

## 1. Background

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- 1.1. Pro-Active Games Australia Pty Ltd, t/a rubin8, its subsidiaries and associated entities ("rubin8") are strongly committed to protecting your privacy in relation to the personal information it collects from your use of our website, products and services. Pro-Active Games has implemented a Privacy Policy (Policy), procedures and systems to protect this information and are bound by, and will comply with, the Australian Privacy Principles (APPs) set out in the Privacy Act 1988 (Cth) (Act) and to the extent applicable, the European Union (EU) General Data Protection Regulation (GDPR), where we process personal data relating to identifiable UK or EU residents.
- 1.2. This Policy explains what kind of information we may gather about you; how we may use, disclose, store and manage that information and your ability to access and correct this information or make a complaint and rights under the GDPR (where applicable). Subject to any conflicting provisions under the Act, the APPs, the GDPR (where applicable) and this Policy, you may choose the kind and quantity of information you provide to us and control how we use the information. This Policy does not apply to any other companies' websites to which our sites may be linked.

## 2. How and what type of information do we collect?

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- 2.1. We generally only collect information about you when you use our website, products and services. We only collect information by lawful and fair means and not in an unreasonably intrusive way. Where it is lawful and practicable to do so you may deal with us anonymously or by using a pseudonym, without providing your personal information.
- 2.2. If we receive from any other party your information, which is necessary so that we can provide you with our products and services, we will use and manage that information in accordance with this Policy. If the information is not necessary, we will either destroy the information or de-identify it.
- 2.3. The information we collect includes:
  - 2.3.1. Anonymous information: such as the numbers and frequency of visitors to our website and to an event. Anonymous information helps us determine how audiences use our websites and whether a campaign has been successful so that we may improve our websites and products. We may provide this anonymous data to other people or organisations. Anonymous information is not personal data.
  - 2.3.2. Personal information: which identifies you. This may include your name, date of birth, email or postal address. How much personal information you disclose to us is up to you. The only way we know something about you personally is if you provide it to us in the following ways:
    - 2.3.2.1. When you complete a contact form on our website – we will collect your name and email, and should you choose, your telephone number and company details;
    - 2.3.2.2. When you enter into a competition or a game – we will collect the number of entries you have submitted; the date and time of each entry; information that identifies you if you win; and any other information provided by you.

- 2.3.2.3. When you buy a product or a service from us - we will collect your name, age, internet address or screen name, billing address, type of computer, credit card number. We may also ask about your interests.
  - 2.3.2.4. When you are an account holder - your financial and billing details.
  - 2.3.2.5. When you contribute to an online forum - your name and email address and any other information you voluntarily contribute, unless you have provided anonymous details.
  - 2.3.2.6. When you interact with our websites, we may collect "click stream" information (or details of our websites you have accessed and the time and date of access), or 'double click' ad-serving information. We may also store "cookie" information, such as user preferences relating to our websites. You can set your browser to disable the cookie information on your computer; however, this may prevent you from taking full advantage of our services.
  - 2.3.2.7. We also may be required or authorised to collect personal information by law.
- 2.4. We do not collect 'Sensitive Information', which is information about any individual's racial or ethnic origin, political opinion and association, religious or philosophical beliefs, professional, union or trade association, sexual practices, criminal or health records.

### 3. Privacy Statement/Notice

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- 3.1. At or before the time that Pro-Active Games collects personal information from you (or as soon as practicable after) we will take reasonable steps to ensure that you are made aware of:
- 3.1.1. Our identity and how to contact us or access and seek correction of your information and how to make a complaint regarding privacy matters.
  - 3.1.2. Why the information was collected and the consequences (if any) if the information is not provided.
  - 3.1.3. Who can gain access to the information, including who we usually disclose the information to and whether disclosure is likely to be made to overseas recipients (and the countries of those recipients where applicable).
  - 3.1.4. Where applicable, the purposes for which we will be collecting and processing your information.
- 3.2. Even if we have collected the personal information about you from someone else, we will take reasonable steps to ensure that you have been made aware of the matters listed above, unless it would pose a serious threat to anyone's life or health.

