



## Moofish Privacy Policy Effective 1 September 2022

- 1 Moofish Pty Ltd (ABN 33 158 034 532) ("**Moofish**", "**we**" or "**us**") cares out about the privacy of its visitors and users ("**you**" or "**your**") and treats personal data provided to us with respect and integrity. Respect and integrity form part of our core values, which form the foundation for the way in which we conduct our business. We are committed to protecting your privacy and it is important that you understand how we look after your personal data.
- 2 This Privacy Policy outlines how we will use, store and share your personal data.
- 3 This Privacy Policy applies to personal data that is provided to us online through your use of our website [www.moofish.com.au](http://www.moofish.com.au) (and any associated subdomains) ("**Website**"), offline through your interactions with us or other means.
- 4 This Privacy Policy is not intended to override the terms of any contract you have with us, nor any rights you may have under other applicable data privacy laws.
- 5 Prior to visiting our Website, please read this Privacy Policy and make sure you fully understand our practices in relation to your personal information. You are protected in accordance with the *Privacy Act 1988* (Cth) ("**Privacy Act**").
- 6 By providing us with your personal information or by accessing the Website, you acknowledge that you are accepting our practices as described in this Privacy Policy. You agree with and accept the terms of this Privacy Policy.

### What information do we collect?

- 7 Whilst carrying out our business operations, Moofish will collect personal information about you.
- 8 When we refer to personal information, we mean data and information from which your identity is reasonably apparent ("**identifiable personal information**"), as well as data and information that does not or may not identify you ("**non-identifiable information**"). Personal information may include information or an opinion about you. The personal information we hold about you may also include sensitive information or credit information.
- 9 When submitting information via our Website, you may be asked to enter your name, e-mail address and/or phone number. Other kinds of personal information we may collect about you include your date of birth, home address, account details, occupation, and any other information we may need to identify you in order to do business with you.
- 10 We will only collect personal information which is reasonably necessary for, or directly related to, our functions and activities.

- 11 We will only collect sensitive information revealing your race, ethnic origin, political opinions, religious or philosophical beliefs, trade union memberships or details of health or disability if:
  - 11.1 you have given express consent to us to do so and the information is reasonably necessary for us to carry out our functions or activities;
  - 11.2 the use of this information is required or authorised under Australian law or a court or tribunal order; or
  - 11.3 the information is necessary for the establishment, exercise or defence of a legal claim.
- 12 We may collect this information when you enquire about us or require any of our services. However, if you elect to provide unsolicited sensitive information, it may be captured and stored.

### **How do we collect your personal information?**

- 13 Data and information may be collected:
  - 13.1 when you make telephone or email contact with us;
  - 13.2 when you visit our Website;
  - 13.3 when you visit our premises;
  - 13.4 if you apply for employment or other type of engagement with Moofish;
  - 13.5 if you provide your services or business services to Moofish or any related entity;
  - 13.6 if you authorise a third party to provide the information to Moofish;
  - 13.7 if you transact business with or through Moofish or any related entity; or
  - 13.8 through publicly available identifiable personal information and non-identifiable information.
- 14 We may collect information from or in relation to your mobile, computer or other device ("**Device**") when you visit the Website. The information we collect may also include (but is not limited to) your Device type and operating system, IP address, Device ID, browser type and language, geographic location when using the Website, access times, and usage information.

### **Why do we collect your information?**

- 15 Any of the information we collect from you may be used in one of the following ways:
  - 15.1 to respond to your query or application or to otherwise communicate with you;
  - 15.2 to personalise your experience (your information helps us to better respond to your individual needs);
  - 15.3 to manage, administer or run our business;
  - 15.4 to maintain and update our records;

- 15.5 to improve our Website (we continually strive to improve our Website offerings based on the information and feedback we receive from you);
  - 15.6 to improve customer service (your information helps us to more effectively respond to your customer service requests and support needs);
  - 15.7 to compile or use Website analytics or statistics, survey information, behavioural advertising information and campaign management information;
  - 15.8 for the purposes of providing the services you have requested and managing our relationship with you;
  - 15.9 for the purpose of using your services and setting up a contractual agreement with you;
  - 15.10 to carry out any investigation or in relation to any demand, court order, request, rights, property, safety claim, proceeding, insurance, law, actual or suspected illegal activity, fraud or other wrongdoing or transaction;
  - 15.11 to enforce or exercise any rights in our Terms of Use;
  - 15.12 to work with our service providers and other Moofish related companies;
  - 15.13 to comply with law or regulation;
  - 15.14 to protect our lawful interests;
  - 15.15 to facilitate purchases and potential purchases of our business; and/or
  - 15.16 to perform functions or services as otherwise described to you at the time of collection.
- 16 We may use the information collected to provide advertising on the Website or on other sites or mediums, either ourselves or through a third party.
- 17 If at any time you provide information or data of a third party to us, you warrant and represent that (i) you have already given written notice to the third party of the intention to use the information or data for the purposes and in the manner set out in the Privacy Policy from time to time, (ii) you have obtained the written consent of the third party to such use or provision of their information or data and (iii) the intended use of such information or data in accordance with such Privacy Policy is consistent with and covered by the consent of the third party.

### **How do we protect your information?**

- 18 We implement a variety of security measures to maintain the safety of your personal information when you place an order or enter, submit, or access your personal information.

### **Do we use cookies?**

- 19 When you visit the Website, we may assign to your Device one or more cookies to facilitate access to and use of the Website. A cookie is a piece of information that allows the service to identify and interact more effectively with your Device. The cookie assists

us in maintaining the continuity of your use of the Website and remembering your details and preferences for you.

