



Privacy Notice

Effective Date: 21 July 2023

1. Who we are?

This privacy notice explains how The Messaging Company Pty Ltd ACN 669 674 382, other entities in its corporate group and its local agents or associates (together “**TMC**”, “**we**”, “**our**” or “**us**”) collects, uses, discloses personal information. The privacy notice also explains the rights you have to access your personal information that is held by TMC and seek correction of your personal information.

2. What personal information do we collect and hold?

What is personal information? In this privacy notice, we use the term “**personal information**”. When we use that term, we mean information or an opinion about an identified individual, or an individual who is reasonably identifiable.

What personal information do we collect? The personal information we collect about you may include:

- a) identifying information such as your full name, job title and employer or organisation and gender;
- b) account information including username and password;
- c) contact details such as your residential, office and billing addresses, telephone and mobile phone numbers, and email addresses;
- d) usage data about your use of our services;
- e) your location;
- f) purchase and transaction information, including details about payment methods and payments to and from you and other details of services and products you have purchased from us;
- g) your preferences about receiving marketing communications from us;
- h) information about any third-party accounts you link to your TMC account;
- i) records of our interactions and correspondence with you when submitting of a web form, telephone, email, text message, social media or otherwise;
- j) customer service information, including your customer service enquiries and comments, feedback and survey responses;
- k) information collected from cookies, beacons, tags and scripts including details about your interaction with our online presences, such as pages you visit, the number of visits, the number of scrolls, the number of keystroke activity, language preferences, webpage

interactions and searches, IP address, and the location of the devices accessing the TMC website and TMC services, demographic information about you, your user settings and analytics data;

- l) log file information automatically reported by your internet browser or mobile application each time you access our website or the TMC service including information such as your operating system, device type, unique identification number, browser type, geographic location referring/exit pages and URLs, number of clicks, domain names, landing pages, pages viewed, and calls to third-party accounts linked to you TMC account to retrieve/send email or attach/save files and other technical information; and
- m) information which we may be required to collect to fulfil our legal obligations to which we are subject including relating to any contract, agreement or arrangement relating to TMC services, or to your related accounts, services or devices, payment information, information about your communications including source from which the communication has been sent by means of our TMC services and the destination of the communications and date, time and duration of them or connections relating to them and the features our TMC services that you use, location of equipment or lines used in connection with your communications.

The above list is not exhaustive and, in specific instances, we may need to collect additional personal information data for the purposes set out in this privacy notice.

What if you do not give us your personal information? If you choose not to provide the personal information as requested, we may not be able to supply you with our products or services.

3. How do we collect your personal information?

Directly. We collect personal information directly from you (including where our services are provided to you by our partners) including when you:

- a) complete a form on our website;
- b) corresponding with us by post, telephone, email or otherwise;
- c) create an account with us or with one of our customers who supply services to you;
- d) purchase or use our services or the services of one of our customers who supply services to you;
- e) request marketing to be sent to you or when you respond to it or request for it not to be sent;
- f) give us feedback or participate in a survey;
- g) make a payment to us;
- h) link another account to your TMC account or to an account of one of our customers who provide you with services;
- i) visit our websites, use our services or provide feedback; or
- j) apply for, start or continue a job with us or one of our suppliers or contractors.

From Others. We may also collect it from third parties including:

- a) our business partners (for example, partners that we supply our goods and services to and who in turn are or may be providing goods and services to you);

- b) your authorised representatives or suppliers (for example, your lawyers, accountants, consultants and advisors, service providers, employees etc);
- c) members of our corporate group which means our subsidiaries, our ultimate holding company and its subsidiaries or our other partners (such as third-party advertising or marketing research partners, and payment processors);
- d) other sources like suppliers of marketing lists, public information, and other commercially or publicly available information;
- e) your references or third-party parties in relation to background checks when you apply for a job with us or our contractors or you start or propose to start or continue employment with us or them or when you apply for credit from us.

We also collect personal information about you under the direction of our customers as part of fulfilling our legal obligations to them to provide them with services for you. In many cases we may have no direct relationship with the end users of our customers. If you are an end user of one of our customers and would no longer like your personal information to be collected or used by them, please contact them directly.

You may link third-party email accounts (such as Google, Microsoft, Dropbox and Yahoo!) and storage accounts of these email accounts when using TMC's services. If you choose to link a third-party email account to our webmail interface, we may access emails and personal information related to the third-party email account for the purposes of allowing you to read and respond to such emails from within TMC's webmail interface, to support the attachment of files to emails and saving of attachments from email to third party storage services. To retrieve emails, and display email message content and file lists within our webmail interface, we temporarily store an access token, email and file headers and email message content. You may remove our authorisation to the access token by deleting the access token at any time by de-authorising TMC webmail in the target service, i.e., log into Google and remove authorisation from TMC. No data related to third-party accounts is stored on the TMC servers.

