

E.E.K. & SENSE PTY LTD – PRIVACY POLICY

Introduction

Welcome to **E.E.K. & SENSE PTY LTD**'s Privacy Policy.

E.E.K. & SENSE respects your privacy and is committed to protecting your personal data. This Privacy Policy will inform you as to how we look after your personal data when you visit our website (regardless of where you visit it from) and tell you about your privacy rights and how the law protects you.

1. IMPORTANT INFORMATION AND WHO WE ARE

1.1 Purpose of this Privacy Policy

This Privacy Policy aims to give you information on how E.E.K. & Sense PTY LTD collects and processes your personal data through your use of this website and the Global Leadership Wellbeing Survey (GLWS), including any data you may provide when you complete the GLWS and / or sign up to receive updates and communications from us through this website.

1.2 Who is this Privacy Policy aimed at?

This Privacy Policy is designed to address;

- (a) visitors to our website;
- (b) individuals who submit enquiries to us or register an account with us to receive information and updates from us or register to attend an event that we are hosting or otherwise organising;
- (c) respondents who complete the GLWS; and
- (d) GLWS accredited coaches.

Neither this website nor the GLWS is intended for children and we do not knowingly collect data relating to children.

It is important that you read this Privacy Policy together with any other Privacy Policy or fair processing policy we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data.

This Privacy Policy supplements other notices and is not intended to override them.

1.3 Controller

E.E.K. & SENSE PTY LTD is the controller and responsible for your personal data (collectively referred to as "**EEK & SENSE**", "we", "us" or "our" in this privacy policy).

We have appointed a Data Privacy Manager who is responsible for overseeing questions in relation to this Privacy Policy. If you have any questions about this Privacy Policy, including any requests to exercise your legal rights (which we set out in detail for your reference below), please contact the Data Privacy Manager using the details set out below.

1.4 Contact details

If you have any questions about this Privacy Policy or our privacy practices, please contact our Data Privacy Manager in the following ways:

Full name of legal entity: **E.E.K. & SENSE PTY LTD**

Email address: admin@glwswellbeing.com

Postal address: PO BOX 3399, Tuggerah NSW 2259, Australia

As an Australian resident, you have the right to make a complaint to the Australian Privacy Commissioner's Office in accordance with the Australian Privacy Act 1988.

As a resident of a European Union (EU) member state, you have the right to make a complaint at any time to the Supervisory Authority, in particular in the EU member state of your habitual residence, place of work or place where the subject matter of the complaint occurred. For example, a resident of the United Kingdom has the right to make a complaint to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk).

In locations other than the EU and Australia, please contact your local Privacy regulatory body for guidance.

We would, however, appreciate the chance to deal with your concerns before you approach your regulatory body so please contact us in the first instance.

1.5 Changes to the Privacy Policy and your duty to inform us of changes

We keep our Privacy Policy under regular review. This version was last updated on 23 October 2019.

It is important that the personal data we hold about you is accurate and current. Please inform us of any changes to your personal data during your relationship with us.

1.6 Third-party links

This website may include links to third-party websites, for example in our Blog posts. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do

not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the Privacy Policy of every website you visit.

2. THE DATA WE COLLECT ABOUT YOU

2.1 Personal data, or personal information

This means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

(a) Identity Data

Includes details like your first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.

(b) Contact Data

This includes details like your postal address, email address and telephone numbers. If you make any payments to us, this will also include your billing address.

(c) Financial Data

If you make any payments to us, this will include details like your bank account and payment card details.

(d) Transaction Data

If you make any payments to us, this will include details about those payments and any other transactions that you have with us.

(e) Response Data

If you complete the GLWS, this will include the details given in your responses and may include special categories of personal data such as data concerning your health.

(f) Technical Data

By using our website for any reason, including to access the GLWS, we will collect data such as your internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access this website.

(g) Profile Data

If you register an account with us, this will include data like your username and password, your interests, preferences, feedback and survey responses.

(h) Usage Data

Includes information about how you use our website (i.e. clickthrough rates and time spent on different parts of the website) and the GLWS.

(i) Marketing and Communications Data

This includes your preferences in receiving marketing from us and our third parties and your communication preferences.

2.2 Aggregated Data

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will **not** directly or indirectly reveal your identity.

For example, we may aggregate your Usage Data to evaluate the use of the GLWS or of our website overall. We may also aggregate your Response Data in order to carry out research, (for example exploring the factors that are most impacting wellbeing at work and outside of work, and how these factors differ by gender, age and job level). However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this Privacy Policy.

2.3 Special Categories of Personal Data

We do collect **Special Categories of Personal Data** about you. These categories can include information revealing racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, information concerning health, sexual life, sexual orientation, biometric or genetic data.

If you complete the GLWS your Response Data will contain information about your health and wellbeing which are considered special categories of personal data.

2.4 Criminal convictions and offences

We do not collect any information about criminal convictions and offences.

