



## **GDPR PRIVACY POLICY**

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## AAG – GDPR Privacy Policy

Version	Modification Date	Last Modified By	Document Changes
0.1	14/11/2022	Terence Wallis	Initial Draft of the GDPR Privacy policy
1.0	20/01/2023	Terence Wallis	Sent for review and approval
2.0	09/11/2023	Terence Wallis	Review and minor updates prior to being sent for final legal review.

# AAG – GDPR Privacy Policy

## Table of Contents

1. Introduction.....	4
2. Purpose.....	4
3. Scope.....	4
4. Objectives.....	4
5. How does the GDPR apply to the Active Apparel Group?.....	4
6. Sharing of Information.....	5
i. Compliance with Laws.....	5
ii. Vital Interests and Legal Rights.....	5
iii. Vendors, Consultants, and other Third-Party Providers.....	5
iv. Business Transfers.....	5
v. Affiliates.....	5
vi. With your Consent.....	5
7. Cookies & Tracking Technologies.....	6
8. International Transfer of Information.....	6
9. Retention and Security of Personal Data.....	6
10. Data Subject Rights.....	6
11. Notification of changes.....	7
12. Contact Us.....	7

# AAG – GDPR Privacy Policy

## 1. Introduction

The European Union adopted a specific General Data Protection Regulation (GDPR) and which came into effect in May 2018. The GDPR sets out rules and regulations on how organizations and business entities should handle personal data and information of European citizens and applies to businesses globally.

## 2. Purpose

The purpose of the GDPR is to be the new reference text in the European Union (EU) about personal data.

The GDPR aims to coordinate the European legal panorama in terms of personal data protection, so that there is a single framework that applies across all Member States.

While some areas are still open to specification in national law or other directives (e.g., ePrivacy), the GDPR still creates a broader framework for all processing of data.

## 3. Scope

The GDPR applies to any organisation, public or private, regardless of its size, which processes the personal data of EU citizens or residents, or offers goods or services to such people, even if not in the EU.

## 4. Objectives

The objectives of the GDPR are:

- i. The protection of personal data across the EU Member States. The GDPR has coordinated the European legislation on the use of personal data.
- ii. Increased accountability. By complying with the GDPR, companies not only meet their legal obligations, but also show their users, customers, prospects, and suppliers that they are committed to protecting their personal data. This way, users know that their information is secure and handled correctly by companies, and this strengthens their relationship. Transparency is one of the key points of the GDPR.
- iii. A simplified and lighter legal framework on the processing of personal data. Thanks to the GDPR, an individual can exercise several rights regarding the processing of his/her personal data.

## 5. How does the GDPR apply to the Active Apparel Group?

Active Apparel Group may conduct business with customers either directly or through its affiliates within the EU states.

We use personal information collected via some of our sites for a variety of legitimate business purposes in order to enter into or perform a contract with you (“Contractual”), with your consent (“Consent”), and/or for compliance with our legal obligations (“Legal Reasons”).

## AAG – GDPR Privacy Policy

These may include the following:

- i. To facilitate account creation and logon process with your consent.
- ii. To manage and fulfil your orders. We may use your information to fulfill and manage your orders, payments, returns, and exchanges made through our sites.
- iii. To send you administrative information. We may use your personal information to send you product, service update and/or information about changes to our terms, conditions, and policies.
- iv. To protect our sites. We may use your information as part of our efforts to keep our sites safe and secure (e.g., fraud monitoring and prevention).

### 6. Sharing of Information

We only share information with your consent, to comply with laws, to protect your rights, or to fulfill business obligations under the following scenarios.

