

# Privacy Policy

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When you use aqtv, you trust us with your information. We are committed to keeping that trust. That starts with helping you understand our privacy practices.

This policy describes the information we collect, how it is used and shared, and your choices regarding this information. We recommend that you read these key points about our privacy practices (including what information we collect, when we collect it, and how we use it).

## INTRODUCTION

aqtv Pty Ltd (ACN [62 628 658 524](#)) - Ground Floor, 100 George St, Parramatta NSW 2150 and its subsidiaries, related bodies corporate and affiliates ('aqtv', 'us' or 'we') are providers of sports participation, sponsorship, communication and social media products and services. We recognise and value the importance of protecting the privacy of our customers and other parties with whom we deal.

aqtv supplies a range of services to our customers, including through providing access to the aqtv application (which may be accessed via smartphone app (whether through IOS, or Android operating systems), desktop applications, and the aqtv websites located at [www.aqtv.app](http://www.aqtv.app) ("Service").

If you are located outside of Australia, you should check our website at [www.aqtv.app](http://www.aqtv.app) to identify which aqtv entity is providing Services to you in your location.

If you are an individual, the provision of the Service and the collection of your personal information is also governed by our 'Terms of Use' located at [www.aqtv.app/terms](http://www.aqtv.app/terms). If you are a sports organisation, venue or facility, the provision of the Service and the collection of any personal information is governed by this Privacy Policy, to the extent it is applicable, and is also subject to a separate agreement between you and aqtv. Please contact us at [hello@aqtv.com.au](mailto:hello@aqtv.com.au) if you are a sports organisation, venue or facility and you are interested in entering into such an agreement with aqtv.

In order to allow us to provide the Service to you, we need to collect certain personal information (including potentially certain sensitive information) about you. This Privacy Policy informs you of how we collect, hold, use and disclose your personal information in connection with our supply of the Service. We will collect different information about you based on whether you are a member or a sports organisation. By registering for and using the Service as a member you are indicating your acceptance of both our Terms of Use and this Privacy Policy and to aqtv collecting, holding, using, disclosing and otherwise handling your personal information (including sensitive information) in accordance with this Privacy Policy. You are under no obligation to provide your personal information (or sensitive information) to aqtv, however, if you do not agree to be bound by the terms of these

documents, you must not use the Service and we may not be able to provide our Service to you.

The Service may be used by persons under 13 years of age. However, we will not knowingly collect, use or disclose personal information from a person under the age of 13 (or a minor in the jurisdiction in which the Service is used) without obtaining consent from a person with parental responsibility (e.g., a parent or guardian). If you are under the age of 13, you may only use the Service with the involvement of a parent or guardian. At all times, it is our aim to abide by applicable laws designed to protect minors or children.

This Privacy Policy is broken into a number of sections and includes information on how we manage personal information as well as answers to commonly asked questions. You should note that this Privacy Policy also contains terms relevant to specific countries and which may apply to you or us depending on where you are using the Service - please see section 13: Specific Country Terms.

For the purposes of this Privacy Policy, when we say "you" or "your" we mean any individuals or organisations about whom we process personal information from time to time, including members of organisations and all other persons who may provide personal information to us from time to time.

## **PERSONAL INFORMATION**

### **WHAT IS PERSONAL INFORMATION**

Definitions of 'personal information' differ around the world. In Australia, the collection, storage, use and disclosure of 'personal information' is regulated by the Privacy Act 1988 (Cth) (the "Act"). The Act defines 'personal information' as:

**'Information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual, or an individual who is reasonably identifiable.'**

The definition of 'personal information' is therefore extremely broad, but good examples would include your full name and your address.

### **WHAT PERSONAL INFORMATION DO WE COLLECT?**

Schedule 1 of the Act also sets out thirteen Australian Privacy Principles (the 'APPs') which comprehensively cover the protection of personal information. You can feel confident that we will always collect, hold, use and disclose your personal information in accordance with the Act, the APPs and this Privacy Policy.

