

# Privacy Policy

EO BidCo Pty Ltd (ACN 659 413 822) as trustee for JX2 Technology Unit Trust trading as Vintrace (**Vintrace, us, we, our**) takes your privacy seriously and seeks to comply with our obligations under the *Privacy Act 1988* (Cth) (**Privacy Act**) and the European Union General Data Protection Regulation (EU) 2016/679 (**GDPR**). This Privacy Policy describes how we collect, use, disclose, store, and handle your personal information provided to us, or otherwise collected by us offline or online, including through our website (**Site**).

By accessing, browsing or otherwise using the Site, you accept this Privacy Policy without limitation or qualification. If you do not accept this Privacy Policy, you may not be able to use our Site, any of our products and services, or their full functionality.

## 1. What is personal information?

In this Privacy Policy, 'personal information' has the meaning set out in the Privacy Act. In general terms, personal information is information (whether fact or opinion) about an individual who is identified or reasonably identifiable. Personal information generally corresponds with 'personal data' as defined in the GDPR.

Some types of personal information are designated as 'sensitive information', which are subject to additional protection under the Privacy Act. Sensitive information generally corresponds with 'special category data' as defined in the GDPR.

When we refer to the collection, use, disclosure, storage and handling of personal information in this Privacy Policy, we mean any operation or set of operations that is performed on personal information, whether or not by automated means. This corresponds with 'processing' as defined in the GDPR.

## 2. What types of personal information do we collect?

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

- your name;
- your contact details, including email address, mailing address, street address and/or telephone number;
- your credit card details;
- your demographic information, such as postcode;
- your preferences and/or opinions;
- information you provide to us through customer surveys;
- details of products and services provided to you and/or that you have enquired about, and our response to you;
- 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.

Generally, we will not collect sensitive information about you. However, in certain circumstances, we may need to collect limited sensitive information. For example, if you apply to become an employee of Vintrace, we may collect personal information about your membership with any political, professional or trade associations or unions, and procure police checks to confirm your criminal record.

We also collect technical information and general analytics, such as:

- 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; and
- information about your access and use of our Site, including through 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.

### **3. How do we collect personal information?**

We may collect these types of personal information directly from you when you:

- access or use the Site;
- sign up to receive news about our products or services;
- enter surveys, competitions or promotions organised by us;
- make inquiries about Vintrace or our products or services, or otherwise communicate with us by email, telephone, in person, via a website or otherwise; and
- apply to work with us or are engaged by us as a contractor.

Where it is reasonable to do so, we will only collect personal information about you directly from you and not from third parties. In limited circumstances, we may collect personal information about you from third parties such as mutual contacts, or if someone makes contact with us on your behalf, or your referees provided through the recruitment process if you apply for a job with us.

We may use cookies on our Site from time to time to collect technical information and general analytics. 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 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.

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

### **4. How do we use your personal information?**

In general, we use your personal information for purposes connected with our business.

To the extent the GDPR applies, we will only use personal information about you if we have a legal basis to do so, for example:

- where you have given us your consent;
- where processing of your personal information is necessary for the performance of a contract with you;
- to meet our legal obligations; and
- to pursue our legitimate business interests.

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

- to enable you to access and use our Site, associated applications and associated social media platforms;
- to contact and communicate with you;
- for internal record keeping and administrative purposes;
- for analytics, market research and business development, including to operate and improve our Site, associated applications and associated social media platforms;
- to run competitions and/or offer additional benefits to you;
- for advertising and marketing, including sending you promotional information about our products and services and information about third parties that we consider may be of interest to you;
- to comply with our legal obligations and resolve any disputes that we may have; and
- to consider your employment application.

We may also use or disclose your personal information for other purposes you have consented to or as otherwise permitted or required by law. We may also use or disclose your personal information for other purposes to which you have consented, or as otherwise permitted or required by law.

Technical information and general analytics are used for the purpose of gauging visitor traffic, trends and delivering personalised content to you while you are on the Site, and to improve the Site and Vintrace's products and services.

## **5. Automated decision making**

To the extent the GDPR applies, we do not envisage that any decisions will be taken about you using fully automated means; however, we will notify you in writing if this position changes.

## **6. Disclosure of personal information to third parties**

We may disclose personal information to third parties in connection with the purposes described above. This may include disclosing your personal information to:

- third party service providers to enable them to provide their services, including (without limitation) 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;
- sponsors or promoters of any competition we run;
- 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 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, such as Google Analytics or other relevant businesses. This may include parties that store data outside of Australia.

If we disclose your personal information to third parties, Vintrace will use reasonable commercial efforts to ensure that such third parties only use your personal information as reasonably required for disclosure and in a manner consistent with applicable laws. For example (where commercially practical), by including suitable privacy and confidentiality clauses in our agreement with a third party service provider to which we disclose your personal information.

To the extent the GDPR applies, the third party will only process your personal information following written instructions from us. We require that the third party either comply with the GDPR or another mechanism set out by applicable EU or Swiss data protection laws to transfer and process of personal information.

Please note that we use the following third parties to process your personal data:

- Xero
- MailChimp
- HubSpot
- Invoiced

## **7. Does your personal information leave Australia or the EU?**

We may disclose your personal information to third parties outside Australia or the EU, such as third party processors (for example, Xero, MailChimp or HubSpot).

Except where an exception applies under the Privacy Act or other relevant legislation, we will take commercially reasonable steps to ensure that overseas recipients to whom we disclose personal information do not breach the Australian Privacy Principles stated in the Privacy Act in relation to such personal information.

