

**PRIVACY POLICY FOR WEBSITE**  
**www.optimumep.com.au**

**Effective Date: 21st August 2022**

This privacy policy (hereinafter "Privacy Policy") deals with the protection of your privacy while you use our website which is hereinafter referred to as "the website" and which is located at: [www.optimumep.com.au](http://www.optimumep.com.au)

The website is owned and operated by: Optimum Exercise Physiology Pty Ltd. (ABN: 52 659 507 329) (hereinafter "we" or "us")

We are committed to the protection of your privacy while you use the website. We take your privacy very seriously so we urge you to read this policy very carefully because it contains important information about:

- who we are
- how and why we collect, store, use and share personal information
- your rights in relation to your personal information, and
- how to contact us and supervisory authorities in the event that you have a complaint.

**(1) INTERPRETATION**

(a) In this Privacy Policy, unless the context otherwise requires, the following rules of interpretation shall apply:

(I) Words referring to one gender include every other gender.

(II) Words referring to a singular number include the plural, and words referring to a plural include the singular.

(III) Words referring to a person or persons include companies, firms, corporations, organisations and vice versa.

(IV) Headings and titles are included in this Privacy Policy for convenience only and shall not affect the interpretation of this Privacy Policy.

(V) Each Party must, at its own expense, take all reasonable steps and do all that is reasonably necessary to give full effect to this Privacy Policy and the events contemplated by it.

(VI) Any obligation on a Party not to do something includes an obligation not to allow that thing to be done.

**(2) WHO WE ARE**

(a) Optimum Exercise Physiology Pty Ltd owns this website. We collect, use and are responsible for certain personal information about you. When we do so we are regulated under Australian privacy laws. We may also be regulated by the General Data Protection Regulations ("GDPR") which apply across the European Union ("EU"), including the United Kingdom ("UK")

and we may be responsible as "controller" of that personal information for the purposes of those laws.

### **(3) THE INFORMATION WE COLLECT AND USE, HOW WE COLLECT IT, AND WHY WE COLLECT IT**

- (a) We collect personal information in a number of ways when you use our website.
- (b) We use your personal information to help us improve your experience with our website.
- (c) This section provides further information about the information we collect, how we collect it, and the purposes for which we collect it.

#### **Personal information you provide to us**

- (I) We collect the following personal information that you provide to us:  
Business Name, Full Name, Email Address, Business Address, Credit Card Details.
- (II) We collect this information in the following ways:  
When registering for an account; making purchases; signing up to our website or funnels and/or entering our competitions and giveaways.
- (III) We collect this information for the following purposes:  
To deliver content information and account set ups if you're a member of the program.

#### **Cookies and similar technologies**

- (I) A cookie is a small text file which is placed onto your computer or electronic device when you access our website. Similar technologies include web beacons, action tags, local shared objects ("flash cookies") and single-pixel gifs. Such technologies can be used to track users' actions and activities, and to store information about them. We use these cookies and/or similar technologies on this website.
- (II) For example we may use cookies to monitor and/or collect the following information:  
website visitors, purchases and length of visits.
- (III) This information helps us to build a profile of our users. Some of this information may be aggregated or statistical, which means that we will not be able to identify you individually.
- (IV) In addition it should be noted that in some cases our cookies or similar technologies may be owned and controlled by third parties who will also collect personal information about you.
- (V) On the first occasion that you use our website we will ask whether you consent to our use of cookies. If you do not, cookies will not be used. Thereafter you can opt-out of using cookies at any time or you can set your browser not to accept cookies and the websites below tell you how to remove cookies from your browser. However, some of our website features may not function as a result.
- (VI) For further information on cookies generally visit [www.oaic.gov.au](http://www.oaic.gov.au), [www.aboutcookies.org](http://www.aboutcookies.org) or [www.allaboutcookies.org](http://www.allaboutcookies.org).

### **(4) WHETHER YOU HAVE TO PROVIDE PERSONAL INFORMATION, AND IF SO WHY**

- (a) Notwithstanding the preceding clause, you can choose not to provide any personal information to us. However, if you do so, some features of our website may not work as intended.

## **(5) MARKETING**

(a) We would like to send you information about products, services, offers, competitions and our business which may be of interest to you. Such information could be sent by post, email, telephone, text message or automated call.

(b) We will ask whether you would like us to send you marketing messages on the first occasion that you provide any relevant contact information (i.e. on purchase, signing up to a newsletter, entering a competition etc). If you do opt in to receive such marketing from us you can opt out at any time (see "What other rights do you have?" below for further information). If you have any queries about how to opt out, or if you are receiving messages you do not want you can contact us using the details provided below.

## **(6) INFORMATION YOU RELEASE**

(a) You acknowledge and agree that if you publish or submit personal information in publicly accessible sections of the website (such as forums, bulletin boards, chat rooms, or other similar sections), then you are solely responsible for the release of that personal information and we are not liable or responsible in relation to the release of that personal information.

