

Cortex IT Privacy Policy

For the purposes of this Privacy Policy the words “**Cortex IT**”, “**we**”, “**our**” and “**us**” refer to Cortex I.T. Labs Pty Ltd ACN 120 499 176 and its related bodies corporate, and “**Services**” means the sale and/or supply of backup and data protection software and other goods and services provided from time to time.

This Privacy Policy should be read carefully by you (“**you**”) prior to you interacting with us. By providing us with your personal information for the provision of our Services to you, you agree to our collection, use and disclosure of your personal, sensitive and protected information (“**Information**”), as described in this Privacy Policy.

1. Our commitment to your privacy

Cortex IT takes your privacy seriously, and strictly adheres to the Australian Privacy Principles set out in the *Privacy Act 1988* (Cth) (“**Privacy Principles**”) and other laws relating to privacy, and the collection, use and disclosure of the Information. We will only collect the Information that is necessary for us to provide you with our Services.

This Privacy Policy outlines our practices relating to the collection, use, disclosure and storage of the Information. Unless you give us explicit consent otherwise, we will act in accordance with this Privacy Policy with regard to our collection and use of the Information.

2. The information we collect

We will only collect Information that is reasonably necessary for us to provide you with, or directly related to, the Services you have requested from us.

We collect the Information from you when you interact with us. Without limiting the foregoing, this may be when you complete one of the following actions:

- order Cortex IT software;
- download trial versions of Cortex IT software;
- activating a licence;
- obtaining a quote;
- make an enquiry about Cortex IT software;
- using Cortex IT software
- apply to become a reseller of Cortex IT software;
- apply to receive newsletters from us;
- lodge a technical support query regarding Cortex IT software; and/or
- participate in Cortex IT promotional activities or surveys.

The Information which Cortex IT collects may include, without limitation, your name, postal address, email, telephone number, company details, credit card details, payment details, certain

machine and server details, the details of any Services we provide you, or any other information necessary to provide the Services requested. Where orders are made online using credit card details, all information is securely transmitted in an encrypted format to us.

We may collect Personal Data through your communications with our customer support team. Please ensure that no sensitive personal data is submitted in connection with your requests for support (for example, health information, political or religious beliefs, information about minors, etc.).

Cortex IT will collect the Information only by lawful and fair means and not in an unreasonably intrusive way. Cortex IT may collect Information directly from you, or alternatively from third parties with whom you interact and authorise to provide us with such information, or alternatively through publicly available information.

When you access our website at www.backupassist.com via a browser or application, our servers automatically record certain information. These server logs may include information such as your web request, GPS locations, device, domain name, session ID's of your interaction with the Services, Internet Protocol address, browser type, browser language, the date and time of your request and one or more cookies that may uniquely identify your browser or your account.

3. How we use your information

We will only use the Information for the provision of our Services to you, and for any other purpose which we state at the time of the collection permitted by law and/or as required to provide the Services you request.

We may also use the personal, sensitive or protected information you provide to directly market to you. If we market to the public (such as through an advertising campaign), we will only use aggregated information on a purely anonymous basis with your Information removed. You can opt out of marketing activities at any time.

We may also collect information about you and how you interact with our website, by using or storing "cookies" on your computer. You can delete cookies from your computer at any time via your internet browser. However doing so may limit your use of some of the website's features.

Cortex IT may use Google AdWords, Yahoo or Bing Network ads to promote the Services and advertise on third party websites. Third party vendors, including Google and Yahoo Bing Network-may use your cookies to serve ads based on your past visit to the Site. Should you wish to opt out of Google's, Yahoo's or Bing Network's use of your cookies please visit www.google.com/settings/ads or <http://choice.microsoft.com/en-us> or <http://www.networkadvertising.org/choices/>.

Sharing your information

We will only disclose your Information in the following circumstances:

- When we have your consent.
- To third parties where necessary for us to provide our Services to you, or where you have expressly asked us to do so for the purposes of them or us providing further Services.