To the extent the GDPR applies, we only disclose your personal information outside of the EU where the EU Commission has made an adequacy decision to ensure an adequate level of protection in that country, or where there are appropriate safeguards in place to protect your personal information.

## 8. AU-specific terms

**Choice and consent:** Please read this Privacy Policy carefully. You do not have to provide personal information to us; however, if you do not, it may affect your use of this Site or the products and/or services offered on or through it.

**Information from third parties:** If we receive personal information about you from a third party, we will handle 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.

**Access:** You may request details of the personal information that we hold about you. An administrative fee may be payable for the provision of such information. In certain circumstances, as set out in the *Privacy Act 1988* (Cth), we may refuse to provide you with personal information that we hold about you.

**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 correct any information found to be inaccurate, incomplete, misleading or out of date.

**Complaints:** If you believe that we have breached the Australian Privacy Principles and wish to make a complaint, please contact us using the details below and provide us with full details of the alleged breach. 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 to deal with your complaint. If you are unsatisfied with the outcome, we will advise you about further options including, if appropriate, review by the Privacy Commissioner within the Office of the Australian Information Commissioner.

**Unsubscribe:** To unsubscribe from our e-mail 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.

## 9. EU-specific terms

### ***Our responsibilities as a 'controller' under the GDPR***

Controllers are defined by the GDPR as natural or legal persons, a public authority, agency or other body to which personal information or personal information has been disclosed, whether via a third party or not, and who determines the purposes and means of processing personal information. We are a controller under the GDPR as we collect, use and store your personal information to enable us to provide you with our goods and/or services.

As a controller, we have certain obligations under the GDPR when collecting, storing and using the personal data of EU citizens. If you are an EU citizen, 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 data' clause above and personal data will not be further processed in a manner that is incompatible with the purposes we have identified;
- be collected in a way that is adequate, relevant and limited to what is necessary in relation to the purpose for which the personal data is processed;

- be 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);
- be 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;
- be processed securely and in a way that protects against unauthorised or unlawful processing and against accidental loss, destruction or damage.

Where appropriate, we also apply these principles to the way we collect, store and use the personal information of our Australian customers or clients.

Specifically, we have the following measures in place, in accordance with the GDPR:

- **Data protection policies:** We have internal policies in place that set out where and how we collect personal information, how it is stored and where it goes after we get it to protect your personal information.
- **Notification of data breaches:** We will comply with the GDPR in respect of any data breach.

#### ***Your rights and controlling your personal data***

- **Choice and consent:** Please read this Privacy Policy carefully. If you are under 16 years of age, you must have; and warrant to the extent permitted by law to us that you have, your parent or legal guardian's permission to access and use the Site and they (your parents or guardian) have consented to you providing us with your personal information. You do not have to provide personal information to us; however, if you do not, it may affect your use of this Site or the products and/or services offered on or through it.
- **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.
- **Right to ask us to restrict data processing:** You may ask us to limit the processing of your personal information where you believe that the personal information we hold about you is wrong (to give us enough time to verify if the information needs to be changed), or where processing personal information is unlawful, and you request us to restrict the processing of personal information rather than it being erased. If you ask us to restrict how we process your personal information, we will let you know how the restriction affects your use of our Site or products and services.
- **Right to access and data portability:** You may request details of the personal information we hold about you. You may request a copy of the personal information we hold about you. Where possible, we will provide this information in CSV format or another easily readable machine format. You may request that we erase the personal information we hold about you at any time. You may also request that we transfer this personal information to another third party (data portability).
- **Right to 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 correct any information found to be inaccurate, incomplete, misleading or out of date.
- **Right to ask us to erase your personal data:** You may ask us to erase personal information we hold about you.

- **Right to withdraw content:** You may withdraw your consent at any time where we have relied on your consent to process your personal information.
- **Complaints:** If you believe that we have breached the an article of the GDPR and wish to make a complaint, please contact us using the details below and provide us with full details of the alleged breach. 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 to deal with your complaint. You also have the right to contact your relevant supervisory authority if you wish to make a complaint.
- **Unsubscribe:** To unsubscribe from our e-mail 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.

## 10. Storage and security

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

We cannot guarantee the security of any information transmitted to or by us over the Internet. The transmission and exchange of data 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.

Please notify Vintrace immediately if you become aware of any breach of security.

Where a breach of security gives rise to a 'data breach', being an incident when personal information, in any format, held by an agency or organisation is lost or subjected to unauthorised access, modification, disclosure or other misuse or interference, Vintrace will comply with its obligations under the Notifiable Data Breaches Scheme under the Privacy Act.

## 11. Retention

Generally, we will retain your personal information for the period necessary for the purposes for which your personal information was collected (as outlined in this Privacy Policy) unless an extended retention period is required by law or if it is reasonably necessary for us to comply with our legal obligations, resolve a dispute or maintain security.

## 12. 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 you provide while visiting those websites. Those websites are not governed by this Privacy Policy.

## 13. Exemptions

Where applicable laws allow for an exemption to comply with certain legal obligations (for example, the employee records exemption under the Privacy Act in Australia), Vintrace may rely on such an exemption.

This Privacy Policy will not apply to the extent that it is inconsistent with any applicable law.

**14. Amendments**

At any time and at our discretion, we may vary this Privacy Policy by publishing the amended Privacy Policy on our Site. We recommend you check our Site regularly to ensure you are aware of our current Privacy Policy.

**15. Contact**

For any questions or notices, please contact our Privacy Officer at:

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Last update: October 22 2021