



## PRIVACY POLICY

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Last Updated: 12 April 2023

### 1. Overview

- (a) Hospitality OAI Pty Ltd and Retail OAI Pty Ltd (**Ottica AI, we, our, and/or us**) each operates a software as a service business (**Business**), which provides facial recognition and computer vision software services and data analytics services to our customers (our **Services**). You can learn more about each Business at [www.ottica.ai](http://www.ottica.ai) (**Website**).
- (b) We are committed to protecting the privacy of individuals we interact with in connection with the provision of our Services, through our Website and otherwise in relation to the operation of our Business.
- (c) We will handle Personal Information that we collect or obtain from you (**you, your**) in accordance with this Privacy Policy (**Policy**). Although we are not bound by the *Privacy Act 1988* (Cth) (**Privacy Act**) and the Australian Privacy Principles which are set out in the Privacy Act (**Australian Privacy Principles**), we take steps to handle Personal Information in accordance with the Privacy Act and the Australian Privacy Principles.
- (d) For the purpose of this Policy, **Personal Information** has the meaning as defined in the Privacy Act (**Personal Information**).
- (e) This Policy contains information about:
  - (i) how you may access your Personal Information held by us;
  - (ii) how to seek the correction of your Personal Information held by us; and
  - (iii) how to make complaints about any privacy-related concerns.
- (f) This Policy is also a collection notice from us to you regarding how we will collect your Personal Information.
- (g) If we change this Policy, we will display the updated Policy on our Website and we may also advise you in writing. If you object to any changes, you may contact us and we will attempt to resolve your complaint within a reasonable time.
- (h) By using our Services, using our Website and/or otherwise supplying us your Personal Information, you consent to our collection, use, disclosure, storage, destruction and otherwise handling of Personal Information, in accordance with the terms of this Policy.
- (i) If you provide a pseudonym to us or wish to remain anonymous, you can browse and view our Website without restrictions, however we may not be able to provide you with the full extent of our Business offerings and our interactions with you in relation to our Business may be limited. We may require that you accurately identify yourself so that we can take reasonable steps to provide accurate information as part of providing our Services (for example, we require our customers, suppliers and associates to provide accurate contact details).

### 2. How Do We Collect Your Personal Information?

We may collect Personal Information through the following avenues:

- (a) where you have requested our Services to be provided to you;
- (b) where you have enquired or otherwise communicated with us in person, over email or phone, via video conference or otherwise;
- (c) where you have filled out a form or answered questions posed by us in relation to any actual or prospective commercial engagement relating to our Business including during any briefing or quoting process;
- (d) where you fill out a contract prepared by us or provide us with a contract prepared by you in relation to our Services or our Business;
- (e) where we need to send you an invoice or other notification in relation to our Services or our Business;
- (f) where you need to send us an invoice or other notification in relation to our Services or our Business;
- (g) where you attend hospitality, gambling, retail or other venues as a patron (**Patron**);
- (h) where you attend hospitality, gambling, retail or other venues as a Patron and have voluntarily opted into a venue exclusion list (each venue an **Excluded Venue** for the purpose of this Privacy Policy) (**Excluded Patron**);
- (i) for Excluded Patrons, where we take photographs of you at an Excluded Venue in order to detect whether you have entered the Excluded Venue;
- (j) from time to time from third parties, such as:

- (i) from your employer who may provide us with your Personal Information for the purposes of allowing us to contact a representative of your employer in relation to our Services; and
- (ii) when a third party is assisting us to supply our Services as our contractor or supplying us with goods or services; and
- (k) where you interact with our Website, using browser cookies or trackers; and
- (l) in such other situations that are reasonably necessary for the proper function of our Business.

