

# Privacy Policy

Updated 9 February 2019

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## 1. Background

### 1.1 General

FitPotato Ventures Pty Ltd ACN 166 993 068 (**FitPotato, we, us, our**) is committed to protecting your personal information, in accordance with the *Spam Act*, the *Do Not Call Register Act*, the Australian Privacy Principles in the *Privacy Act* and applicable health privacy laws.

This Policy explains how we collect, use, disclose and otherwise handle personal information. By 'personal information' we mean information or an opinion, whether true or not and whether recorded in a material form or not, about an individual who is identified or reasonably identifiable (for example, your name, email address and phone number).

A copy of this Privacy Policy is available on our website at [www.fitpotato.com.au](http://www.fitpotato.com.au) (**Site**), or you can request a copy by contacting us (details under heading 10 below).

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## 2. What we collect

### 2.1 General

The type of personal information that we collect about you depends on the dealings you have with us. For example, if you:

- **create an online account with us** (which you must do in order to organise a participate in a fitness commitment using the FitPotato mobile application (**App**)), we will collect your name, date of birth, gender email address and password, and we may collect your phone number and address
- **make an online payment**, we will use your online account information and collect details of your fitness commitments, your billing address, phone number, bank details, payment information and credit voucher details (if applicable)
- **sign up for our newsletter**, we will collect your email address, name, date of birth and gender
- **enter an FitPotato competition or promotion**, we will collect your name, contact details and any other information you provide when submitting your entry
- **work for a supplier**, we may collect details such as your name, job title, address, telephone number and email address
- **send us an enquiry or provide us with feedback**, we may collect your name, contact details, details of your enquiry or feedback and information about our response
- **apply for a job with us**, we will collect the information you include in your job application, including your cover letter, resume, contact details and referee details

### 2.2 Sensitive information

We only collect sensitive information (such as health information) where it is reasonably necessary for our functions or activities, including facilitating commitments, and either you have consented, or we are required or authorised by law to do so.

Examples of the sensitive information we may collect from you include medical certificates or evidence of family death, car accidents or being the victim of a crime. These types of sensitive information will be collected from you on request to determine whether to forgive a failure to achieve your commitment. You are not obliged to provide this information following our request, but failure to provide it will mean that we may not be able to decide if a failure to achieve a commitment was for a genuine reason. If you do provide such information to us following our request, you will be taken to have consented to us collecting this sensitive information.

## **2.3 Collection of information other than personal information through our website**

When you visit the Site or use or access our App, some of the information that is collected about your visit is not personal information, as it does not reveal your identity.

### ***Visit information***

For example, we record your IP address, the date and time of your visit, the pages you visited, any documents you downloaded, the previous site you visited and the type of device, browser and operating system you used. We may also collect general analytics data about your usage of the app, including actions performed in-App and to allow us to link any in-App actions to ad campaigns. If you have provided explicit consent and opted-in to allow us to do so, we may also record in-App usage including screens visited and actions performed on each screen.

We use and disclose this information in anonymous, aggregated form only, for purposes including statistical analysis and to help us identify the most effective areas of the Site or the App and improve the less popular ones. You are not individually identified, however we reserve the right to use or disclose this information to try to locate an individual where we reasonably believe that the individual may have engaged in any unlawful or inappropriate activity in connection with the Site or the App, or where we are otherwise required or authorised by law to do so.

### ***Cookies***

A cookie is a small string of information that a website transfers to your browser for identification purposes. The cookies we use identify individual users.

We use cookies to hold session information. This information is used to personalise your current visit to the Site, for example to allow the Site to remember who you are.

Most internet browsers are set to accept cookies. If you prefer not to receive them, you can adjust your internet browser to reject cookies, or to notify you when they are being used. There are also software products available that can manage cookies for you. Rejecting cookies can, however, limit the functionality of our website.

FitPotato may use retargeting cookies and other methods which enable online behavioural advertising. Online behavioural advertising tries to match the ads you see while browsing online with your interests.

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## **3. How we collect personal information**

### **3.1 Methods of collection**

We collect personal information in a number of ways, including:

- in person (for example, if you make an in-store purchase)
- through the Site or the App (for example, if you sign up for our newsletter, create an online account or order items online)
- through our social media pages
- over the telephone
- through written correspondence (such as letters, faxes and emails)

- on hard copy forms (for example, competition entry forms)

### **3.2 Collection notices**

Where we collect personal information about you, we will take reasonable steps to provide you with certain details about that collection (such as why we are collecting the information and who we may share it with). We will generally include this information in a collection notice.

