

Privacy Policy

Activ8 Technologies Pty Ltd ACN 081 199 715

1. Purpose

This Privacy Policy explains what Personal Information we collect about you, why we collect it, what we do with that information, how we share it, and how we handle it. It also explains the choices available to you regarding our use of your Personal Information and how you can access and update this information.

When we refer to “**Activ8, we, our, us**” and other similar terms, we’re referring to the entire Activ8 group of companies which are made up of the following entities:

- (a) Activ8 Technologies Pty Ltd ACN 081 199 715;

Throughout the Privacy Policy we use some capitalised words and phrases, like ‘Personal Information’. These capitalised words and phrases are defined at the end of the Privacy Policy.

2. Disclaimer

While your privacy is important to us, nothing in this Policy constitutes a voluntary opt-in to any privacy laws, anywhere in the world, which we are not statutorily bound to comply with.

3. Scope

This Policy applies generally to Personal Information we collect in the ordinary course of our business, which is the provision of goods and services relating to the Activ8 Services.

However, the treatment of data may differ across the Activ8 Services. For example, the data processed by Pathways and NDIS service applications, necessarily have much higher standards of data security than the systems we build which do not process personal and sensitive information. Throughout our Privacy Policy we try to differentiate where practical to do so. If you require further, or more precise information, please contact us.

4. Changes to our Privacy Policy

We may need to change this Privacy Policy from time to time in order to make sure it stays up to date with the latest legal requirements, changes to our privacy management practices and to help clarify common queries our stakeholders have.

If we make any changes, we will revise the "Last Updated" date at the bottom of this Privacy Policy. Where significant changes are made we may also provide you notice (such as by adding a notice on the Website, Activ8 Services login screens, or by sending you an email notification). We encourage you to review our Policy whenever you use Activ8 Services to stay informed about our privacy practices and the ways you can help protect your Personal Information.

Furthermore, you will be notified via email and/or a prominent notice on the Activ8 Services of any change in ownership or uses of your Personal Information, as well as any choices you may have regarding your Personal Information.

5. Personal Information we collect

The types of Personal Information we collect include:

- (a) general identity and contact information such as name, email address, mailing address and phone numbers;
- (b) communications with us such as those via phone, email or third party social media sites;
- (c) technical information such as your IP address, browser type, internet service provider, URLs of referring/exit pages, operating system, data/time stamp, search terms, locale and language preferences; and

- (d) any other Personal Information you provide to us.

Certain Activ8 Services also collect specific types of Personal Information such as:

- (a) profile information including your username, password and profile picture;
- (b) preferences relating to Activ8 Services such as notification and marketing preferences;
- (c) additional contact information such as details relating to your legal representative, guardian or emergency contact;
- (d) information related to your use of a particular function of an Activ8 Service such as participation in a survey, participation in an activity or event, an application for a job or request for customer support;
- (e) employment and work experience information such as job titles and employer details; and
- (f) where relevant for the use of a particular Activ8 Service:
 - (i) information relating to your participation in the National Disability Insurance Scheme; and
 - (ii) personal medical information such as medical history, medications taken and services you require.

6. How and when we collect Personal Information

We collect information about you including when you:

- (a) create or modify your account;
- (b) contact or correspond with us via email, telephone or our Website;
- (c) subscribe to our newsletters;
- (d) complete our surveys or online forms;
- (e) engage us to implement, or seek support in relation to, Activ8 Services; or
- (f) use, access, or interact with Activ8 Services (including but not limited to when you upload to, download from or interact with the services).

In some cases, our customers collect information and ask us to process it on their behalf. Often, we have no direct relationship with the individuals whose Personal Information we process. This occurs when our customers use our services and may occur when:

- (a) your employer requests that you use our products and sets up an account for you or otherwise registers you on an Activ8 Service;
- (b) school staff enter your or your child's data into Pathways; or
- (c) your NDIS provider enters information about you so that they may render services to you.

In examples like those above, we do not own or control that data. If you are an employee or customer of one of our customers and would no longer like us to process your information, please contact that customer to arrange this in accordance with their privacy policy.

