

## MOVUS AUSTRALIA – PRIVACY POLICY

This Privacy Policy sets out our commitment to protecting the privacy of personal information provided to us, or otherwise collected by us, offline or online, including through this website, our FitMachine platform and any other software or services we provide to you (**Site**). In this Privacy Policy **we, us** or **our** means Movus Australia Pty Ltd ACN 612 415 611.

This Privacy Policy takes into account the requirements of the *Privacy Act 1988* (Cth) and the Australian Privacy Principles. In addition to the Australian laws, individuals located in the European Union (**EU**) may also have rights under the *General Data Protection Regulation 2016/679* (**GDPR**). Appendix 1 outlines the details of the additional rights of individuals located in the EU as well as information on how we process the personal information of individuals located in the EU.

### Personal information

**Personal information:** The types of personal information we may collect about you include:

- your name;
- your contact details, including email address and/or telephone number;
- the name of your employer;
- your department name and job title;
- if we offer you online billing, your credit card or payment details (through our third party payment processor);
- details of products and services we have provided to you and/or that you have enquired about, and our response to you;
- your preferences and/or opinions;
- any information you provide to us through the use of our Site;
- information you provide to us through customer surveys;
- your browser session and geo-location data, device and network information, statistics on page views and sessions, acquisition sources, search queries and/or browsing behaviour;
- information about your access and use of our Site, including through the use of Internet cookies, your communications with our Site, the type of browser you are using, the type of operating system you are using and the domain name of your Internet service provider;
- additional personal information that you provide to us, directly or indirectly, through your use of our Site, associated applications, associated social media platforms and/or accounts from which you permit us to collect information; and
- any other personal information requested by us and/or provided by you or a third party.

We may collect these types of personal information directly from you or from third parties.

## Collection and use of personal information

We may collect, hold, use and disclose personal information for the following purposes:

- to enable you to access and use our Site and any associated applications (including our online customer community);
- to contact and communicate with you;
- to carry out customer satisfaction surveying;
- for internal record keeping, administrative purposes, invoicing and billing purposes;
- for analytics, market research and business development, including to operate and improve our Site and any associated applications;
- for advertising and marketing, including to send you promotional information about our products and services that we consider may be of interest to you; and
- to comply with our legal obligations and resolve any disputes that we may have.

## Disclosure of personal information to third parties

We may disclose personal information to:

- third party service providers for the purpose of enabling them to provide their services, including (without limitation) data analytics providers, IT service providers, data storage, web-hosting and server providers, debt collectors, maintenance or problem-solving providers, marketing or advertising providers, professional advisors and payment systems operators;
- our employees, contractors and/or related entities;
- our existing or potential agents or business partners;
- third party software tools such as widgets on our Site;
- anyone to whom our business or assets (or any part of them) are, or may (in good faith) be, transferred;
- credit reporting agencies, courts, tribunals and regulatory authorities, in the event you fail to pay for goods or services we have provided to you;
- courts, tribunals, regulatory authorities and law enforcement officers, as required by law, in connection with any actual or prospective legal proceedings, or in order to establish, exercise or defend our legal rights;
- third parties, including agents or sub-contractors, who assist us in providing information, products, services or direct marketing to you. This may include parties located, or that store data, outside of Australia; and
- third parties to collect and process data. This may include parties that store data outside of Australia, such as Google Analytics.

Where the disclosure of your personal information is solely subject to Australian privacy laws, you acknowledge that some third parties may not be regulated by the Privacy Act and the Australian Privacy Principles in the Privacy Act and if any such third party engages in any act or practice that contravenes the Australian Privacy Principles, it would not be accountable under the Privacy Act and you will not be able to seek redress under the Privacy Act.

## How we treat personal information that is also sensitive information

Sensitive information is a sub-set of personal information that is given a higher level of protection under the Australian Privacy Principles. **Sensitive information** means information relating to your racial or ethnic origin, political opinions, religion, trade union or other professional associations or memberships, philosophical beliefs, sexual orientation, sexual practices or sex life, criminal records, health information or biometric information.

