



Privacy Policy – By The Way Media

In this Privacy Policy, 'us' 'we' or 'our' means By The Way Media Pty Ltd (ACN 660 169 826). We are committed to respecting your privacy. Our Privacy Policy sets out how we collect, use, store and disclose your Personal Information.

By providing Personal Information to us, you consent to our collection, use and disclosure of your Personal Information in accordance with this Privacy Policy and any other arrangements that apply between us. We may change our Privacy Policy from time to time by publishing changes to it on our website. We encourage you to check our website periodically to ensure that you are aware of our current Privacy Policy.

Personal Information includes information or an opinion about an individual that is reasonably identifiable. For example, this may include your name, age, gender, postcode and contact details. It may also include financial information, including your credit card information.

1 Definitions

1.1 In this Privacy Policy, the following capitalised terms have the following meanings:

Non-personal Information means information which does not relate to a person and/or cannot be used to identify a person.

Personal Information means any information which can be used to identify an individual, and described in detail in clause 2.

Site means the website, app, platform and any services offered under the name "By The Way Media".

Privacy Act means the *Privacy Act 1998* (Cth).

Workshop Services means a workshop held by us which you may attend, which may be conducted in person or online (including, without limitation, a live video or a non-live webinar).

Spam Act means the *Spam Act 2003* (Cth).



Uploaded Content means any content whatsoever which you upload to the Site, including but not limited to any descriptions, reviews, usage data, feedback, comments, chats, media.

User means any person using or registering on the Site whatsoever.

2 **What Personal Information do we collect?**

2.1 We may collect Personal Information about you when you use the Site, register on the Site or interact with us in any way.

2.2 **Information you provide to us:** We collect all information which Users voluntarily provide to us through using the Site or interacting with us. This includes information provided:

- (a) during registration;
- (b) during correspondence, enquiries, support services or phone calls, or customer surveys; or
- (c) uploaded onto the Site in any way.

The Personal Information we may collect includes without limitation:

- (a) basic information such as your first and last name;
- (b) contact information including email address and phone number;
- (c) demographic information such as postal code, age, and gender;
- (d) information related to Workshop Services purchased by you;
- (e) other relevant information in relation to your Workshop Services needs;
- (f) geographic location;
- (g) login credentials for third-party websites;
- (h) other information obtained by your use of the Site; and
- (i) any other information that enables users to be personally identified.



- 1.2 **Information we automatically collect:** We also automatically collect certain technical data that is sent to us from the computer, mobile device and/or browser through which you access the Site (**Automatic Data**). Automatic Data, includes without limitation, a unique identifier associated with your access device and/or browser (including, for example, your Internet Protocol (IP) address) characteristics about your access device and/or browser, statistics on your activities on the Site, details of the Workshop Services we have supplied to you or that you have enquired about, including any additional information necessary to deliver those Workshop Services and respond to your enquiries, or information about how you came to the Site. We collect Automatic Data based on your consent which was granted to us by you when you registered as a User and accepted this Privacy Policy.
- 1.3 **Information we obtain from others:** We may also collect or receive Personal Information from third party sources, such as other Users, suppliers, social media or other third-party integrations.

2 **Why do we collect, use and disclose Personal Information?**

- 2.1 We may collect, hold, use and disclose your Personal Information for the following purposes:
- (a) to enable you to access and use our Site, purchase tickets to Workshop Services and interact with Users;
 - (b) to operate, protect, improve and optimise our Site, business and our Users' experience, such as to perform analytics and conduct research;
 - (c) to send you service, support and administrative messages, reminders, technical notices, updates, security alerts, and information requested by you;
 - (d) to send you marketing and promotional messages and other information that may be of interest to you, including



information sent by, or on behalf of, our business partners that we think you may find interesting;

- (e) to administer rewards, surveys, contests, or other promotional activities or events sponsored or managed by us or our business partners; and
- (f) to comply with our legal obligations, resolve any disputes that we may have with any of our Users, and enforce our agreements with third parties.

2.2 We may also disclose your Personal Information to a trusted third party who also holds other information about you. This third party may combine that information in order to enable it and us to develop anonymised consumer insights so that we can better understand your preferences and interests, personalise your experience and enhance the Workshop Services that you receive.

2.3 The information we collect is not distributed, sold or leased to third parties for commercial purposes, except to provide Workshop Services and services you have requested or for other purposes when we have your permission or when we are obliged to do so.

3 **Do we use your Personal Information for direct marketing?**

3.1 We and/or our carefully selected business partners may send you direct marketing communications and information about the Workshop Services offered on our Site. This may take the form of emails, SMS, mail or other forms of communication, in accordance with the Spam Act and the Privacy Act. You may opt-out of receiving marketing materials from us by contacting us through the contact us feature below, or by using the opt-out facilities provided (e.g. an unsubscribe link).



4 **To whom do we disclose your Personal Information?**

4.1 We may disclose Personal Information for the purposes described in this Privacy Policy to:

- (a) our employees;
- (b) our related bodies corporate;
- (c) third-party suppliers and service providers (including providers for the operation of our Site and/or our business or in connection with providing our Workshop Services and services to you);
- (d) professional advisers, dealers and agents;
- (e) payment systems operators (eg merchants receiving card payments);
- (f) our existing or potential agents, business partners or partners;
- (g) our sponsors or promoters of any competition that we conduct via our services;
- (h) anyone to whom our assets or businesses (or any part of them) are transferred;
- (i) specific third-parties authorised by you to receive information held by us; and/or
- (j) other persons, including government agencies, regulatory bodies and law enforcement agencies, or as required, authorised or permitted by law.

5 **Using our website and cookies**

5.1 We may collect Personal Information about you when you use and access our website. While we do not use browsing information to identify you personally, we may record certain information about your use of our website, such as which pages you visit, the time and



date of your visit and the internet protocol address assigned to your computer.