### 4. How do we use and disclose Personal Information

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- 4.1. Personal information is collected from you to make it easier and more rewarding for you to use our products, services and participate in loyalty programs and enables us to provide a variety of personalised and enhanced services. You are not obliged to provide your personal information; however, the consequences of a failure to provide your information could result in you being unable to use our products, services or participate in loyalty programs to the full extent.

- 4.2. In general, we will only use or disclose the information for the purpose that was either specified or reasonably apparent at the time of collection, or via our contract with you, or where it is in our legitimate interests or with your consent. We may also disclose personal information to:
  - 4.2.1. Advisors, lawyers and accountants, in the management of Pro-Active Games or to employees or contractors to provide, bill and deliver our products and to maintain and develop our website.
  - 4.2.2. Third parties where it is necessary to protect any person or our rights or property, or are required or authorised by law or by a court or tribunal order.
  - 4.2.3. Governing bodies responsible for the administration of events related to our business where there are reasonable grounds to suspect that there has been a breach of the rules, or a threat to the integrity of the event.
- 4.3. Except as stated above, we will not disclose personal information to any organisation or person outside Pro-Active Games unless we have obtained your consent or, where applicable:
  - 4.3.1. You reasonably expect that we would use or disclose the information for another purpose, it is within our legitimate interests, and that purpose is related to the main reason why we collected the information.
  - 4.3.2. The use or disclosure is required or authorised under an Australian law or a court or tribunal order in relation to a claim or dispute resolution process or is necessary to locate a missing person, or to prevent a serious threat to an individual's life or the health or safety of the individual or the public, and it is impracticable to obtain your consent.
  - 4.3.3. We suspect that an unlawful activity or misconduct is being engaged in and the information is required as part of our investigation; or is necessary to prevent, detect, investigate, prosecute or punish criminal offences, breaches of a law or the enforcement of certain laws.
  - 4.3.4. Under no circumstances will we sell or licence your personal information unless you have granted us consent in a specific promotion via an opt in clause.

## 5. Use of Personal Information for direct marketing

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- 5.1. Where applicable, we may use your personal information for direct marketing activities, including informing you of additional products and services which may interest you only if:
  - 5.1.1. We have collected the information from you and you would reasonably expect us to use or disclose the information for direct marketing activities in our legitimate interests or as part of our contract with you, and although we are happy if you opt out of receiving marketing communications, you have not done so; or
  - 5.1.2. We have collected the information from someone other than you, and you have consented for us to use the information for direct marketing activities or it is impracticable to obtain your consent but you have not opted out of receiving marketing communications although we have made it clear that you may opt-out from our direct marketing activity; or
  - 5.1.3. We have collected the personal information on behalf of a third-party and they have given specific consent for us to use or disclose the information for direct marketing activities and you have not opted out of receiving marketing communications although we have made it clear that you may opt-out from our direct marketing activity.

- 5.1.4. **For UK + EU residents:** Unless you are already part of our database legitimately collected or obtained prior to the commencement of the GDPR and for which we have used your data to communicate with you in our legitimate interests or as part of our contract with you and you have not opted out of receiving marketing communications, we will obtain your consent to use your personal information for direct marketing activities. You can withdraw your consent or opt out from our direct marketing activity at any time.

## 6. Sending Information Overseas

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- 6.1. We will not disclose personal information to someone or to another organisation outside Australia unless we have taken reasonable steps to ensure that the information will not be held, used or disclosed by the recipient inconsistently with the APP or GDPR, where applicable. However, we are not obligated to ensure that the overseas recipient does not breach the APP, where:
- 6.1.1. We believe that the recipient is subject to a law or binding scheme that is at least substantially similar to the way that the APP protects information and there are mechanisms that you can access to take action to enforce that protection; or
  - 6.1.2. You expressly consent to the disclosure even after we have informed you that our obligation to take reasonable steps to ensure that the overseas recipient does not breach the APPs no longer applies; or
  - 6.1.3. Disclosure to the overseas recipient is required or authorised under an Australian law, a court or tribunal order, or is required to assist locate a missing person, or to lessen or prevent a serious threat to the life, health or safety of any individual or to the public, or to take action in relation to the suspicion of unlawful activity or misconduct of a serious nature that relates to our activities.