We do not currently collect sensitive information. However, if at any time we do collect sensitive information, provided you consent, your sensitive information may only be used and disclosed for purposes directly relating to the primary purpose for which the sensitive information was collected.

Sensitive information may also be used or disclosed if required or authorised by law.

## Our commitment to you

Your personal information will be:

- processed lawfully, fairly and in a transparent manner by us;
- only be collected for the specific purposes we have identified in the 'collection and use of personal information' clause above and personal information will not be further processed in a manner that is incompatible with the purposes we have identified;
- collected in a way that is adequate, relevant and limited to what is necessary in relation to the purpose for which the personal information is processed;
- kept up to date, where it is possible and within our control to do so (please let us know if you would like us to correct any of your personal information);
- kept in a form which permits us to identify you, but only for so long as necessary for the purposes for which the personal information was collected;
- processed securely and in a way that protects against unauthorised or unlawful processing and against accidental loss, destruction or damage.

## Your rights and controlling your personal information

**Your choice:** Please read this Privacy Policy carefully. By providing personal information to us, you acknowledge that you have read our Privacy Policy and that it sets out how we collect, hold, use and disclose your personal information.

**Information from third parties:** If we receive personal information about you from a third party, we will protect it as set out in this Privacy Policy. If you are a third party providing personal information about somebody else, you represent and warrant that you have such person's consent to provide the personal information to us.

**Anonymity:** Where practicable we will give you the option of not identifying yourself or using a pseudonym in your dealings with us.

**Unsubscribing:** To object to processing for direct marketing/unsubscribe from our email database or opt-out of communications (including marketing communications), please contact us using the details below or opt-out using the opt-out facilities provided in the communication.

**Correction:** If you believe that any information we hold about you is inaccurate, out of date, incomplete, irrelevant or misleading, please contact us using the details below. We will take reasonable steps to promptly correct any information found to be inaccurate, incomplete, misleading or out of date.

**Complaints:** If you wish to make a complaint, please contact us using the details below and provide us with full details of the complaint. We will promptly investigate your complaint and respond to you, in writing, setting out the outcome of our investigation and the steps we will take in response to your complaint. You also have the right to contact the relevant authority in the country in which you are based.

## Storage and security

We are committed to ensuring that the personal information we collect is secure. In order to prevent unauthorised access or disclosure, we have put in place suitable physical, electronic and managerial procedures to safeguard and secure personal information and protect it from misuse, interference, loss and unauthorised access, modification and disclosure. For example we:

- have strong password protocols;
- encrypt data in transit and at rest;
- only provide access to personal information on a need to know basis; and
- use security and architecture based on recommendations from our cloud suppliers.

However, we cannot guarantee the security of any information that is transmitted to or by us over the Internet. The transmission and exchange of information is carried out at your own risk. Although we take measures to safeguard against unauthorised disclosures of information, we cannot assure you that the personal information we collect will not be disclosed in a manner that is inconsistent with this Privacy Policy.

## Cookies and web beacons

We may use cookies on our Site from time to time. Cookies are text files placed in your computer's browser to store your preferences. Cookies, by themselves, do not tell us your email address or other personally identifiable information. However, they do allow third parties, such as Google and Facebook, to cause our advertisements to appear on your social media and online media feeds as part of our retargeting campaigns. If and when you choose to provide our Site with personal information, this information may be linked to the data stored in the cookie.

You can block cookies by activating the setting on your browser that allows you to refuse the setting of all or some cookies. However, if you use your browser settings to block all cookies (including essential cookies) you may not be able to access all or parts of our site.

We may use web beacons on our Site from time to time. Web beacons (also known as Clear GIFs) are small pieces of code placed on a web page to monitor the visitor's behaviour and collect data about the visitor's viewing of a web page. For example, web beacons can be used to count the users who visit a web page or to deliver a cookie to the browser of a visitor viewing that page.

