



Photostream Privacy Policy

1. About this Privacy Policy

- (a) Welcome to PhotoStream.live (the '**Platform**'). The Platform is owned and operated by Mutual Information Technologies Pty Ltd (ABN 46 638 913 425) ('**Photostream**').
- (b) PhotoStream is committed to maintaining the security of Personal Information that is provided to us. When you share Personal Information with us, we treat it with care and take our responsibility to protect it seriously.
- (c) This Privacy Policy clearly describes our privacy practices and how we collect, use, process, and manage your Personal Information.
- (d) We adhere to the Australian Privacy Principles contained in the *Privacy Act 1988* (Cth) (the '**Privacy Act**') and the EU General Data Protection Regulation ('**GDPR**').
- (e) By subscribing to our Platform, you consent to the collection, use and storage of your data on this Platform through your use of our services as described in this Privacy Policy.
- (f) Any reference to "PhotoStream", "we", "our", or "us" means PhotoStream (ABN 23 639 714 287). Any reference to "you, or "your" means you as a subscriber ('**Subscriber**') to our Platform.

2. About the PhotoStream Platform and Services

- (a) Our Platform is located at <https://photostream.live> ('**Website**').
- (b) The Platform is an easy-to-use live stream software tool for Subscribers to create an event livestream of photos and videos ('**Live Stream**') for their events guests through a private webpage hosted on our Platform for Subscribers to display through their device (e.g., your computer, mobile, TV, tablet, projector, screen or virtual stream). The systems of the Platform and how you should expect it to run are set out on our Website for the advertised packages. The features available to you will depend on the package that you select on our Platform including available bandwidth and storage capabilities.

(our '**Services**')

- (c) To obtain access to our Services you must:
 - (i) register for a Subscriber account on our Platform; and
 - (ii) you will be required to accept our Privacy Policy by clicking the "I accept" button in the user interface as a condition of access to our Platform as a Subscriber. By clicking the "I accept" button you agree to all the terms and conditions of our

Privacy Policy which gives notice to you through our Platform user interface as follows:

*By **Accepting**, you agree that you have read, and you consent to our Privacy Policy.*

You must be at least 16 year of age or the age of majority in your jurisdiction to use our Services. If you are under the age of 16, we request that you obtain and provide parental consent before using our Platform and Services as required by the GDPR.

- (d) PhotoStream is committed to maintaining high standards of data security. We comply with the applicable standards and obligations set out under the Privacy Act and the GDPR.

3. What Personal Information is collected

- (a) "Personal Information" is information that can reasonably identify an individual and includes any information relating to an identified or identifiable natural person who can be identified directly or indirectly by reference to an identifier such as a name, telephone number, address or location data or by one or more combined factors specific to the individual.
- (b) We receive and store Personal Information you provide to us through our business activities, through your use of and subscription to our Platform and the supply of our Services.
- (c) PhotoStream collects the following types of Personal Information:
 - (i) your name, email address, phone number, event information, social media information and any other Personal Information you provide to us so that we can provide you with our Services, communicate with you and to keep a record of your transactions;
 - (ii) technical and usage data including your browser type, the Internet Protocol (IP) address used to connect your device to the Internet and other information that we collect using cookies.

We may also request an optional name (or pseudonym) from users of our Platform that submit posts through email or SMS/MMS.

- (d) We may collect Personal Information from you, including but not limited to, when you provide us with feedback, when you provide us with data about your event activities, a password when you register with us, when you change your content or email preferences, when you respond to our surveys and promotions, or when you communicate with our customer support.
- (e) We process payments for subscriptions to our Services through Stripe Payments Australia Pty Ltd.
- (f) We do not collect the following types of sensitive user data from Subscribers when you open a Subscriber account:
 - (i) personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs;
 - (ii) trade-union membership;
 - (iii) genetic data, biometric data processed solely to identify a human being;

- (iv) health-related data;
 - (v) data concerning a person's sex life or sexual orientation.
- (g) Our Platform will never:
- (i) publicly disclose any personal user data related to financial or payment activities or any government identification numbers; or
 - (ii) publish non-public phonebook or contact information.

