

ENCOMPAAS SOFTWARE PTY LTD PRIVACY POLICY

Effective as of 7 March 2019

This policy ('**Privacy Policy**') explains how **EncompaaS Software Pty Ltd (ACN 628 933 371) ('EncompaaS')** seeks to protect the Personal Information of individuals. EncompaaS is committed to protecting the safety and security of the personal information of individuals whose information EncompaaS has access to including the customers and employees of prospective and current EncompaaS clients, and other persons with whom EncompaaS interacts (each a '**User**' or '**you**').

The Privacy Policy has been developed in accordance with the *Privacy Act 1988 (Cth)* ('**Act**') and the European Union General Data Protection Regulation (Regulation 2016/679) ('**GDPR**').

Under the Act, "**Personal Information**" is defined as: "*Information or an opinion about an identified individual, or an individual who is reasonably identifiable:*

(a) whether the information or opinion is true or not; and

(b) whether the information or opinion is recorded in a material form or not."

With respect only to residents of the European Union, Schedule 1 of this Privacy Policy provides additional terms for the protection of "Personal Data" under the GDPR. Personal Data should be considered fundamentally interchangeable with the Australian expression "**Personal Information**" for the purposes of this Privacy Policy.

Please read this Privacy Policy carefully in order to understand how your Personal Information is collected, held, used, or otherwise processed by us.

EncompaaS reserves the right to make changes or updates to this Privacy Policy from time to time. If this happens we will update this Privacy Policy and notify you of any changes, most likely via email. However, you should also periodically check this Privacy Policy for any updates.

1. ABOUT ENCOMPAAS

EncompaaS is a developer and provider of cloud-based, enterprise level services for data compliance and information governance across regulated industries ('**Services**').

EncompaaS provides its' Services through developing and licencing information governance and compliance "Software as a Service" ('**SaaS**') offerings, through cloud-based platforms (together, '**EncompaaS Platforms**').

In making the EncompaaS Platforms available, we are sensitive to Users' concerns about the safety of their Personal Information.

In essence, EncompaaS will typically only:

- collect, use or share your Personal Information with your consent (unless it is not reasonable in the circumstances to obtain your consent and it is legally permissible for us to do so) or when required by a legal obligation; and
- interact with your Personal Information in order to: (a) provide the EncompaaS Platforms and operate our business generally, and (b) help us improve and develop the EncompaaS Platforms.

EncompaaS has developed our privacy framework to assist Users, and to comply with privacy legislation and regulations applicable to us and our management of your Personal Information.

2. HOW ENCOMPAAS COLLECTS YOUR PERSONAL INFORMATION

EncompaaS collects Personal Information in one of three main ways:

- (a) **Directly from Users**, when they interact with EncompaaS or the EncompaaS Platforms (e.g. enquire about the EncompaaS Platforms);
- (b) **Passively from Users**, when they interact with the EncompaaS Platforms (e.g. through recording technical data generated while Users use EncompaaS Platforms); and
- (c) **From third-parties** in certain, specific circumstances (e.g. if Personal Information about an individual is provided to EncompaaS in the process of developing a platform for one of our clients).

The specifics of Personal Information collected in each situation is discussed further below.

3. WHEN ENCOMPAAS COLLECTS INFORMATION FROM USERS AND WHAT WE COLLECT

(a) Personal Information collected directly

When a User **makes an enquiry or sends us an expression of interest** on our website or other elements of the EncompaaS Platforms following types of Personal Information directly and consensually:

- **Basic contact information**, including your name, email, phone number, organisation and role;
- **Enquiry information**, such as the details of indications of interest in having an EncompaaS Platform developed or licenced, or other information provided by in an enquiry;
- Any **content that you post and submit to EncompaaS Platforms** and our **social media pages**, which **includes any content from third-party platforms**.

If a **User is appointed as their organisation's point of contact with EncompaaS**, we may collect **basic contact information** (including a User's name, email, phone number and role):

If you access EncompaaS Platforms on behalf of a corporate entity, or through a **third-party service or platform** (e.g. LinkedIn), we will collect **information that is made available to EncompaaS** by those services or platforms. You can generally control the information we receive from these sources by using the privacy settings on the third-party services or platforms.

When Users order Services (e.g. in respect of a EncompaaS Platform that has been commissioned), we may directly and consensually collect the Personal Information outlined in the relevant correspondence or form. Ordinarily this will include **basic contact information** required for our record keeping purposes.

When Users respond to a **survey** we may directly and consensually collect the Personal Information disclaimed and explained on the survey form.

When Users provide EncompaaS with **unsolicited feedback** or otherwise interact with EncompaaS on their own accord we may collect any contact information provided (including Personal Information), as well as any feedback.

