

PRIVACY POLICY

BackPocket Technologies Pty Ltd (ACN 646 493 432) trading as BackPocket of **1 Somerville St, Bendigo, VIC 3550** (“we”, “us” or “our”) and our operation of the Platform, comprising of <https://backpocket.tech/> and <https://getbackpocket.com> (collectively, the “**Platform**”) is committed to respecting your privacy.

This privacy policy sets out how we collect, use, process, store, share and disclose your Personal Information on our Platform (“**Privacy Policy**”). You can view our terms and conditions (<https://backpocket.tech/terms>) and contact us at info@backpocket.tech.

We are committed to protecting your privacy and respecting and upholding your rights under the Australian Privacy Principles (“**APPs**”) contained in the *Privacy Act 1988* (Cth) and the General Data Protection Regulation (EU 2016/679) (the “**GDPR**”) (collectively, “**Privacy Laws**”). We are a data controller for the purposes of the GDPR. We ensure that we will take all necessary and reasonable steps to comply with the relevant Privacy Laws and to deal with inquiries or complaints from individuals about compliance with the relevant Privacy Laws.

By accessing and using our Platform, products and services, you freely and expressly consent to the collection, use, processing, storage and disclosure of Personal Information by us as set out in this Privacy Policy.

1. Your Information

We will collect Personal Information on our Platform only by lawful and fair means and not in an unreasonably intrusive way. Generally, we will collect Personal Information directly from you, and only to the extent necessary to provide our services requested by you and to carry out our administrative functions or as required by a relevant Privacy Law.

We will not collect sensitive personal information (as defined under the relevant Privacy Laws) from you. We ask that you do not send us, or do not disclose, any sensitive personally identifiable information (such as information related to racial or ethnic origin, religion or other beliefs, health, criminal background or trade union membership) on or through the Platform or otherwise. If, contrary to this request, you do provide any sensitive personal information, in doing so you consent to us collecting and handling that information in accordance with this Privacy Policy.

We may also collect Personal Information from you when you enter a draw for the randomly generated opportunity to buy a product displayed on the Platform (“**Draw**”), fill in an application form, communicate with us, visit our Platform, provide us with feedback, complete online surveys or participate in competitions. We may collect Personal Information about you that you have provided to our business partners or from third parties and in respect of which you have given the third-party permission to share with us.

If you use a pseudonym when dealing with us or you do not provide identifiable information to us, we may not be able to provide you with any or all of our services as requested. If you wish to remain anonymous when you use our Platform, do not sign into it or provide any information that might identify you.

We require individuals to provide accurate, up to date and complete Personal Information at the time it is collected.

2. Information we may collect about you

Personal information is any information relating to an identified or identifiable natural person (“**Personal Information**”). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

[Stripe](#) and [Outseta](#) are online payment systems that are used to process payments on the Platform. Personal Information will be collected from you for the purpose of processing such payments.

3. What is our legal basis?

Under the GDPR, we must have a legal basis to process Personal Information collected from individuals residing in the European Union. We rely on several legal bases to process your Personal Information, including:

- where it is necessary to provide you with access to, and use of, our products, services and Platform;
- for our legitimate interests to provide, operate and improve our products, services or Platform;
- where you have freely and expressly consented to the processing of your Personal Information by us, which you may withdraw at any time; or
- where we are under a legal obligation to process your Personal Information.

4. How your information is used

We use, process and disclose your Personal Information for the purposes for which the information is collected, or for a directly related purpose, including (but not limited to):

- providing our Platform, products and services to you;
- administering, protecting, improving or optimising our Platform, products and services (including performing data analytics, conducting research and for advertising and marketing purposes);
- creating industry reports from de-identified data;
- verifying your age;
- billing you via Stripe;
- informing you about our Platform, Draws, products, services, rewards, surveys, contests, or other promotional activities or events sponsored or managed by us or our business partners;
- managing event registration and attendance;
- responding to any inquiries or comments that you submit to us, including providing support;
- conducting Draws;
- verifying your identity;

- any other purpose you have consented to; and
- any use which is required or authorised by a relevant Privacy Law.

Where we:

- have your express consent (which you may withdraw at any time by contacting us in writing at info@backpocket.tech);
- have a legal basis; or
- are otherwise permitted by relevant Privacy Laws,

we may use and process your Personal Information to send you information about products and services we believe are suited to you and your interests or we may invite you to attend special events.

At any time, you may opt out of receiving direct marketing communications from us. Unless you opt out, your consent to receive direct marketing communications from us and to the handling of your Personal Information as detailed above will continue. You can opt out by following the unsubscribe instructions included in the relevant marketing communication, or by contacting us in writing at info@backpocket.tech.

5. Disclosure of Personal Information

We may disclose your Personal Information to:

- third-parties we ordinarily engage from time to time to perform functions on our behalf for the above purposes;
- any person or entity to whom you have expressly consented to us disclosing your Personal Information to;
- our external business advisors, auditors, lawyers, insurers and financiers;
- our payment processing service provider Stripe; and
- any person or entity to whom we are required or authorised to disclose your Personal Information to in accordance with the relevant Privacy Laws.

If we no longer need your Personal Information for any of the purposes set out in this Privacy Policy, or as otherwise required by the relevant Privacy Laws, we will take such steps as are reasonable in the circumstances to destroy your Personal Information or to de-identify it.

