

MYFIZIQ PRIVACY POLICY

Note: All references to “the app” refer to the MyFiziq mobile application that was available on the iTunes Australia iOS app store prior to 28/05/2018.

1. INTRODUCTION

This Privacy Policy applies to any use of the website www.myfiziq.com and services available in connection with this website (“the Website”) and the mobile application MyFiziq (“the App”).

MyFiziq Pty Ltd (“the Company”/“we”/“us”) is committed to the protection of your personal information and your privacy and will ensure that information provided to us is handled in a secure manner. This Privacy Policy sets out the guidelines which the Company has established to protect the information you submit to the Company when using the Website or the App.

By clicking “Connect”, you agree with this Privacy Policy, as amended from time to time, and with the collection and use of your personal information as set out below. You should check the Website regularly for updates to the policy.

2. WHAT KIND OF PERSONAL INFORMATION IS COLLECTED

There are two ways we collect information:

- Information you voluntarily share with us; and
- Information we automatically receive when you use the App.

Note: You will not be required to provide any personal information when merely visiting and browsing the Website.

2.1 Information you voluntarily choose to share

In order to use the App and certain parts of the Website you will need to register as a user and indicate your agreement with the Company’s Terms and Conditions and this Privacy Policy. To use the App you will be required to provide personal information such as your name, email, phone number, photos of yourself and information about your health, age, height, weight, body measurements and details about how you pay for the services that the Company provides to you such as credit card details.

If you just want to sign up for the Company’s newsletters or email updates you will only need to submit your name and email address. If you include personal information in emails when you contact the Company, the Company will only use such information to respond to your enquiry in the email.

2.2 Information we automatically receive when you use the App

When you use the App, we automatically collect information on how you use the App for continuous improvement and support. This information is collected through

monitoring your interactions within the App including your captured photographs used to create avatars.

Avatars or silhouettes created by you when using the App may be retained by the Company indefinitely, even after you cease to be a registered user of the App for whatever reason, for the purpose of continually improving the functionality and accuracy of the App. You will not be personally identifiable from your Avatar(s) or silhouette(s). To make use of the App you agree to the retention by us of these Avatar(s) and silhouette(s)

Information about you may be aggregated with other information collected on the Website or otherwise used in ways that do not personally identify you or your personal information. This type of aggregated information is considered non-personal information under this Privacy Policy and may be used by the Company to improve the quality of the Website and for other purposes we deem necessary.

In addition to the personal information collected, the Company may also collect non-identifying information about you such as your IP-address, interactions with the site and service, monitoring of interactions within the app, query information, location, referring URL, browser, operating system, cookie information, usage, data transferred and Internet Service Provider. This information cannot usually be used to identify you without the assistance (voluntarily or pursuant to a subpoena or other Court order) of your Internet Service Provider or other third party.

3. HOW IS THE PERSONAL INFORMATION USED

The Company may use your personal information for the following purposes:

- To create multiple personalised 3D avatars of you including circumferences of multiple body parts for the purpose of assessing the impact of your health and fitness regime on your physical appearance
- To email, SMS or post to you newsletters, push notifications, correspondence and other promotional material
- To contact you and respond to enquiries
- To provide information to you concerning your health, fitness and achievements
- To enhance and improve your experience as a user of the Website and the App
- To compile databases and undertake research for marketing purposes

If you no longer wish to receive communications from the Company, you may notify us either by emailing us at support@myfiziq.com with your request to be taken off our mailing lists or you can unsubscribe by using the 'unsubscribe' link provided on all emails.

4. WHO IS THE PERSONAL INFORMATION DISCLOSED TO

The Company does not share, rent or sell your personal information to any third party in any way other than as disclosed in this Privacy Policy.

By registering as a user of the Website or the App you agree that the Company may share your personal information, on a confidential basis, with third party individuals and organisations that assist us, including contractors, financial service providers, web hosts and others. You further agree that we may delegate upon appropriate terms our authority to collect, access, use and disseminate your personal information and you hereby agree that every authorisation granted by you to the Company under this Privacy Policy is also granted to any third party hired or contracted by the Company for the purpose of maintaining, operating, repairing, improving or otherwise assisting in the running of the Website, the App and their services.

You agree to not hold the Company liable for the actions of any third party even if we would normally be held vicariously liable for their actions and that you must take legal action against them directly for any tort or other actionable wrong suffered by you.

The following is a list of third parties with whom we are currently sharing users' personal information (please note that the list is non-exhaustive):

- Amazon Web Services
- Appsee
- AppsFlyer
- Crashlytics
- Google
- Gruden Pty Ltd
- Mobile Cloud API
- SendGrid
- Urban Airship

The Company may also share your personal information with third parties, be it individuals or entities, state or national authorities, if:

- The Company determines that it is required to do so by law, such as in response to a court order or subpoena (in the event of a subpoena the Company, at its sole discretion and without any obligation, may elect to notify you and/or may seek to set aside the subpoena);
- If the Company believes that you or a third party is at risk of bodily harm;
- The Company finds that you are in breach of the Terms and Conditions or this Privacy Policy, or any other policies in place concerning the use of the Website or App;
- It is necessary in the Company's opinion to do so to protect the rights, property or safety of the Company, its employees, other users of the Website or the App or the general public; or

- It is necessary to fulfil your product or service orders, for instance by sharing information with a credit card processing provider.

