

# Tracker Solutions GmbH Privacy Policy

## 1 Who we are

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- 1.1 Tracker Solutions GmbH (company no. CHE-285.660.950, doing business as Tracker Apps) understands that your personal information is important to you and we recognise the importance of maintaining your privacy.
- 1.2 We offer products and services in multiple jurisdictions including Europe, North America, South East Asia, the Pacific and the Middle East.
- 1.3 We are bound by or act as if we are bound by:
  - (a) the Revised Federal Act on Data Protection (Switzerland)
  - (b) the General Data Protection Regulation (EU) 2016/679 (Europe);
  - (c) the Privacy Act 1988 (Cth) including the Australian Privacy Principles (Australia);
  - (d) California Online Privacy Protection Act of 2003 (USA); and
  - (e) The Children's Online Privacy Protection Act of 1998 (USA).
- 1.4 This Privacy Policy describes how we handle your personal information in accordance with the above legislation. If a requirement of an applicable law conflicts with a section of this Privacy Policy, that legislative requirement will prevail.
- 1.5 The terms of this Privacy Policy form part of any Agreement between you and us. In case of any inconsistency between any Agreement and this Privacy Policy, the Agreement prevails.
- 1.6 By using our services, or by giving us your personal information, you acknowledge and consent to us collecting, using, storing and disclosing your personal information in accordance with this Privacy Policy.

## 2 The type of personal information we collect and hold

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- 2.1 The kind of information we collect and hold about you will depend on the nature of your dealing with us.
- 2.2 We may collect and hold information about you including:
  - (a) contact information and identification such as your name, email address and birth year;
  - (b) log in information including your username and password;
  - (c) payment and billing information including account or credit card information, billing and credit statements and other payment related information in connection with the purchase or our services;
  - (d) records of correspondence; and
  - (e) information collected from marketing campaigns, product research, surveys and your interactions with us including via social media.
  - (f) Device information such as device attributes including operating systems, hardware and software versions

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## 3 How we collect personal information

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- 3.1 We collect personal information in a number of ways, including:
- (a) where you provide information directly to us, for example where you:
    - (i) complete an order form or register to purchase any of our products or services;
    - (ii) set up an account to access the App
    - (iii) make an inquiry, provide feedback or make a request;
    - (iv) interact with us whether in person, by email, phone, SMS, social media or in some other form of communication;
    - (v) respond to a survey or marketing communication;
    - (vi) provide or upload information or you otherwise interact directly with the the App;
    - (vii) Application crash reporting that includes anonymised data such as application errors connected to certain devices or operating systems
- 3.2 We do not generally collect sensitive information about individuals. Where we collect, use and disclose sensitive information about you, we will only do so where we have obtained your consent or the collection, use, or disclosure is permitted by law.
- 3.3 In the course of providing our goods and services, we may indirectly collect personal information about you. We may combine or link this personal information with our own records of your personal information.
- 3.4 If you provide any personal information about another person, please tell them about this Privacy Policy so they are aware that you have provided their personal information to us and how we will handle that information. You also warrant that you have obtained their consent to provide us with the personal information and for us to use it in accordance with this Privacy Policy.

## 4 Acting anonymously

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- 4.1 Where possible, we will allow you to interact with us through the website anonymously or using a pseudonym. However, if you do not wish to provide particular information, or the information you provide is incorrect or inaccurate we may not be able to:
- (a) provide you with our products or services;
  - (b) provide you with access to protected areas of our App;
  - (c) respond to your inquiry or request.

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## 5 Personal information and children

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- 5.1 As part of the services we provide, our products and services may be used and accessed by children under 18 years of age.
- 5.2 In the interests of ensuring the maximum level of privacy protection for children, we will not knowingly collect, use or disclose personal information about a child, without obtaining the prior consent of a parent or guardian.
- 5.3 If you are under 18 years, you must obtain this consent from your parent or guardian by showing them this Privacy Policy and having them check the box indicated on the front page. We believe that this Privacy Policy affords adequate protection of privacy for children once this consent has been granted.
- 5.4 We will not send any direct marketing communications to any child under 18 years of age.