7. Why we collect Personal Information

Our primary purpose for collecting Personal Information is to provide our customers with their Activ8 Services and to help us improve them. Some examples of the purposes for which we use the Personal Information we collect about you include, to:

- (a) provide, operate, maintain, improve, and promote Activ8 Services;
- (b) enable you to access and use Activ8 Services, including uploading, downloading, collaboration or sharing Content;
- (c) deal with any requests, enquiries, complaints or other customer care related activities;
- (d) process and complete transactions, and send you related information, including purchase confirmations and invoices;
- (e) send transactional messages, including responding to your comments, questions, and requests, providing customer service and support and sending you technical notices, updates, security alerts, and support and administrative messages;
- (f) send promotional communications, such as providing you with information about services, features, surveys, newsletters, events and providing other news or information about us;
- (g) monitor and analyse trends, usage, and activities in connection with Activ8 Services;
- (h) investigate and prevent unauthorized access to Activ8 Services;
- (i) carry out any activity in connection with a legal, governmental or regulatory requirement imposed on us (such as taxation laws) or in connection with legal proceedings, crime or fraud prevention, detection or prosecution;
- (j) enable you to communicate, collaborate, and share Content with other users of Activ8 Services; and
- (k) for other purposes about which we obtain your consent.

8. Disclosure of Personal Information

8.1 Disclosure of your Personal Information by our customers

Where you engage with our customers, for example where you are a student at a school who uses Pathways or a NDIS recipient of a customer of our NDIS software, then the disclosure of your Personal Information is governed by that customer's Privacy Policy. Activ8 treats our customer's data as confidential and does not disclose it other than in accordance with our agreement with the customer. We encourage you to review the privacy policies of your school or service provider.

8.2 Your active consent

When you use Activ8 Services, Content you provide will be displayed back to you. Certain features of Activ8 Services allow you or your Administrator to make some of your Content public, in which case it will become readily accessible to anyone. We urge you to consider the sensitivity of any Content you input into Activ8 Services.

8.3 Disclosure via collaboration features

As a natural result of using some Activ8 Services, you may create Content and grant permission to other Activ8 users and use it for the purposes of collaboration. Some of the collaboration features of Activ8 Services display your profile information, including Personal Information included in your profile, to users with whom you have shared your Content. Where this information is sensitive, we urge you to use the various security and privacy features of the Activ8 Services to limit those who can access such information. Your sharing settings may make any information, including some Personal Information that you submit to the Activ8 Services visible to the public, unless submitted to a restricted area.

8.4 Access and control by system Administrators

You should be aware that the customer appointed Administrator of your instance of Activ8 Services may be able to:

- (a) access information in and about your Activ8 Services account;
- (b) access communications history, including file attachments;
- (c) disclose, restrict, or access information that you have provided or that is made available to you when using your Activ8 Services account, including your Content; and
- (d) control how your Activ8 Services account may be accessed or deleted.

8.5 Disclosures we may make

We may disclose your Personal Information to:

- (a) our employees, a related company and our professional advisers (lawyers, accountants and financial advisers);
- (b) regulators, government authorities and other third parties in connection with our compliance procedures, obligations, any applicable laws, regulations, legal processes or governmental requests, including law enforcement agencies to assist in the investigation and prevention of criminal activities;
- (c) a third party, in order to enforce or defend our rights, or to address financial or reputational risks; and
- (d) third party contractors, suppliers and service providers with whom we have a business association with such as those who provide hosting, maintenance, back-up, storage, virtual infrastructure, payment processing, analysis and other services to us.

We may also disclose your Personal Information where we believe that disclosure is reasonably necessary for:

- (a) enforcing our agreements, policies and terms of service;
- (b) protecting the security or integrity of Activ8 Services;
- (c) protecting Activ8, our customers or the public from harm or illegal activities;
- (d) assisting in preventing the death or serious bodily injury of any person; and
- (e) connection with, or during negotiations of, any merger, sale of company assets, financing, or acquisition of all or a portion of our business to another company.

8.6 Anonymous or aggregate information

We may also share aggregated or anonymized information with the third parties described in this section.

9. Offshore transfers

Activ8 hosts and backs up information on servers located exclusively within Australia. We see this as being important for not only privacy but also from a pure performance perspective. We have industry leading app performance, and having domestic infrastructure is part of that recipe for speed.

While we do not actively disclose your Personal Information to overseas entities, we do engage some service providers, such as Microsoft or Amazon Web Services who operate both within Australia and overseas. We rely solely on reputable, industry standard third parties to provide support services who meet the highest Privacy and Security standards.

10. Our security processes

Activ8 hosts data with hosting service providers in Australia. The servers on which Personal Information is stored are kept in a controlled environment. However, like most businesses, we hold

some Personal Information on our staff's computers (such as emails from you) and where necessary as hard copy files (such as printed invoices).

