

# Privacy Policy

Last Updated 18/05/2019

Effective: April 2019

## 1. Introduction

This Privacy Policy explains what information Merrick Consulting Pty Ltd ("Merrick Consulting") and its related entities collect about you and why, what we do with that information, how we share it, and how we handle the content you place in our products and services. Merrick Consulting care about your personal information and how this is used and shared. Merrick Consulting will only use any data of a personal or sensitive nature that we collected as necessary for business transactions between us and for the purposes of providing information about our services and products.

## 2. Scope of Privacy Policy

This Privacy Policy applies to the information that we obtain through your use of "Merrick Consulting Services" via a "Device" or when you otherwise interact with Merrick Consulting.

"Merrick Consulting Services" include our:

1. Websites
2. Hosted Products
3. On-Premise Products but does not include:
  - a. Merrick Consulting products or services for which a separate privacy policy is provided.
  - b. Third party products. These are third party products or services that you may choose to integrate with Merrick Consulting product or services, such as third-party Add-Ons or other software used by you. You should always review the policies of third-party products and services to make sure you are comfortable with the ways in which they collect and use your information.

A "Device" is any computer used to access the Merrick Consulting Services, including without limitation a desktop, laptop, mobile phone, tablet, or other consumer electronic device.

Unless otherwise stated, our Hosted Products and our On-Premise Products are treated the same for the purposes of this document.

By registering for or using Merrick Consulting Services you consent to the collection, transfer, processing, storage, disclosure and other uses described in this Privacy Policy.

## 3. Definitions

**Add-On:** A bundle of code, resources and configuration files that can be used with an Merrick Consulting product to add new functionality or to change the behavior of that product's existing features.

**Merrick Consulting Services:** Merrick Consulting's Websites, Hosted Products, and On-Premise Products.

**Content:** Any information or data that you upload, submit, post, create, transmit, store or display in a Merrick Consulting Service.

**On-Premise Products:** Merrick Consulting's software products and mobile applications, including Add-Ons created by Merrick Consulting, that are installed by customers on an infrastructure of their choice. On-Premise Products do not include Add-Ons created by third parties, even when they are accessed through Merrick Consulting Services.

**Information:** All of the different forms of data, content, and information collected by us as described in this Privacy Policy.

**Personally Identifiable Information (PII):** Information that may be used to readily identify or contact you as an individual person, such as: name, address, date of birth, email address, relationships or phone number. PII does not

include information that has been anonymised such that it does not allow for the ready identification of specific individuals.

**Hosted Products:** Merrick Consulting's "Hosted" or "Cloud" hosted solutions, as well as other Merrick Consulting hosted solutions that display a link to this Privacy Policy. For the avoidance of doubt, if a Merrick Consulting hosted solution displays a link to a different privacy policy, then that other privacy policy shall apply.

**Websites:** Merrick Consulting's websites, including but not limited to merrickconsulting.com.au, identity1.com.au and any related websites, sub-domains and pages.

## 4. Change to our Privacy Policy

We may change this Privacy Policy from time to time. If we make any changes, we will notify you by revising the "Effective Starting" date at the top of this Privacy Policy and, in some cases, where appropriate we may provide you with additional notice (such as sending you an email notification). We encourage you to review our Privacy Policy whenever you use Merrick Consulting Services to stay informed about our information practices and the ways you can help protect your privacy.

If you disagree with any changes to this Privacy Policy, you will need to stop using Merrick Consulting Services and deactivate your account(s).

## 5. The information provided to us

We collect the following information:

**Account and profile information:** We collect information about you and your company as you register for an account, create or modify your profile, make purchases through, use, access, or interact with Merrick Consulting Services (including but not limited to when you upload, download, collaborate on or share Content). Information we collect includes but is not limited to your name, username, address, email address, phone number, profile photo, job title, or credit card details. You may provide this information directly when you enter it in Merrick Consulting Services, or in some cases another user (such as a system administrator) creating an account on your behalf may provide it (most commonly when you add new users to Merrick Consulting Services). If you are providing information (including PII) about someone else, you confirm that you have the authority to act for them and to consent to the collection and use of their PII as described in this Privacy Policy.

**Content:** We collect and store Content that you create, input, submit, post, upload, transmit, store or display in the process of using our Hosted Products or Websites. Such Content includes any PII or other sensitive information that you choose to include ("passively-collected PII").

**Other submissions:** We collect other data that you submit to our Websites or as you participate in any interactive features of the Merrick Consulting Services, participate in a survey, contest, promotion, sweepstakes, activity or event, apply for a job, request customer support, communicate with us via third party social media sites or otherwise communicate with us. For example, information regarding a problem you are experiencing with a Merrick Consulting product could be submitted to our Support Services or posted in our public forums. Any information, including PII, that you submit to our Websites could be visible to the public unless submitted to a secure area in the Website.

## 6. Information we collect from your use of Merrick Consulting Services

**Analytics Information from On-Premise Products:** We collect analytics information when you use our On-Premise Products to help us improve our products and services. Our On-Premise Products contain a feature that sends information about the technical operation of the On-Premise Products on your systems ("System Information") to us. System Information includes but is not limited to information about (a) the server environment in which the Self Hosted Product is operating, for example hardware specification (CPU type, RAM allocation, disk utilisation), version information on all software installed (OS type and version, .NET version and modules installed, database types and versions) and all software configuration (network configuration, database settings, web server settings), as well as (b) user client information, for example: browser type and version, native client type and version, and client device specifications (e.g. screen resolution, OS version, device type, etc.), and (c) license-related details such as license expiry

date, number of users managed by a Service. In addition, we collect Service-specific event log information such as error events and details, and usage statistics for each module or feature of a Service.