You release the Company from any liability or damages that may arise due to release or disclosure of your personal information in accordance with the above.

We may transfer some of your personal information to overseas recipients outside of Australia. It is not practicable to specify the countries those overseas recipients are likely to be located in. We will make reasonable attempts to ensure that providers in jurisdictions other than Australia have similar policies and privacy regimes in place.

5. HOW IS YOUR PERSONAL INFORMATION STORED AND PROTECTED

The Company stores personal information collected from you within secure accredited facilities in Australia as well as the United States and may from time to time also store some personal information on computer servers located in other locations around the world. The Website and App uses industry standard Secure Socket Layer (SSL) technology to allow for the encryption of your personal information as well as critically sensitive information such as your credit card details.

In the event that you cancel your membership of the App and Website personal information will be held by the Company for a reasonable period following that cancellation before being deleted, however as set out above, non-identifiable Avatar(s) and silhouette(s) may be retained indefinitely where there remains a reason for it to be stored by us for the purpose of continuing improvement of the App and its functionality.

All of our employees that deal with users' personal information are trained concerning the importance of confidentiality and maintaining the privacy and security of your personal information, and your personal information is only shared with our employees on a need-to-know basis.

The Company makes all reasonable attempts to protect your personal information; however, the Company cannot guarantee the security or privacy of your personal information as no method of electronic storage is ever 100% secure. The Company recommends that you use anti-virus software, routine credit checks and firewalls and take other necessary precautions to protect you from security and privacy threats.

6. BLOG/FORUM

The Website and the App contain functions or services where users can submit comments and ideas. Any personal information that you submit to these functions or services will be accessible and can be read, collected and used indefinitely by all other users of the Website and App and could be used to send you unsolicited messages. The Company takes no responsibility for any personal information that you choose to submit through these Website or App functions.

7. HOW CAN YOU ACCESS YOUR PERSONAL INFORMATION

You can log into your account on the App at any time and access and update or correct your personal information.

If you would like access to other personal information that the Company holds about you please submit a written request specifying the documents and/or information required to support@myfiziq.com. We will endeavour to respond to that request within 10 business days of receipt.

For security reasons and to protect your privacy and the privacy of others, we may require additional evidence of your identity in order to respond to your request.

In certain exceptional circumstances, we may not be able to provide you with your personal information. This would for example be the case if that access would be contrary to any applicable law.

8. HOW TO CORRECT YOUR PERSONAL INFORMATION

The Company will endeavour to keep your Personal information up to date and accurate. Please contact us if you become aware of any details that have been incorrectly notified by you or recorded by the Company by emailing us at support@myfiziq.com. We will endeavour to correct the information within 10 business days of notification.

For security reasons and to protect your privacy and the privacy of others, we may require additional evidence of your identity in order to make the requested changes.

9. COOKIES

The Company uses cookies on the Website and on the App. Cookies are small text files that our Website and App may place on your computer or mobile handset. This enables the Company to determine your preferences and allows the Company to track your use of the Website and App. Some of the cookies may at times be accessible by third parties. You may refuse the use of cookies by the Website/App by choosing appropriate settings in your browser, but this may in some cases affect your ability to use and access the Website.

In addition, The Company may use Google Analytics, Pixel tags and Jottr (open DNA) as a way of tracking site statistics and user behaviour on the Website and App.

10. LINKS TO OTHER WEBSITES

To the extent that the Website includes links to other websites or the promotion of any other services, the Company makes no warranties or representations as to the quality, content or accuracy of those other websites or services. The Company also

takes no responsibility for the privacy policies or practices of any other websites and recommends that you read the privacy policies of those sites before using them.

The Company uses interfaces with social media platforms such as Facebook, Twitter, and Instagram. You should therefore review the privacy policy of any social media website before you 'like' or 'share' any information from the Website or the App. If you are a user of social media websites, the interface may allow these sites to connect your visits to the Website or the App with other personal information. If you do choose to share any of your personal information from the Website or the App with any social media platform, the Company shall no longer be responsible for the protection or further dissemination of any such information.

11. COMPLAINTS

Please do not hesitate to contact us at support@myfiziq.com if you have any complaints about the way your personal information has been collected or handled by the Company, or if you have any queries in relation to any other aspect of the Privacy Policy.

12. AMENDMENTS

The Company may amend and update this Privacy Policy for time to time. Any amendments or updates will be posted on the Website and the 'last modified' date at the bottom of the Privacy Policy will be updated. We may notify you of any such changes to the policy via email but we are not obliged to do so. You must agree to the amended/updated version of the Privacy Policy as a condition of your continued use of the Website and its services and the App. If you do not agree with any amendments made by the Company to the policy, then you must immediately cease using the Website and/or the App and notify the Company of your refusal to agree by emailing us at support@myfiziq.com.

13. CONTACT DETAILS

You can contact us on support@myfiziq.com or alternatively at:

Office Administrator
MyFiziq Limited
Suite 5, 71-73 South Perth Esplanade
South Perth, Western Australia
6151
1800 088 881

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