

OUR POLICIES

Canada

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Privacy policy

This Privacy Policy applies to personal information we collect and use as part of the services we provide in Canada, in accordance with the Canadian *Personal Information Protection and Electronic Documents Act* (PIPEDA).

We care deeply about your privacy and have designed our services and business model to reflect our commitment to ensuring fair and appropriate handling of your personal information. You can read more about this in our [Privacy @ pixevety](#) document.

This Privacy Policy explains how we collect and handle your personal information on the [pixevely](#) platform (which includes our mobile application) and on our brochure site. In accordance with our Terms, it is important that you understand our privacy practices before you sign-up to use the [pixevely](#) Platform.

You may also read our [FAQs](#) to find out more about our approach to privacy.

Who we are

pixevely.com is owned and operated by Pixevely Pty Ltd (ACN 160 684 677), an Australian private company with headquarters based in Australia and the United States.

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

Our business model allows both individuals and organizations to use the [pixevely](#) platform. You use the [pixevely](#) platform 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 organization** such as a school or sporting club is our customer and they are using the [pixevely](#) platform to manage your images (i.e., the organization has an account with us and is paying for our services, and you have been invited by the organization to join its Gallery).

Important note: When the [pixevely](#) platform is used by an organization such as a school or sporting club to manage images, Pixevely Pty Ltd is considered a service provider to that organization. If you have registered with us in order to join an organization's Gallery please take a moment to read that organization's privacy policy too.

Personal information

Personal information is information that identifies you. Depending on our relationship with you, and the functionalities you wish to use on the [pixevely](#) platform, the personal information we collect is:

- 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), and
- web browsing information, such as that gathered by 'cookies', see our [Cookie Policy](#).

Our use of personal information

We may collect and use your personal information to:

- verify your identity and other details you provide to us
- provide our goods and services requested by you
- respond to a question you ask us about the [pixevety](#) platform
- send you information that you have asked for
- process your payment or credit transactions
- send you marketing information about our goods and services
- direct you to our FAQs and other resources
- investigate and respond to a complaint made by you, and
- analyse and improve the performance of our website and platform.

Consent

Consent is an important privacy concept that applies to our collection, use and disclosure of your personal information, as well as your own obligations before uploading images of a person.

HANDLING OF PERSONAL INFORMATION, GENERALLY

Generally, we are required to get your consent before we collect, use or disclose your personal information. Depending on the sensitivity of the information, we may require your express consent (e.g., you tick a box agreeing to our Terms) or your implied consent (e.g., you choose not to opt-out to receive our marketing).

As set out in our Terms, in using the [pixevety](#) platform you agree to the collection, use and disclosure of your personal information by Pixevety Pty Ltd for the purposes of the [pixevety](#) platform.

We may collect, use, and disclose your personal information to undertake our business activities necessary to provide our [pixevety](#) platform. This may include providing your personal information to our contracted services providers, who work with us in providing our services to you.

There may be instances where we are not required to ask for your consent to collect, use and disclose your personal information. These may include, for example, for legal or security reasons, or where it is impossible or impractical to seek your consent.

IMAGES – OUR PERMISSION-BASED APPROACH

We handle the images you upload to the [pixevety](#) platform based on your permissions (which you can change at any time). The [pixevety](#) platform will only do with your images what you allow or agree to within the platform's privacy settings.

PERSONAL INFORMATION OF OTHER PEOPLE

As set out in our Terms, if you intend to upload the images of *people other than you* to the [pixevety](#) platform, you must first have consent from the individuals depicted to:

- upload to and manage their images using the [pixevety](#) platform, and
- use and disclose their images for your purposes.

This includes making them aware of Pixevety Pty Ltd's privacy practices, as set out in this Privacy Policy.

Where organizations such as schools are using the [pixevety](#) platform to manage images, the **consent module** may assist in this regard.

PERSONAL INFORMATION OF CHILDREN UNDER THE AGE OF 16

As set out in our Terms, Pixevety Pty Ltd does not knowingly collect or solicit personal information from anyone under the age of 13.

In addition, it is a condition of using the [pixevety](#) 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 [pixevety](#) platform, and
- use and disclose the child's images for your purposes.

This includes making the parent (or legal guardian) aware of Pixevety Pty Ltd's privacy practices, as set out in this Privacy Policy.

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

Automated decision making using personal information

The [pixevety](#) platform includes a facial recognition function as part of its **consent module**, that makes automated decisions relating to person's captured in images and their consent requirements.

Should the facial recognition functionality be enabled, the [pixevety](#) platform automatically matches an individual's face with other images that capture the same individual (within a particular gallery), and 'tags' that person in the image.

When an individual has been identified in an image, the [pixevety](#) platform automatically decides what consent restrictions apply to the image based on who has been tagged. For example, all photos tagged with Johnny Smith will be marked as 'Not for Marketing Use'.

If you become aware that an image of you (or your child) has not been matched and tagged in an image, you can alert the administrator of the gallery, and the image will be immediately removed until it is reviewed and edited.

More information about the facial recognition functionality is included in [FAQs](#).

Transfers of personal information

We may share elements of your personal 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 organizational services to our staff, and
- consultants and professional advisers.