In most cases, we will collect the following information on registration (or if you contact us directly):

- your full name and prefix (e.g. Mr, Mrs or Ms);
- your mobile including so that we can authenticate you electronically and administer your account using one time Password (OTP)
- your address and email address, including so that we can authenticate you electronically and administer your account;
- in certain circumstances, any private healthcare information;
- your health insurance membership provider and membership details and/or medicare number;
- membership provider, status and numbers to 3rd party membership schemes where you agree to enter and provide such information;
- your date of birth;
- credit card and/or bank account details (although we won't store these permanently unless you agree);
- your gender, but you can specify no gender;
- your height, weight and other details about your physicalities;
- details regarding disability or impairment;
- social media profile information, [where you permit aqtv to access your social media profile via the Service] when sharing photos, videos or messages to your social media accounts from aqtv;
- persons that follow you on the aqtv Service and persons you follow on the aqtv Service;
- your favourite sports;
- your place of work;
- your school/college/university;
- your nationality, culture or indigenous background;
- your friends (as you choose to add them);
- your associated family / friends;
- your geo-tracking location information (if geo-tracking sharing services are activated by you on your device, however, geo-tracking services may be turned off and are not required to use the Service);
- sport activities you attend, the location, time, sport type, level of attendance, playing performance [as this information is submitted by you on the Service];
- sport Organisations you administer, follow or participate in
- sport Activities you administer, follow or participate in as a player
- data collected by the Sport Organiser to register your participation in sport

However, a certain level of personal information from you is required before you can use the Service.

We do not intend to collect "sensitive" information about you. Sensitive information includes certain kinds of information about you, such as your political opinions, sexual preferences, health or genetic information, or your racial or ethnic origin.

We may collect sensitive information if you disclose it to us or as part of providing the Service to you. Sensitive information includes information or an opinion (that is also personal information) about an individual's health, racial or ethnic origin, political opinions, philosophical beliefs, criminal record and sexual orientation, amongst other things. We will not use sensitive information for a secondary purpose, unless you would reasonable expect the sensitive information to be used for the secondary purpose, and the secondary purpose is directly related to the primary purpose of collection.

If at any time you provide the personal information of another person to aqtv, you must ensure that the person has read and understood this Privacy Policy and consents to their personal information being collected, held, used, disclosed and otherwise handled in accordance with this Privacy Policy.

## **WHY DO WE NEED TO COLLECT YOUR PERSONAL INFORMATION**

The collection of your personal information is fundamental to the provision of the Service by us to you. We collect your personal information for a variety of reasons, including:

- to allow you to create a profile and verify your identity as a registered user of the Service (whether a sports organisation or a member);
- to customise your experience;
- to allow you to connect with other users of the Service;
- to provide you with information or services you request;
- to customise any news, direct marketing or advertising that is directed at you through your use of the Service;
- if you use our Service for purchases or financial transactions, to allow us to collect information about the purchase or transaction (and to process the same);
- to inform sport organisations & the Government;
- to offer you incentives, bonuses, rebates, special offers where applicable;
- for various other reasons that may apply from time to time in the context of the Service provided to you.

While it is possible for you to interact with us under a pseudonym in some cases, it is still necessary for us to collect certain personal information from you. We will not collect more than we reasonably need to provide the Service to you.

## **HOW DO WE COLLECT YOUR PERSONAL INFORMATION?**

We collect your personal information in a number of ways. Firstly, we will ask you to provide us with certain personal information when you register as a user of the Service (whether as a sport organiser or a member). We will also collect personal information about you while you receive and use the Service, for example where you provide us with further information in

the course of enjoying the benefit of the Service. In certain circumstances, we may also indirectly collect personal information about you, including from third parties for example organisations, facilities or venues.

With respect to sports organisations, facilities or venues, we may collect or be provided with the following information:

- judicial
- injury
- sport registrations
- amenities
- price
- performance
- suitability
- occupancy and attendance
- We are not responsible for the accuracy or completeness of any information that sports organisations, facilities, venues or any other third parties provide to us. We do not accept any liability in connection with our use of that information where we do so on the assumption that the information is correct and accurate. We rely on the sports organisations, facilities, venues and other third parties having in place effective policies and systems to ensure that they comply with their own obligations under privacy laws, including where necessary by also obtaining your consent to disclose your personal information.