When Users make an **application for employment at EncompaaS**, we may collect any Personal Information provided within that application, such as the contents of a personal statement made in support of an application.

(b) Personal Information collected passively

As Users **come into contact with**, or otherwise **interact with EncompaaS Platforms or EncompaaS' advertisements**, we may collect the following types of Personal Information about their experience::

- **Content that is posted and submitted**, including posts on our social media accounts or in discussion threads, as well as similar **content that is posted about Users by others**;
- If a User's organisation has requested specific user accounts to be generated for their employees over an EncompaaS Platform, we may collect **background account information** about those individuals (e.g. notification and other account settings).
- The following types of **browser, system and device information** regarding EncompaaS' and other devices Users use to access EncompaaS Platforms:
 - **Locational information**, such as in the form of the IP address from which EncompaaS Platforms are accessed, particularly when accessing the internal;
 - **Web data tracking information**, such as data from cookies stored on Users' devices, including cookie IDs and settings, as well as logs of your usage of EncompaaS Platforms;
 - **Device information** provided by devices Users link to EncompaaS Platforms (e.g. device information from a smartphone) which at times might result in us collecting other secondary information about Users; and
 - **System usage information**, including logs of a User's access and use of the EncompaaS Platform.

(c) Personal Information collected from third-parties

In certain specific situations, EncompaaS will collect Personal Information about Users from third-parties. The types of Personal Information collected include:

- **Publicly available basic contact and biographical information** (e.g. details available on LinkedIn, or any other biographical, display picture or other information);
- **Third-party account information** made available to us if Users link their EncompaaS Platform account or usage to third-party services or platforms; and
- **Web data tracking information** that fit certain parameters of who we think could become EncompaaS clients (e.g. heat maps developed through Google Analytics which track patterns of user interactions with our web pages).

EncompaaS may also collect Personal Information through **pseudoanonymised data sets acquired from clients or other third parties**. These data sets might contain Personal Information that is not immediately attributable to identifiable individuals, but might come to constitute Personal Information when combined with other information available to EncompaaS.

4. WHY ENCOMPAAS COLLECTS YOUR PERSONAL INFORMATION AND WHAT WE USE IT FOR

Although EncompaaS collects Personal Information from Users in a number of circumstances, EncompaaS will only collect this information in order to provide and develop the EncompaaS Platforms and Services. Here are the main ways we use Personal Information to achieve these objectives:

Communicating with Users

EncompaaS will use **basic contact, enquiry and feedback** in order to communicate with individuals about their enquiries or feedback, interest in EncompaaS Platforms or Services, and for other administrative purposes related to the specific reason for which the Personal Information was collected.

If Users have consented, EncompaaS will also use these types of Personal Information to share relevant news and updates about EncompaaS and the EncompaaS Platforms.

Administration and delivery of EncompaaS Platforms

EncompaaS will use **basic contact information** and other **organisational information** (e.g. provided about a User by their organisation) to engage with Users effectively and efficiently in providing the Services, and EncompaaS Platforms. EncompaaS will also use these types of information for administrative purposes (e.g. resetting account information or permissions as applicable).

Ensuring User safety

EncompaaS will use any type of information collected to prevent and address risks to all Users (e.g. EncompaaS will use information to investigate suspicious or threatening).

Research and development

EncompaaS will use the following types of information to develop, test and improve the EncompaaS Platforms and Services:

- **Survey and feedback information**, as well as any **content that is submitted**;
- **Basic account preferences**;
- **Background account, browser, system and device information**; and
- **Third-party account or web tracking information**.

Together these types of Personal Information are used to provide us with an overview of how the EncompaaS Platforms are being used, any shortcomings the EncompaaS Platforms or Services may have, and subsequently to highlight what will be the best means of improving experiences for all Users.

EncompaaS' preference will be to de-identify these types information first, and then use it for this purpose in conjunction with **de-identified browser and device information** (see section 6 below for an explanation of what we mean by "de-identified").

Marketing

Where Users have consented, or subject to law, EncompaaS will use **basic contact, enquiry and organisational information** to provide Users with relevant marketing materials and offers. Users can always opt out of this through the functionality provided in each marketing communication (e.g. by clicking "unsubscribe" at the bottom of an email).

