

PRIVACY POLICY

This Privacy Policy explains how Songbird Society Pty Ltd (referred to in this policy as “**Songbird Society**” “**we**”, “**us**”, “**our**”) and/or its subsidiaries or affiliates use, collect, store and disclose information supplied to us in connection with the products or services provided by Songbird Society (we will refer to these collectively as the “**Services**”) and located at the website <https://www.songbirdsociety.com/> (the “**Website**”).

This Privacy Policy details how we comply with the *Privacy Act 1988* (Cth) (**Privacy Act**), the Australian Privacy Principles (**Privacy Principles**), and, to the extent that it applies, the EU General Data Protection Regulation 2016/679 (**GDPR**), in relation to the collection, storage, use, and disclosure of your information and data.

We may update the Privacy Policy from time to time at our sole discretion. Any variations become effective on posting the updated Privacy Policy on our Website, and we shall have no obligation to provide you with individual notice of such changes. Your continued use of our Services following the publication of any amended Privacy Policy shall signify your acceptance of that amended Privacy Policy, except where we are otherwise obliged by law to seek your direct consent.

Please read this Privacy Policy carefully before using our Services. If you do not agree with any part of this Privacy Policy, please do not use our Services, including the Website.

WHAT INFORMATION DO WE COLLECT?

This Privacy Policy covers all information collected via your use of the Services. The information we may collect from you can be broken down into the following types:

‘**Personal Information**’ means information that can be used to personally identify you such as your name, email address, contact number, birth date, profile pictures, and payment details. We do not knowingly collect or process the Personal Information of anyone under the age of 13 without the express consent of their parent or guardian.

‘**Sensitive Information**’ is a special type of Personal Information that relates to health information, political beliefs, ethnicity, membership of a professional or trade association, sexual preferences, philosophical beliefs, or criminal record. We will not collect Sensitive Information except with your consent, and then only if collection of such information is necessary for a particular activity or function.

‘**Usage Information**’ means anonymous aggregate data that is automatically collected through your use of our Website and Services. This includes information that identifies your device, your operating system, your IP address, and dates and times that you access and use the Website. This information is used to resolve any technical issues that may arise, or for statistical analysis to help us to improve our Services.

The GDPR recognises that Usage Information, whilst for the most part anonymous, can be cumulatively used to directly or indirectly identify you. Usage Information that can be used to identify you in any way, together with your Personal Information, shall collectively be referred to in this Privacy Policy as “**Personal Data**”.

HOW WE COLLECT YOUR INFORMATION

Personal Information is collected directly from you when you:

- use our Services;
- register an account on the Website;
- upload, submit or publish any original material or content in the course of using our Services (“**User Content**”);
- purchase goods or Services from us;
- subscribe to our mailing lists or other direct marketing communications;
- complete a survey or questionnaire provided by us;

- contact our support team via our Website or email; or
- access, browse, use, or otherwise interact with us or the Website.

It is your choice to provide Personal Information to us. Wherever it is lawful and practicable, you have the option not to identify yourself when interacting with us. Please be aware that it may be necessary for us to collect your Personal Information to enable us to provide the Services to you. As such, if you do not wish to provide your Personal Information, this may limit our ability to provide the Services to you.

Circumstances where we collect Personal Data about you from sources other than you directly includes:

- where you have consented for a third party to share information with us;
- where we are authorised by law to collect the information from a third party;
- where it is unreasonable or impracticable to collect the information from you personally.

If we collect your Personal Data from third parties in circumstances where you may not be aware that we have collected such Personal Data, we will take reasonable steps to notify you of the collection and circumstances surrounding the collection.

COOKIES

We may collect anonymous Usage Information from the Website which utilises cookies, pixel tags and other tracking technologies (collectively **Cookies**). Cookies are small packets of data that are downloaded onto your device when you access a website. Cookies hold specific information that helps a website 'remember' your actions and preferences over time. These are the types of Cookies that we may use to operate the Website:

- Strictly Necessary Cookies – these Cookies are essential to ensure that the Website work correctly, and record information that allows you to move around the Website and navigate their features;
- Performance Cookies – these Cookies collect information about how you use the Website, such as how often you access the Website and if you encounter any errors;
- Functionality Cookies – these Cookies allow the Website to remember the choices you make to provide a more personalised experience;
- Targeting/Advertising Cookies – these Cookies deliver targeted advertising to you based on your interests and use of the Website.

Cookies can stay on your device temporarily (**Session Cookies**) or until you manually delete them (**Persistent Cookies**). You can adjust your browser settings at any time to block Cookies, however please note that doing so may limit our ability to provide the Website to you in a fully operational form.

THIRD PARTY SITES

Our Services may contain plug-ins and links to third party sites to enhance your user experience, including without limitation social media platforms, online streaming services, and external payment gateways ("**Third Party Website**"). PLEASE NOTE THAT THIS PRIVACY POLICY DOES NOT COVER THE PRIVACY PRACTICES OF THIRD PARTY SITES. Please refer directly to the privacy policies and statements of the operator of any Third Party Website to obtain information regarding their data collection, use, and disclosure policies.

We do not have access to, or control over, the technologies that third parties (including the Third Party Website) may use to collect information about you. We disclaim all liability in connection with the services of any Third Party Website integrated or otherwise linked to the Services, and we encourage you to reach out to them directly should you have any questions in connection with their services. For a full list of Third Party Website integrated or otherwise linked to our Services, please email our Privacy Officer (per the details at the end of this Privacy Policy).

