



## SmartCap – Life Application

### WEBSITE PRIVACY POLICY

Updated as of 23<sup>rd</sup> April 2020

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#### Introduction

SmartCap Technologies Pty Ltd

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PO Box 1149 / Level 1, 18 Finchley Street, Milton QLD 4064 Australia

[www.smartcaptech.com](http://www.smartcaptech.com)

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SmartCap Technologies Pty Ltd (“SmartCap,” “we,” “our,” or “us”) respects the privacy of your information. This Privacy Policy is designed to assist you in understanding how we collect, use and safeguard the information you provide to us in using our website (the “Site”) and the services provided through our Site (the “Services”).

Please see our SmartCap Life App and LifeHub Privacy Policy for information as to our privacy policies governing your use of our SmartCap Life Application and LifeHub.

From time to time, we may change this Privacy Policy. If we do, we will post an amended version on this webpage. Please review this Privacy Policy periodically. Your continued use of the Site and Services after any such amendment signifies your acceptance thereof.

Please also refer to our Terms of Use regarding the proper usage of the Sites and Services.

### **What is SmartCap?**

Most people are aware of the dangers of driver fatigue but our ability to recognise the signs diminishes as we become more fatigued. The team at SmartCap is committed to safety and ensuring that everyone gets home safely each and every day. We believe that ultimately each and every person is responsible for managing their own fatigue, so our technology is designed to ensure that individuals are empowered to make this possible. Through alerts, reports and profiles each user will know when they are at risk and the times of the day that their risk is greatest. SmartCap helps to develop techniques to effectively manage fatigue and alarms to ensure your workforce is safe.

SmartCap’s offices are located at Unit 1, 18 Finchley Street, Milton Queensland 4064, Australia.

### **Collecting and Using Information**

#### **Personal Data We Collect**

Through your use of the Site and Services, we may collect personal data from you. For purposes of this Privacy Policy. “Personal Data” refers to any information relating to an identified or identifiable natural person that we maintain in an accessible form.

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## Information You Provide

When you use the Site or Services, you may voluntarily provide us with the following types of Personal Data:

- **Enquire for Pricing.** When you “Enquire for Pricing,” you will provide us with your first and last name, email address, phone number, and any other Personal Data that you may voluntarily provide.
- **Social Media.** If you interact with our Site by sharing on a social media platform, we may collect the information that you post. Please note that your comments will be visible to the public, so you should never share personal data that you would like to keep private.
- **Submit A Request.** When you “Submit A Request,” you will provide us with your email address and any other Personal Data that you may voluntarily provide, such as the details of your request, LifeHub Domain, and the Support Type requested.
- **Contact Us.** When you “Contact Us,” you will provide us with your first and last name, email address, phone number, and any other Personal Data that you may voluntarily provide.
- **Interact with our Sites or Services.** When you send us any feedback, questions, comments, suggestions, ideas, or interact with us in any way, you may need to provide us with your log-in information, name and/or email address.

## Information as You Navigate Our Site and Services

We automatically collect certain Personal Data through your use of the Site and Services, including the Application. We will automatically collect certain Personal Data, such as the following:

- **Usage Information.** We collect information such as which of the pages on the Site you access, the frequency of access, and what you click on while on the Site.

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- **Device Information.** We collect information about the device you are using, such as hardware model, operating system, application version number, and browser.
- **Mobile Device Information.** In addition to the Device Information listed above, when you access our Site via a browser on your mobile device, we collect and aggregate information about whether you are accessing the Site via a mobile device or tablet, device type, and carrier.
- **Location Information.** We collect location information from Site visitors on a city-regional basis.

### **Third Party Information**

In some cases, we may receive certain Personal Data from you about a third party. For example, when you “Submit A Request” through our Help Centre, you may provide the email address of a third-party. If you submit any Personal Data about another individual to us, you are responsible for making sure that you have the authority to do so and to allow us to use their Personal Data in accordance with this Privacy Policy.

### **How We Use Your Personal Data**

We use the Personal Data we collect to provide the Services to you, to improve our Services and Site, and to protect our legal rights. In addition, we may use the Personal Data we collect to:

- Process your Account registration;
- Contact you regarding our products and services that we feel may be of interest to you;
- Communicate with you about our Site or Services or to inform you of any changes to our Site or Services;
- Provide support;
- Maintain and improve our Site and Services;
- Defend our legal rights and the rights of others;
- Efficiently maintain our business; and
- Comply with applicable law.