- 20 Through the use of a cookie or multiple cookies, we also may automatically collect information about your activity, such as (but not limited to) the pages you visit, the time and date of your visits and the links you click.
- 21 If you choose, you should be able to configure your Device so that it disables “cookies” or does not accept them. However, by deleting or refusing to accept cookies you may frustrate or hinder your access to or use of areas of our Website.
- 22 Other technologies that may be used with the Website include web beacons (which may operate in conjunction with cookies), Flash local stored objects and JavaScript.
- 23 Our systems record a variety of information in relation to your interactions, including (without limitation) information about software versions used, Device identifiers (like IP address), location data (where available and not disabled by the user), dates, times, file metadata, referring website, data entered and user activity.
- 24 We may monitor and record your communications with us (including email and telephone) for security, dispute resolution, and training purposes.

**Do we disclose any information to outside parties?**

- 25 We may release your information when we believe release is appropriate to comply with the law, enforce our site policies, or protect ours or others rights, property, or safety. Non-identifiable personal information may be provided to other parties for marketing, advertising, or other uses.
- 26 If you access the Website from a third-party social platform, such as Facebook, Instagram, Google+ or LinkedIn, we may share non-identifiable information with that platform to the extent permitted by your agreement with that platform and its privacy settings.
- 27 We may disclose your personal information to the following parties:
  - 27.1 our external service providers, so they can provide the service we have contracted out to them;
  - 27.2 companies that provide information and infrastructure systems to us;
  - 27.3 anybody who represents you;
  - 27.4 anyone, where you have provided us consent;
  - 27.5 investors, agents, advisers, or any entity that has an interest in our business;
  - 27.6 third parties who have instructed us to provide services; or
  - 27.7 organisations that provide products or services used or marketed by us.
- 28 Prior to disclosing any of your personal information to another person or organisation, we will take all reasonable steps to satisfy ourselves that:
  - 28.1 the person or organisation has a commitment to protecting your personal information at least equal to our commitment; or

28.2 you have consented to us making the disclosure.

29 We may use cloud storage to store the personal information we hold about you. The cloud storage and the IT servers may be located outside Australia. We may disclose your personal information to overseas entities.

### **Direct marketing**

30 Moofish may, from time to time use your personal information for the primary purpose of providing you with our services. We may use your personal information to send newsletters relating to Moofish that may be of interest to you. This includes sending you information about new developments, products, services, and special offers. You authorise us to use any email address or other contact information you provide to us at any time for this purpose.

31 You agree and acknowledge that even if you opt out of receiving marketing material, we will still send you essential information that we are required to send you relating to any other business agreement (where applicable). If you do not wish to receive commercial electronic messages from us, please use the unsubscribe facility or contact our office on info@moofish.com.au.

### **Updating your personal information**

32 It is important that the personal information held by us is up to date and accurate.

33 We may ask you to notify us if any of your personal information has changed. If you wish to make any changes to your personal information, please contact us. We will generally rely on you to ensure the information we hold about you is accurate or complete.

### **Access to your personal information**

34 You may access the personal information we hold about you and to update and/or correct it, subject to certain exceptions. If you wish to access your personal information, please contact us in writing.

35 Moofish will not charge any fee for your access request but may charge an administrative fee for providing a copy of your personal information.

36 In order to protect your personal information, we may require identification from you before releasing the requested information.

### **Google Recaptcha**

37 Our site may use Google reCAPTCHA to help secure its forms from spam attacks. This means that the Google [Privacy Policy](#) and [Terms of Service](#) apply.

### **Data breaches**

38 Moofish has security measures in place to help safeguard your identifiable personal information from unauthorised access or disclosure. However, no system can be completely secure. Therefore, although we take steps to secure your information, we do not promise, nor should you expect, that your personal information will always remain secure.

- 39 We will notify the Privacy Commissioner if we reasonably believe that your personal information has been subjected to a data breach that is likely to result in serious harm to you. A data breach occurs where there is unauthorised access to or disclosure of personal information.
- 40 We will generally notify you if we reasonably believe that your personal information has been subjected to a data breach if:
- 40.1 there is a risk of serious harm to you; or
  - 40.2 Moofish is otherwise legally obligated to notify you.
- 41 We may also notify other third parties of a data breach where appropriate.
- 42 Our liability to you in respect of any security breach or accidental loss or disclosure of your information or data is hereby excluded to the maximum extent permitted by applicable law.

### **Resolving concerns**

- 43 If you have any concerns or would like to raise a complaint regarding the way your personal information is managed by us or believe that a breach of your privacy has occurred, please let us know by contacting us.
- 44 If you are dissatisfied with the response of our complaints officer, you may make a complaint to the Privacy Commissioner which can be contacted via the Office of the Australian Information Commissioner website ([www.oaic.gov.au](http://www.oaic.gov.au)) or on 1300 363 992.

### **Changes to our Privacy Policy**

- 45 We will occasionally update the Privacy Policy. When we post changes to this Privacy Policy, we will revise the "last updated" date at the top of the Privacy Policy. We recommend that you check the Website from time to time to inform yourself of any changes in the Privacy Policy or any of our other policies. Any data or information will be governed by the most current version of the Privacy Policy.

### **Contact details and additional information**

- 46 If you would like more information about our approach to privacy, or if you wish to contact us regarding the information set out in this Privacy Policy, please contact us on email: [info@moofish.com.au](mailto:info@moofish.com.au).
- 47 Whilst reasonable effort is made to regularly update the contents of this Website, Moofish does not guarantee that the material is correct and up to date, and the receiver of information should be aware that the law is liable to frequent change. Where this Website contains links to other web sites, Moofish does not accept any responsibility for the material on such sites.

### **Your consent**

- 48 By using our Website or services, you consent to our Privacy Policy.