

1. PRIVACY POLICY

1.1 Background

We recognise and value:

- (a) the protection of your personal information; and
- (b) that you have an interest in our collection and use of your personal information.

We have implemented this Privacy Policy in accordance with the *Privacy Act 1988* (Cth) (**Privacy Act**), Australian Privacy Principles (**APP**) and other data protection rules in order to be open and transparent about how we collect, hold, and use your personal information, and under what circumstances we may disclose or transfer it.

Please note that this Privacy Policy forms part of the Xyris Pty Ltd ACN 637 864 905 (**Xyris, we, our, us** and other similar term) terms and conditions of our various agreements with you, including agreements relating to Foodworks and Easy Diet Diary.

1.2 Disclaimer

While your privacy is very important to us, nothing in this privacy policy constitutes a voluntary opt in to any privacy laws, anywhere in the world, which we are not statutorily bound to comply with.

1.3 Collection

We may collect personal information:

- (a) when you interact with us online, over the phone, by email, in person or through other means of communication; and
- (b) in order to assist you with the supply of products, the provision of services and any related assistance or other purposes requested through such communication.

The type of personal information we collect includes your name, address, telephone number, email, internet protocol (IP) address, device identification and any additional information you provide to us.

When using our software and mobile applications we may collect a broader range of information which may include sensitive information about your health status, biometric data, diet, exercise regime and personal health objectives.

Where you contact us on behalf of your employer the information we collect may also include information about your employment, position and employer's contact details.

Information will only be collected directly from you unless you authorise another person to provide the information. This may occur when you connect our service to those provided by third party service providers.

1.4 Our use of cookies, pixels and web beacons

Cookies are used to assist you to navigate around our website, to streamline the service provided to you and for marketing purposes. Cookies are text files placed on your computer, to help the website analyse how you use the site. Cookies are used to store information, such as the time that the current visit occurred, whether you have been to the site before and what site referred you to our web page.

You can configure your internet browser to accept all cookies, reject all cookies or notify you when a cookie is sent. Please refer to your internet browser's instructions to learn more about these functions. If you choose to decline cookies, you may not be able to fully experience the interactive features of this site.

Log files track actions occurring on the Websites, and collect data including your IP address, browser type, internet service provider, referring/exit pages, and date/time stamps.

Web beacons, tags, and pixels are electronic files used to record information about how you browse the Websites.

We do not collect personal information or associate the information collected via cookies, web beacons, tags or pixels with other personal information we collect.

1.5 Xyris' use of Analytic Services

This website may use web analytics services. Such services may use cookies.

The information generated by the cookie about your use of the website (including your IP address) will be transmitted to and stored by the analytics service provider on servers which may be outside of Australia. The provider will use this information for the purpose of evaluating your use of the website, compiling reports on website activity for website operators and providing other services relating to website activity and internet usage.

The provider may also transfer this information to third parties where required to do so by law, or where such third parties process the information on the provider's behalf. You may refuse the use of cookies by selecting the appropriate settings on your browser, however if you do, you may not be able to use the full functionality of this website.

By using this website, you consent to the processing of data about you by that provider in the manner described in that provider's Privacy Policy and for the purposes set out

above. You can opt out of analytics if you disable or refuse the cookie or disable JavaScript.

1.6 Use

The personal information you provide is used for purposes related to our primary business operations, which is provision of nutritional analysis software and associated services.

Examples of when your information may be used include:

- (a) informing you about our products and services;
- (b) providing you with the products and services you have requested;
- (c) administration needs in relation to providing you with products and service, including your account;
- (d) dealing with requests, enquiries or complaints and other customer care related activities;
- (e) connecting our service to third party services where you have elected to connect services and provided the necessary authentication;
- (f) providing you with software support;
- (g) marketing our products and services generally; and
- (h) carrying out any activity in connection with a legal, governmental or regulatory requirement imposed on us or in connection with legal proceedings, crime or fraud prevention, detection or prosecution.

We may also use personal information for purposes, as would be reasonably expected by you, in connection with those activities described above.

We will not use your personal information for purposes, other than as described in this privacy policy, unless we have your consent or there are specific law enforcement, public health or safety reasons.

1.7 Interacting with us

If you contact us with a general question we may interact with you anonymously or through the use of pseudonyms.

However, you are required to provide true and accurate details when requesting the supply of products or provision of support services. You agree you will provide accurate information if so required.

1.8 Direct marketing

From time to time, we may send you marketing or promotional material.