- i. **Compliance with Laws.** We may disclose your information where we are legally required to do so to comply with applicable law, governmental requests, a judicial proceeding, court order, or legal process, such as a response to a court order or a subpoena (including in response to public authorities to meet national security or law enforcement requirements).
- ii. **Vital Interests and Legal Rights.** We may disclose your information where we believe it is necessary to investigate, prevent, or act regarding potential violations of our policies, suspected fraud, situations involving potential threats to the safety of any person and illegal activities, or as evidence in litigation in which we are involved.
- iii. **Vendors, Consultants, and other Third-Party Providers.** We may share your data with third-party vendors, service providers, contractors or agents who perform services for us or on our behalf and require access to such information to do that work. Examples may include - payment processing, data analysis, email delivery, hosting services and customer service efforts. We may allow selected third parties to use tracking technology on our sites, which will enable them to collect data about how you interact with these sites over time. Unless described in this policy, we do not share, sell, rent, or trade any of your information with third parties for their promotional purposes.
- iv. **Business Transfers.** We may share or transfer your information 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.
- v. **Affiliates.** We may share your information with our affiliates, in which case we will require those affiliates to honour this privacy policy. Affiliates include our parent company and any subsidiaries, joint ventures partners or other companies that we control or that are under common control with us.
- vi. **With your Consent.** We may disclose your personal information for any other purpose with your consent.

## AAG – GDPR Privacy Policy

### 7. Cookies & Tracking Technologies

We may use cookies and similar tracking technologies to access or store information depending on the affiliate site that the customer is accessing.

Cookies are used to create a session and remember a User as they use our Site, in order to distinguish them from other Users. This provides additional security and convenience beyond simply identifying Users based on their IP address, since more than one User can share the same address.

For this reason, it is necessary that you enable cookies in your browser, and you hereby acknowledge that we have informed you of our use of cookies and that you consent to our use of cookies in relation to your computer system.

### 8. International Transfer of Information

Our Cloud based servers are located in Hong Kong as part of the Microsoft Azure Cloud services. Please be aware that your information may be transferred to, stored, and processed by us in our facilities and by those third parties with who we may share your personal information.

If you are a resident in the European Economic Area, please be aware that data protection or other laws may not be as comprehensive as those in your country. We will however take all necessary measures to protect your personal information in accordance with this privacy policy and applicable law.

### 9. Retention and Security of Personal Data

The Active Apparel Group and its affiliates consider the protection of personal data to be a sound business practice, and to that end, employ appropriate technical and organisational measures, including robust physical, electronic, and procedural safeguards to protect personal data in their possession or under their control.

Personal data may be kept for as long as it is required for legitimate business purposes, to perform contractual obligations, or where longer, such longer period as is required by applicable legal or regulatory obligations.

We are committed to protecting the security of all of the personal information we collect and use.

### 10. Data Subject Rights

It is acknowledged that, subject to applicable EU Data Protection Legislation, the data subjects to which personal data relates, have certain rights under EU Data Protection Legislation:

- i. to obtain information about, or (where applicable)
- ii. withdraw any consent given in relation to, the processing of their personal data.
- iii. to access and receive a copy of their personal data.
- iv. to request rectification of their personal data.
- v. to request erasure of their personal data; to exercise their right to data portability.
- vi. the right not to be subject to automated decision-making.

## AAG – GDPR Privacy Policy

Please note that the right to erasure is not absolute and it may not always be possible to erase personal data on request, including where the personal data must be retained to comply with a legal obligation.

In addition, erasure of the personal data requested to fulfil the purposes described in this EU Privacy Notice, may result in the inability to provide the services as contemplated by the Active Apparel Group Agreement.

In case the data subject to whom personal data relate disagrees with the way in which their personal data is being processed in relation to the Subscription Agreement or the Active Apparel Group Agreement, the data subject has the right to object to this processing of personal data and request restriction of the processing.

The data subject may also lodge a complaint with the competent data protection supervisory authority in the relevant jurisdiction.

The data subject may raise any request relating to the processing of his or her personal data with the Active Apparel Group by emailing: [info@activeapparel.com.au](mailto:info@activeapparel.com.au)

### 11. Notification of changes

The Active Apparel Group (AAG) reserves the right to amend this Privacy Policy from time to time and for any reason, in our sole discretion, without notice, by updating this Privacy Policy.

Accordingly, users are strongly encouraged to review the AAG Privacy Policy regularly. If AAG decides to change this Privacy Policy, AAG will post those changes so users are always aware of what information we collect, how we use it and under what circumstances, if any, we disclose it.

If you object to any of the changes to this Privacy Policy, please stop accessing this website. Please check this page frequently and review any changes to this Privacy Policy carefully so you are aware of any changes, as they are binding on you.

### 12. Contact Us

If you have any questions or concerns about this Privacy Policy, please contact [info@activeapparel.com.au](mailto:info@activeapparel.com.au)