

# OUR POLICIES

## California

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## Privacy policy

The *California Consumer Privacy Act of 2018* (the “CCPA”) and other California privacy laws include specific provisions for **California residents** that we address in this section. These apply solely to “consumers” as defined in the CCPA.

For completeness, this Privacy Policy should be read in conjunction with [Privacy @ pixevety](#) as stated on the [pixevety](#) portal (portal.pixevety.com).

## About us

pixevety.com is owned and operated by Pixevety Pty Ltd (ACN 160 684 677), an Australian private company based in New South Wales, with offices in Sydney, NSW and Brisbane, Qld, and Pixevety Inc, a corporation based in Delaware, United States.

Pixevety Pty Ltd/Inc. is a digital service provider. We offer individuals and organisations the ability to manage images (i.e., photo and video content) in a secure, permission-based environment.

Our business model allows both individuals and organisations to use the **pixevety** platform, which is comprised of the image management platform **on our website** (at [pixevety.com](https://pixevety.com)) and our **mobile application**.

We care deeply about your privacy and have designed our services and business model to reflect our commitment to ensuring the fair and appropriate handling of personal information.

## Contact information

You may contact us or raise a request at any of the channels listed below.

<b>post:</b> Privacy Officer c/o PO Box 7056 Brookvale NSW Australia 2100	<b>phone:</b> 1300 438 389 +61 2 9194 0940 +1 888 747 4749	<b>email:</b> <a href="mailto:privacy@pixevety.com">privacy@pixevety.com</a>
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## Personal information we collect<sup>1</sup>

We collect, or have collected the following categories of personal information in the previous twelve months<sup>2</sup>;

- Identifiers; such as first and last name, email address and telephone number
- Commercial information; such as purchase history, support requests
- Biometric information;
- Internet or other electronic network activity information, such as web site page visits, session duration and browser information
- Geolocation data;
- Audio, electronic, visual, thermal, olfactory, or similar information;
- Professional or employment related information;

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<sup>1</sup> CCPA 1798.100(B)]

<sup>2</sup> CCPA 1798.130(a)(5)(B)]

- Education information.

The specific elements of personal information collected by [pixevely](#) are:

- name
- contact details
- images within user galleries (e.g., digital photo or video)
- key metadata relating to images (e.g., name or location of the person featured in an image)
- facial recognition data (encrypted and Gallery specific)
- other personal information you provide during the course of using the [pixevely](#) platform (e.g., your preferred privacy settings), or when you ask us to provide
- additional services (e.g., inviting another person to have access to your Gallery)
- personal information contained in documents or text files (other than images) that you choose open or share using the platform
- account-related information (e.g., payment history)
- web browsing information, such as that gathered by 'cookies'

## Why we collect your personal information<sup>3</sup>

We collect personal information when you:

- are a customer and you have set up an account with us
- are asked by an organisation to join its Gallery and you register with us to allow this
- add and manage your images on the [pixevely](#) platform
- pay us for your subscription to the [pixevely](#) platform
- ask us a question or make a complaint
- answer questions that we ask you (in order for us to assist you).

We use and disclose your personal information, including **identifiers, commercial information, biometric information** and **electronic network activity information**, to:

- verify your identity and other details you provide to us
- provide you with the services, as set out in our [Terms](#), including activation and use of the privacy settings (which rely on facial recognition technology)
- respond to a question you ask us about the [pixevely](#) platform
- send you information that you have asked for
- direct you to our FAQs and other resources, and
- investigate and respond to a complaint made by you.

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<sup>3</sup> CCPA 1798.100(b), 1798.110(c), 1798.130(a)(5)(B)]

## How we collect your personal information<sup>4</sup>

We collect your personal information, including **identifiers, commercial information, biometric information** and **electronic network activity information**, when:

- you are our **customer** (i.e., you have an account with us and are paying for our services, or you have a complimentary subscription), and/ or
- **an organisation** such as a school or sporting club is our customer and they are using the pixevety platform to manage your images (i.e., the organisation has an account with us and is paying for our services, and you have been invited by the organisation to join its Gallery).

**Important note:** When the **pixevety** platform is used by an organisation such as a school or sporting club to manage images, Pixevety Pty Ltd/Inc is considered a service provider to that organisation. If you have registered with us in order to join an organisation's Gallery please take a moment to read that organisation's privacy policy too.

We collect **customer information** directly from you or, in the case an organisation is using us as a service provider, via the relevant organisation.

We collect **commercial information** (such as contact details and business information) about organisations using **pixevety** from the relevant contact person within the organisation and from publicly available sources (such as the internet, magazines and other publications).