## **HOW DO WE USE YOUR PERSONAL INFORMATION?**

We use your personal information to provide the Service to you and for our general operational, technical and administrative purposes. The primary purposes for which we will use your personal information include:

- to provide the Service and related products to you (whether as a member or a sports organisation);
- to further develop or improve the Service and our marketing operations;
- to communicate with you, such as special announcements, upgrades, administrative messages and newsletters;
- to identify you and authenticate your identity (for example, to allow you to edit and manage your profile and account information);
- to show relevant news and advertisements to you, including advertisements that are targeted at you as a result of you belonging to a particular demographic;
- to provide advertising data to our third party marketing partners and to provide advertising, measurement and analytics services (including measuring the success of advertising on the Service or as part of understanding where improvements to the Service could be made);
- to directly market to you, products and services in which we believe you may be interested (subject to you providing consent to such marketing) this can be managed within notifications settings in app under profile settings.

- for statistical reporting purposes (for example site usage or member feedback and experience), however this will be on an anonymised and aggregated basis;
- to conduct research;
- to ensure that aqtv receives payment of any fees due to it;
- to provide you with certain information and content, including customising the format and layout of our website and application;
- to help you connect with other users and other users to connect with you using the Service;
- to investigate, prevent or take action regarding any breach or suspected breach by you of this Privacy Policy, the Terms of Use or any law;
- to act in a way that is required or authorised by or under law;
- to allow aqtv to successfully partner with third party applications, websites and system integrations;
- to allow transfers of data between entities in the aqtv group;
- to promote health and safety on the Service; and to share with a new owner of aqtv – if there is a sale, assignment, bankruptcy proceeding or other transfer of aqtv or a portion of aqtv, including a corporate merger, restructuring, sale of assets or other corporate change.

We will never share the following information with any third party or on our Service, unless you consent:

- Government identifiers such as a healthcare number
- Personal Health related information

## **HOW DO WE DISCLOSE YOUR PERSONAL INFORMATION?**

Generally, we will disclose your personal information to people you share your information with or communicate with using the Service. We may also disclose your personal information:

- if you are a sports organiser, to members of your sports organisation;
- if you are a member of a sports organisation, to sports organisers and other members;
- to our third party service providers, as required to provide the Service to you and to perform functions on our behalf, including processing, storing and handling personal information;
- to any person who acquires or expresses an interest in acquiring all or any part of aqtv's business, for example as part of a due diligence process with respect to aqtv;
- where necessary or desirable in connection with us investigating, preventing or taking action regarding any breach or suspected breach by you of this Privacy Policy, the Terms of Use or any law;
- as required or where we are authorised by or under law or as may be required in order to comply with a court order or other legal process;

- to any other person to which you subsequently consent from time to time or where consent can be inferred from the circumstances; and
- to third parties in connection with providing information as to your usage of the Service, but we will take reasonable steps in this circumstance to ensure that this is only on an anonymised and aggregated basis.

aqtiv is part of a group of companies and we may also transfer your personal information between the different aqtiv entities, however we will do so in accordance with all applicable laws including the Act and the APPs.

Either aqtiv or our third parties may also disclose your personal information where it is reasonable to do so or we are authorised or required to do so by applicable law. For example, we might disclose your personal information confidentially to a third party contractor that is contracted to provide services to us (whether in Australia or overseas). The countries that we may use, disclose, process, transfer or store your personal information include the United States of America, the United Kingdom, and countries within the European Union; however from time to time disclosure to other countries may be required in connection with the Service. We also might transfer your personal information overseas as part of our disaster recovery policies in respect of our data centres.

You should be aware that our website, application and advertisements may contain links to third party websites, or third party goods and services. We are not responsible for the privacy actions and omissions of such third parties and you are solely responsible for informing yourself of their practices.

## **SECURITY AND HOW WE HOLD YOUR PERSONAL INFORMATION**

We take reasonable steps to prevent the personal information we hold about you from misuse, interference or loss, and from unauthorised access, modification or disclosure. At all times, we endeavour to make sure that our security measures meet industry standards. These measures include access control procedures, network firewalls, encryption and physical security. However, the transmission of information across the internet is not completely secure, so we cannot guarantee the security of your personal information transmitted to our website or other online forums. Any such transmission is at your own risk.

We hold your personal information in a variety of ways, including in hard copy and electronic form. Personal information is stored with 128 bit encryption.

## **QUALITY AND ACCESS TO YOUR PERSONAL INFORMATION**

We will take reasonable steps to ensure that the personal information we hold, use and disclose is accurate, up to date and complete. However, we will not take any administrative steps to verify the accuracy or completeness of the information you provide to us at the time

of collection (for example, if you make a mistake when typing in your details or choose to use a pseudonym).