## 6 Purpose of collection, use and disclosure

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- 6.1 We collect, hold, use and disclose personal information for the primary purpose of conducting our business, which includes but is not limited to:
  - (a) providing you with our products and services including associated processing;
  - (b) providing assistance and customer support;
  - (c) providing account maintenance including resetting the password on your account;
  - (d) following up on your correspondence and providing additional information as requested by you;
  - (e) providing additional information related to your use of our products or services;
  - (f) administering and managing our relationship with you including setting up the software at the participating school and providing access to the App or the Webportal;
  - (g) responding to an inquiry or request;
  - (h) resolving disputes or addressing complaints;
  - (i) operating our website and the App;
  - (j) identifying, and informing you of, offers, events, products and services that may be of interest to you (where you have not opted out of receiving direct marketing).
  - (k) fulfilling obligations to, and cooperating with, government authorities;
  - (l) protecting our property, rights, and security, and the rights, property, and security of third parties or the public in general;
  - (m) disclosing business-related data and information (including personal information) to potential buyers or other successors in the event of a

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merger, divestiture, restructuring, reorganisation, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, insolvency, liquidation, or similar proceedings; and

- (n) internal purposes such as administrative, marketing, planning, procedural assessments, risk management, product and service development, quality control, staff training, research, accounting and billing purposes.

6.2 We may collect, hold, use and disclose your personal information for other purposes which are within reasonable expectations or where permitted or required by law.

## 7 **Your choices regarding the collection, disclosure and distribution of personal information**

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7.1 Except as otherwise described in this Privacy Policy, we will only use personal information for the purposes described above or as otherwise disclosed at the time we request the information from you.

7.2 You must provide your consent for us to use your personal information for any other purpose.

7.3 You will be notified when personal information is being collected by third parties on our website. We do this so you can make an informed choice as to whether you should disclose information to a third party.

7.4 If you post your personal information in a publicly accessible place, for example commenting on our social media page, your personal information will be publicly available, and we will not be responsible for the protection of the information you chose to publish in this way.

## 8 **Who we disclose your personal information to**

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8.1 We sometimes employ other companies and individuals to perform services for us. We may share your personal information with, or receive information from these parties, who have agreed to hold this information in confidence, not use it for any purpose except to carry out the requested service, and honour our privacy and security policies in the way this information is handled.

8.2 In particular, we may disclose your personal information:

- (a) to third party suppliers, contractors and agents in order to provide our services to you, or to assist our functions or activities including:
  - (i) technology providers;
  - (ii) mailing houses;
  - (iii) electronic network administrators;
  - (iv) debt collection agencies;
  - (v) lawyers, accountants and business advisors;
  - (vi) credit card processing companies; and

where you otherwise provide your consent, whether express or implied; or

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(b) where required by law.

8.3 We take reasonable steps to ensure that, before disclosing personal information to any third party, they comply with the requirements of the GDPR and the Privacy Act, or a law or binding scheme which has the effect of protecting information in a substantially similar way to the provisions of the GDPR and the Privacy Act and any other applicable law.

## 9 Overseas disclosure

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9.1 From time to time, we may disclose your personal information to overseas recipients if it is necessary to conduct our business, to provide the services to you or if it is required by law. We will not transfer your information overseas for any other reason without your express consent.

9.2 We currently:

- (a) have operations in Switzerland;
- (b) offer our services to customers globally
- (c) use third party suppliers in Montenegro and Australia

so personal information is disclosed in those jurisdictions.

9.3 By using the App, or by giving us your personal information, you consent to your personal information being disclosed to overseas recipients in this way.

9.4 We take reasonable steps to ensure that the receiving party provides commitments regarding privacy and confidentiality which are at least equal to the GDPR and Privacy Act or a law or binding scheme which has the effect of protecting information in a substantially similar way to the provisions of the GDPR and the Privacy Act and any other applicable law.

9.5 We require all of our overseas sharing of personal information to be done in a way which requires strict observance of privacy and security standards, both during communication transit and with the overseas recipient.

## 10 Storage and security of personal information

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10.1 Our data is stored in Frankfurt, DE using multiple layers of security. There are restrictions as to who has access to that information through password protection.

10.2 We keep personal information as long as it is reasonably necessary for the purposes described in this Privacy Policy or otherwise in compliance with the law or our service providers' data retention policies.

10.3 If any personal information that we hold is no longer required for the purpose for which it was collected and no applicable law requires us to retain that information, we will take reasonable steps to de-identify or destroy the information.

10.4 We take your privacy and security seriously. For this reason, we will take reasonable steps to ensure that the information is secure and may only be accessed by authorised persons.

