

# PRIVACY POLICY

## 1 INTRODUCTION

This document sets out the privacy policy of Smyla Australia Pty Ltd ACN 616 098 554 (referred to in this privacy policy as '**we**', '**us**', or '**our**').

The *Privacy Act 1988* (Cth) (**Privacy Act**) requires entities bound by the Australian Privacy Principles to have a privacy policy. We take our privacy obligations seriously and we've created this privacy policy to explain how we store, maintain, use and disclose personal information.

By providing personal information (including sensitive information) to us, you consent to our storage, maintenance, use and disclosing of personal information in accordance with this privacy policy.

We may change this privacy policy from time to time by posting an updated copy on our website and we encourage you to check our website regularly to ensure that you are aware of our most current privacy policy.

## 2 TYPES OF PERSONAL INFORMATION WE COLLECT

The personal information we collect may include the following:

- (a) name;
- (b) mailing or street address;
- (c) email address;
- (d) social media information;
- (e) telephone number and other contact details;
- (f) age;
- (g) date of birth;
- (h) credit card or other payment information;
- (i) sensitive information (such as health information) as set out below;
- (j) information about your business or personal circumstances;
- (k) information in connection with client surveys, questionnaires and promotions;
- (l) your device identity and type, I.P. address, geo-location information, page view statistics, advertising data and standard web log information;
- (m) information about third parties; and
- (n) any other information provided by you to us via our website or our online presence, or otherwise required by us or provided by you.

## 3 HOW PERSONAL INFORMATION IS COLLECTED

We will collect your personal information in a lawful and fair way. We will only collect your personal information where you have consented to it, or otherwise in accordance with the law.

### How we collect information from **you**

We may collect personal information where you:

- (a) contact us through our website;
- (b) receive goods or services from us;
- (c) submit any of our online inquiry forms;
- (d) communicate with us via email, telephone, SMS, social applications (such as LinkedIn or Facebook) or otherwise;
- (e) interact with our website, social applications, services, content and advertising; and

- (f) invest in our business or enquire as to a potential purchase in our business.

#### How we collect information from **third parties**

Where possible, we collect your personal information directly from you. However, there may be occasions when we collect personal information (including sensitive information) about you from someone else.

#### How **you** provide information for someone else

If you are providing personal and/or sensitive information on behalf of someone else, you must have the consent of that person to provide their personal and/or sensitive information to us to be collected, used, and disclosed in accordance with this privacy policy. [

If you are providing personal and/or sensitive information on behalf of someone under the age of 18 (**Minor**), you must be that Minor's parent or legal guardian and you must provide consent for the Minor's personal and/or sensitive information to be collected, used and disclosed in accordance with this privacy policy.

#### How we collect information from **cookies**

We may also collect personal information from you when you use or access our website or our social media pages. This may be done through use of web analytics tools, 'cookies' or other similar tracking technologies that allow us to track and analyse your website usage. Cookies are small files that store information on your computer, mobile phone or other device and enable and allow the creator of the cookie to identify when you visit different websites. If you do not wish information to be stored as a cookie, you can disable cookies in your web browser.

We may use Google Analytics to collect and process data, including when you use third party websites or apps. To find out more see [How Google uses data when you use our partners' sites or apps](#).

## **4 USE OF YOUR PERSONAL INFORMATION**

We collect and use personal information for the following primary purposes:

- (a) to provide goods, services or information to you;
- (b) for record keeping and administrative purposes;
- (c) to provide information about you to our contractors, employees, consultants, agents or other third parties for the purpose of providing goods or services to you;
- (d) to improve and optimise our service offering and customer experience;
- (e) to comply with our legal obligations, resolve disputes or enforce our agreements with third parties;
- (f) to send you administrative messages, reminders, notices, updates, security alerts, and other information requested by you; and
- (g) to consider an application of employment from you.

We may also use your personal information for:

- (h) secondary purposes closely related to the primary purpose, in circumstances where you would reasonably expect such use;
- (i) such purposes where we reasonably believe that use of your personal information is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety, and it is unreasonable or impracticable to obtain your consent;
- (j) any other purpose for which we receive consent from you; or
- (k) any other purpose which is permitted or required under applicable privacy laws.

## 5 HOW WE DISCLOSE YOUR PERSONAL INFORMATION

We respect your privacy, and we will take reasonable steps to keep your personal information confidential and protected. We may disclose your personal information to:

- (a) other health care providers we refer you to or from who we receive a referral for you;
- (b) our professional advisors such as lawyers, accountants and auditors;
- (c) our related entities; or
- (d) any third parties you have consented personal information to be disclosed to.

We may also disclose personal information to third party contractors as required for us to provide our goods and services to you, such as cloud-service providers, IT professionals, marketing agencies and debt collection agencies.

We take care to work with such third parties who we believe maintain an acceptable standard of data security and require them not to use your personal information for any purpose except for those activities we have asked them to perform on our behalf.