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## How We Share Your Personal Data

We may share the information that we collect about you in the following ways:

- With service providers who perform data services on our behalf (e.g., email, hosting, maintenance, backup, analysis, etc.);
- To service providers to prepare, deploy and analyze advertising content;
- To the extent that we are required to do so by law;
- In connection with any legal proceedings or prospective legal proceedings;
- To establish, exercise, or defend our legal rights, including providing information to others for the purposes of fraud prevention;
- To any person who we reasonably believe may apply to a court or other competent authority for disclosure of that Personal Data where, in our reasonable opinion, such court or authority would be reasonably likely to order disclosure of that Personal Data;
- To any other person or entity as part of any business or asset sale; and
- To any other person or entity where you consent to the disclosure.

## Cookies and Other Tracking Technologies

### What Are Cookies?

We use cookies and other tracking technologies (such as pixels and web beacons) (collectively, "Cookies"). "Cookies" are small files of information that are stored by your web browser software on your computer hard drive, mobile or other devices (e.g., smartphones or tablets).

We use Cookies to:

- Estimate audience size and usage patterns;
- Understand and save your preferences for future visits, allowing us to customize the Site and Services to your individual needs;

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- Advertise new content and services that relate to your interests;
- Keep track of advertisements and search engine results;
- Compile aggregate data about site traffic and site interactions to resolve issues and offer better site experiences and tools in the future; and
- Recognize when you return to the Site.

We set some Cookies ourselves and others are set by service providers. We use Cookies set by service providers to provide us with useful information to help us improve our Site and Services, to conduct advertising, and to analyze the effectiveness of advertising.

### **What Type of Cookies Do We Use and Why?**

These are the different types of Cookies that we and our service providers use on the Site and Services:

- **Essential Cookies.** These Cookies are required for the operation of the Site and Services and enable you to move around the Site and use its features. Disabling these Cookies can negatively impact the Site's performance.
- **Analytics, Performance and Research Cookies.** These Cookies allow us to analyze activities on the Site and Services. They can be used to improve the functioning of the Site. For example, these Cookies recognize and count the number of visitors and see how they move around the Site. Analytics Cookies also help us measure the performance of our advertising campaigns to help us improve them and to optimize the Site's content for those who engage with our advertising.
- **Functionality Cookies.** These Cookies are used to recognize you when you return to the Site. This enables us to personalize content for you and remember your preferences.
- **Social Networking Cookies.** These Cookies are used to enable you to share pages and content that you find interesting on our Site or Application through third-party social networking and other websites. These Cookies may also be used for advertising purposes.

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## How Long Do Cookies Stay on My Device?

Some Cookies operate from the time you visit the Site until the end of that particular browsing session. These Cookies, which are called “session cookies,” expire and are automatically deleted when you close your Internet browser.

Some Cookies will stay on your device between browsing sessions and will not expire or automatically delete when you close your Internet browser. These Cookies are called “persistent cookies” and the length of time they will remain on your device will vary from Cookie to Cookie. Persistent Cookies are used for a number of purposes, such as storing your preferences so that they are available for your next visit and to keep a more accurate account of how often you visit the Site, how your use of the Site may change over time, and the effectiveness of advertising efforts.

## Managing Your Cookies

Cookies can be blocked by changing your Internet browser settings to refuse all or some Cookies. If you choose to block all Cookies (including essential Cookies) you may not be able to access all or parts of the Site.

You can find out more about Cookies and how to manage them by visiting [www.AboutCookies.org](http://www.AboutCookies.org).

You can understand which third parties have currently enabled Cookies for your browser or mobile device and how to opt-out of some of those Cookies by accessing the [Network Advertising Initiative's website](#) or the [Digital Advertising Alliance's website](#). For more information on mobile specific opt-out choices, visit the [Network Advertising Initiative's Mobile Choices website](#).

## Google Analytics

We use Google Analytics, a web analytics service provided by Google, Inc. Google Analytics uses Cookies or other tracking technologies to help us analyze how users interact with the Site and Services, compile reports on their activity, and provide other services related to their activity and usage. The technologies used by Google may collect information such as your IP address, time of visit, whether you are a returning visitor, and any referring website. The technologies used by Google Analytics do not gather information that personally identifies you. The information generated by Google Analytics will be transmitted to and stored by Google and will be subject to Google's

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[privacy policies](#). To learn more about Google’s partner services and to learn how to opt-out of tracking of analytics by Google, click [here](#).

