

PRIVACY POLICY – GOTCHA! PTY LTD

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Our Privacy Policy

Gotcha! Pty Ltd ACN 113 417 860, its subsidiaries and related entities (“Gotcha”, “we”, “us” or “our”) are committed to respecting your privacy and to keeping your personal information safe.

This Privacy Policy sets out how we collect and manage your personal information and how we fulfil our commitment to you.

1. We are committed to ensuring that:
2. all personal information is collected, disclosed, used and stored in accordance with the Privacy Act 1988 (Cth) and the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth) (“Privacy Legislation”);
3. we comply with the Australian Privacy Principles (“APPs”); and

About this Privacy Policy

This Privacy Policy applies to our customers, guests, visitors, subscribers to any of our services, purchasers of our services and products and any individual who interacts with us.

This document is an overview of our privacy policies. If you require further information, please contact us or read any of the privacy statements.

You must read this Privacy Policy before providing us with any personal information.

By providing us with your personal information, you are confirming your agreement to the policies and procedures described in this Privacy Policy.

What information we collect?

There is no obligation for you to provide us with any personal information.

If you do choose to provide us with personal information, we will only collect information which is necessary for our relationship with you including being able to identify you, establish your requirements, provide our products or services and/or to carry out our business functions or activities.

We may collect personal information about you used for (but may not be limited to):

1. identification - including your name, gender, date of birth and Internet Protocol (IP) address;
2. contacting you - including your address, phone number, facsimile number, email address, place and type of business;
3. confirming your identity - including your driver's licence number, passport details, business name, Medicare number;
4. financial purposes - including bank account and credit card details; and
5. your dealings with Gotcha!, our related entities and clients.

The information that we collect will depend on the specific service or services that we are providing to you.

Where it is necessary to do so, and in full compliance with the requirements under the Privacy Legislation, we may collect sensitive information about you such as information as to your health, racial or ethnic background, religion, political views, criminal records and sexual preferences. Sensitive information will only be collected with your consent, except where we are required or permitted by lawful authority to collect sensitive information without consent.

If you do not wish to provide your personal information, or if you provide inaccurate information, it may impact on the services that we are able to provide to you.

Why do we collect personal information?

We collect, hold, use and disclose your personal information in relating to, among other things, providing services to you and for contacting you in relation to our services.

Our main service includes the provision of photography goods and services.

We may also use your personal information for other purposes, including (but not limited to):

1. marketing;
2. preventing fraud and criminal activities;
3. accounting and record keeping;
4. research and statistical analysis; and
5. compliance with legal obligations.

How do we collect information?

We collect personal information from you in a variety of ways, including:

1. directly from you, such as in person, over the phone or fax;
2. electronically, when you access or interact with our websites;
3. by applications for products or services;
4. applications for employment with us;
5. from publically available sources, such as the electoral role, telephone directory or from other websites; and
6. from other sources.

Website cookies

A cookie is a text-only string of information that a website transfers to the cookie file of the browser on your computer's hard disk so that the website can remember who you are. Cookies will typically contain the name of the domain from which the cookie has come, the "lifetime" of the cookie, and a value, usually a randomly generated unique number.

Our websites may use cookies to assist us with providing you with information and services specific to your needs. A cookie is a data record collected by a website which may record information such as the type of browser and operating system you use, your IP address, information about other sites you have visited and information you have downloaded. The information gathered through cookie data may be used to tailor services or products specifically for you or may be used in statistical analysis in order to assist us with improving our services.

Two types of cookies are used on this web site - session cookies, which are temporary cookies that remain in the cookie file of your browser until you leave the site, and persistent cookies, which remain in the cookie file of your browser for much longer (though how long will depend on the lifetime of the specific cookie).

By using our website with your browser settings adjusted to accept all cookies, we will take this to mean that you want to use our products and services, and that you consent to our use of cookies and other technologies as described in this Policy.

All cookie data used in statistical analysis is de-identified and is kept strictly confidential.

Browser settings: Most browsers have options that allow the visitor to control whether the browser will accept cookies, reject cookies, or notify the visitor each time a cookie is sent. You may elect to reject cookies by adjusting your browser's settings, but doing so will limit the range of features available to the visitor on our site and most other major websites that use cookies.

We use the following types of cookies on our website:

Category 1: Strictly Necessary Cookies

These cookies are essential in order to enable you to move around the website and use its features, such as accessing secure areas of the website. Without these cookies certain services you have asked for cannot be provided.

Category 2: Analytical / Performance Cookies

These cookies collect information about how visitors use a website, for instance which pages visitors go to most often, and if they get error messages from web pages. These cookies don't collect information that identifies a visitor. All information these cookies collect is aggregated and therefore anonymous. It is only used to improve how a website works.

Category 3: Functionality Cookies

These cookies are used to recognise you when you return to our website. This enables us to personalise our content for you, greet you by name and remember your preferences (for example, your choice of language or region).