## With whom we share your personal information<sup>5</sup>

We may share elements of your personal information (including **identifiers, commercial information, biometrics** and **electronic network activity information**) to the service providers who work with us in providing our services to you, including:

- contracted service providers (as set out in more detail below)
- service providers who monitor and analyse the operation and security of the **pixevety** platform, or who provide administrative, technical and organisational services to our staff, and
- consultants and professional advisers.

If Pixevety Pty Ltd/Inc or its assets are acquired, or if we go through some other change of control affecting the **pixevety** platform, we may transfer your personal information to a third-party acquirer.

We use contracted service providers to securely store personal information and to manage or enhance the functionality of the **pixevety** platform. Contracted service providers are used for the following :

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<sup>4</sup> CCPA 1798.110(c), 1798.130(a)(5)(B)]

<sup>5</sup> CCPA 1798.110(c), 1798.130(a)(5)(B)]

- secure payments
- user support
- image recognition and tagging, and
- facial recognition.

## Your rights

Under CCPA,

"Sell", "selling", "sale" or "sold" means selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer's personal information by the business to another business or a third party for monetary or other valuable consideration.

### WE DO NOT SELL PERSONAL INFORMATION

"Business purpose" means the use of personal information for the business' or a service provider's operational purposes, or other notified purposes, provided that the use of personal information shall be reasonably necessary and proportionate to achieve the operational purpose for which the personal information was collected or processed or for another operational purpose that is compatible with the context in which the personal information was collected.

#### RIGHT TO REQUEST DISCLOSURE

You may request that we provide access to your personal information, how it was collected, the way(s) in which we use it and if we disclose or sell your personal information to third parties.<sup>6</sup>

For any verifiable request, we will provide the requested information free of charge and in an electronic format that can be transmitted to another entity without hindrance.

To assist you, we have a process for gaining access to the personal information held about you on the [pixevety](#) platform. After logging in to your [pixevety](#) account, simply go to your My Account page and click on the "Download My Data" button.

If you are unable to use our online process, please contact us at [privacy@pixevety.com](mailto:privacy@pixevety.com) to discuss your options.

#### RIGHT TO REQUEST DELETION<sup>7</sup>

You may request that we delete any personal information that we have previously collected from you. Our [Terms](#) set out our usual process for deletion. If you are unable to find this information, please contact us at [privacy@pixevety.com](mailto:privacy@pixevety.com) to discuss your options.

<sup>6</sup> CCPA 1798.100(d), 1798.110, 1798.130(a)(5)(A)

<sup>7</sup> CCPA 1798.120(b), 1798.115(c), 1798.130(a)(5)(A) and (a)(5)(c))

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## RIGHT TO OPT-OUT<sup>8</sup>

In the event [pixevety](#) were to engage in the sale of your personal information, you may request to opt-out of the sale of your personal information.

**WE DO NOT SELL PERSONAL INFORMATION**

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## RIGHT TO NON-DISCRIMINATION<sup>9</sup>

We will not discriminate against a consumer for exercising any CCPA rights.

## Do not track

California and Delaware laws require that we indicate whether we honor “Do Not Track” settings in your browser concerning targeted advertising.

“Do Not Track” is a standard that is currently under development. As it is not yet finalized, we adhere to the standards set out in this Privacy Notice and in [Privacy @ pixevety](#) - Our Principles. We do not yet monitor or follow any Do Not Track browser requests.

## Financial incentives<sup>10</sup>

This section is not applicable.

## Additional elements

As set out in our [Terms](#), we do not knowingly collect or solicit personal information from anyone under the age of 13.

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<sup>8</sup> CCPA 1798.120(b), 1798.115(c), 1798.130(a)(5)(A) and (a)(5)(c))

<sup>9</sup> CCPA 1798.125, 1798.130(a)(5)(A)

<sup>10</sup> CCPA 1798.125(b)(2), 1798.135

In addition, it is a condition of using the [pixevity](#) platform that, if you intend to upload the images of a child under age 16 to the platform, you must first have consent from the child's parent (or legal guardian) to

- upload to and manage the child's images using the [pixevity](#) platform, and
- use and disclose the child's images for your purposes.

This includes making the parent (or legal guardian) aware of our privacy practices, as set out in this document.

Where organisations such as schools are using the [pixevity](#) platform to manage images of a child under age 16, the **consent management module** may assist in this regard.

Our sites are not geared toward minors under the age of 16 and we will not knowingly collect, disclose or sell personal information from anyone under 16 years old. Please contact us if you believe that your child under 16 has accessed our sites.

**WE DO NOT SELL PERSONAL INFORMATION**

Effective date: 30.03.2020

Last revised: 3.02.2021