## Google reCAPTCHA

We utilize Google reCAPTCHA, which is a free service that protects websites from spam and abuse using advanced risk analysis techniques to tell humans and bots apart. Google reCAPTCHA works differently depending on what version is deployed. For example, you may be asked to check a box indicating that you are not a robot or Google reCAPTCHA may detect abusive traffic without user interaction. Google reCAPTCHA works by transmitting certain types of information to Google, such as the referrer URL, IP address, visitor behavior, operating system information, browser and length of the visit, cookies, and mouse movements. Your use of Google reCAPTCHA is subject to Google’s [Privacy Policy](#) and [Terms of Use](#). More information as to Google reCAPTCHA and how it works is available [here](#).

## Third Party Processors

To ensure that your Personal Data receives an adequate level of protection, we have put in place appropriate procedures with the service providers we share your Personal Data with to ensure that your Personal Data is treated by those service providers in a way that is consistent with and which respects the applicable laws on data security and privacy. For example, we use Amazon Web Services for cloud data storage.

## “Do Not Track” Signals

Some internet browsers incorporate a “Do Not Track” feature that signals to websites you visit that you do not want to have your online activity tracked. Given that there is not a uniform way that browsers communicate the “Do Not Track” signal, the Site does not currently interpret, respond to or alter its practices when it receives “Do Not Track” signals.

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## Your Personal Data and Your Rights –United States Only

SmartCap respects your rights in how your Personal Data is used and shared. You may request to review and make changes to your Personal Data and make choices about the kinds of marketing materials you receive (or choose not to receive marketing materials from SmartCap at all) by contacting us as described in the “How to Contact Us” section below.

### California Shine the Light Law

We do not disclose personal information obtained through our Site or Services to third-parties for their direct marketing purposes. Accordingly, we have no obligations under California Civil Code § 1798.83.

### Notice to Nevada Residents

Nevada law allows Nevada residents to opt-out of the sale of certain types of personal information. Subject to a number of exceptions, Nevada law defines “sale” to mean the exchange of certain types of personal information for monetary consideration to a person for the person to license or sell the information to additional persons. We do not currently sell personal information as defined in the Nevada law. However, if you are a Nevada resident, you still may submit a verified request to opt-out of sales and we will record your instructions and incorporate them in the future if our policy changes. Opt-out requests may be sent to [privacy@smartcaptech.com](mailto:privacy@smartcaptech.com).

## Your Personal Data and Your Rights –Europe and the United Kingdom Only

### Legal Bases for Processing Your Personal Information

If you are in a country in the European Union or in the United Kingdom, you are entitled to an explanation of the legal bases we rely on to process your Personal Data. The legal basis for collecting and using the Personal Data described above will depend on the Personal Data concerned and the specific context in which we collect it, which is discussed below.

#### *Consent*

We may process your Personal Data based on your consent such as when you ask us to send you certain kinds of marketing communications. You have the right to

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withdraw your consent at any time without affecting the lawfulness of the processing based on consent before its withdrawal.

#### *Our Legitimate Interests*

We may process your Personal Data if doing so is necessary for our legitimate interests and your rights as an individual do not override those legitimate interests. For example, when we process your Personal Data to carry out fraud prevention activities and activities to increase network and information security, identify usage trends, determine the effectiveness of promotional campaigns, expand our business activities and improve our services and the content and functionality of our Site.

#### *To Perform a Contract*

We may process your Personal Data to administer and fulfill contractual obligations to you.

#### *To Enable Us to Comply with a Legal Obligation*

We may process your Personal Data to comply with legal obligations to which we are subject. This may include any requirement to produce audited accounts, any legal obligation to share information with law enforcement agencies, public or governmental authorities, and to comply with legal process.

#### *Necessary for the Exercise or Defense of Legal Claims*

If you bring a claim against us or we bring a claim against you, we may process your Personal Data in relation to that claim.

SmartCap is the Data Controller of all Personal Data collected from residents of the European Union or the United Kingdom. If you have any questions about or need further information concerning the legal basis on which we collect and use your Personal Data for any specific processing activity, please contact us using the “**How to Contact Us**” section below.

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## Your Rights

If you are an individual in a country in the European Union or the United Kingdom, you have the right to make requests to:

- Access the Personal Data we keep about you;
- Rectify inaccurate Personal Data;
- Place restrictions on our use of your Personal Data;
- Object to our use of your Personal Data;
- Ask us to delete the Personal Data about you we hold;
- Have your Personal Data transferred to you or another party of your choosing; and
- Make a complaint to the relevant supervising authority

We describe these rights more fully below.

### *Asking Us to Access Your Personal Data*

You have the right to obtain from us confirmation as to whether or not we are processing Personal Data about you and, if so, the right to be provided with the information contained in this Privacy Policy. You also have the right to receive a copy of the Personal Data undergoing processing.