We may use Google Analytics to collect and process data. To find out how Google uses data when you use third party websites or applications, please see [www.google.com/privacy](http://www.google.com/privacy) or any other URL Google may use from time to time.

## Links to other websites

Our Site may contain links to other websites. We do not have any control over those websites and we are not responsible for the protection and privacy of any personal information which you provide whilst visiting those websites. Those websites are not governed by this Privacy Policy.

## Amendments

We may, at any time and at our discretion, vary this Privacy Policy. We will notify you if we amend this Privacy Policy, by contacting you through the contact details you have provided to us. Any amended Privacy Policy is effective once we notify you of the change.

### **To exercise your rights, please contact us at:**

Movus Australia Pty Ltd ACN 612 415 611

Email: [support@movus.com.au](mailto:support@movus.com.au)

### **To make a compliant, please contact us at:**

Email: [michel.lamarre@movus.com.au](mailto:michel.lamarre@movus.com.au)

**Last update:** 25 March 2020

© [LegalVision ILP Pty Ltd](#)

## APPENDIX 1 – ADDITIONAL RIGHTS FOR INDIVIDUALS LOCATED IN THE EU

Under the GDPR individuals located in the EU have extra rights which apply to their personal information. Personal information under the GDPR is often referred to as personal data and is defined as information relating to an identified or identifiable natural person (individual). This Appendix sets out the additional rights we give to individuals located in the EU including how we process personal information lawfully, transparently and fairly. Please read the Privacy Policy above and this Appendix carefully and contact us at the details at the end of the Privacy Policy if you have any questions.

### What personal information is relevant?

This Appendix applies to the personal information set out in the Privacy Policy above. This includes any sensitive information also listed in the Privacy Policy above which is known as ‘special categories of data’ under the GDPR.

### How we process personal information

We will process your personal information for our legitimate interest to allow you to access and use our Site, to manage and improve our Site, to contact you if you leave your contact details with us or if you otherwise initiate contact with us and if you are a customer of ours, to send you marketing content we think may be of interest to you.

We will rely on performing a contract to process your personal information where we are preparing to enter into a contract with you or we are carrying out our obligations under a contract with you.

We will rely on a legal obligation to process your personal information where we are subject to a legal obligation.

If we need to rely on consent, we will ask for consent to process any of your personal information for that specific purpose before we process your personal information for that reason.

Upon written request, we may provide you with a list of the third parties we use to process your personal information.

### Data Retention

We will only retain your personal information 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 information, we consider the amount, nature, and sensitivity of the personal information, the potential risk of harm from unauthorised use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances you can ask us to delete your data: see ‘access, erasure and data portability’ below for further information.

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

## Data Transfers

The countries to which we send data for the purposes listed above may not have the same data protection laws as the country in which you initially provided the information. If we transfer your personal information to third parties in other countries: (i) we will perform those transfers in accordance with the requirements of applicable law; and (ii) we will protect the transferred personal information in accordance with the Privacy Policy, as supplemented by this Appendix.

## Extra rights for EU individuals

**Objecting to processing:** You have the right to object to processing of your personal data that is based on our legitimate interests or public interest. If this is done, we must provide compelling legitimate grounds for the processing which overrides your interests, rights and freedoms, in order to proceed with the processing of your personal information.

**Restricting processing:** You have the right to request that we restrict the processing of your personal data if (i) you are concerned about the accuracy of your personal data; (ii) you believe your personal data has been unlawfully processed; (iii) you need us to maintain the data solely for the purpose of a legal claim; or (iv) we are in the process of considering your objection in relation to processing on the basis of legitimate interests.

**Access, erasure and data portability:** You may have the right to request details of the personal information we hold about you, or to request that we erase the personal information we hold about you, or that we transfer this information to a third party.

**Rectification:** If you believe that any information we hold about you is inaccurate, out of date, incomplete, irrelevant or misleading, please contact us using the details below. We will take reasonable steps to promptly correct any information found to be inaccurate, incomplete, misleading or out of date.