4. Why do we, collect, use and disclose your personal information?

Collection and Use. We collect, use and disclose your personal information for the following purposes:

- a) to operate, maintain and provide to you or your service providers with the features and functionality of our websites and our products and services for you;
- b) to process, manage and deliver customer accounts;
- c) to provide you with quotations, updates and information related to the TMC services;
- d) to send you marketing communications;
- e) respond to your questions and concerns or enable you to exercise your legal rights;
- f) to administer and protect our organisation, products, services and our website (including troubleshooting, data analysis, testing, system maintenance, support, reporting, hosting of data, network, security, vulnerability and fraud detection and protection activities);
- g) to improve our website, products or services, marketing, customer relationships and experiences including through analysis and business intelligence techniques;
- h) to aggregate or de-identify data for insights about the use of our services and websites;

- i) to research, monitor and evaluate our products and services so that we can continue to improve the quality and outcomes of our products and services as well as develop new products and services;
- j) to monitor or audit your use of our products and services and equipment for compliance with the terms of any agreement between us and you or our customers who provide our services to you or applicable law;
- k) to comply with our legal obligations and other compliance requirements;
- l) to notify you about changes to our services, terms of use or privacy notice;
- m) to establish your identity;
- n) to minimise the risk or to prevent fraud, crime or misconduct;
- o) to minimise the risk or enhance or ensure the safety and security of our and others' employees and other customers and suppliers or you;
- p) to help our partners (or other customers to whom we provide services for you on their behalf) such as third-party advertising or marketing research partners improve their services or online offerings; and
- q) to consider, progress job applications or employment or to monitor your compliance with our policies and procedures or with applicable laws as a contractor or employee.

Disclosure to Others. We disclose your personal information to third parties including to:

- a) our business partners and customers (for example, partners or customers that we supply our goods and services to and who ask us on their behalf to supply them as they may be providing their goods and services to you);
- b) members of our corporate group which means our subsidiaries, our ultimate holding company and its subsidiaries;
- c) our suppliers, service provider, agents, contractors and partners who assist us with our business processes and to provide our products and services including in relation to:
 - i. helpdesk or chat services;
 - ii. information technology services;
 - iii. data processing, transfer or hosting services;
 - iv. third party products and service providers whose products and services you purchase from us or our customers;
 - v. providing, managing, supporting and improving our website, products, services and organisation;
 - vi. identity and fraud or other crime protection services or credit reporting or management services;
 - vii. advertising, marketing (including direct marketing) and market research services;
 - viii. business analysis and business intelligence services;
 - ix. customer relationship management system services; and
 - x. payment processing services;
- d) other persons authorised by you or who are responsible for or to you (such as finance brokers, lawyers, mortgage brokers, guardians, persons holding power of attorney and accountants, referees, credit reference checking agencies, marketing partners such as Google or Facebook, other employers or insurers);
- e) regulators, law enforcement and national security agencies or courts,
- f) credit and debt collection services;

- g) our professional advisers (including consultants, lawyers, bankers, auditors, audit assessors, insurers, risk assessors or accountants who provide consultancy, legal, banking, auditing, insurance, risk management or accounting services);
- h) financiers, investors or third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets or that we acquire businesses or merge with (if a change happens to our business, then the new owners may use your personal information in the same way as set out in this privacy notice and also to evaluate our business and whether to proceed with a transaction with us);
- i) to third parties as required to protect the security or integrity of our services and to exercise or protect the rights, property, or personal safety of TMC, our users, you or others; and
- j) your references or third parties in relation to background check for a job application or to progress or manage your employment with us or our contractors.

Any personal information you choose to make publicly available on our website or the TMC service, such as posting comments on our blog page in our forums or on our website, may be available to others to view. If you remove personal information that you have made public on our website or the TMC service, copies may remain viewable in cached and archived pages of our website or the TMC service, or if other users have copied or saved that personal information. We may display personal testimonials of satisfied customers on our website in addition to other endorsements. We may post your testimonials along with your name. If you wish to update or delete your testimonial, contact us at privacy@themessaging.co.

5. Storing and processing your personal information including transferring it to other locations

Where do we store and process? Your personal information collected through the TMC service may be stored and processed in Australia and also outside Australia in which TMC or its subsidiaries, affiliates or service providers maintain facilities including the following countries/regions:

1. European Union
2. United States of America
3. Singapore

These non-Australian countries/regions may have less stringent data protection laws to protect personal information. If this happens, we aim to ensure that the transfer will be compliant with applicable data protection law and personal information is secure.

Who do we transfer personal information to? TMC may transfer personal information that we collect about you, including personal information, to affiliated entities, or to our service providers across borders and from your country or jurisdiction to other countries or jurisdictions around the world.