2.5 If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

3. HOW IS YOUR PERSONAL DATA COLLECTED?

We use different methods to collect data from and about you including through:

(a) **Direct interactions.**

You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:

- (i) complete the GLWS as a respondent;
- (ii) make enquiries to us about becoming a GLWS coach or about using the GLWS in your organisation;
- (iii) create an account or a profile on our website;
- (iv) submit an enquiry to us or download a report or publication from our website;
- (v) subscribe to receive updates from us our publications;
- (vi) request marketing to be sent to you;
- (vii) complete evaluations of the GLWS;
- (viii) give us feedback or contact us.

(b) **Automated technologies or interactions.**

As you interact with our website, we will automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. Please refer to paragraph 4.8 for our policy on cookies.

(c) **Third parties or publicly available sources.**

We will receive personal data about you from various third parties as set out below:

- (i) Technical Data from analytics providers and search information providers such as Google.
- (ii) Contact, Financial and Transaction Data from providers of technical, payment and delivery services such as Stripe (which is a global business and may process and store personal data in any country where they have operations).
- (iii) Identity and Contact Data from your GLWS coach (based anywhere globally) who will provide us with this data in order to arrange for you to receive a link to your GLWS so that you can complete the survey.

4. HOW WE USE YOUR PERSONAL DATA

4.1 Personal data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- (a) Where you are completing our GLWS and we need to perform the 'Terms and Conditions for GLWS Respondents' contract we are about to enter into or have entered into with you.
- (b) Where you are (or are enquiring about becoming) one of our GLWS coaches and we need to perform the 'Terms and Conditions for GLWS Accredited Coaches' contract we are about to enter into or have entered into with you.
- (c) Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- (d) Where we need to comply with a legal obligation.
- (e) Where you have given valid consent and / or valid explicit consent to our processing of your personal data.

4.2 Special categories of personal data

We will only use your special categories of personal data when the law allows us to. Most commonly we will use your special category personal data where you have given us your valid and explicit consent to the use of your special categories of personal data for a particular purpose. This purpose is most likely to be our analysis of your GLWS Response Data if you have completed the GLWS.

4.3 Marketing

We will get your consent before sending direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting us.

4.4 Purposes for which we will use your personal data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the

specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To log and respond to any enquiry made to us, including regarding interest in attending an event hosted by or otherwise operated by us	(a) Identity (b) Contact (c) Marketing and Communications	Performance of a contract or preparation for entering into a contract with you Necessary for our legitimate interests (to carry out our business function)
To register you as a respondent to the GLWS or as a GLWS accredited coach	(a) Identity (b) Contact	Performance of a contract (the Terms and Conditions for GLWS Respondents and the Terms and Conditions for GLWS Accredited Coaches) with you
To process and analyse your responses to the GLWS and deliver your results	(a) Identity (b) Contact (c) Responses (d) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to carry out our business function) (c) Explicit consent to our processing of your special categories of personal data for the purposes of processing and analysing your responses to the GLWS and delivering your results (d) Necessary for our legitimate interests (to carry out our business function) or consent to our processing
To provide you as a GLWS coach, with the GLWS reports completed by your clients	(a) Identity (b) Contact	Performance of a contract (the Terms and Conditions for GLWS Accredited Coaches) with you

<p>To conduct evaluations of the GLWS survey and debrief process</p>	<p>(a) Identity (b) Contact (c) Responses</p>	<p>(a) Necessary for our legitimate interests (to provide feedback to enable continuous improvement and for marketing purposes)</p>
<p>To manage our relationship with you which will include: (a) Notifying you about changes to our terms or Privacy Policy (b) Asking you to leave a review or take a survey</p>	<p>(a) Identity (b) Contact (c) Profile (d) Marketing and Communications</p>	<p>(a) Performance of a contract with you (the Terms and Conditions for GLWS Accredited Coaches) (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)</p>
<p>To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)</p>	<p>(a) Identity (b) Contact (c) Technical</p>	<p>(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation</p>
<p>To deliver relevant website content to you and measure or understand the effectiveness of what we provide to you</p>	<p>(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical</p>	<p>Necessary for our legitimate interests (to study how our website and the GLWS is accessed and used, to develop and grow our business and to inform our marketing strategy)</p>
<p>To use data analytics to improve our website, the GLWS, marketing, client and</p>	<p>(a) Technical (b) Usage</p>	<p>Necessary for our legitimate interests (to define appropriate types of respondents for the GLWS and appropriate coaches, to keep</p>

coach and consultant relationships and experiences		our website updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to you about resources, materials, training, conferences, events, etc. that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile (f) Marketing and Communications	Necessary for our legitimate interests (to develop our products/services and grow our business)
To send regular emails sharing articles we have written on topics related to well-being and leadership	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile (f) Marketing and Communications	Necessary for our legitimate interests (to develop our products/services and grow our business)

4.5 Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising.