4. **How we collect your Personal Information**

PhotoStream collects Personal Information from you in a variety of ways, including when you interact with us electronically or in person, through the use of a registration form on our Website (we encrypt data at rest and data in transit)), when you access our Platform and when we provide our Services to you.

5. **How we use your Personal Information**

- (a) PhotoStream uses your Personal Information, and you consent to us using your Personal Information to:
- (i) supply you with our Platform and Services;
 - (ii) provide you with information and updates about our Platform and our Services;
 - (iii) deal with your requests, complaints and enquiries;
 - (iv) communicate with you by a variety of measures including, but not limited to, by telephone, email, SMS or mail;
 - (v) sending you service messages about your subscription or account registration;
 - (vi) manage, research and develop our Platform and Services including through data analytics;
 - (vii) administer our business activities; and
 - (viii) investigate any complaints.
- (b) If you choose to withhold your Personal Information when opening a Subscriber account, it may not be possible for us to provide you with our Services or for you to access certain parts of our Platform and for us to respond to your query.
- (c) You may share your Personal Information with others when you make something public which the public can see.

6. **Legal basis in the European Union (EU) for the collection and processing of your Personal Data**

- (a) "Personal Data" refers to any information relating to an identifiable natural person who can be identified directly or indirectly ('**Data Subject**').
- (b) The GDPR applies to the data processing activities of businesses with an establishment in the EU or where the processing activities relate to offering goods or services to individuals in the EU or monitor the behavior of individuals in the EU.
- (c) If you are an individual residing in the EU, we may collect and process Personal Data about you in accordance with the GDPR. A "Controller" says how and why personal data is processed and a "Processor" acts on behalf of the Controller by processing the data.

- (d) When you subscribe to our Services, we process Personal Data on your behalf as a Processor where you are the Controller and otherwise to the extent that we are a Controller as defined in the GDPR.
- (e) "Processing" means any operation or set of operations that is performed upon Personal Data or sets of Personal Data whether automated or not including for collection, recording, organisation, structuring, storage, adaption, or alteration, retrieval, consultation, use, disclosure by transmission or for dissemination.
- (f) As we are a Processor of Personal Data on your behalf as the Controller, we must provide you with the:
 - (i) the legal basis for collecting Personal Data;
 - (ii) which items of Personal Data to collect;
 - (iii) the purposes the Personal Data is to be used for;
 - (iv) which individuals to collect Personal Data about;
 - (v) whether to disclose the Personal Data and to whom;
 - (vi) whether Data Subject access and other rights apply;
 - (vii) how long to retain the Personal Data and whether to make amendments to the Personal Data.
- (g) The legal basis for which we collect Personal Data from you depends on the Services you use and how you use them. PhotoStream will only collect and use your Personal Data on the following legal bases: under the terms of our contract to provide you with our Services, when you give us your express consent to use and process Personal Data for a specific purpose, for the satisfaction of a legitimate interest or to comply with a legal obligation.
- (h) We will only otherwise collect your Personal Data with your express consent for a specific purpose and any Personal Data collected will be to the extent necessary and not excessive for its purpose. We will keep your data safe and secure.
- (i) As a Processor, we process Personal Data in accordance with your documented instructions and we will not engage another processor without your prior specific and written consent. We will make available to you all information necessary to show our compliance with the GDPR including that we have taken appropriate security measures to protect the Personal Data in accordance with the GDPR. We will delete or return the Personal Data to you at the end of our Services in accordance with your explicit instructions.
- (j) In the event of a Personal Data breach including any breach of security that leads to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to Personal Data transmitted, stored or process, we will report the breach to you without undue delay after becoming aware of the breach, and not later than 72 hours after the breach giving you a description of the nature of the breach.
- (k) Unless otherwise required by contractual obligation or any other legal basis, we only store your Personal Data while it remains necessary, or if the purpose of the processing could not reasonably be fulfilled by other means.