We (or an appointed third party) may also conduct surveys or market research and may seek other information from you on a periodic basis. These surveys will provide us with information that allows improvement in the type, quality and the manner in which those products and services are offered to you.

To opt-out of receiving certain marketing material, you may contact us or select the "unsubscribe" link provided in the email.

1.9 Sharing your personal information

We may disclose your personal information to:

- (a) employees, a related company and professional advisors such as our lawyers;
- (b) law enforcement agencies to assist in the investigation and prevention of criminal activities;
- (c) your third party service providers where you have elected to link your account with us to those third parties services;
- (d) our third party contractors or service providers with whom we have a business association, including:
 - (i) marketing service providers;
 - (ii) accounting service providers; and
 - (iii) information technology service providers including cloud application providers; and
- (e) government and regulatory authorities and other organisations, as required or authorised by law;

We will not disclose your personal information other than in accordance with this privacy policy without your consent.

1.10 Use of de-identified data

The data we collect has significant analytical value to us and third parties, including but not limited to nutritionists and academic research organisations. We reserve the right to process, benchmark, distribute, sell or otherwise use information we collect through our services. However, we will only distribute data which has been de-identified. De-identified data will not include personal information such as your name, address, phone number, email address or other information which would reasonably allow you to be identified.

1.11 Overseas disclosure

We may disclose your personal information to off shore third party contractors, service providers or customers with whom we have a business association.

While we do not otherwise actively disclose your personal information to overseas entities, we do engage service providers such as cloud data services, who may have international data centres and disaster recovery sites. Consequently, these providers may have access to your information.

We rely solely on reputable organisations for such cloud services.

1.12 Security of your personal information

We store your personal information using secure servers protected from unauthorised access, modification or disclosure. Where possible, access to our systems require two factor authentication and when we transfer data across public networks, such as the internet, we encrypt that data and pass the information through a secure sockets layer (SSL).

While we endeavour to only hold personal information that is accurate, complete and up-to-date, if you become aware your information is no longer accurate, complete or up-to-date please contact us.

1.13 Disposal of personal information

If we hold personal information about you, and we do not need that information for any purpose, we will take reasonable steps to destroy or de-identify that information, in accordance with the APP and the European Union General Data Protection Regulation (GDPR), unless we are prevented from doing so by law.

You may make a request to us in writing to remove your personal information and, where permitted, we will do so in accordance with the APP and the GDPR.

Under Australian law, financial records, such as those relating to financial transactions, must be retained for 7 years after the transactions associated with those records are completed.

1.14 How to access your personal information

Upon your request and after satisfying ourselves of your identity, we will provide access to the personal information we hold about you except in certain prescribed circumstances which include, where:

- (a) we believe giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety;
- (b) giving you access would be unlawful;
- (c) granting that access would have an unreasonable impact on the privacy of other individuals;
- (d) the request for access is frivolous or vexatious; or
- (e) there are anticipated legal proceedings.

We will amend any personal information about you that is held by us and that is inaccurate, incomplete or out of date if you request us to do so. If we disagree with your view about the accuracy, completeness or currency of a record of your personal information that is held by us, and you ask us to associate with that record a statement that you have a contrary view, we will take reasonable steps to do so.

1.15 Complaints procedure

Your privacy is important to us. If you have a complaint or concern about our information handling processes as they relate to your personal information, we ask that you first contact our privacy officer whose contact details are listed below.

If, after we have conducted our investigations you are still not satisfied then we ask you to consult with:

The Office of the Australian Information Privacy Commissioner
GPO Box 5218
Sydney NSW 2001
Telephone: 1300 363 992
Email: enquiries@oaic.gov.au

1.16 How to contact us

If you have any queries, questions, concerns or wish to make a complaint regarding how we deal with your personal information please contact us:

Privacy Officer
Suite 8B, Level 8
241 Adelaide St
Brisbane City QLD 4000

Telephone: 07 3223 5300
Email: info@xyris.com.au

1.17 Amendments to this Privacy Policy

We are obligated to regularly review and update this policy. We therefore reserve the right to amend this Privacy Policy at any time. Should any significant amendments occur, notification will be provided by publication on the website at least 14 days prior to the changes being implemented unless the circumstances of the amendments make it unreasonable to provide such a notice period. Your continued use after the notice period has lapsed indicates your consent to be bound by the amended Privacy Policy.

For further information about privacy in general, please refer to the Office of the Australian Information Commissioner's website located at <http://www.oaic.gov.au>.

Alternatively, please contact our Privacy Officer using the details provided above.

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Xyris Pty Ltd
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