

FLAIR PILATES

PRIVACY POLICY

Effective Date: 29 June 2020

1. SUMMARY

This Privacy Policy complies with the Australian *Privacy Act 1988* (Cth) including the APPs. We respect your privacy and are committed to safeguarding your Personal Information. When you deal with us, we might collect Personal Information from you including your Identifying Information and other information that you share with us. With your consent, which you provide by contacting us or subscribing to the Service, we may share certain Personal Information with Approved Third Parties and we may send Direct Marketing to you from time to time.

If you are an individual located in the European Economic Area ('EEA') or the United Kingdom, the GDPR might apply when we collect and process your Personal Information. The legal basis we rely upon for collecting and processing your Personal Information is that it is for the purposes of our legitimate interests (where we consider that our rights are not overridden by yours). In addition to the rights set out below, you may also have the right to object to or restrict processing of your Personal Information, a right to data portability and a right of erasure.

Please read this Privacy Policy in order to understand more fully how and why we collect, use, store and handle your Personal Information when you contact us or use the Website, what information we collect and the choices available to you in relation to your Personal Information.

Please let us know if you would like a physical copy of this Privacy Policy and we will provide one to you.

2. DEFINITIONS

'Approved Third Parties' means Third Party Service Providers and any party to whom we are required or authorised to disclose your Personal Information by law.

'APPs' means The Australian Privacy Principles set out in the *Privacy Act 1988* (Cth).

'Direct Marketing' means the use or disclosure of Personal Information to communicate directly with an individual to promote goods or services.

'Flair Pilates' means Flair Pilates ABN 33 938 958 821.

'GDPR' means the EU General Data Protection Regulation 2016.

'Identifying Information' means information provided by you when you contact us or use the Service and includes your name, email address and phone number.

'Main Purposes' means (a) providing you with access to the Service; (b) providing you with information and responding to your enquiries; (c) sending electronic communications to you including Direct Marketing; and (d) any other purpose specified in the tables at paragraphs 3 and 4.

'Parties' means both you and us collectively.

'Personal Information' means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not,

and includes Identifying Information.

'Service' means the Flair Pilates on demand library of pilates and other fitness content available to Subscribers at www.flairpilates.com.au

'Third Party Service Providers' means any party who provides us with services from time to time.

'us', 'we', 'our' refers to Flair Pilates.

'Website' means the website located at www.flairpilates.com.au

'you' or 'your' refers to the user of the Website.

3. WHAT PERSONAL INFORMATION DO WE COLLECT, HOW DO WE COLLECT IT AND WHY?

We collect, hold, use and disclose Personal Information for the Main Purposes.

We will only collect such Personal Information which is reasonably necessary for, or directly related to, the Main Purposes, another legitimate purpose specified in the table below or as set out in para 4 below.

If we receive Personal Information other than directly from the person which it is about or from a third party that has the consent of that person to deal with that Personal Information, then we will destroy that Personal Information as soon as practicable if lawful and reasonable to do so.

What Personal Information do we collect?	How do we collect it?	Why do we collect, hold, use or disclose it?
Your name and email address	We may ask you to provide this information when you contact us with a query and we will ask you to provide this information when you subscribe to the Service	We collect this information so that: <ul style="list-style-type: none">• we can respond to any queries or comments that you contact us about; and• we can send electronic communications to you (including Direct Marketing)• we can provide access to the Service

Password	When you subscribe to the Service you will be asked to create a password	To create your account and to verify your identity when you access the Service
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4. COOKIES

The Website is hosted by Wix. Wix uses a variety of cookies. Cookies are small pieces of data that a website asks your browser to store on your computer or device. The purpose of cookies is to improve your browsing experience by being aware of and adapting to your browsing and internet use habits on the site/s on which they are stored and to enhance security. It is possible to disable cookies but the Website may not function properly.

The Website uses Wix Cookies and Third Party Cookies as follows:

Wix Cookies (cookies placed on the Website and used by Wix)

Strictly Necessary		
<u>Cookie Name</u>	<u>Duration</u>	<u>Purpose</u>
ForceFlashSite	Session	When viewing a mobile site (old mobile under m.domain.com) it will force the server to display the non-mobile version and avoid redirecting to the mobile site
hs	Session	Security
smSession	Persistent (Two days or two weeks)	Identifies logged in site members
XSRF-TOKEN	Session	Security

Functionality		
<u>Cookie Name</u>	<u>Duration</u>	<u>Purpose</u>
svSession	Persistent (Two years)	Identifies unique visitors and tracks a visitor on a site

SSR-caching	Session	Indicates how a site was rendered
smSession	Persistent (Two weeks)	Identifies logged in site members

Third-Party Cookies (cookies placed on the Website and used by third parties)

Functionality		
<u>Cookie Name</u>	<u>Duration</u>	<u>Purpose</u>
TS*	Session	Security
TS01*****	Session	Security
TSxxxxxxx (where x is replaced with a random series of numbers and letters)	Session	Security
TSxxxxxxx d (where x is replaced with a random series of numbers and letters)	Session	Security

For more information about cookies see:

<https://www.learn-about-cookies.com/>

For information about how to delete cookies see:

<https://www.learn-about-cookies.com/how-to-delete-cookies>

5. DEALING WITH PERSONAL INFORMATION

We will deal with Personal Information for the Main Purposes and any other purpose to which you have consented.