### *Asking Us to Rectify Your Personal Data*

You have the right to ask us to rectify any inaccurate Personal Data about you and to have incomplete Personal Data completed.

### *Asking Us to Restrict Our Use of Your Personal Data*

You have the right to ask us to place a restriction on our use of your Personal Data if one of the following applies to you:

- You contest the accuracy of the information that we hold about you, while we verify its accuracy;
- We have used your information unlawfully, but you request us to restrict its use instead of erasing it;

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- We no longer need the information for the purpose for which we collected it, but you need it to deal with a legal claim; or
- You have objected to us using your information, while we check whether our legitimate grounds override your right to object.

#### *Objecting to Our Use of Your Personal Data*

You have the right to object to our use of your Personal Data where our reason for using it is based on our legitimate interests or your consent (rather than when the reason for using it is to perform an obligation due to you under a contract with us).

#### *Asking Us to Delete Your Personal Data*

You can ask us to delete your Personal Data if:

- We no longer need it for the purposes for which we collected it;
- We have been using it with no valid legal basis;
- We are obligated to erase it to comply with a legal obligation to which we are subject;
- We need your consent to use the information and you withdraw consent;
- You object to us processing your Personal Data where our legal basis for doing so is our legitimate interests and there are no overriding legitimate grounds for the processing.

However, this right is not absolute. Even if you make a request for deletion, we may need to retain certain information for legal or administrative purposes, such as record keeping, maintenance of opt-out requirements, defending or making legal claims, or detecting fraudulent activities. We will retain information in accordance with the “How Long Is Your Personal Data Kept” section below.

If you do exercise a valid right to have your Personal Data deleted, please keep in mind that deletion by third parties to whom the information has been provided might not be immediate and that the deleted information may persist in backup copies for a reasonable period (but will not be available to others).

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### *The Right to Transfer Your Personal Data to Another Service Provider*

You may request that we transfer some of the Personal Data you have provided to you or another service provider in electronic copy. This applies to Personal Data we are processing to service a contract with you and to Personal Data we are processing based on your consent.

### *Making a Complaint*

If you have any concerns or complaints regarding our processing of your Personal Data, please contact us as described in the “How to Contact Us” section below and we will do our best to answer any question and resolve any complaint to your satisfaction.

If, for whatever reason, you feel we do not meet the standards you expect of us, you are also entitled to make a complaint to your local supervisory authority:

[EU Data Protection Authorities \(DPAs\)](#)

[Swiss Federal Data Protection and Information Commissioner \(FDPIC\)](#)

### *How Long Is Your Personal Data Kept?*

We will retain your Personal Data for as long as necessary to fulfill the purposes for which we collect it and as set out in this Privacy Policy and for the purpose of satisfying any legal, accounting, or reporting requirements that apply to us.

### **Advertising and Marketing Choices**

Depending on your location (and reflecting applicable law), you may have been asked to indicate your preferences, provide us with your consent regarding the receipt of such information from us, and indicate how you would like to receive it.

Wherever you are located, we will send you marketing communications based on any preferences you may have expressed.

We only want to send you information in which you are interested. If you do not want to receive these communications or would like to understand more about other unsubscribe options, please contact us as set out in the “How to Contact Us” section below.

For email communications, you can opt-out and/or manage your preferences by clicking on the unsubscribe link provided at the bottom of any email you receive from us. You also may submit a request to us at [privacy@smartcaptech.com](mailto:privacy@smartcaptech.com).

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If we call you with information you do not want to receive, you can advise us of this during the telephone call.

### **Third Party Links**

The Site and Services may contain links that will let you leave the Site and Services and access another website. Linked websites are not under our control. Except as stated below, this Privacy Policy applies solely to Personal Data that is acquired on this Site and Services. We accept no responsibility or liability for these other websites.

### **Security**

We maintain commercially reasonable security measures to protect the Personal Data we collect and store from loss, misuse, destruction, or unauthorized access. However, no security measure or modality of data transmission over the Internet is 100% secure. Although we strive to use commercially acceptable means to protect your Personal Data, we cannot guarantee absolute security.

### **Children's Privacy**

The Site and Services are not intended for children under 13 years of age. We do not knowingly collect, use, or disclose personal information from children under 13. If we discover that a child under 13 has provided Personal Data, we immediately delete it. If you are a parent or guardian and you are aware that your child has provided us with Personal Data, please contact us immediately so that we will be able to engage in all necessary actions.

### **How to Contact Us**

For questions or concerns about our privacy policies or practices, please contact us at:

#### **SmartCap Technologies Pty Ltd**

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AUSTRALIA

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