We will not otherwise disclose your personal information unless:

- (e) you have consented to us disclosing your personal information for particular circumstances;
- (f) as needed in an emergency or in investigation suspected criminal activity;
- (g) we are required to disclose under a subpoena, court order or other mandatory reporting requirements;
- (h) we reasonably believe that disclosure of your information is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety, and it is unreasonable or impracticable to obtain your consent;
- (i) it is reasonably necessary for the establishment, exercise or defence of a legal claim; or
- (j) it is otherwise authorised or required by law.

## 6 STORAGE OF YOUR PERSONAL INFORMATION

All personal information we collect is stored on servers located in Australia and, for the most part, we do not disclose or transfer personal information overseas.

However, the cloud service providers we engage to provide us Australian-based servers may operate overseas disaster recovery sites or have personnel overseas who may access the personal information we hold to assist us in managing our servers.

We also may use Google Analytics to track web traffic information which is operated by Google which stores information across multiple countries.

When you communicate with us through a social media service such as Facebook or Twitter, the social media provider and its partners may collect and hold your personal information overseas.

## 7 SENSITIVE INFORMATION

### Collection of sensitive information

We may collect sensitive information about you during the course of providing you our goods and services. We will only collect this sensitive information where you consent to such collection and either directly provide us with this information or it is provided by a referring health care provider.

### Types of sensitive information we collect

The sensitive information we collect may include the following:

- (a) health information, history and reports;
- (b) referring health care provider and associated referral letters;
- (c) your NDIS plan and budget;
- (d) private health fund and private health insurance cover details;

- (e) Medicare number, healthcare identifiers or concession card or other entitlement details; and
- (f) any other sensitive information provided by you or a third party to us via our website or platforms, or otherwise provided by you or a third party to us.

#### How we **use** your sensitive information

Your sensitive information will only be used for the purpose of:

- (a) providing you with our goods and services;
- (b) complying with our legal obligations, resolving disputes or enforcing our agreements with you;
- (c) sending you messages, reminders, notices, updates, security alerts, and other information requested by you; or
- (d) any other purpose which is permitted or required under applicable privacy laws.

#### How we **disclose** your sensitive information

Your sensitive information will only be disclosed to third parties for the purpose of:

- (a) providing a referral to another health care provider; or
- (b) any other purpose which is permitted or required under applicable privacy laws.

#### How you can **withdraw consent**

If you wish to withdraw your consent to our collection, use or disclosure of your sensitive information, please contact us using the contact details set out below. We will deal with all such requests within a reasonable timeframe.

## **8      MARKETING**

We may at times send you marketing communications which will be done in accordance with the *Spam Act 2003* (Cth) (**Spam Act**).

If we do, we may use email, SMS, social media, phone or mail to send you direct marketing communications.

Where consent is needed, we will ask you for your consent before sending you marketing communications, except where you:

- (a) have explicitly opted-in to receiving email marketing from us in the past; or
- (b) were given the option to opt-out of email marketing when you initially signed up for one of our platforms and you did not do so.

You can, at any time, opt out of receiving marketing materials from us by using the opt-out facility provided (e.g., an unsubscribe link on emails we send you) or by contacting us via the details provided at the end of this privacy policy. We will implement such a request as soon as possible, however, cannot guarantee that such a response will be immediate.

## **9      DE-IDENTIFIED INFORMATION**

The information we collect may have analytical, educational, or commercial value to us. Where we have de-identified the information we have collected, we reserve the right to process and distribute such information.

## **10     SECURITY**

We take reasonable steps to ensure your personal information is secure and protected from misuse or unauthorised access. Our information technology systems are password protected, and we use a range of administrative and technical measures to protect these systems. However, we cannot guarantee the security of your personal information.

## 11 LINKS

Our website may contain links to other websites. Those links are provided for convenience and may not remain current or be maintained. We are not responsible for the privacy practices of those linked websites and we suggest you review the privacy policies of those websites before using them.

## 12 REQUESTING ACCESS OR CORRECTING YOUR PERSONAL INFORMATION

If you wish to request access to the personal information we hold about you, please contact us using the contact details set out below including your name and contact details. We may need to verify your identity before providing you with your personal information. In some cases, we may be unable to provide you with access to all your personal information and where this occurs, we will explain why. We will deal with all requests for access to personal information within a reasonable timeframe.

If you think that any personal information we hold about you is inaccurate, please contact us using the contact details set out below and we will take reasonable steps to ensure that it is corrected.

## 13 COMPLAINTS

If you wish to complain about how we handle your personal information held by us, please contact us using the details set out below including your name and contact details. We will investigate your complaint promptly and respond to you within a reasonable timeframe.

## 14 CONTACT US

For further information about our privacy policy or practices, or to access or correct your personal information, or make a complaint, please contact us using the details set out below:

**Name:** Bond Kam

**Email:** [admin@smyla.com.au](mailto:admin@smyla.com.au)

Our privacy policy was last updated on 30 July 2024.