- 5.2 We may also use 'cookies' or other similar tracking technologies on our website that help us track your website usage and remember your preferences. Cookies are small files that store information on your computer, TV, mobile phone or other device. They enable the entity that put the cookie on your device to recognise you across different websites, services, devices and/or browsing sessions. You can disable cookies through your internet browser but our website may not work as intended for you if you do so.
- 5.3 We may also use cookies to enable us to collect data that may include Personal Information. For example, where a cookie is linked to your account, it will be considered personal information under the Privacy Act. We will handle any Personal Information collected by cookies in the same way that we handle all other Personal Information as described in this Privacy Policy.

6 **Security**

- 6.1 We may hold your Personal Information in either electronic or hard copy form. 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. However, we cannot guarantee the security of your Personal Information.

7 **Retention**

- 7.1 We may retain your Personal Information as long as you are registered to the Site as a User. You may close your account by contacting us. However, we may retain Personal Information for an additional period as is permitted or required under applicable laws. Even if we delete your Personal Information it may persist on backup or archival media for an additional period of time for legal, tax or regulatory reasons or for legitimate and lawful business purposes.



8 Exclusions

- 8.1 **Links:** Our Site may contain links to websites operated by third parties. Those links are provided for convenience and may not remain current or be maintained. Unless expressly stated otherwise, we are not responsible for the privacy practices of, or any content on, those linked websites, and have no control over or rights in those linked websites. The privacy policies that apply to those other websites may differ substantially from our Privacy Policy, so we encourage individuals to read them before using those websites.
- 8.2 **Personal Information Provided to Others:** This Privacy Policy does not apply to any Personal Information that you provide to another User or visitor through the Site or through any other means, or information posted by you to any public areas of the Site.

9 Accessing or correcting your Personal Information

- 9.1 You can access the Personal Information we hold about you by contacting us using the contact us feature below. Sometimes, we may not be able to provide you with access to all of your Personal Information and, where this is the case, we will tell you why. We may also need to verify your identity when you request your Personal Information.
- 9.2 If you think that any Personal Information we hold about you is inaccurate, please contact us using the contact us feature below and we will take reasonable steps to ensure that it is corrected.
- 9.3 We will consider and respond to all requests in accordance with all applicable laws.

10 Making a complaint

- 10.1 If you think we have breached the Privacy Act or any other relevant privacy law, or you wish to make a complaint about the way we have handled your Personal Information, you can contact us using the contact us feature below. Please include your name, email



address and/or telephone number and clearly describe your complaint. We will acknowledge your complaint and respond to your complaint within a reasonable period of time. If you think that we have failed to resolve the complaint satisfactorily, we will provide you with information about the further steps you can take.

11 **The EU General Data Protection Regulation (GDPR)**

11.1 To the extent that the EU General Data Protection Regulation (**GDPR**) applies to us and your Personal Information, this clause applies.

Legal grounds for processing your Personal Information

11.2 Our legal grounds for us processing your Personal Information for the purposes set out in clause 3 above will typically be because:

- (a) you provided your consent;
- (b) it is necessary for our contractual relationship;
- (c) the processing is necessary for us to comply with our legal or regulatory obligations; and/or
- (d) the processing is in our legitimate interest as a marketplace and platform which allows you to purchase tickets to Workshop Services (for example, to protect the security and integrity of our systems and to provide you with customer service, etc.).

Transfers of Personal Information

11.3 As we are a global company, we may need to transfer your Personal Information outside of the country from which it was originally provided. This may be intra-group or to third parties that we work with who may be located in jurisdictions outside the European Economic Area (**EEA**), Switzerland and the UK which have no data protection laws or laws that are less strict compared with those in Europe.

11.4 Whenever we transfer Personal Information outside of the EEA, Switzerland or the UK, we take legally required steps to make sure



that appropriate safeguards are in place to protect your Personal Information. Feel free to contact us for more information about the safeguards we have put in place to protect your Personal Information and privacy rights in these circumstances.

Personal Information retention

- 11.5 We retain your Personal Information for as long as necessary to provide you with our Workshop Services and services, or for other important purposes such as complying with legal obligations, resolving disputes, and enforcing our agreements.
- 11.6 If you have an account with us, we will typically retain your Personal Information for a period of 90 days after you have requested that your account is closed or if it's been inactive for 7 years.

Your rights

- 11.7 Data protection law provides you with rights in respect of Personal Information that we hold about you, including the right to request a copy of the Personal Information, request that we rectify, restrict or delete your Personal Information, object to profiling and unsubscribe from marketing communications.
- 11.8 To exercise any of your rights, please contact us using the contact us feature below. Please note that requests to exercise data protection rights will be assessed by us on a case-by-case basis. There may be circumstances where we are not legally required to comply with your request because of the laws in your jurisdiction or because of exemptions provided for in data protection legislation.
- 11.9 If you have a complaint about how we handle your Personal Information, please contact us using the contact us feature below. If you are not happy with how we have attempted to resolve your complaint, you may contact the relevant data protection authority.

Data controller and a data processor

- 11.10 EU data protection law makes a distinction between organisations that process Personal Information for their own purposes (known as "data controllers") and organisations that process Personal



Information on behalf of other organisations (known as "data processors"). If you have a question or complaint about how your Personal Information is handled, these should always be directed to the relevant data controller since they are the ones with primary responsibility for your Personal Information.

11.11 We act as a data controller unless stated otherwise.

12 **Contact Us**

12.1 For further information about our Privacy Policy or practices, or to access or correct your Personal Information, or make a complaint, please contact us using the details set out below:

12.2 admin@btwmedia.com.au

Effective: 21 Dec 2022