## 7. Security of Personal Information and destruction of material

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- 7.1. We take reasonable steps to protect your personal information from interference, misuse and loss and from unauthorised access, modification or disclosure. We have adopted security measures to prevent unauthorised entry and access to our premises, computer systems, networks and files. Access to personal information is limited to authorised staff and we have controls to minimise security risks of modification and disclosure to our technology systems and our paper based and electronic personal information. Our computer systems are operated in a secure server environment using a firewall to prevent interference and external access.
- 7.2. We securely destroy or permanently de-identify personal information if it is no longer needed for the purpose for which it was collected and within 3 months of it no longer being needed except if the information is required to be retained under an Australian law, or a court / tribunal order.
- 7.3. For UK or EU residents, you have the additional right to request the erasure of your data (right to be forgotten).

## 8. Your Rights including Seeking Access to Personal Information

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- 8.1. Under the Privacy Act, you may request your personal information we hold by writing to us. We will respond to your request within a reasonable time and provide you your personal information in the manner requested by you, providing it is reasonable and practicable to do so. We may charge you reasonable fees for providing access to your personal information.
- 8.2. However, to the extent it applies to you under the Privacy Act, we will not provide you access if:
  - 8.2.1. It is unlawful or against a court or tribunal order; would prejudice legal proceedings or negotiations between us and you or is likely to prejudice enforcement related activities.
  - 8.2.2. We suspect in relation to our business that an unlawful activity or serious misconduct may be engaged in, and providing access would prejudice an investigation or reveal commercially sensitive information.
  - 8.2.3. It affects another person's privacy; threatens the life, health or safety of an individual or the public or the request is frivolous or vexatious.
- 8.3. If we cannot provide you with access, we will advise you of the reasons and if reasonable, consider whether a mutually agreed intermediary would allow sufficient access to meet both our needs.
- 8.4. If the GDPR applies, you have the following additional rights:
  - 8.4.1. The right to access your personal data, including obtaining free of charge a copy of your personal data undergoing processing in a commonly available electronic format;
  - 8.4.2. The right to amend or update your personal data where it is inaccurate or incomplete (see clause 9 below);
  - 8.4.3. The right to information regarding the processing of your personal data and the right to object to your personal data being processed;
  - 8.4.4. The right to your data being portable so that you can transfer it to another person or entity; and
  - 8.4.5. The right to delete your personal data (right to be forgotten).
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## 9. Changing Information

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- 9.1. If you have reason to believe your personal information which we hold about you is inaccurate, incomplete or out of date please advise us. We will, after considering the purpose for which the information is held, correct the error and if practicable notify other parties of the correction if we have previously disclosed to them your information. If we do not think that the information requires correction, we will, at your request, keep with your personal information a statement noting your request that the information requires correction.
- 9.2. If we deny you access to the information or refuse to correct your information to the extent this applies to you under the Privacy Act we will provide you with the reasons and how you may complain about the refusal and any other matter prescribed by the Privacy Act.

## 10. Resolving your privacy concerns

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10.1. If you have any privacy concerns that you wish to discuss with Pro-Active Games or you wish to make a complaint regarding the management of your personal information please contact us:

<b>Street Address:</b>	<b>Level 1, 1 / 61 Holdsworth Street Coorparoo QLD 4157</b>
<b>Postal Address:</b>	<b>P.O. Box 303 Coorparoo QLD 4151</b>
<b>Phone Number:</b>	<b>+61 7 3847 8206</b>
<b>Email Address</b>	<b>privacyofficer@proactivegames.com</b>

## 11. Changes in the Future

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11.1. We reserve the right to change this Policy at any time and to notify you by posting an updated version of the Policy on our website.

## 12. Additional Information on Privacy

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12.1. For further information about privacy issues and the protection of privacy, visit the Office of the Australian Information Commissioner's website at [www.oaic.gov.au](http://www.oaic.gov.au) or the local regulator in your jurisdiction in Europe, as applicable.