### 3. What Personal Information Do We Collect?

- (a) The kinds of Personal Information we may collect from you will depend on who you are (e.g. a customer, employee, supplier, website user, Patron or Excluded Patron and the nature of your interaction with us.
- (b) We collect, use and store the following types of Personal Information:
  - (i) For current, former and prospective customers:
    - (A) contact details such as names, email addresses, phone numbers, office address, postal address and other geographical information;
    - (B) where applicable, details about customers' employees, directors, contractors, agents and other representatives such as email addresses, phone numbers and titles;
    - (C) financial information such as banking details and business registrations; and
    - (D) other Personal Information that you may voluntarily provide to us to assist us to provide our Services to you.
  - (ii) For current, former and prospective suppliers:
    - (A) contact details such as names, email addresses, phone numbers, office address, postal address and other geographical information;
    - (B) details about suppliers' employee, directors, contractors, agents and other representative such as email addresses, phone numbers and titles;
    - (C) business information such as banking details, business registrations, pricing information, hourly rates and payment details; and
    - (D) other Personal Information that you may voluntarily provide to us to assist us to engage in a business relationship with you.
  - (iii) For prospective employees:
    - (A) contact details such as names, email addresses, phone numbers, office address, postal address and other geographical information;
    - (B) details such as titles and qualifications;
    - (C) information we obtain about you from background and reference checks; and
    - (D) other Personal Information that you may voluntarily provide to us to assist us to consider whether to employ you.
  - (iv) For Patrons and Excluded Patrons:
    - (A) information about assumed genders and ages; and
    - (B) photographs of your likeness.
  - (v) Information about our staff, representatives and officers as required in the normal course of human resource management and business operations; and
  - (vi) Other Personal Information that you may voluntarily provide to us to assist us to conduct Business and provide our Services.
- (c) Where:
  - (i) You wish to personally supply goods or services to us, engage us to provide Services to you or otherwise enter into a commercial relationship with us, you must provide accurate Personal Information to us as it will be impracticable for us be involved in a commercial relationship with you unless you do so (for example, we would not be able to meet with you, discuss work with you, communicate with you by email and phone or send you draft and completed deliverables).
  - (ii) You are not an individual but wish to supply goods or services to us, engage us to provide Services to you or otherwise enter into a commercial relationship with us, you must provide accurate Personal Information to us of the individual representatives of your organisation, as it will be impracticable for us be involved in a commercial relationship with you unless you do so (for example, we would not be able to meet with you, discuss work with you or communicate with you by email and phone).

### 4. What Do We Do With Your Personal Information?

- (a) We will not sell or trade your Personal Information to or with any third party, organisations or individuals.
- (b) We may use and disclose your Personal Information for the following purposes:

- (i) to discuss a current or prospective commercial relationship with you including the preparation of proposal documents, quotes and other pre-engagement material;
  - (ii) to provide our Services to you;
  - (iii) to engage you to supply goods and/or services to us;
  - (iv) to pay you for any goods and/or services you supply to us;
  - (v) to prepare contracts, deeds or consent forms for you or your representatives to sign;
  - (vi) to operate our Website;
  - (vii) to provide you with further information about our Services, as requested by you;
  - (viii) to personalise your experience of our Services;
  - (ix) to respond to feedback and complaints;
  - (x) for the development of new services;
  - (xi) for enforcement of a contract you have entered into with us or any agreement, undertaking, warranty or promise you have given us, such as our customer terms and conditions, supplier terms and conditions, our Website terms and conditions or interview release and consent forms;
  - (xii) for direct marketing purposes, unless you opt-out (see section 8 below);
  - (xiii) to notify you of important changes to our Services or our Website or to otherwise update you on matters relating to our Business that may be of interest to you;
  - (xiv) to understand customer trends and patterns so we can continue to develop our marketing and advertising strategies; and
  - (xv) for any other purpose for which you give your consent.
- (c) We may also disclose your Personal Information:
- (i) if you are a Patron, we may disclose Personal Information about your assumed gender and age, to our customers, for data analytics purposes;
  - (ii) if you are an Excluded Patron, we may disclose your Personal Information including your photograph to Excluded Venues to inform them that you have been detected at an Excluded Venue;
  - (iii) to third parties used by us to assist us to provide you with our Services, including our freelance contractors, other contractors (such as book-keepers), recruitment providers, legal and financial advisors, website hosting providers and technology service providers, social media providers, marketing agencies and targeted marketing facilitators;
  - (iv) to lessen or prevent serious threats to the health and safety of an individual or the general public;
  - (v) to assist in locating missing individuals;
  - (vi) to any duly authorised law enforcement officer, or any other person, authorised by any law to receive your Personal Information from us; and
  - (vii) in circumstances permitted by the Privacy Act.

## 5. How Do We Hold Your Electronic Information?

We hold your Personal Information by storing it electronically, by exporting it onto a computer or in hard copy.

## 6. Do We Send Your Personal Information To Parties Outside Australia?

- (a) From time-to-time, we may need to use third-party service providers for digital cloud storage, social media, web hosting or other technology-related services in connection with providing our Services (**Third Party Vendors**). We may need to disclose your Personal Information to Third Party Vendors who operate outside of Australia or operate in Australia with servers located outside of Australia (**International Vendors**). We note as of the date of this Policy, we use the following key International Operators: Amazon Web Services.
- (b) As some of our International Vendors operate globally, we cannot say with certainty where their servers are located or the countries out of which they operate at any given time. Further, these locations may be subject to change without notice to us.
- (c) The Privacy Act and corresponding Australian Privacy Principle 8.1 state that, before disclosing Personal Information overseas, those bound by the Privacy Act should take reasonable steps are taken to ensure that overseas recipients do not breach the Act or the applicable Australian Privacy Principles. In addition to the fact that we are not bound by the Privacy Act, we note that it is not always possible for us to ensure that multinational companies, will not breach the Privacy Act or the applicable Australian Privacy Principles.

