

## CREATIVA VIDEOS PRIVACY STATEMENT – FOR CLIENTS

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### INTRODUCTION

Creativa Pty Ltd (ACN 626 848 913) (“we”, “our”, “creativa”, “creativa videos” or “us”) owns and operates the business Creativa Videos.

Creativa Videos creates videos and performs related services (including creative process and video/animation production, platform set-up and configuration, dynamic video rendering both live and pre-rendered (batch) and video hosting) (the “Services”)

We take the protection of Personal Information of seriously.

This Privacy Statement outlines how we handle and manage any Personal Information that you may provide to us when we supply Services to you. “**Personal Information**” means information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not.

Please note that Creativa is not bound by the *Privacy Act 1998* (Cth) (“**Privacy Act**”), but nevertheless agrees to adhere to the Privacy Act, which includes the amendments made by the *Privacy Amendment Act 2000* (Cth) and the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Cth). This Privacy Statement (the “**Privacy Statement**”) is written in accordance with, and conforms to, the Australian Privacy Principles.

### 1. Consent

By using our Services, you hereby consent to our collection, use and disclosure of Personal Information you supply to us for the purposes specified in this Privacy Statement.

### 2. Supply of Personal Information

Before supplying us with any Personal Information, you should ensure that there are no restrictions on you doing so (whether under contract or under the Privacy Act or other legislation). We are not responsible for any mistake or negligence or other conduct on your part where you supply Personal Information which you are not entitled to supply, but we will take reasonable steps to destroy or de-identify any such wrongfully supplied Personal Information within a reasonable time after you have given us notice.

### 3. Collection of Personal Information

We collect Personal Information where reasonably necessary for the proper provision of our Services.

We may collect Personal Information as provided by you about you, your customers or other related individuals. Types of Personal Information we collect may include, without limitation, names, ages, date of births, email addresses, photographs, occupations, phone numbers, tax information and geographical information. We may also collect non-personal statistical information, such as analytics and cookies data, IP addresses and the specifications and settings of your devices (such as your preferred language). This list is not an exhaustive list.

The Privacy Act defines some Personal Information as ‘sensitive information’ (For example information about a person’s race, health, religious beliefs or criminal convictions). We generally do not collect sensitive information but in the event we do need to collect sensitive information from you, we will collect this information with your permission and will only use it for the purpose for which you have specifically provided it.

We may store Personal Information collected for record-keeping and back-up purposes.

### 4. Use and Disclosure

Any Personal Information collected from you will be used or disclosed by us in order for us to provide Services to you. We may need to disclose Personal Information collected to employees, sub-contractors or other persons that are assisting us to carry out the Services (our “**Personnel**”). We ensure that our Personnel equally comply with our obligations under this Privacy Statement, when dealing with Personal Information.

In providing Services to you, we agree that we will:

- a) Not directly or indirectly use, disclose, alter or otherwise handle any Personal Information which we collect or access from you except for the purpose of supplying Services to you (the “**Intended Purpose**”).
- b) Not disclose any Personal Information which we receive from you to any third party other than our Personnel, without obtaining your prior written consent, a condition of which may be that the person to whom disclosure is proposed to be made agrees to be bound by the provisions of this clause;
- c) Take all reasonable steps (including maintaining appropriate operational and technological processes and procedures) to ensure that the Personal Information is protected against misuse, interference, loss, and unauthorized access, modification and/or disclosure;
- d) Ensure that only persons that need access to the Personal Information to complete the Services have access;
- e) Where you request in writing, ensure that no Personal Information which we collect or access from you is stored outside of Australia,; and
- f) Ensure all records containing Personal Information are permanently destroyed as soon as they are no longer needed for us to perform the Services.

In addition to the abovementioned purposes, Personal Information may be used or disclosed by us for any of the Permitted General Situations outlined in s. 16A of the Privacy Act, including but not limited to use or disclosure for evidentiary purposes in establishing or defending a legal or equitable claim, serious threats to public health or safety, or assistance in locating missing persons. We may also be compelled by operation of law to disclose any Personal Information, including a person’s identity and contact details.

#### **5. Access and Corrections to Personal Information**

You must ensure that you provide us with accurate and up-to-date Personal Information. If you believe that any Personal Information held by us is inaccurate, incomplete, out of date or misleading, you may notify us and we will correct the information.

You may request that we provide you with a copy of the Personal Information we hold about any individual. You do not need a reason for making such a request, however we do reserve the right to charge you for reasonable expenses that we incur in preparing and sending you copies of that information.

We reserve the right to refuse access to any individual’s Personal Information where the request would have an unreasonable impact on the privacy of others, the information is commercially sensitive, giving access would be unlawful or the request is frivolous or vexatious.

We will endeavour to respond to all requests relating to this section within a reasonable time after the request is made.

#### **6. Security**

We are committed to maintaining the security of your Personal Information.

We will use best commercial endeavours to keep Personal Information secure including without limitation taking the following steps:

- a) We will minimize and where possible eliminate the need to use and receive Personal Information that identifies any person;
- b) Apart from rendered video files, we will not store any materials provided by you ‘in the cloud’;
- c) We will ensure that all data transfers including Personal Information are encrypted and secured;
- d) We will ensure that all data transfers including Personal Information are marked confidential and access is restricted to persons that need to access to that data; and
- e) We restrict access to our staff and other persons assisting us to provide Services to the minimum necessary to complete the Services.

We will promptly notify you if we become aware of:

- a) Any accidental or unauthorised access to any Personal Information, or any other disclosure of Personal Information supplied by you not for the Intended Purpose;
- b) Any loss of any Personal Information supplied by you; and
- c) Any breaches of our security and/or network, which involves any Personal Information supplied by you.

We will take reasonable steps to destroy or de-identify information when it is no longer needed for any purpose for which it may be used or disclosed. We may retain and use de-identified information or statistical data collected, including after the Services have been supplied to you.

#### **7. Transfer in Certain Circumstances**

If there is a sale, merger, consolidation, change in control, transfer of substantial assets, reorganisation or liquidation of Creativa then we may transfer, sell or assign Personal Information collected from you to one or more relevant third parties but will seek your prior written approval first.

#### **8. Questions and Complaints:**

If you have any questions about this Privacy Statement, or if you wish to request access to any Personal Information supplied by you to us, correct or update you details or raise any privacy concerns you may have, please contact us at the contact details below.

#### **9. Our Contact Details:**

Please email us at [info@creativa.com.au](mailto:info@creativa.com.au) for any queries regarding this Privacy Statement.

For further information on your online privacy rights go to: [www.privacy.gov.au](http://www.privacy.gov.au)