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide what information, products, services and offers may be relevant for you (otherwise known as marketing).

You will receive marketing communications from us if you have requested information, updates material from us, registered to attend or attended an event hosted by or otherwise operated by us, or become a GLWS coach and you have not opted out of receiving that marketing. You will also receive marketing communications from us if you have completed the GLWS and you have asked us to send you such communications.

4.6 Third-party marketing

We will not share your personal data with any third party for marketing purposes.

4.7 Opting out

You can ask us to stop sending you marketing messages at any time by following the opt-out links on any marketing message sent to you or by contacting us at any time.

4.8 Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly.

We use the following cookies:

- **Strictly necessary cookies.** These are cookies that are required for the operation of a website. They include, for example, cookies that enable users to log into secure areas of a website or make use of e-billing services.
- **Analytical/performance cookies.** These types of cookies allow providers to recognise and count the number of visitors and to see how visitors move around their website when they are using it. This assists providers in improving the way their website works, for example, by ensuring that users are finding what they are looking for easily.
- **Functionality cookies.** These are used to recognise users when they return to a website. They enable the personalisation of content, the recognition of users and remember user preferences (for example, their choice of language or region).
- **Targeting cookies.** These cookies record a user's visit to a website, the individual pages visited and the links followed. If the cookie is set by a third party (for example, an advertising network) which also monitors traffic on other websites, this type of cookies may also be used to track a user's movements across different website and to create profiles of their general online behaviour. Information collected by tracking cookies is commonly used to serve users with targeted online advertising.

Please note that third parties (including, for example, advertising networks and providers of external services like web traffic analysis services) may also use cookies, over which we have no control. These cookies are likely to be analytical/performance cookies or targeting cookies.

You can block cookies by activating the setting on your browser that allows you to refuse the setting of all or some cookies. However, if you use your browser settings to block all cookies (including essential cookies) you may not be able to access all or parts of our site.

4.9 Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

5. Disclosures of your personal data

We may share your personal data with the parties set out below for the purposes set out in the table titled, 'Purposes for which we will use your personal data' above.

- (a) External Third Parties as set out at section 10.
- (b) Formation Systems Pty Ltd – our primary data processor;
- (c) Active Campaign – our client data management and mailing system services provider;
- (d) Third parties to whom we may choose to sell, transfer or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this Privacy Policy.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

6. International transfers

6.1 Location

We are located in Australia but we operate globally, with GLWS accredited coaches and respondents to the GLWS being based in Australia and other countries around the world, including member states within the EU. So when those of you who are based within the EU share your personal data with us in any of the ways detailed above this will amount to a transfer outside of the European Economic Area (EEA). We then share your personal data with our External Third Parties, Formation Systems Pty Ltd and Active Campaign. This will involve transfers of your data outside of the EEA. These types of transfers need to be carefully protected. We explain how we protect your data during these transfers, below.

6.2 Protection

Whenever we transfer your personal data outside the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- (a) We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission. For further details, see [European Commission: Adequacy of the protection of personal data in non-EU countries](#).
- (b) Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see [European Commission: Model contracts for the transfer of personal data to third countries](#).
- (c) Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between Europe and the US. For further details, see [European Commission: EU-US Privacy Shield](#).

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data outside of the EEA.

7. Data security

7.1 Security measures

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

7.2 Data Breach

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

8. Data retention

8.1 How long will you use my personal data for?

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

8.2 What is appropriate?

To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

- (a) By law we have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for between 5 and 7 years after they cease being customers for tax purposes and for meeting our legal obligations to the Australian Securities and Investments Commission.
- (b) In some circumstances you can ask us to delete your data. Refer to section 9 below for further information.
- (c) In some circumstances we will anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

9. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data.

- 9.1 **Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- 9.2 **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- 9.3 **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your

information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

- 9.4 Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- 9.5 Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:
- (a) If you want us to establish the data's accuracy.
 - (b) Where our use of the data is unlawful but you do not want us to erase it.
 - (c) Where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims.
 - (d) You have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- 9.6 Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- 9.7 Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us using the details at section 1.4 above.

- 9.8 No fee usually required**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.

9.9 What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

9.10 Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally, it could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

10. Definitions and explanations of terms used

10.1 LAWFUL BASIS

- (a) **Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.
- (b) **Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.
- (c) **Comply with a legal obligation** means processing your personal data where it is necessary for compliance with a legal obligation that we are subject to.

10.2 THIRD PARTIES

External Third Parties

- (a) Service providers acting as processors based in Australia and the United Kingdom who provide; IT and system administration services, and marketing and design services.
- (b) Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers based in Australia and the United Kingdom who provide consultancy, banking, legal, insurance and accounting services.
- (c) Australian Tax Office, regulators and other authorities acting as processors or joint controllers based in Australia who require reporting of processing activities in certain circumstances