## 7. Are We Responsible For Third Parties' Websites And Social Media Links?

- (a) This Policy applies solely to Personal Information collected with regard to providing our Services, the operation of our Website and otherwise in connection with the operation of our Business.

- (b) We are not responsible for the collection of information and/or privacy practices of our third party websites that may be linked to from our Website from time-to-time, or social media platforms which may be accessed via links on our Website or on our emails.
- (c) We refer you to the privacy policies and terms of use of the operators of any linked third party websites.

#### **8. Will We Send Direct Marketing Communications To You?**

- (a) We will never use data collected from Patrons for marketing purposes.
- (b) Subject to clause (a), we may use your Personal Information to offer you goods and services from our Business, notify you of new developments to our existing Services, or to provide you with other promotional communications relating to our Business.
- (c) If you do not wish to receive direct marketing communications from us, you may opt-out any time by clicking a link on the email communications sent to you or contacting us (see section 12).
- (d) We may use your Personal Information to provide you with targeted advertisements or marketing communications we believe may be of interest to you. For more information about how targeted advertising works and how to opt out, you can visit the Your Online Choices educational page at <https://youronlinechoices.com.au/opt-out/>.
- (e) Additionally, you can opt out of targeted advertising on some of our third party advertisers using the following links:
  - (i) <https://www.google.com/settings/ads/anonymous>
  - (ii) <https://www.facebook.com/settings/?tab=ads>
  - (iii) <http://optout.networkadvertising.org/>

#### **9. Do We Collect Personal Information Through Cookies and Analytics Tools?**

- (a) We may collect device information, including information about your web browser, IP address, time zone, some of the cookies that are installed on your device, individual web pages or products that you view, what websites or search terms referred you to our Website, and information about how you interact with our Website using cookies and log files.
- (b) We may use cookies technology to store data on your computer using the functionality of your browser. Many websites do this because cookies allow our Website publisher to do useful things like find out whether the computer has visited the Website before. You can modify your browser to prevent cookie use but if you do this, our Website may not work properly. The information stored in the cookie is used to identify you. This enables us to operate an efficient service and to track the patterns of behaviour of visitors to our Website.
- (c) In the course of serving advertisements to our Website (if any), third-party advertisers or ad servers may place or recognise a unique cookie on your browser. The use of cookies by such third party advertisers or ad servers is not subject to this Policy, but is subject to their own respective privacy policies.
- (d) You can find out more about what a cookie is and how they're used for targeted marketing purposes at this link: <https://www.oaic.gov.au/privacy/your-privacy-rights/advertising-and-marketing/targeted-advertising>
- (e) We use Google Analytics to help us understand how our customers use our website. You can opt out of Google Analytics here: <https://tools.google.com/dlpage/gaoptout>.

#### **10. How Do We Keep Personal Information Secure?**

- (a) You should be aware that there are inherent risks associated with the transmission of information via the Internet. Data security measures can never be guaranteed. This means that while we take steps to protect your Personal Information, we cannot guarantee its security.
- (b) If you suspect any misuse, loss, unauthorised access, modification or disclosure of your Personal Information, please contact us immediately.

#### **11. Will We Transfer Your Personal Information?**

If we are involved in a sale, merger, consolidation, change in control, transfer of substantial assets, reorganisation or liquidation, we may, in our sole discretion, transfer, sell or assign your Personal Information collected by us to one or more relevant third parties.

#### **12. What If You Have Questions Or Complaints?**

- (a) If you:
  - (i) have any questions about this Policy;
  - (ii) wish to request access to any Personal Information that we hold;
  - (iii) wish to be de-identified, or have your personal information deleted;
  - (iv) wish to correct or update your Personal Information; or

- (v) wish to make a complaint or discuss any other privacy concerns you may have,  
please contact us via email as follows: Attention The Privacy Officer ([info@ottica.ai](mailto:info@ottica.ai)).
- (b) We reserve the right to charge for reasonable expenses that we may incur in preparing and sending you a copy of your Personal Information.
- (c) If you believe we have not followed our obligations under this Policy, please give us the opportunity to resolve matters by contact us first, in writing by email or by post. Once we have received your notice, we will try to work with you to resolve the matter. The steps we may take to resolve the matter include:
  - (i) We may request further information from you. This will enable us to investigate the complaint and determine an appropriate solution.
  - (ii) We will discuss options for resolution with you. If you have suggestions about this this matter, please raise these with our Privacy Officer.
  - (iii) Where necessary, we will conduct an investigation and endeavour to do so within a reasonable time. we may have to conduct others in order to progress the investigation.
- (d) If you have any questions about this policy or our use of your Personal Information that you do not feel that we can resolve, you may contact the Office of Australian Information Commissioner (**OAIC**). For more information, please see their website <https://www.oaic.gov.au/about-us/contact-us>.