Collection notices provide more specific information than this Privacy Policy. The terms of this Privacy Policy are subject to any specific provisions contained in collection notices and in the terms and conditions of particular offers, products and services. We encourage you to read those provisions carefully.

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## **4. Why we collect personal information**

### **4.1 General**

The main purposes for which we collect, hold, use and disclose personal information are to:

- process and give effect to transactions for products or services,
- operate our loyalty program
- promote ourselves and our products and services, including through direct marketing, events, competitions and social media (see under heading 4.2 below)
- procure products and services for our business
- perform research and statistical analysis, including for marketing, customer satisfaction, product development and service improvement purposes
- protect the security of our offices, staff, customers and merchandise (including fraud and loss prevention)
- answer queries and resolve complaints
- recruit staff and contractors

We may also collect, hold, use and disclose personal information for other purposes explained at the time of collection, or which are required or authorised by or under law, or for which you have provided your consent.

### **4.2 Direct marketing and opting out**

We may use your personal information to let you know about us and our products and services (including promotions, special offers and events), either where we have your express or implied consent, or where we are otherwise permitted by law to do so. We may contact you for these purposes in a variety of ways, including by mail, email, SMS, MMS telephone, social media, online advertising or facsimile.

#### ***Opting out***

Where you have consented to receiving marketing communications from us, your consent will remain current until you advise us otherwise. However, you can opt out at any time, by:

- contacting us (details under heading 10 below)
- advising us if you receive a marketing call that you no longer wish to receive these calls
- using the unsubscribe facility that we include in our electronic messages (such as emails, SMSes and MMSes)

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## 5. Who we may share your personal information with

We may share your personal information with third parties where appropriate for the purposes set out under heading 4, including:

- financial institutions and software vendors for payment processing
- referees whose details are provided to us by job applicants
- prospective purchasers in the event of a proposed or actual sale of our business
- our contracted service providers, including:
  - information technology and data storage providers
  - venues and event organisers
  - marketing and communications agencies
  - research and statistical analysis providers
  - call centres
  - hard copy and electronic mail houses
  - regulatory or government bodies to comply with laws
  - external business advisers (such as recruitment advisors, accountants, auditors and lawyers)
  - email marketing software vendors (for example, MailChimp)
  - customer relationship management software vendors (for example, Salesforce)

In each case, we may disclose personal information to the service provider and the service provider may in turn provide us with personal information collected from you in the course of providing the relevant products or services.

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## 6. Cross border disclosure of personal information

We may disclose personal information to third parties located overseas in the following situations:

- to financial institutions to in order to process payments
- to software vendors for email management and customer relationship management purposes

The country within which the third party will receive your personal information can depend upon the location of our payment processors' or software vendors' operations. Therefore, it is not practical to provide you with the specific countries in which such overseas recipients will be located. However, these countries will include Europe and the United States of America.

### **Important notice:**

With respect to overseas recipients of your personal information:

- they will not be accountable under the Privacy Act
- you will not be able to seek redress under the Privacy Act

This may mean that:

- the overseas recipient may not be subject to any privacy obligations or to any principles similar to the APPs
- you may not be able to seek redress in relation to how your personal information is used in the overseas jurisdiction
- the overseas recipient may be subject to a foreign law that could compel the disclosure of the personal information to a third party, for example a government authority (such as the Patriot Act in the United States of America)

If you do not consent to such disclosure, you will not be able to participate in, or organise, a quest using instaQuest.

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## **7. Data quality and security**

### **7.1 General**

We hold personal information in a number of ways, including in electronic databases, email contact lists, and in paper documents held in drawers and cabinets. Paper files may also be archived in boxes and stored offsite in secure facilities. We take reasonable steps to:

- make sure that the personal information that we collect, use and disclose is accurate, up to date and complete and (in the case of use and disclosure) relevant;
- protect the personal information that we hold from misuse, interference and loss and from unauthorised access, modification or disclosure; and
- destroy or permanently de-identify personal information that is no longer needed for any purpose permitted by the APPs.

You can help us keep your information up to date, by letting us know about any changes to your details, such as your address, email address or phone number.

### **7.2 Security**

The steps we take to secure the personal information we hold include website protection measures (such as firewalls and anti-virus software), security restrictions on access to our computer systems (such as login and password protection), controlled access to our corporate premises and restriction of access to personal information on our systems to staff who need the information to perform their roles.

While we endeavour to protect the personal information and privacy of users of our website and the App, we cannot guarantee the security of any information that you disclose online and you disclose that information at your own risk. If you are concerned about sending your information over the internet, you can contact us by telephone or post (details under heading 10 below).