HOW WE USE YOUR INFORMATION

You agree that we may use your Personal Data for legitimate purposes including, but not limited to, the following:

- to confirm your identity;
- to provide the Services to you;

- to upload, publish or otherwise communicate User Content submitted by you;
- to process any payment made by you in connection with our Services;
- to maintain and improve the functionality of the Services;
- to prevent, detect and investigate potential illegal activities, security breaches and fraud;
- to comply with legal and regulatory requirements;
- to contact you via email and/or other instant message platforms to provide you with periodical promotional messages about new information which we think you may find interesting, only where you have opted in to receiving such communication and until you 'opt out'.

For the avoidance of doubt, we will only use your Personal Data for purposes that you would reasonably expect us to use your Personal Data for in connection with providing the Services to you, or where we are required by law to collect your Personal Data. We will not sell, rent, or license your email address or any of your Personal Data.

We will retain your Personal Data for the period necessary to fulfill the purposes outlined in this Privacy Policy unless a longer retention period is required or permitted by law. How long we retain your Personal Data depends on the type of data and the legitimate purpose for which we process and/or retain the data.

'Opt Out'

We recognise your right under the *Spam Act 2003* (Cth) and the GDPR to opt out from direct marketing, and as such these consents can be modified at any time by emailing the Privacy Officer or clicking unsubscribe on any direct marketing communications.

Please note certain non-marketing related correspondence from us, including messages relating to payment, will be automatically sent to you by virtue of your use of the Website and associated services and you may not have the option to unsubscribe from receiving this correspondence.

WHO WE DISCLOSE YOUR INFORMATION TO

You agree and consent to us disclosing your Personal Data to:

- our directors, officers, employees, consultants, contractors and agents and Related Bodies Corporate (as that term is defined in the *Corporation Act 2001* (Cth));
- debt collection agencies and credit reporting bodies;
- external counsel for the purpose of obtaining professional advice;
- service providers with whom we have entered into an agreement with to help us provide the Services, including e-commerce platforms, marketing agencies, financial service providers, payment gateways, and technical support;
- Third Party Website as integrated into our Services;
- government and regulatory authorities;
- any third party with your express approval;
- the police, government and regulatory authorities if we have reason to suspect you have committed a breach of our terms and conditions or have been engaged in unlawful activity, and we reasonably believe disclosure is necessary; and
- where we are required to disclose such information by law or to otherwise prevent harm.

We will take reasonable steps to ensure that these third parties are bound by Australian privacy laws.

You can withdraw your consent for us to share your Personal Data with third parties at any time by emailing our Privacy Officer, but please note that withdrawal of such consents may affect your ability to access and use our Services.

YOUR RIGHTS TO YOUR INFORMATION

You have a general right to access any Personal Information that is held about you by us, unless a valid exception applies. You can request this at any time by contacting our Privacy Officer. Please note that we cannot modify your Personal Information. You can modify your own information at any time by emailing the Privacy Officer (per the details at the end of this Privacy Policy).

You acknowledge that it is your responsibility to maintain the truth, accuracy, and completeness of your information and your failure to do so may inhibit our ability to provide our services to you. You

acknowledge and agree that you remain solely responsible for maintaining the truth, accuracy, and completeness of your information at all times, and we shall have no liability to you or any third party arising from your failure to do the same.

In accordance with the GDPR, we acknowledge the additional rights of EU subjects to:

- have their data erased that is no longer being used for a legitimate purpose;
- request a copy of all Personal Data held about them in a readable format, along with supplementary information to verify that such Personal Data is being processed lawfully; and
- request restricted processing of their Personal Data whilst any complaints or concerns are being resolved.

To erase, request, or restrict processing of your Personal Data, please email the Privacy Officer (per the details at the end of this Privacy Policy).

SECURITY

We use our best endeavours to protect your Personal Data through technical security measures that limit the risk of loss, disclosure, or unauthorised access. No security measures are, however, 100% secure so we cannot guarantee the security of your information or data at any time. To the extent permitted by law, we accept no liability for any breach of security, or direct hacking of our security measures, or any unintentional disclosure, loss or misuse of any information or data, or for the actions of any third parties that may obtain any information or data.

Notwithstanding the above, we acknowledge our obligation to report any data breach that is likely to risk the rights and freedoms of natural persons to the Australian Information Commissioner and, where our data breach involves the information of EU subjects, report to the European Data Protection Supervisor. We will also inform you, where possible, if your data has been breached in the circumstance where it poses a risk of serious harm or your rights and freedoms.

OVERSEAS DISCLOSURE

We may, in the course of providing the services to you, transfer your Personal Data to overseas countries that are deemed by the EU Commission as having an 'adequate' level of Personal Data protection. Where we transfer data to a third party in a country where no adequacy decision has been made, we will take reasonable steps to ensure person or entity handling your data in those countries are bound under contract to meet the requirements of the Privacy Act, Privacy Principles, and GDPR (as applicable).

CONTACT

Thank you for taking the time to read our Privacy Policy. If you have any questions regarding our Privacy Policy, you can contact our Privacy Officer at:

Songbird Society Pty Ltd
Att: Privacy Officer
106-108 Gibson Street
Bowden South Australia 5007
yourfriends@songbirdsociety.com

If you are not satisfied with our handling of your Personal Data, or have any other concern over our Privacy Policy, then you may lodge a formal complaint with the Office of the Australian Information Commissioner (for more information, please see www.oaic.gov.au) or with the European Data Protection Supervisor (for more information, please see <https://edps.europa.eu>).