We do not make your personal information available to related companies or any subsidiaries.

If Pixevety Pty Ltd 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.

Transfers of personal information outside of Canada

Our primary place of business is in AUSTRALIA and some of the service providers we use to support our business operations are also located here. As such, we may transfer your personal information to countries outside of Canada, including to Australia, as part of our business operations.

We take steps to ensure that any personal information transferred outside of Canada continues to receive a standard of protection that is at least comparable to that provided under the Canadian *Personal Information Protection and Electronic Documents Act*. Australia is a recognised privacy jurisdiction with substantially similar privacy rules equivalent to Canada.

Our contracted service providers

We use contracted service providers to securely store personal information and to manage or enhance the functionality of the **pixevety** platform.

Secure Data Storage - Pixevety Pty Ltd holds and secures personal information collected and managed by the **pixevety** platform within Canadian datacentres and back-up sites.

Secure Payments - Pixevety Pty Ltd uses a secure PCI DSS compliant payment provider for all of our fee-for-service transactions – e.g., **pixevety** platform subscriptions and add-ons. Payments are made using a secure gateway, which can be accessed via the **pixevety** platform.

Functionalities - We offer the following functionalities within the [pixevety](#) platform:

- **User support:** The user support (e.g., help-desk) function is operated on premises at Pixevety, to ensure the highest level of privacy protection. We use a service provider to store data collected as part of this function (i.e., customer engagement and activity information) in Australia.
- **Facial recognition:** Facial recognition is an algorithmic process. It is encrypted and specific to each Gallery. We use a local service provider who stores their data in Canada, to provide this functionality. The face recognition functionality can be turned off in your gallery settings if you wish.
- **Image recognition:** We use a service provider who stores their data in Australia to provide image recognition (e.g., object) and tagging (e.g., not-safe-for-work) functionalities. The image recognition functionality can be turned off in your gallery settings if you wish.

Where service providers are engaged by Pixevety Pty Ltd, they are not permitted to handle (manage, use, disclose or retain) personal information in any way other than *as expressly required* to provide the service. Further information about our contracted service providers can be found in the [FAQs](#).

Security and disposal of personal information

We securely manage and dispose of personal information, whether it is held in hard copy or electronic format and whether it is stored on-site or in 'the cloud'.

We operate our business and the [pixevety](#) platform in accordance with detailed information security policies and procedures (which are compliant with the *International Standard (ISO) 27002* and relevant industry best practices). We also have measures in place to identify, respond to and prevent data breach events.

We will only keep your personal information for as long as necessary to fulfil the purpose that the information was collected and used. Your personal information may be stored for different periods, depending on the purpose which it was collected for. If you would like us to dispose of your personal information at any time, please write to our Privacy Officer.

Accessing and updating personal information

We support your right to access and update your own personal information.

ACCESS

With very limited exceptions, if we hold personal information about you on the [pixevety](#) platform we are happy to tell you what it is, and how it has been used and/ or disclosed. We will not, however, tell someone else what personal information we hold about you (unless you permit us or there is a lawful ability or requirement for us to do so).

To assist you, we have a process for gaining access to the personal information held about you on the [pixevety](#) platform. Simply go to your My Account page and click the 'Download My Data' button. We may charge a small fee for retrieving your personal information, in which case we will tell you what the fee is and obtain your agreement to pay it before providing the information.

MAKING CHANGES

You are able to update the personal information relating to your account with us at any time by visiting your **My Account** page on the [pixevety](#) platform.

If you are unable to use our online processes to access or make changes to your personal information via the [pixevety](#) platform, please contact our Privacy Officer to discuss your options.

Important note: When the [pixevety](#) platform is used by an organization such as a school or sporting club to manage images, Pixevety Pty Ltd is considered a service provider to that organization. In such cases, you *may not* be able to access or change particular types of personal information directly via the [pixevety](#) platform (e.g., you will be unable to change a unique ID number given to you by the organization). In such cases, please contact the organization directly with your request.

Marketing

We may use the personal information you give to us to send you direct marketing. The direct marketing may relate to existing services on the [pixevety](#) platform and new developments we believe will interest you. Where we send you direct marketing, we will always let you know that it has been sent by [pixevety](#).

You can choose **not** to allow this when:

- you use the **opt-out** selection available on your My Account page (which you can use when you sign-up or at any time), or
- you click "**unsubscribe**" when you receive a direct marketing communication.

We will never provide your personal information to third parties for marketing purposes unless you specifically request us to.

Our Privacy Officer

You may contact our Privacy Officer if you have an enquiry, complaint or feedback on our personal information protection policies and procedures, or if you wish to make any request to access, update or dispose of your personal information.

Mail:	Privacy Officer Pixevety Pty Ltd	Privacy Officer Pixevety Pty Ltd
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PO Box 7056
Brookvale, NSW, 2100
Australia

PO Box 408333
Fort Lauderdale FL 33348
United States

Email: privacy@pixevety.com

Updates to pixevety platform privacy policy

We may update this Privacy Policy from time to time to ensure that our personal information handling practices are correctly reflected. This may occur without notice; however, we will always post a “last revised” date for your information.

Last revised: 9.11.2021