We may share your Personal Information with a third party if we are required or permitted to do so by law.

We may disclose your Personal Information to a Third Party Service Provider and such Third Party Service Provider may store your data on servers located outside Australia.

6. DISCLOSURE OF PERSONAL INFORMATION

Whenever we provide your Personal Information to a third party, we will request that the third party handles your Personal Information in compliance with: (i) the APPs if the third party is Australian; or (ii) applicable foreign laws comparable to and no less protective than the APPs if the third party is foreign. We will only disclose your Personal Information to overseas recipients where the overseas recipient is a Third Party Service Provider or where the disclosure is required or permitted by law.

7. ELECTRONIC COMMUNICATIONS

By providing us with your Personal Information, you consent to receiving electronic communications from us.

If you do not wish to receive Direct Marketing from us you can opt out by clicking the “unsubscribe” link in the footer of the communication or by contacting us at the email address provided in the Contact section at paragraph 14 below and asking us to remove you from our mailing list.

8. STORAGE OF PERSONAL INFORMATION

We will store Personal Information for the longer of (a) 7 years from the date of our final communication with you (in the case of an enquiry) or 7 years from the date of the final invoice that we issue to you (if you subscribe to the Service); and (b) in respect of your name and email address, as long as you remain subscribed to our mailing list. We reserve the right to retain your Personal Information for a longer period of time if we have a valid reason for doing so such as if there is an ongoing dispute between you and us.

If the GDPR applies to our collection and processing of your Personal information, you may have a right to request erasure of your Personal information.

9. INTEGRITY AND SECURITY OF PERSONAL INFORMATION

We will make reasonable efforts to ensure that the Personal Information that we collect and deal with is accurate, up to date and complete.

We take reasonable steps to protect the Personal Information that we hold from theft, misuse, interference, loss, and unauthorised access, modification or disclosure. However, we cannot guarantee the security of Personal Information. The steps that we take to protect your Personal Information include limiting disclosure on a need to know basis, password protection and prompt destruction of hard copy documents containing Personal Information, if any.

If any Personal Information is stolen, misused, interfered with or lost, or has been accessed, modified or disclosed without authorisation, then we will comply with our legal obligations to report and manage the breach. This includes taking all reasonable steps to complete an assessment of the suspected breach within 30 days of becoming aware of the suspected breach, taking appropriate remedial action and where appropriate, notifying the affected individuals and the Privacy Commissioner.

10. ACCESSING YOUR PERSONAL INFORMATION

You may request access to your Personal Information by contacting us at the email address provided in the Contact section at paragraph 14 below.

If any of the Personal Information we hold for you is inaccurate, out of date, incomplete, irrelevant, misleading or otherwise incorrect, you may ask us to correct the Personal Information and we will do so as soon as reasonably practicable and within 30 days.

We will notify relevant third parties of any corrections to the Personal Information we hold where it is reasonable to do so.

11. CHANGES

We reserve the right to change this Privacy Policy by publishing the updated Privacy Policy on our Website and those changes will take effect immediately when they are published. If we make any significant changes to this Privacy Policy we will notify you if you are subscribed to our mailing list.

12. COMPLAINTS

If you have a complaint about how we handle privacy, please contact us. We take all complaints seriously and will investigate and respond as soon as reasonably practicable, usually within 30 days.

For further information on the APPs and Australian privacy law, see www.oaic.gov.au. To contact the Office of the Australian Information Commissioner, including to make a complaint about privacy, contact 1300 363 992 or enquiries@oaic.gov.au.

We request that you please endeavour to resolve any privacy related complaint with us directly before contacting the Office of the Australian Information Commissioner.

13. MISCELLANEOUS

Applicable law: Your use of the Website and the Service is subject to the laws of Queensland.

Separate agreements: You may have other legal agreements with us such as our [Terms and Conditions](#). Those other legal agreements are separate from and in addition to this Privacy Policy. This Privacy Policy does not alter, amend, revise or replace the terms of any other legal agreements you may have with us. In the event of any conflict between our Terms and Conditions and this Privacy Policy, this Privacy Policy prevails.

14. CONTACT US

You can contact us at:

The Privacy Officer
Flair Pilates
ABN 33 938 958 821
info@flairpilates.com.au