5. ENCOMPAAS' DISCLOSURE OF PERSONAL INFORMATION

Generally, EncompaaS does not disclose Personal Information to any third-parties except:

- **Service providers EncompaaS engages to help us provide and develop the EncompaaS Platforms** (e.g. cloud service providers);
- In some specific circumstances, **Users' employers** (e.g. the organisation of an individual User); and
- **Law enforcement agencies, or another party that has a legitimate legal right to access the information.**

The above disclosures will only be made in circumstances where the recipient has provided an undertaking that they will maintain the confidentiality of the information and that they recognise the appropriate limitations placed on the use of the information. Disclosures will also always be in accordance with this Privacy Policy. In the case of Users' organisations, EncompaaS will seek the explicit consent of the User before disclosing their information.

Overseas Disclosure

Some of the third-parties EncompaaS discloses Personal Information to are located overseas. This is particularly the case for our cloud service providers which have servers in the United States and the United Kingdom that EncompaaS currently uses.

Sometimes, subject to relevant law, we may also disclose Users' Personal Information to agents of Users, or their organisations, that are overseas.

As with disclosures to third-party service providers, overseas disclosures are always made once EncompaaS has taken all reasonable steps to determine the information will be treated as at least as favourably under the Act and other applicable privacy laws.

6. ENCOMPAAS' TREATMENT AND STORAGE OF INFORMATION

EncompaaS' general approach

EncompaaS will keep your Personal Information confidential and not sell or knowingly divulge User information to any external third-parties, unless:

- We believe, in good faith, that we are required to share the Personal Information with a third party in order to comply with legitimate legal obligations;
- The disclosure is to a third-party processor of Personal Information that acts on our behalf and/or under our instruction in order to enable us to deliver the EncompaaS Platforms (e.g. a cloud service provider);
- Other entities which may acquire ownership or operation of EncompaaS or the EncompaaS Platforms; and/or
- To protect the safety of Users, and the security our EncompaaS Platforms.

EncompaaS seeks the informed and voluntary consent of individuals whenever it collects their information, or as soon as possible after.

Users can always refuse or revoke this consent, but sometimes this will affect EncompaaS' ability to provide them with the EncompaaS Platforms. EncompaaS will advise Users if this is the case.

De-identification

De-identified information refers to information that cannot reasonably be used to identify a particular individual.

De-identified information that will never be able to personally identify particular individuals is referred to as **anonymised information** (e.g. statistics that show 90% of Users were happy with an EncompaaS Platform). Additionally, de-identified information that can identify individuals only if it is combined with another, separate piece of information is referred to as **pseudonymised information** (e.g. account ID numbers for a particular EncompaaS Platform).

Where possible EncompaaS will aim to collect, store and use **anonymised information** as a first preference, and if not, then **pseudonymised information**.

However, sometimes it will be impractical for User information to be de-identified or treated in this way, and in this case, EncompaaS will continue to use and hold the information in a personally identifiable state. For example, if EncompaaS needs to reply to a User enquiry we will have to use the contact information provided.

Security

EncompaaS is committed to information security. We will use all reasonable endeavours to keep the Personal Information we collect, hold and use in a secure environment. To this end we have implemented technical, organisational and physical security measures that are designed to protect Personal Information, and to respond appropriately if it is ever breached (e.g. EncompaaS has developed an extensive Data Breach Response Plan which we use to prepare and respond to data breaches).

When information collected or used by EncompaaS is stored on third-party service providers (e.g. Azure or Hewlett Packard cloud servers), EncompaaS takes reasonable steps to ensure these third-parties use industry standard security measures that meet the level of information security EncompaaS owes Users.

As part of our privacy framework we endeavour to routinely review these security procedures and consider the appropriateness of new technologies and methods.

Data Breaches

In the circumstances where EncompaaS suffers a data breach that contains Personal Information, we will execute our Data Breach Response Plan and endeavour to take all necessary steps to comply with the **Notifiable Data Breach Scheme** outlined under the Act.

This means we will immediately make an objective assessment of whether a breach of Personal Information is likely to result in serious harm to individuals, and if this is the case, endeavour to notify the affected individual(s) and the **Australian Information Commissioner**.

7. ENCOMPAAS' RETENTION OF INFORMATION

EncompaaS retains Personal Information until it is no longer needed to provide or develop the EncompaaS Platforms, or until the individual who the Personal Information concerns asks us to delete it, whichever comes first. It may take up to 30 days to delete Personal Information from our systems following a valid request for deletion.

However, EncompaaS will retain:

- **Personal Information** in circumstances **where we have legal and regulatory obligations** to do so (e.g. for law enforcement purposes, employment law, corporate or tax record keeping, and where the information is relevant to legitimate legal proceedings, or in keeping with its' requirements under other Australian record keeping legislation); and
- **anonymised information** for analytic and service development purposes.

The information we retain will be handled in accordance with this Privacy Policy.