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- 10.5 If you delete your account, all your data is immediately deleted and you will not be able to recover this information afterwards.
- 10.6 Any credit card or account information which we hold is encrypted and accessed via a secure gateway.
- 10.7 We regularly assess the risk of misuse, interference, loss, and unauthorised access, modification or disclosure of personal information, and take measures to address those risks including scanning regularly for malware and other malicious programs. We are committed to handling any suspected or actual data breach expeditiously, and will notify the individual(s) affected, or likely to be affected, as well as the relevant privacy authority in accordance with applicable privacy laws.
- 10.8 In the unlikely event that we need to investigate or resolve problems or enquiries, we can (and you authorise us to do so) disclose any personal information about you to private entities, law enforcement or other government officials as we, in our discretion or as may be required under law, believe necessary or appropriate. In these cases, we will notify you in writing.
- 10.9 Although we take reasonable steps, we are not responsible for third party circumvention of security measures on our electronic databases or at any of our premises. We are also not responsible for unlawful access or interception by a third party of any transmissions or private communications.
- 10.10 Accordingly, while we strive to protect your personal information, we cannot ensure or warrant, and do not warrant, the security, privacy or confidentiality of any information, including personal information that you transmit to us, and you do so at your own risk.
- 10.11 Further, we cannot guarantee that only authorised persons will access your personal information. Please notify us immediately if you believe there has been any unauthorised access to your information.
- 10.12 You are solely responsible for maintaining the security of your passwords and for any account information. Accordingly, please be careful and responsible with your personal information, whenever you are online.

### 11 Access and correction

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- 11.1 We will take reasonable steps to ensure the personal information we hold is complete, up to date and accurate, so far as it is practicable for us to do so.
- 11.2 If you have access to the App, and wish to:
- (a) access and review your personal information, you can do so by using the profile page in the App;
  - (b) correct your information, you can do so by using the profile page in the App or contacting us at [info@tracker-apps.com](mailto:info@tracker-apps.com)
  - (c) deactivate your account you can do so in the App.
- 11.3 Otherwise, you may request access to the personal information we hold about you by contacting us using the details below. Before we provide you with access to your personal information we may require proof of identity.

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- 11.4 We will provide you with access to any of your personal information we hold (except in limited circumstances recognised by law). We will respond to any request to access or correct your personal information within 30 days of receiving your request.
- 11.5 We may charge you a reasonable fee for giving you access to your personal information but we will not charge you for making the request itself. We will notify you in advance of the amount of any fee (or the basis for their calculation) for providing access to your information.
- 11.6 If you need to correct your personal information, please contact us using the contact details below. We will not charge you for making a correction request.
- 11.7 In the unlikely event that we disagree about the accuracy of the personal information provided and we are unable or unwilling to change it, we will, to the extent reasonable, provide you a written response as to our reasons. You can make a complaint if you think we have wrongly refused to correct or give you access to your personal information by using the contact details in section 14.6 below.
- 11.8 If you are a user in the EU, please see section 15 below.

## 12 Direct marketing

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- 12.1 From time to time, we may use your personal information for direct marketing purposes and this includes sending you updates about our products and offerings. You may opt out at any time to these direct marketing messages.
- 12.2 We will not send direct marketing material to children under 18 years of age.
- 12.3 When we contact you, it may be by email or SMS in accordance with applicable marketing laws. If you indicate a preference for a method of communication, we will endeavour to use that method whenever practical to do so.
- 12.4 If you do not want to receive direct marketing from us, please opt out by emailing [info@tracker-apps.com](mailto:info@tracker-apps.com). Alternatively, we will always provide a simple means by which you can easily request not to receive direct marketing communications from us, such as clicking an 'unsubscribe' or 'opt out' link at the bottom of our emails and other direct marketing communications.
- 12.5 Once you have made a request not to receive direct marketing communications from us, we will, within a reasonable period of time, update our records and remove you from the mailing list so that you do not receive any future direct marketing communications or materials.
- 12.6 If you are a user in the EU, please see section 15 below.

## 13 Questions and complaints

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- 13.1 If you are not satisfied with how we have handled your personal information, please contact us using the contact information in section 13.6 below. We may ask you to provide further details about your complaint and we may discuss your complaint with our personnel, our service providers and others as appropriate.

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- 13.2 Our team will investigate the matter and attempt to resolve it within a reasonable amount of time.
- 13.3 If you are in Australia and you are not satisfied with our resolution of your complaint and no other complaint resolution procedures are agreed or required by law, you may refer your complaint to the Privacy Commissioner for further investigation.