## **(7) EMAIL OPT IN/OUT**

(a) If you receive an email from us in relation to the website and would prefer not to receive such correspondence in the future, you may follow the instructions in the email to opt out of future correspondence. You may also contact us, using the details at the bottom of this Privacy Policy, in order to opt out of future correspondence. We will make all reasonable efforts to promptly comply with your requests. However, you may receive subsequent correspondence from us while your request is being handled.

## **(8) COMBINING INFORMATION**

(a) We may combine, link or aggregate some of your information in order to obtain a better understanding of your requirements. This may enable us to better design the website and may also assist with our business or administration requirements.

(b) We may also share aggregated information with third parties.

## **(9) WHO YOUR INFORMATION MAY BE SHARED WITH**

(a) We may share your information with law enforcement agencies in connection with any investigation to help prevent unlawful activity.

(b) We may provide some of your personal information from time to time to third party service providers so that they can help us to serve you.

(c) We may use third party service providers to assist with information storage (such as cloud storage).

(d) We may provide some of your personal information to third party service providers for the purpose of analysing data or tracking usage. For example, we may use these services to find out where page requests come from, dates and times of page requests, details of any website that referred you to the website and other details about your usage of the website. This

information enables us to understand patterns of usage of the website, and to improve the website.

(e) We may use third party service providers to host the website. If this occurs, that third party service provider is likely to have access to some of your personal information.

(f) We may use third party service providers to fulfil orders in relation to the website.

(g) We may allow third parties to advertise on the website. These third parties may use cookies in connection with their advertisements (see the "Cookies and similar technologies" clause in this Privacy Policy).

(h) However, we only share your personal information with a third party service provider if that provider agrees to our privacy standards as set out in this Privacy Policy.

(i) Notwithstanding the other provisions of this Privacy Policy, we may provide your personal information to a third party or to third parties in order to protect the rights, property or safety, of us, our customers or third parties, or as otherwise required by law.

(j) We will not knowingly share your personal information with any third parties other than in accordance with this Privacy Policy.

(k) If your personal information might be provided to a third party in a manner which is other than as explained in this Privacy Policy, you will be notified. You will also have the opportunity to request us not to share that information.

(l) We promise not to spam you, or to sell or rent your personal information to anyone else.

## **(10) RELATED ENTITIES**

(a) We may share your personal information, including personal information that identifies you personally, with any of our parent companies, subsidiary companies, affiliates or other trusted related entities.

(b) However, we only share your personal information with a trusted related entity if that entity agrees to our privacy standards as set out in this Privacy Policy.

## **(11) HOW LONG YOUR PERSONAL INFORMATION WILL BE KEPT**

(a) We will hold your personal information for the following periods:

Name, email and card details will be kept for as long as you are a member to identify your account. Delivery address will be kept for 12 months after the delivery for archive purposes.

(b) Your personal information will be kept, in a form which permits your identification, for no longer than is necessary for the purposes which we have described in this Privacy Policy.

(c) Notwithstanding the preceding sub-clause hereof, your personal information may be stored for longer periods insofar as the personal information will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes (subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard your rights and freedoms).

## **(12) REASONS WE CAN COLLECT AND USE YOUR PERSONAL INFORMATION**

(a) We rely on the following as the lawful basis (or bases) on which we collect and use your personal information:

- **legal obligation:** the processing is necessary for us to comply with the law (not including contractual obligations).
- **vital interests:** the processing is necessary to protect someone's life.
- **public task:** the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.

## **(13) MERGER, RESTRUCTURE OR SALE OF OUR BUSINESS**

(a) Part or all of our business may be merged, restructured or sold including but not limited to through an ordinary sale of business or of stock, a corporate reorganisation, a change in control, bankruptcy or insolvency proceedings.

(b) In the event that such a merger, restructure or sale occurs as described in the preceding sub-clause hereof, we may transfer your personal information, including personally identifiable information, as part of that merger, restructure or sale.

## **(14) KEEPING YOUR INFORMATION SECURE**

(a) By continuing to use the website, you agree to the terms of this Privacy Policy. You acknowledge, agree and accept that no transmission of information or data via the internet, or electronic storage of data, is completely secure. You acknowledge, agree and accept that we do not guarantee or warrant the security of any information that you provide to us, and that you transmit such information at your own risk. However, we take the protection and storage of your personal information very seriously.

(b) We have appropriate security measures in place to prevent personal information from being accidentally lost, or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

(c) We will also use technological and organisation measures to keep your information secure.

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

(e) Indeed, while we will use all reasonable efforts to secure your personal data, in using the site you acknowledge that the use of the internet is not entirely secure and for this reason we cannot guarantee the security or integrity of any personal data that are transferred from you or to you via the internet. If you have any particular concerns about your information, please contact us using the details below.

## **(15) TRANSFERS OF YOUR INFORMATION TO OTHER JURISDICTIONS**

(a) Our business is based in Australia.

(b) We may need to share some of the information that we collect about you from the UK and/or the European Economic Area ("EEA") with organisations both inside and outside Australia. In some cases, we may need to ask you before we do this.