8. SPECIFIC RIGHTS OF EUROPEAN RESIDENTS

Users who are habitually located in the European Union (**'EU Residents'**) have additional rights in respect of their **Personal Data** (a term that is fundamentally interchangeable with Personal Information).

Users who are EU Residents should refer to [Schedule 1](#) for more information regarding how EncompaaS' privacy practices in relation to their Personal Data, including more appropriate contact details in respect of all EU-privacy related matters.

9. MANAGING PERSONAL INFORMATION YOUR INFORMATION

Accessing and ensuring the accuracy of Personal Information

EncompaaS takes reasonable steps to ensure that the Personal Information we collect and hold is accurate, up to date and complete.

Users have a right to access and request the correction of any of Personal Information we hold about them at any time. Any such requests should be made by directly contacting us at the details set out below. EncompaaS will grant access to the extent required or authorised by the Act and applicable laws, and will take all reasonable steps to correct the relevant Personal Information where appropriate.

There may be circumstances in which EncompaaS cannot provide Users with access to information. We will advise you of these reasons if this is the case.

Contacting EncompaaS

EncompaaS has appointed a Privacy Officer to be the first point of contact for all privacy related matters and to assist in ensuring our compliance with our privacy obligations.

Privacy Officer

Privacy Officer: Cassandra Bisset
Email: Cassandra.Bisset@encompaas.cloud

If you have any queries or wish to make a complaint about a breach of this policy or the Act, you can contact or lodge a complaint to our Privacy Officer using the contact details above. You will need to provide sufficient details regarding your complaint as well as any supporting evidence and/or information.

The Privacy Officer will respond to your query or complaint as quickly as possible. EncompaaS will contact you if we require any additional information from you and will notify you in writing (which includes electronic communication via email) of the relevant determination. If you are not satisfied with the determination you can contact us to discuss your concerns or complain to the **Australian Privacy Commissioner** via www.oaic.gov.au.

This Privacy Policy was last updated on 7 March 2019.

SCHEDULE 1

SPECIFIC RIGHTS OF EUROPEAN RESIDENTS

EncompaaS is committed to ensuring its compliance with the European Union General Data Protection Regulation ('GDPR').

Although our Privacy Policy explains how EncompaaS meets all of its obligations for Australian Users, EncompaaS also has some Users who are habitually located in the European Union ('EU Residents') that have additional rights in respect of their **Personal Data**.

Personal Data is defined as: "*Any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier*". This should be considered fundamentally interchangeable with the Australian expression "**Personal Information**" for the purposes of this Privacy Policy.

To the extent to EncompaaS is primarily a "controller" or "processor" of Personal Data as part of its' GDPR compliance, EncompaaS provides the EncompaaS Platforms in a way that ensures:

- **Personal Data** (i.e. Personal Information) is:
 - processed fairly, lawfully and in a transparent manner; and
 - collected and processed only for specified and lawful purposes.

(NB see sections 2 - 5 of this Privacy Policy).

- **Processed Personal Data** (i.e. Personal Information that is used, held or disclosed by EncompaaS) is:
 - adequate, relevant and not excessive;
 - accurate and, where necessary, kept up to date;
 - kept secure, and not longer than necessary;
 - not transferred to countries outside the European Union without adequate protection; and
 - treated in accordance with individuals' legal rights.

Whilst EncompaaS strives to provide all Users with appropriate access and control over their data, **individuals covered by the GDPR are also able to:**

- Prescriptively **restrict, limit or otherwise provide instructions** to EncompaaS regarding how we can use their Personal Data. This includes being able to **object** to how and why their Personal Data is used (e.g. by the removal of their consent for particular functions);
- **Verbally request the erasure** (i.e. deletion) of their information; and
- Request **EncompaaS provides all Personal Data** held about them in a **portable format**, meaning in a way that is structured, commonly used and machine-readable. Users who exercise this **right to data portability** are also able to direct EncompaaS to transmit this data to other entities who they intend to allow to process their Personal Data.

EncompaaS will allow and assist Users that are EU Residents to exercise these rights, unless we have compelling and legitimate legal grounds not to (e.g. a legal obligation under Australian legislation, or if the Personal Data has been fully anonymised).

If you are a User who is also a EU Resident the most appropriate contact for any privacy queries, complaints or suggestions is our EU Privacy Representative through the details provided below. If you are submitting a complaint you will need to provide sufficient details regarding your complaint, as well as any supporting evidence and/or information.

Our EU Privacy Representative or Privacy Officer will respond to your query or complaint as quickly as possible. EncompaaS will contact you if we require any additional information from you and will notify you in writing (which includes electronic communication via email) of the relevant determination.

EU Privacy Representative: Ian Jones
Email: ian.jones@encompaaS.cloud