6. Cookies

We use cookies, web beacons and similar technologies (collectively “**Cookies**”) on our Platform. By accessing or using this Platform, you agree that we can store and access Cookies in accordance with this Privacy Policy.

Cookies are small files that can be stored on and accessed from a user’s device when the user accesses a Platform. They enable authorised web servers to recognise you across different Platforms, services, devices and browsing sessions.

We may use Cookies to enable users to access and use our Platform and services, including to:

- identify users of our Platform and services;
- tailoring the content on our Platform, such as adapting to your region and language needs;
- process user requests;
- improve user experience;
- remember user preferences on our Platform;
- monitor the use of our Platform and for analysis of our user base;
- facilitate communication with users;
- control access to certain content on our Platform; and
- protect our Site.

The data collected through Cookies will not be kept for longer than is necessary to fulfil the purposes mentioned above.

We will handle any Personal Information collected by Cookies in the same way that we handle all other Personal Information.

You can delete and refuse to accept browser Cookies by activating the appropriate setting on your browser. However, if you select this setting, you may be unable to access certain parts of the Platform.

Unless you have adjusted your browser setting so that it will refuse Cookies, our system will issue Cookies when you direct your browser to our Platform.

7. BackPocket Platform

When transmitting Personal Information from your computer to our Platform, you must keep in mind that the transmission of information over the internet is not always completely secure or error-free. Other than liability that cannot lawfully be excluded, we will not be liable in any way in relation to any breach of security or any unintended loss or disclosure of that information.

8. Data Storage

We may hold your Personal Information in either electronic or hard copy. We take reasonable steps to protect your Personal Information from misuse, interference and loss, as well as unauthorised access, modification or disclosure and we use a number of physical, administrative, personnel and technical measures to protect your Personal Information. For example, our protection includes, but it not limited to, our services and data being hosted in the Google Cloud Platform, which is, amongst other, ISO/IEC 27001, ISO/IEC 27017, ISO/IEC 27018, and ISO 9001 compliant, and all data sent to and from BackPocket is encrypted in transit using 256-bit encryption.

We are also constantly updating and innovating to enhance our protection mechanisms. Where we enhance or update our Platform, we will attempt to do so without interrupting our services to you. We will also ensure that we provide you with an update via an email where changes are made to our Platform.

However, we cannot guarantee the security of any Personal Information transmitted over the internet and therefore you disclose information and Personal Information to us at your own risk. We will not be liable for any unauthorised access, modification or disclosure, or misuse of your Personal Information.

We may disclose your Personal Information to third party recipients such as our payment processing provider Stripe and Retailers located in or outside of the European Economic Area and Australia in order to provide our services to you and enable the Retailer to deliver products to you. As at the date of this Privacy Policy, such third-party recipients ("**Recipients**") are located in countries including the United Kingdom, United States of America, Australia and other countries whose laws may not be recognised by the EU Commission as providing an adequate level of protection to Personal Information.

When entering into a transaction with us you expressly and freely consent to your Personal Information being disclosed or transferred to such Recipients. We will take steps reasonably necessary to ensure your Personal Information is treated securely and in accordance with this Privacy Policy. We use reasonable endeavours to ensure that each Recipient receiving your Personal Information is bound by the relevant Privacy Laws (including the standard contractual clauses approved by the European Commission). The standard contractual clauses are available on the European Commission's Platform at https://ec.europa.eu/info/law/law-topic/data-protection_en.

9. Access to information

Under the GDPR, an individual residing in the European Union has enhanced privacy rights, including the right to:

- require us to correct any Personal Information held about you that is inaccurate or incomplete;
- require the deletion of Personal Information concerning you in certain situations;
- data portability for Personal Information you provide to us;
- object or withdraw your consent at any time to the processing of your Personal Information;
- object to decisions being taken by automated means which produce legal effects concerning you or similarly significantly affect you; or
- otherwise restrict our processing of your Personal Information in certain circumstances.

Subject to some exceptions provided by the relevant Privacy Laws, you may request access to your Personal Information in our customer account database, or seek correction of it, by contacting us. See Section 11: Contact information. Should we decline you access to your Personal Information, we will provide a written explanation setting out our reasons for doing so.

We may charge a reasonable fee that is not excessive to cover the charges of retrieving your Personal Information from our customer account database. We will not charge you for making the request.

If you believe that we hold Personal Information about you that is not accurate, complete or up-to-date then you may request that your Personal Information be amended. We will respond to your request to correct your Personal Information within a reasonable timeframe and you will not be charged a fee for correcting your Personal Information.

If we no longer need your Personal Information for any of the purposes set out in this Privacy Policy, or as otherwise required by the relevant Privacy Laws, we will take such steps as are reasonable in the circumstances to destroy your Personal Information or to de-identify it.

10. Third Party Sites

The Platform may contain links to other third-party websites, including social media networks. This Privacy Policy applies solely to information collected by us on our Platform.

11. Contact information

If you require further information regarding our Privacy Policy or wish to make a privacy complaint, please contact us in writing at info@backpocket.tech.

12. Notices and Revisions

We reserve the right to modify this Privacy Policy in whole or in part from time to time without notice. Non-material changes and clarifications will take immediate effect, and material changes will take effect 30 days after the posting of the amended Privacy Policy on the Platform.

13. Enforcement

We will cooperate with the appropriate regulatory authorities, including local data protection authorities, to resolve any complaints regarding the transfer of personally identifiable information that cannot be resolved between us and the individual.

Dated: 28 June 2021