**Analytics Information Derived from Content:** Analytics information also consists of data we collect as a result of running queries against Content across our user base for the purposes of generating Usage Data. "Usage Data" is aggregated data about a group or category of services, features or users that does not contain PII. For example, we may query Content to determine the most common features or modules are used within the system (e.g. how many provisioning policies are configured for student automation) by searching across the Content. This is in order to better understand the usage of our products.

Though we may happen upon sensitive or PII as we compile Usage Data from Content across user instances, this is a by-product of our efforts to understand broader patterns and trends. It is not a concerted effort by us to examine the Content of any particular customer.

## 7. How we use Information we collect

**General Uses:** We use the information we collect about you (including PII to the extent applicable) for a variety of purposes, including to:

- 1) Provide, operate, maintain, improve, and promote Merrick Consulting Services;
- 2) Process and complete transactions, and send you related information, including purchase confirmations and invoices;
- 3) Monitor and analyse trends, usage, and activities in connection with Merrick Consulting Services and for marketing or advertising purposes;
- 4) Investigate and prevent fraudulent transactions, unauthorised access to Merrick Consulting Services, and other illegal activities;

Notwithstanding the foregoing, we will not use PII appearing in our Analytics Logs or Web Logs for any purpose.

**Compiling aggregate analytics information:** Because our Hosted Products and On-Premise Products are highly configurable, we make extensive use of analytics information (including log and configuration data) to understand how our products are being configured and used, how they can be improved for the benefit of all of our users, and to develop new products and services. As such we generate Usage Data (as defined above) from the web logs and analytics logs described above, including the Content elements captured in such logs, as well as from the Content stored in the Services.

## 8. Information sharing and disclosure

We will not share or disclose any of your PII or Content with third parties except as described in this policy. We do not sell your PII or Content.

**Your use:** When you use Merrick Consulting Services, Content you provide will be displayed back to you. Certain features of Merrick Consulting Services allow you to make some of your Content public, in which case it will become readily accessible to anyone. We urge you to consider the sensitivity of any data you make public.

**Access by our support team:** You should be aware that the support team for your instance of Merrick Consulting Services are able to access all configuration data and content stored within the Services, and content on other systems to which the Services have been granted access.

**Compliance with Laws and Law Enforcement Requests; Protection of Our Rights:** We may disclose your Information (including your PII) to a third party if (a) we believe that disclosure is reasonably necessary to comply with any applicable law, regulation, legal process or governmental request, (b) to enforce our agreements, policies and terms of service, (c) to protect the security or integrity of Merrick Consulting' products and services, (d) to protect Merrick Consulting, our customers or the public from harm or illegal activities, or (e) to respond to an emergency which we believe in the good faith requires us to disclose information to assist in preventing the death or serious bodily injury of any person.

**Business Transfers:** We may share or transfer your information (including your PII) in connection with, or during negotiations of, any merger, sale of company assets, financing, or acquisition of all or a portion of our business to another company.

**With Your Consent:** We will share your PII with third parties when we have your consent to do so.

## 9. Information we do not share

We do not share PII about you with third parties for their marketing purposes (including direct marketing purposes) without your permission.

## 10. Data storage, transfer and security

Merrick Consulting hosts data on servers in Australia.

The servers on which PII is stored are kept in a controlled environment. While we take reasonable efforts to guard your PII, no security system is impenetrable and due to the inherent nature of the Internet as an open global communications vehicle, we cannot guarantee that information, during transmission through the Internet or while stored on our systems or otherwise in our care, will be absolutely safe from intrusion by others, such as hackers. In addition, we cannot guarantee that any passively-collected PII you choose to store in Websites or Hosted Products are maintained at levels of protection to meet specific needs or obligations you may have relating to that information.

In most instances, where data is transferred over the Internet by Merrick Consulting Services, the data is encrypted using industry standard SSL (HTTPS).

Where On-Premise Products are used, responsibility of securing access to the data you store in the On-Premise Products rests with you and not Merrick Consulting. We strongly recommend that administrators of On-Premise Products configure SSL to prevent interception of data transmitted over networks and to restrict access to the databases and other storage used to hold data.

We are committed to ensuring that your information is secure. In order to prevent unauthorised access or disclosure we have put in place suitable physical, electronic and managerial procedures to safeguard and secure the information we collect online.

Other security safeguards include data encryption, firewalls, and physical access controls to our office and files. Access to information is limited (through user/password credentials) to those employees of Merrick Consulting who require it to perform their job functions. If we learn of a security systems breach, then we will notify you electronically so that you can take appropriate protective steps.

## 11. Accessing and updating your information

You can request access to amend some of the information we keep about you by requesting this from us via email.

## 12. Compliance with privacy laws and regulations

You agree not to use the Merrick Consulting Services in a manner that would violate laws protecting an individual's privacy rights, health or financial data, including the Australian Privacy Act 1988 including the amended Australian Privacy Principles (APPs).

## 13. Australian Privacy Principles

Merrick Consulting' privacy procedures are in line with the Australian Privacy Principles.

## 14. International users

If you are visiting from the European Union or other regions with laws governing data collection and use, please note that you are agreeing to the transfer of your PII to Australia to us. By providing your PII, you consent to any transfer and processing in accordance with this Policy.

## 15. Access to your Information

You may request a copy of your PII associated with your Merrick Consulting Services by contacting us using the contact details provided below. We will endeavour to provide you the requested information as soon as possible.

## 16. How to contact us

If you have any questions or concerns regarding our Privacy Policy or need to contact us please use the following options:

- Email: [support@merrickconsulting.com.au](mailto:support@merrickconsulting.com.au)
- Telephone: 0424 695 163
- Mail: 156/25 Best St, Lane Cove, NSW 2066