, Brisbane City QLD 4000, Australia

Please mark your correspondence to the attention of the Privacy Officer.

### 10.3 Steps we take to resolve a complaint

In order to resolve a complaint, we:

- (a) will liaise with you to identify and define the nature and cause of the complaint;
- (b) may request that you provide the details of the complaint in writing;
- (c) will keep you informed of the likely time within which we will respond to your complaint; and
- (d) will inform you of the legislative basis (if any) of our decision in resolving such complaint.

### 10.4 Register of complaints

We will keep a record of the complaint and any action taken in a Register of Complaints.

## 11. Consent, Modifications and Updates

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### 11.1 Interaction of this Policy with contracts

This Privacy Policy is a compliance document prescribed by law rather than a legal contract between two or more persons. However, certain contracts may incorporate all, or part, of this

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Privacy Policy into the terms of that contract. In such instances, Tolu may incorporate the terms of this policy such that:

- (a) certain sections in this policy are incorporated into that contract, but in such a way that they do not give rise to contractual obligations onto Tolu, but do create contractual obligations on the other party to the contract; and
- (b) the consents provided in this policy become contractual terms provided by the other party to the contract.

## 11.2 **Acknowledgment**

By submitting and registering an interest in or submitting an application to become a shareholder, or if you do become a shareholder, where you have had a copy of our Privacy Policy made reasonably available to you or had a copy of our Privacy Policy reasonably available to you, you are acknowledging and agreeing:

- (a) to provide the consents given by you in this Privacy Policy; and
- (b) that you have been informed of all of the matters in this Privacy Policy.

## 11.3 **Modification and updates**

We reserve the right to modify our Privacy Policy as our business needs require. We will take reasonable steps to notify you of such changes (whether by direct communication or by posting a notice on our website). If you do not agree to our continued use of your personal information due to the changes in our Privacy Policy, please cease providing us with your personal information and contact us via the details set out at the top of this document.