If you have an online account with us, you can also help to protect the privacy of your personal information by maintaining the confidentiality of your password and by ensuring that you log out of the website when you have finished using it. In addition, if you become aware of any security breach, please let us know as soon as possible.

#### ***Third party websites***

Links to third party websites or mobile applications that are not operated or controlled by us are provided for your convenience. We are not responsible for the privacy or security practices of those websites, which are not covered by this Privacy Policy. Third party websites should have their own privacy and security policies, which we encourage you to read before supplying any personal information to them.

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## 8. Access and Correction

Please contact us (details under heading 10 below) if you would like to access or correct the personal information that we hold about you. We may require you to verify your identity before processing any access or correction requests, to make sure that the personal information we hold is properly protected.

### 8.1 Access

We will generally provide you with access to your personal information, subject to some exceptions permitted by law. We will also generally provide access in the manner that you have requested (eg by providing photocopies or allowing a file to be viewed), provided it is reasonable and practicable for us to do so. We may charge a fee to cover our reasonable costs of locating the information and providing it to you.

If you have an online account with us, you can also access your account information by logging into your account through our website.

### 8.2 Correction

If you ask us to correct personal information that we hold about you, we will take reasonable steps to correct that information. If we refuse to correct personal information in the manner you have requested, you may ask us to associate your request with the information and we will take reasonable steps to do so.

### 8.3 Timeframe

Except in the case of more complicated requests, we will endeavour to respond to access and correction requests within 30 days.

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## 9. Complaints

If you have a complaint about how we have collected or handled your personal information, please contact us (details under heading 10 below).

We will endeavour in the first instance to deal with your complaint and take any steps necessary to resolve the matter within a week. If we are not able to do so, we will ask you to submit your complaint in writing.

In most cases, we expect to investigate written complaints and provide a response within 30 days of receipt. If the matter is more complex and our investigation may take longer, we will contact you and tell you when we expect to provide our response.

If you are not satisfied with our response, you can refer your complaint to the Office of the Australian Information Commissioner (see [here](#) for further information).

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## 10. Our contact details

Please contact us if you have any queries about the personal information that we hold about you or the way we handle that personal information. Our contact details are set out below.

**Mail:** Suite 247, 189 Queen St, Melbourne, Victoria 3000

**Email:** [www.fitpotato.com.au/contact](http://www.fitpotato.com.au/contact)

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## 11. Changes to this Policy

We may amend this Privacy Policy from time to time. The current version will be posted on our website and a copy may be obtained by contacting us (details above).

# Privacy Collection Statement

## Privacy Statement

Your personal information (and the personal information of any third party you provide during your use of the App) is being collected by FitPotato Ventures Pty Ltd ACN 166 993 068 (**FitPotato, we, us, our**) to create your account with the FitPotato mobile application (**App**).

We will also use your information to process fitness commitments and payments and in order to provide our services to you. We may also use the information to provide you with information about other products and services offered by us and our related companies (including after our contract with you ends). We may also collect analytics regarding your usage of the App.

FitPotato may disclose the personal information you provide to the following third parties for these purposes:

- Wells Fargo Bank, N.A (a United States entity trading under the name 'Stripe')
- the Rocket Science Group LLC (a United States entity trading under the name 'MailChimp')
- Southern Payment Systems Pty Ltd (Pin Payments)
- PayPal Australia Pty Limited
- Twitter, Inc (a United States Entity)
- Google, Inc (a United States Entity)
- Amplitude Analytics, Inc. (a United States Entity)
- AppsFlyer, Inc. (a United States Entity)
- UXCam, Inc (a United States Entity)

If you don't provide the personal information requested (apart from any fields marked as optional), we will not be able to:

- Register your account with FitPotato
- Provide our services to you
- Process your payments to us
- Subscribe you to our newsletter

Your personal information is likely to be disclosed to overseas recipients. It is not practicable to specify all of the countries in which these third parties may be located, but it is likely that they will include Europe and the United States of America. Our Privacy Policy, which is available at [www.fitpotato.com.au/privacy](http://www.fitpotato.com.au/privacy) or by contacting us (details below), provides further details.

Our Privacy Policy also provides further information about:

- how you may access and correct the personal information we hold about you
- how you may complain about a breach of privacy and how we will deal with privacy complaints

If you have any queries about privacy, please contact us here: [www.fitpotato.com.au/contact](http://www.fitpotato.com.au/contact).

You agree that, if you provide personal information about third parties to FitPotato, you will first make those third parties aware of this Privacy Statement and obtain their consent to their personal information being collected, used and disclosed as described above.

**By continuing to use your account or order your services, you are taken to have agreed with the terms of this Privacy Statement.**