If you suspect or believe that the personal information we have is not accurate, complete or up to date, please contact us at the details below and we will respond to your request within a reasonable period. When responding, we will take reasonable steps to correct that information and to ensure that it remains accurate, complete and up to date in the future. If for some reason we are unable to correct your personal information, we will provide you with our reasons in writing and your further options for complaint. We will not ordinarily charge you for requesting the correction of your personal information.

You are entitled to access the personal information we hold about you, on request, subject to a limited number of exceptions. If for some reason we are unable to provide you with access to your personal information, we will provide you with our reasons in writing as well as your further options for complaint. If we did not collect your personal information directly from you, it will ordinarily be more practical for us to pass your access request on to the relevant third party.

You may make an access request via the contact details below and we will respond to your request within a reasonable period. Ordinarily, we will require you to attend our office to access your personal information in secure circumstances, however we will give reasonable consideration to any other access procedure you may suggest in writing where it is practicable to do so (in whole or in part). We will not ordinarily charge you for gaining access to your personal information but we may ask you to meet reasonable costs in providing you with access, for example photocopying or postage costs.

## **HOW LONG WILL WE KEEP YOUR PERSONAL INFORMATION?**

We may retain personal information after we have used the personal information for the purposes for which we collected or received it, or for any secondary purpose permitted under the Privacy Act. The duration that we keep your personal information for will be influenced by the nature of that information as determined by our back-up and archive policy. When no longer required, aqtv will use its best endeavours to ensure that all such information will be de-identified and/or destroyed in a secure manner and in a reasonable timeframe, unless aqtv is required or authorised by law to retain the personal information.

## **ADVERTISING, MARKETING AND COOKIES**

By registering for and using the Service you are agreeing to aqtv or aqtv's third parties sending advertising and direct marketing material to you through the Service, and providing associated interactive functionality, that we or any of our third parties consider may be of



interest to you. However, this is subject to our having your consent where that is required by law.

You may opt-out of the provision of some direct marketing materials by using the functional unsubscribe option or by contacting us. In other cases, it is an inherent part of the Service you are receiving and it is not operationally possible to opt-out of any advertising displayed as part of your access to the Service.

The use of cookies is extremely important to the smooth functioning of the Service. Cookies are small text files that many websites place on your computer or device. Most often, cookies are used to recognise repeat users of websites, to remember their user preferences and to customise the user experience.

We use cookies to, for example, allow you to remain permanently signed into the Service, to customise your use of the Service and to save information in forms to be filled out on the Service, for you to come back to later. Most browsers are automatically set up to accept cookies. The storage of cookies can be deactivated or the browser can be configured in such a way that it sends a notification when cookies are sent. You are always free to decline our cookies, however doing so may significantly interfere with your use of the Service.

## **YOUR USE OF THE SERVICE**

When you use the Service, including communicating in a public forum using the Service, your user ID and all or some of the material you post may be visible to other users of the Service and may be publicly available to other internet users. We therefore suggest that you use discretion and caution when posting information to the Service

The level of information you share on the public forums on the Service is only able to be controlled by you, for example only you are able to turn off or turn on location services and similar on your smartphone. We do not in any way control, and do not accept any responsibility or liability whatsoever for, the disclosure or use of personal information, including visual content (for example photographs), which is voluntarily posted by you in any publicly accessible area of the Service.

You must also ensure that information related to other persons which you may post is provided only where you have that person's informed consent.

## **CONTACT AQTIV AND ENQUIRIES REGARDING THIS PRIVACY POLICY**

If you would like to contact us, including to ask a question or make a suggestion or a complaint, we may be reached at the details below:

Address:

Privacy Compliance

aqtiv Pty Ltd - Ground Floor, 100 George St, Parramatta NSW 2150

Email contact: [hello@aqtiv.com.au](mailto:hello@aqtiv.com.au)

We aim to investigate and resolve all complaints promptly.

If you are not satisfied in the way in which we have handled a privacy matter or a complaint, you can contact the Office of the Australian Privacy Commissioner ([www.oaic.gov.au](http://www.oaic.gov.au)).

We may review, modify or amend the provisions of this Privacy Policy from time to time. Where we have already collected your personal information, we will take reasonable steps to bring any such modifications or amendments to your attention. You can obtain a copy of our current Privacy Policy on our website or by contacting us.