(c) Australia has strict data protection laws but they vary in some respects from the data protection laws in the UK and the EEA. In addition, the European Commission has not given a formal decision that Australia provides an adequate level of data protection similar to that which applies in the UK and EEA.

(d) In addition to handling your information within Australia, your information may be handled in the following countries:

New Zealand, United States, Philippines, United Kingdom, Ireland.

(e) We might also store your information in cloud storage or some other form of networked storage. This storage may be accessible from various countries via the internet, which means it is not always practicable to determine the countries in which your information might be stored or accessed. If this occurs, then this might mean that your information is disclosed in countries other than those listed above.

(f) Many countries outside of the UK and the EEA do not have the same data protection laws as the UK and EEA. In addition, the European Commission may not have given a formal decision that the relevant countries provide an adequate level of data protection similar to that which applies in the UK and EEA.

(g) If we transfer, share, store or handle your information outside of the UK or the EEA, it will only be done with relevant protections in place. We will take steps to ensure that your information will be protected in accordance with applicable data protection laws and in accordance with legally recognised data transfer mechanisms, for example:

- where the European Commission has given a formal decision that the relevant country provides an adequate level of data protection similar to that which applies in the UK and EEA
- by adopting a European Commission approved contract, or standard data protection clauses in the form of template transfer clauses adopted by the Commission, that will safeguard your privacy rights and give you remedies in the unlikely event of a security breach
- in accordance with a set of European Commission approved binding corporate rules that will safeguard your privacy rights and give you remedies in the unlikely event of a security breach
- subject to our compliance with an approved code of conduct approved by a supervisory authority that will safeguard your privacy rights and give you remedies in the unlikely event of a security breach
- subject to the terms of our certification under an approved certification mechanism as provided for in the GDPR that will safeguard your privacy rights and give you remedies in the unlikely event of a security breach

(h) Any transfers to these countries will be undertaken on the basis that the country, territory or one or more specific sectors in that country, or an international organisation ensures an adequate level of protection.

(i) For more information on the basis of any non-EEA transfers, our safeguards or Commission details, please contact us as described below.

## **(16) ACCESSING, UPDATING AND CORRECTING YOUR PERSONAL INFORMATION**

(a) We are committed to ensuring that any of your personal information which we are holding is accurate and kept up to date.

(b) We will take all reasonable steps to ensure that personal information which is inaccurate (having regard to the purposes for which it was processed) is erased or rectified without delay.

- (c) You have the right to request access to any of your personal information which we are holding.
- (d) You have the right to request that any of your personal information which we are holding be updated or corrected.
- (e) In order to request access, an update or a correction to your personal information, you may contact us using the details at the end of this Privacy Policy.

## **(17) GOVERNING LAW**

This Privacy Policy is subject to the laws of New South Wales, Australia and each party submits to the jurisdiction of the courts of New South Wales, Australia.

## **(18) HOW TO COMPLAIN**

- (a) We take customer satisfaction very seriously. If you have a complaint in relation to our handling of your personal information, we will endeavour to handle it promptly and fairly. For your information, an overview of our complaints handling procedure is as follows:
  - (I) Any complaints are forwarded to our complaints officer for review. We aim to review all complaints within 7 days of receiving them (although this cannot be guaranteed). If necessary, the complaints officer may then refer the complaint to another section within our organisation for consideration. If further information is required, we may contact you to request that information. If we accept fault in relation to the complaint then we will propose a resolution (which may or may not be the same as any resolution proposed by you). If we do not accept fault, then we will contact you to advise you of this. We aim to complete this entire process within 21 days, provided that we are provided complete information in the first place (although this cannot be guaranteed). However, if you do not provide complete information then this is likely to delay the handling of your complaint.
  - (II) All complaints should be provided in writing either by email or regular mail, using the contact details at the end of this Privacy Policy. Describe the nature of your complaint including any relevant dates, people involved, any consequences that have occurred, and what you believe should be done to rectify the issue. We will endeavour to respond within 21 days, although we cannot guarantee this.
  - (III) If you are not satisfied with our response to your complaint, you may refer your complaint to the relevant external dispute resolution organisation in your area.
  - (IV) The GDPR also gives you the right to lodge a complaint with a supervisory authority, in particular in the European Union (or European Economic Area) state where you work, normally live or where any alleged infringement of data protection laws occurred. The supervisory authority in Australia is the Office of the Australian Information Commissioner (<https://www.oaic.gov.au/>) and the supervisory authority in the UK is the Information Commissioner (<https://ico.org.uk/concerns/>).

## **(19) CHANGES TO THE PRIVACY POLICY**

- (a) This Privacy Policy was last updated on 21st August 2022.

(b) We may change this Privacy Policy from time to time. You should check this Privacy Policy occasionally to ensure you are aware of the most recent version that will apply each time you access this website. We will also attempt to notify users of any changes by:  
By email.

**(20) CONTACT US**

(a) If you have any questions about this Privacy Policy or the information we hold about you, please contact us by:

email: [info@optimumep.com.au](mailto:info@optimumep.com.au)

(b) Our data protection officer is L Parkinson