By using our website, you agree that we can place these types of cookies on your device.

Further information

To find out more information about cookies, please visit www.allaboutcookies.org.

Unsolicited information

Unsolicited information will be handled in the same way as other personal information set out in this Privacy Policy and in accordance with the law. If the information is not needed or is information that Gotcha! would not have otherwise collected, Gotcha! will be destroy or de-identify the information as soon as is practicable and where we are permitted to do so by law or consent.

Personal information about others

If you provide personal information to us about another person, you do so on the basis that you are authorised to provide that information and that the you have, or will, direct that person to this Privacy Policy.

We will take reasonable steps to notify the individual that:

1. Gotcha! collects, or has collected, the information;
2. the circumstances of that collection;
3. whether the collection is required or authorised by or under an Australian law or a court/tribunal order;
4. the purposes for which the Gotcha! collects the personal information;
5. the main consequences (if any) for the individual if all or some of the personal information is not collected;
6. details including type, of any other entity, body or person, to which Gotcha! usually discloses personal information of the kind collected;
7. that this Privacy Policy contains information about how the individual may access and/or correct the personal information;
8. that this Privacy Policy contains information about how the individual may make a complaint and how such complaints are dealt with; and
9. if Gotcha! is likely to disclose the personal information to overseas recipients.

Remaining anonymous or using a pseudonym

You may remain anonymous or use a pseudonym when interacting with us. Wherever it is practicable, we will provide you with the option not to identify yourself when dealing with us.

If you remain anonymous or use a pseudonym, we may not be able to provide information, goods or services.

How do we use, disclose and share your personal information?

We may use or disclose your personal information for the primary purpose for which it was collected, or for any secondary purpose where you would reasonably expect us to use or disclose your personal information or where you have provided your express or implied consent.

We collect your information for the primary purpose of:

1. considering your request for products or services;
2. providing you with products or a services; and
3. complying with our legal and regulatory obligations.

We may need to share your information with our subsidiaries, related entities and our third party providers, including service providers. Generally these parties including (but are not limited to):

- a. insurance brokers;
- b. banks;
- c. legal providers;
- d. data storage services;
- e. email filtering; and
- f. virus scanning and other technology services providers.

By providing your personal information to us, you consent to the use of your information for the purposes noted above.

Marketing

By providing your personal information to us, you consent to your personal information being shared with our subsidiaries, related entities, third party providers and business partners for marketing and related purposes including (but not limited to) notifying you of:

1. our new products and services; and
2. the products and services offered by our subsidiaries, related entities and our third party providers.

We may conduct these marketing activities via in person, mail, email, telephone, SMS, social media, or any other electronic means.

We will always provide an opt-out option for you so you can stop receiving our marketing material. You may also let us know at any time if you do not wish to receive marketing material from us by:

Telephoning: (07) 5564 6666

Writing to us at: Po Box 2900 Nerang QLD 4211

Email: customercare@gotcha.net.au

We will process your request as soon as practicable.

Other than the above, we will not disclose your personal information without your consent unless disclosure is either necessary to prevent a threat to life or health, authorised or required by law, reasonably necessary to enforce the law or necessary to investigate a suspected unlawful activity.

How do we store and secure your personal information?

We take all reasonable precautions to ensure that your personal information is stored safely and protected against misuse, interference, loss, unauthorised access or modification.

Our security precautions which ensure that your personal information is kept secure includes (among other things) physical security systems such as secure premises and locking systems and computer / network security systems such as encryption, auditing and monitoring.

We, our subsidiaries, related entities, third party providers and business partners take all necessary steps to destroy or permanently de-identify personal information no longer required or instructed to be destroyed or de-identified.

While all care is taken to protect and secure your personal information, it is not ensured, guaranteed or warranted. Accordingly, except to the extent liability cannot be excluded due to the operation of statute, Gotcha!, our subsidiaries, related entities, third party providers and business partners exclude all liability (including in negligence) for the consequences of any misuse, interference, loss, unauthorised access or modification to your personal information.

Please notify us immediately if you become aware of any breach of security by:

Telephoning: (07) 5564 6666

Writing to us at: Po Box 2900 Nerang QLD 4211

Email: customercare@gotcha.net.au

How do we maintain your personal information?

All care is taken to ensure that all information that we collect is accurate, complete and up-to-date. We will take all reasonable steps to correct information which is inaccurate, incomplete, not up-to-date, irrelevant or misleading.

Please ensure that you provide us with correct information at the time you provide it to us and that you inform us of any changes in your details as soon as practicable. You can update your personal information by:

Telephoning: (07) 5564 6666

Writing to us at: Po Box 2900 Nerang QLD 4211

Email: customercare@gotcha.net.au

We will respond to any requests regarding the correction of your personal information within a reasonable period of time after the request is made. We will not charge or otherwise pass on any costs to you to update or correct your personal information. If we refuse or are otherwise unable to update your information, we will provide you with a written notice confirming:

1. the reason for such refusal; and
2. the procedure to complain about the refusal.