We are constantly updating and improving our security practices to protect your Personal Information. Some of the practices we implement include username, password and multi-factor authentication, regular penetration testing and, where data is transferred over the Internet as part of a Website or SaaS Product, the data is encrypted using industry standard SSL (HTTPS). Additionally, we monitor our system activity to track login attempt failures and suspicious behaviour in order to auto-lock accounts and send notifications to our support staff.

Where Downloadable Products are used, responsibility of securing access to the data lies with our customer and not Activ8. We strongly recommend that Administrators of Downloadable Products configure SSL to prevent interception of data transmitted over networks and to restrict access to the databases and storage facilities.

11. Accessing and updating your Personal Information

11.1 Updating or correcting Personal Information

Where you have an account, you can often correct, update, amend, or remove your Personal Information in your account settings or by directing your query to your account Administrator. You may also be able to remove Content using editing tools on Activ8 Services. In some cases, you may need to contact your Administrator to request they remove the Content.

Where you have an account directly with us, you can contact us to request removal of Personal Information from Activ8 Services. You can contact us via the details set out below. However, in order to protect your Personal Information, when you contact us, we may require identification information from you before releasing the requested information or making the correction.

11.2 Deactivating your account and/or deleting your Personal Information

You or your Administrator may be able to deactivate your Activ8 Services account. If you wish to deactivate your own account then depending on the services you use, you may be able to do so in your account settings. Otherwise, please contact your Administrator. To deactivate an organization account, please contact Support Services. If your account is managed by an Administrator, that account Administrator may have control with regards to how your account information is retained and deleted.

Where we hold Personal Information about you and we find that we no longer need to store it, we will take steps to ensure it is properly erased or de-identified in accordance with the Australian Privacy Principles and the European Union General Data Protection Regulation (**GDPR**), unless we are prevented from doing so by law.

We will retain your account information for:

- (a) as long as your account is active;
- (b) as reasonably needed for our legitimate business interests;
- (c) to enforce our rights, collect fees or resolve disputes;
- (d) to troubleshoot problems with the Activ8 Services; or
- (e) as necessary to comply with our legal obligations, assist with investigations or to comply with requests by government, a court of law or law enforcement authorities.

Where you request us to provide one, we will provide to you an "Offboarding Certificate" verifying that all information, other than that which we are obligated under law to retain, has been deleted.

Note that under Australian law, we are obligated to retain all financial records (such as those relating to a purchase of an Activ8 Service) for at least 7 years after the transaction associated with that record was completed.

Any information we retain will be handled in accordance with this Privacy Policy.

11.3 Promotional communications

You may opt out of receiving promotional communications from Activ8 by using the unsubscribe link within an email you receive from us or by requesting your contact information be removed from our promotional email list / registration database. Although opt-out requests are usually processed immediately, please allow 10 business days for a removal request to be processed. Even after you opt-out from receiving promotional messages from us, you may continue to receive transactional messages from regarding Activ8 Services you use or those associated with your active account.

12. Use of cookies

Some Activ8 Services use cookies to collect and process information.

12.1 What are cookies

Cookies are small text files that are placed on your computer by the websites you visit. They are processed and stored by your web browser. When you visit a website or engage with a business through social media, certain information is collected by cookies. This is generally anonymous information and it does not reveal your identity. In and of themselves, cookies are harmless and serve crucial functions. They are widely used in order to make websites work more efficiently and improve the user experience, as well as to provide information about the use of a website.

12.2 Why we use cookies

By storing and using information about your use of Activ8 Services, including preferences and habits, we are able to make your visit to our website more productive. For example, some cookies remember your language or preferences so that you do not have to repeatedly make these choices.

12.3 We use the following types of cookies:

- (a) **Required cookies.** These are cookies that are required for the operation of our website. They include, for example, cookies that pass information from one web page to another and to use online forms.
- (b) **Analytical cookies.** These allow us to recognise and count the number of visitors and to see how visitors move around our website when they are using it. This helps us to improve the way our website works, for example, by ensuring that users are able to find what they are looking for easily. We also use third party cookies, such as those provided via the Google Analytics service. The information passed back to such third party providers is anonymous.
- (c) **Marketing cookies.** These are used to recognise you when you return to our website. This enables us to personalise our content for you and remember your preferences. These cookies also record your visit to our website, the pages you have visited and the links you have followed. We may use this information to make our website and communications sent to you more relevant to your interests.