- Banks, payment processors or service providers.
- To our related bodies corporate, and their respective directors, officers, agents, and employees for the purpose of processing Information on our behalf.
- We may from time to time engage external service providers to help us deliver our services to you. These external service providers may be located in Australia and/or overseas. In these instances, we may disclose your personal, sensitive or protected information to these third parties in order to help deliver Services to you.
- To a third party storage provider located overseas as part of the storage of your Information.
- To comply with any law enforcement agency, judicial proceeding, court order, or legal process in any jurisdiction that is investigating any breach or suspected breach of any law in any jurisdiction regarding your identity or other personal, sensitive or protected information provided by you to us.
- Where disclosure is reasonably necessary to protect Cortex IT's rights or intellectual property or to protect the safety of Cortex IT's employees or the public as required or permitted by law.
- Where we consider disclosure is necessary for the protection and wellbeing of a person.
- Where we are otherwise permitted by law to disclose your personal, sensitive or protected information.

If you opt in to receive marketing email communications from us, these may be sent to you directly by us or a third party service provider we engage. We will only send or authorise communications to be sent to people who have opted to receive them. You can unsubscribe from receiving these communications at any time in the way set out within that communication.

In the event Cortex IT goes through a business transition, such as a merger, acquisition by another company, or sale of all or a portion of its assets, your personally identifiable Information may be among the assets transferred. We will ensure the confidentiality of any of the information disclosed in this context.

4. How you may access your Information

Copies of Information which we hold may be reasonably requested by contacting us by writing to us as per our contact details below.

We may refuse, in our sole discretion, to provide you access to your Information which we hold, where such refusal is permitted by the *Privacy Act 1988 (Cth)*, the Privacy Principles or any other law or right.

If you no longer wish to receive email communications from us, you can unsubscribe at any time by using the link on the emails we send you, or informing us and we will do it for you.

5. How we protect your Information

We will act to protect the Information in accordance with the Privacy Principles. We are committed to keeping the Information you provide to us secure. We take all reasonable precautions to protect the Information we hold about you from misuse and loss and from unauthorised access, modification or disclosure.

While we take all due care in ensuring the privacy and security of your personal, sensitive and protected Information, the possibility exists that this Information could be unlawfully intercepted while in transit over the internet or while stored on our systems or on our website. We disclaim all liability to you to the greatest extent pursuant to law should this occur.

We will take reasonable steps to destroy or permanently de-identify Information if it is no longer needed for the purpose for which the Information was disclosed.

6. Quality & Correction of Information

It is your responsibility to contact us from time to time to inform us of any changes to the Information to ensure that it is up to date, relevant and of an appropriate quality to enable us to provide our goods and services to you.

Cortex IT will take reasonable steps to correct the Information if you inform us that the Information is inaccurate, out of date, incomplete, irrelevant or misleading, including making any appropriate deletions or additions to your personal, sensitive and protected Information.

If you cease to use our Services, Cortex IT may retain the Information to comply with its record keeping obligations under law

7. Contacting us

If you have any queries in relation to this Privacy Policy, or if you would like to request access to the Information or have a complaint about a breach of privacy, then please contact us in Australia on 03 9899 4681.

Your queries, requests and/or complaints will be dealt with as soon as possible by our privacy officer (but no later than 14 business days). We may be contacted by telephone, email to support@backupassist.com or by letter to the following address:

Attn: Privacy Officer
Cortex I.T. Labs Pty Ltd
Level 2, 991 Whitehorse Road
Box Hill VIC 3128
Australia

8. Changes to this Privacy Policy

Cortex IT may update this Privacy Policy from time to time as required. We may also keep prior versions of this Privacy Policy archived. You should periodically visit this page to review the current Privacy Policy.

By using our website, you confirm you have read and accept our privacy policy.

For more Information about privacy issues in Australian and protecting your privacy, visit the Federal Privacy Commissioner's website.

This Privacy Policy was last modified on 23rd May 2018