How long do we keep your personal information? We will retain your personal information while it is required for our business functions, or for us to comply with applicable laws or we need it for other lawful purposes. TMC will retain your personal information as necessary to comply with our legal obligations, resolve disputes and enforce our agreements or rights under applicable laws. When we no longer need to retain your personal information for the purposes outlined above or as required by applicable law, our process is to destroy or de-identify the information.

6. Keeping your personal information accurate and your rights to access and correct personal information or make a complaint

Accuracy. It is important that the personal information you have provided to us is up-to-date, accurate and complete. If your details change you can update your account by logging into your account to update your password, billing information and other personal information.

Exercising Your Rights. You have the option to engage with us anonymously. However, if you choose to interact with us anonymously, we may not be able to provide our products or services to you, or make some offers available to you without your personal information.

You can also request:

- a) access to the personal information we hold about you; and
- b) correction of your personal information.

We may need to request specific information from you to help us confirm your identity and your right to access or amend your personal information (or to exercise any of your other rights).

We will try to respond to all legitimate written requests by you regarding your personal information within 30 days after receiving them. Occasionally it may take us longer if your request is particularly complex or you have made a number of requests. In this case, we will let you know and keep you updated. We may also charge a small fee to complete this task which may, again, vary depending on the complexity of the task. We may refuse your request if the applicable law allows us to do so. If we refuse your request, we will let you know why.

This privacy notice and your use of TMC's services including our website is governed in all respects by the laws of Queensland, Australia and you agree to submit to the exclusive jurisdiction of the courts of Australia. Certain privacy laws in other countries may provide you with certain rights in relation to your personal information that may not be covered under the Australian privacy laws. If you reside in those countries and wish to exercise the rights provided to you under the laws of those other countries then please contact our privacy officer by email, who will assess your request.

For information about privacy generally, you may visit the Office of the Australian Information Commissioner's website at www.oaic.gov.au.

Requests and Complaints: If you wish to make a request or complaint about how we have handled your personal information or our compliance with privacy laws, please contact us at:

Privacy Officer
The Messaging Company Pty Ltd
Suite 251, Level 18
324 Queen Street
Brisbane QLD 4000
Email: privacy@themessaging.co

If you make a request or complaint, please:

- a) identify yourself;
- b) give any identification or reference number(s), if relevant;
- c) give a brief description of the matter and why you think we mishandled your personal information (what happened, when it happened and any consequences);
- d) let us know what you would like us to do to resolve the matter; and

- e) include a contact address, a contact phone number and the date (if you are sending a letter).

You may also make a written complaint to the privacy regulator, the Office of the Australian Information Commissioner at oaic.gov.au.

7. Children's privacy

TMC does not knowingly collect or solicit personal information from children or anyone under the age of eighteen (18) without the lawful authority to do so (such as consent of the parent or guardian). Please contact us if you believe that we might have any personal information from or about a child or person under the age of eighteen (18) without lawful authority.

8. Promotional material and direct marketing

We may use your personal information from time to time to send you promotional material and direct marketing communications and information in relation to our products and services which we consider may be of interest to you. We do this by email, SMS or other electronic messages or written notices, or through posting of such material on the TMC service or our websites. You can opt-out of receiving direct or electronic marketing communications from us at any time by contacting us at privacy@themessaging.co or by using the opt-out facilities provided in the marketing communications.

Please note that opting out of marketing does not mean you will not be served ads online. You may still get ads based on your browsing history or untargeted ads.

9. Cookies

Our cookies policy at <https://themessaging.co/cookie-policy> is included automatically as part of this privacy notice and provides you with information about how we collect, use and disclose personal information through the use of cookies.

10. Third Party Links

Our website may include links to other websites or applications provided by others, including those acting on our behalf. We are not responsible for the practices employed by websites or services linked to or from the TMC service or our website, including the information or content contained therein. Clicking on those links or enabling those connections may allow third parties to collect or share data about you in accordance with their own privacy policies.

Your browsing and interaction on any third-party website or service, including those that have a link or advertisement on our website, are subject to that third party's own privacy policies.

You acknowledge that we do not control third party websites and we are not responsible for their privacy practices or policies. You should review the privacy policy of any third party and any applicable terms of use when you use their websites and applications.

11. Social media widgets

Our website includes social media features, such as the Facebook Like button and other widgets, that run on our website. These features may collect your IP address and which page you are visiting on our website and may set a cookie to enable the feature to function properly. Social

media features and widgets are either hosted by a third-party or hosted directly on our website. Your interactions with these features are governed by the privacy policy of the organisation providing it.

12. Changes to our privacy notice

All changes to this privacy notice are current as at the date set out at the top of this notice. When we change this privacy notice, we will let you know via email and/or a notice on our website at least 30 days prior to the change becoming effective and update the 'effective date' at the top.