12.4 How can I remove cookies

Your web browser can choose whether or not to accept cookies. Most web browser software is initially set up to accept them. If you do not want your browser to use cookies, you can manage and control their use through your browser, including removing cookies by deleting them from your "browser history" (cache) when you leave the site. However, if you choose to reject cookies some parts of our website may not work properly.

13. Data analytics

Because the Activ8 Services are some of the most configurable in the market, we make extensive use of analytics information (including log and configuration data) to understand how our products are being configured and used, how they can be improved for the benefit of all of our users, and to

develop new products and services. As such we generate usage data from the web, analytics logs and cookies data as described above, including the Content elements captured and stored in various Activ8 Services.

We use Google Analytics as an analytics provider. To learn more about the privacy policy of Google Analytics, refer to Google's Policies and Principles. You can use the Google Analytics Opt-out Browser Add-on to prevent analytics information from being sent to Google Analytics.

We perform no direct analytics on Personal Information held on behalf of our customers unless it is within the scope of a specific and endorsed project. For example, a customer may ask us to analyse, as a reporting exercise, the usage of a particular feature in an Activ8 Service from their own customer data.

14. Anonymity and use of pseudonyms

If you contact us with a general enquiry, you can request we interact with you anonymously or through the use of pseudonyms. However, you are required to provide true and accurate details when requesting the supply of goods or provision of services or for details relating to goods or services you have already engaged us for. You agree you will provide accurate information if we require it.

15. Additional rights for EU residents and citizens

For the purposes of the GDPR, we are a 'data controller' and 'data processor' of Personal Information. Which we are depends on whether you are a direct user of an Activ8 Service. If you're a citizen or resident of the European Economic Area, the following rights apply to you.

You are entitled to ask us to port your Personal Information (i.e. to transfer in a structured, commonly used and machine-readable format, to you), to erase it, or restrict its processing. You also have rights to object to some processing that is based on our legitimate interests, such as profiling that we perform for the purposes of direct marketing, and, where we have asked for your consent to process your data, to withdraw this consent.

These rights are limited in some situations – for example, where we can demonstrate that we have a legal requirement to process your Personal Information. In some instances, this means that we may retain some data even if you withdraw your consent.

Where we require your Personal Information to comply with legal or contractual obligations, then provision of such data is mandatory and if you do not provide it then we will not be able to manage our contractual relationship with you, or to meet obligations placed on us. In those cases, you must provide us with your Personal Information, otherwise the provision of requested Personal Information is optional.

If you have unresolved concerns, you also have the right to complain to data protection authorities. The relevant data protection authority will be the data protection authority in the country:

- (a) of your habitual residence;
- (b) of your place of work; or
- (c) in which the alleged infringement has occurred.

16. Communications and privacy concerns

Your privacy is important to us. If you have any complaints, concerns or questions about our handling of your Personal Information, we ask that you first contact our privacy officer whose contact details are listed below. We will investigate your complaint and reply to you in writing if you provide us with contact details and request us to do so.

Privacy Officer: Benjamin Cage

Email: help@activ8.com.au

Post: PO Box 614, Paddington, QLD 4064, Australia

If, after we have conducted our investigations, you are still not satisfied, then we ask you to consult with the Office of the Australian Information Commissioner:

Email: enquiries@oaic.gov.au

Telephone: 1300 363 992 (from overseas +61 2 9284 9749)

Post: GPO Box 5218
Sydney NSW 2001

17. Definitions

Throughout this Privacy Policy the following words have the following meanings:

Activ8 Services means the SaaS Products (including Pathways), Downloadable Products and Website.

Administrator means an Activ8 customer representative with administrator responsibilities over an Activ8 Service, who may be a staff member of a school (in the case of Pathways), your employer or other service provider.

Content means any information that you upload, submit, post, create, transmit, store or display in an Activ8 Service.

Downloadable Products means Activ8's downloadable software products that are installed by customers on an infrastructure of their choice.

Pathways means our software for the management of secondary school students in work experience, structured work placement and school-based apprenticeships and traineeships.

Personal Information means information or an opinion about an identifiable individual (not a company), whether or not that information or opinion is true or in a material form.

SaaS Products means Activ8's hosted software solutions including those we market as Pathways, Elevate, Evolve, Timepoint and Pathways Connect.

Website means Activ8's websites, including but not limited to www.activ8.com.au, pathwayscloud.com and any related websites, sub-domains and pages.

Last updated 19 October 2022.