The Privacy Commissioner's contact details are:

Office of the Australian Information Commissioner

Website: [www.oaic.gov.au](http://www.oaic.gov.au)

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

Telephone: 1300 363 992 (from overseas +61 2 9284 9749)

Post: GPO Box 5218, Sydney, NSW, 2001

Facsimile: + 61 2 9284 9666

- 13.4 If you are outside Australia and you are not satisfied with our resolution of your complaint and no other complaint resolution procedures are agreed or required by law, you can refer your complaint to your local privacy authority.
- 13.5 If you have any questions about our Privacy Policy, you can contact us using the contact details in section 14.6 below. We'll be happy to answer your questions or hear your concerns.
- 13.6 The data controller for your account is Tracker Solutions GmbH. Our contact details are:
- Attention: Tracker Solutions GmbH  
Falkenstrasse 15  
4103 Bottmingen  
Switzerland  
[info@tracker-apps.com](mailto:info@tracker-apps.com)
- 13.7 Please feel confident that we employ the most advanced technology for protecting your transaction information.
- 13.8 If you are a user in the European Union (EU), please see section 15 below.

## 14 Changes to this Privacy Policy

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- 14.1 We may change this Privacy Policy at any time but we will endeavour to ensure that your overall level of privacy protection is not diminished.
- 14.2 Please refer back to this Privacy Policy periodically to review any updates as you agree to be bound by any modified or amended versions of this Privacy Policy.
- 14.3 If we make material changes to this Privacy Policy we will notify you by publication on our website.
- 14.4 The revised version of the Privacy Policy will be effective at the time we post it, which time will be indicated below.

*Last updated: August 2022*



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## 15 **Personal Data (European Union users)**

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### **EU User Rights**

- 15.1 If you are a user of our products and services in the EU, our processing of your personal information must be in accordance with the EU General Data Protection Regulation (**GDPR**). Under the GDPR, if you are a user in the EU, in addition to any other right you have under this Privacy Policy, you have a right to:
- (a) request an explanation of the personal information that we have about you and how we use that personal information;
  - (b) receive a copy of the personal information that we have collected about you if the personal information was:
    - (i) collected with your consent; or
    - (ii) required by us to provide the products and services on your request;
  - (c) request the deletion of your personal information that we hold under certain circumstances;
  - (d) object to our processing of your personal information, including for marketing purposes based on profiling and/or automated decision making; and
  - (e) request access to your personal information in a structured, commonly used and machine readable format for the purposes of transferring it to another party.

### **Grounds for Processing**

- 15.2 In accordance with the GDPR, we process personal information under the following legal grounds:
- (a) the processing of personal information is necessary for the performance of our contract with you for the provision of our goods and services.
  - (b) the processing is necessary to comply with our legal obligations including disclosing personal information to relevant law enforcement agencies.
  - (c) the processing is necessary for our legitimate interests. This will include processing for the purpose outlined in this Privacy Policy, for direct marketing purposes and to enforce our contract with you.
  - (d) You have consented to the processing. You may revoke your consent at any time but if you revoke your consent it may limit the products and services that we are able to provide or that you may have access to.
- 15.3 We do not use automatic decision making, such as profiling, to make decisions that may have a legal effect on you concerning your personal information.

### **Access and correction**

- 15.4 If you would like to review, correct, update, suppress, restrict or delete any of your personal information held by us or if you would like to receive an electronic copy of

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your personal information to transmit to another company, please contact us at the address in section 14.6 above.

- 15.5 For your protection, we may need to verify your identity or conduct further verification checks or both before fulfilling your request but will endeavour to comply with your request as soon as reasonably practicable.
- 15.6 We may charge you a reasonable fee to cover the costs of processing your request if your request is unfounded or excessive.

### Transfers of Personal Data

- 15.7 Due to the nature of the products and services provided by us, the transfer of personal information to different countries is essential. We will comply with applicable laws when transferring your personal information to entities in different countries but data standards may be different to those of your country of residence. By using the products and services provided by us, you understand and consent to the cross-border transfer of your personal information.
- 15.8 In certain circumstances, the courts and regulatory authorities in other countries may be entitled to access your personal information.

### Complaints

- 15.9 If you are not satisfied with our resolution of your complaint lodged in accordance with section 14 above, and no other complaint resolution procedures are agreed or required by law, you can refer your complaint to the relevant supervisory authority for further investigation.

BY USING OUR SERVICES, YOU SIGNIFY YOUR ACCEPTANCE OF THIS PRIVACY POLICY. IF YOU DO NOT AGREE TO THIS PRIVACY POLICY, YOU SHOULD NOT USE OUR SERVICES. YOUR CONTINUED USE OF OUR SERVICES FOLLOWING THE POSTING OF CHANGES TO THIS PRIVACY POLICY WILL MEAN THAT YOU ACCEPT THOSE CHANGES.

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