All care is taken to ensure that all information that we provide to other entities is accurate, complete and up-to-date. If any information has been updated or corrected since it was last disclosed to another entity, then you may request that we notify that other entity of the correction unless it is impracticable or unlawful.

How can you access your personal information?

Access to your personal information is provided in accordance with the Privacy Legislation, the common law and other legislative requirements including those provided in the Freedom of Information Act (1982).

You can access your personal information by contacting us by:

Telephoning: (07) 5564 6666

Writing to us at: Po Box 2900 Nerang QLD 4211

Email: customercare@gotcha.net.au

A request for personal information will require confirmation of your identity.

We will process your request as soon as practicable.

We may charge a reasonable administration fee for processing your request.

If we refuse or are otherwise unable to provide access to your personal information, we will take such steps (if any) as are reasonable in the circumstances to give access in a way that meets the needs of Gotcha! and the individual and will provide you with a written notice confirming:

3. the reason for such refusal; and
4. the procedure to complain about the refusal.

Circumstances where we would be unable to provide access to your information may include (but are not limited to):

- a. when the provision of information would pose a threat to the life, health or safety of another person;
- b. where such access would unreasonably impact on the privacy of others;
- c. where the request for access is frivolous or vexatious; or
- d. giving access would be unlawful

Will we disclose your personal information to anyone overseas?

Your personal information may be transferred, held, maintained and otherwise dealt with by third parties overseas. The most common example of this occurs when information is stored in a cloud, database or server which is hosted outside of Australia.

We take reasonable steps to satisfy our overseas disclosure obligations including:

1. APP 8.1 - which requires that we take reasonable steps to ensure that any overseas recipient of personal information does not breach the APPs; and
2. APP 6 - which requires that we only disclose your personal information to an overseas recipient for the primary purpose for which that personal information was collected (unless exempt).

The countries where your personal information may be transferred, held, maintained and otherwise dealt likely include New Zealand, United Kingdom, United States of America and Singapore.

Your rights

You have the right to ask us not to process your personal data for marketing purposes. We will usually inform you (before collecting your data) if we intend to use your data for such purposes or if we intend to disclose your information to any third party for such purposes. You can also exercise the right at any time by contacting us at Po Box 2900 Nerang QLD 4211 or by email at customercare@gotcha.net.au

Before we disclose personal information about you to a third party, we will take steps as are reasonable in the circumstances to ensure that you are aware that we have collected the information and the purpose of collection the third party does not breach the APPs in relation to the information.

If you wish to make a complaint in relation to the collection and use of your personal information or any effects to your rights with respect to your personal information, or place a request to amend information held about you please follow the link outlined under the 'How to make a complaint about our privacy procedures' heading of this Privacy Policy.

Links to other websites

If our websites have any links to other websites not owned or controlled by us, you visit such websites at your own risk. We are not responsible for the content, security or privacy policies of such sites.

How to make a complaint about our privacy procedures?

We take complaints very seriously and will investigate and respond as soon as we can. You may make a complaint by contacting our privacy officer by:

Telephoning: (07) 5564 6666

Writing to us at: Po Box 2900 Nerang QLD 4211

Email: customercare@gotcha.net.au

We will do our best to remedy your concerns as soon as possible and aim to resolve all issues within 30 days of receiving a complaint. If the complaint cannot be resolved within 30 days, we will contact you within this period and will advise when the complaint will likely be resolved

If you are not satisfied with how we resolve your complaint, you may approach an external dispute resolution service or apply to the Office of the Australian Information Commissioner ("OAIC") to have the complaint heard and determined.

If you require further information, please visit the Federal Privacy Commissioner's website at www.privacy.gov.au.

External Links

Please note that our website contains certain literature and hyperlinks to websites owned by third parties. This privacy statement covers websites owned and controlled by us only. Links to other websites and any information collected by these sites are not covered by this privacy statement.

Changes to this Privacy Policy

This policy is constantly being reviewed and revised to ensure compliance with all legislative requirements.

Accordingly, we reserve the right to change our Privacy Policy at any time.

Revised versions of this policy will be made publically available and will be uploaded onto our websites.

How can you contact us?

If you have any questions, comments or wish to discuss this Privacy Policy or any aspect of our privacy procedures, please contact us by:

Telephoning: (07) 5564 6666

Writing to us at: Po Box 2900 Nerang QLD 4211

Email: customercare@gotcha.net.au

You may remain anonymous or use a pseudonym when contacting us.

Important note

Where the Privacy Legislation requires it, the Privacy Legislation will take priority over this Privacy Policy to the extent of any inconsistency.