7. The Personal Information rights of individuals under the GDPR

- (a) If you are an individual residing in the EU, you have certain rights as to how your Personal Information is being controlled and used.

- (b) We comply with your rights under the GDPR (subject to the grounds set out in the GDPR) that permit you:
- (i) to be informed as to how your Personal Information is being used;
 - (ii) to access your Personal Information and to know specifically what information is held about you and how it is processed, where and for what purpose (we will provide you a copy of your Personal Information in electronic format free of charge if requested);
 - (iii) to rectify your Personal Information if it is inaccurate or incomplete;
 - (iv) to erase your Personal Information (also known as 'the right to be forgotten') if you wish to delete or remove your Personal Information;
 - (v) to restrict processing of your Personal Information;
 - (vi) to retain and reuse your Personal Information for your own purposes (Personal Information portability);
 - (vii) to object to your Personal Information being used; and
 - (viii) to object against automated decision making and profiling.
- (c) You can contact us any time to exercise your rights under the GDPR including as to:
- (i) request access to Personal Information that we hold about you;
 - (ii) to correct any Personal Information that we hold about you;
 - (iii) delete Personal Information that we hold about you; or
 - (iv) opt out of emails, marketing, and any other push notifications that you receive from us.

We may ask you to verify your identity before acting on any of your requests.

If you have any questions about PhotoStream's collection and storage of data, please contact us via the support page on our Platform located at <https://photostream.live/contact> or using the contact details provided below.

8. Disclosure of your Personal Information and Third Parties with access to it

- (a) We will only share your Personal Information where you have given us your consent, and only for the purposes described in this Privacy Policy.
- (b) We may disclose your Personal Information to any of our employees, officers, insurers, professional advisers, agents, suppliers or subcontractors insofar as reasonably necessary for the purposes set out in this Privacy Policy. Personal data is only supplied to a third party when it is required for the delivery of our Services.
- (c) When we disclose your data to third-party service providers, we do so on the basis that your data is treated with confidence, and only used for the limited purpose of providing support to our Platform and Services, and in a manner consistent with this Privacy Policy.
- (d) We may from time to time need to disclose Personal Information to comply with a legal requirement, such as a law, regulation, court order, subpoena, warrant, in the course of a legal proceeding or in response to a law enforcement agency request.
- (e) If there is a change of control in our business or a sale or transfer of business assets, we reserve the right to transfer to the extent permissible at law our Subscriber databases, together with any Personal Information and non-Personal Information contained in those databases.

9. International Data Transfers to Australia

- (a) This statement applies to “personal data” that is transferred from the European Economic Area (EEA), Switzerland and/or the United Kingdom (**‘EU Personal Information’**) to Australia and that is about an individual.
- (b) Any Personal Information that we collect on this Platform will be stored and processed on our servers located in Australia.
- (c) We access, use or process EU Personal Information only for purposes that are consistent with the consent obtained from the individual to whom the EU Personal Information relates.
- (d) We have implemented appropriate organisation and technical measures to protect EU Personal Information against loss, misuse and unauthorised or unlawful access, disclosure, alteration and destruction.
- (e) When we process information of customers in the EEA, Switzerland and/or the United Kingdom, we take measures to ensure that any such transfers comply with applicable data protection laws and that your personal data remains protected to the standards described in this Privacy Policy. Where applicable law requires us to ensure that an international data transfer is governed by a data transfer mechanism, we use one or more of the following mechanisms: EU Standard Contractual Clauses or commit to the principles of and provide the same level of protection as is required by the Privacy Shield Principles. We process personal data in accordance with the following GDPR principles:
 - (i) **Lawfulness, fairness, and transparency:** we comply with all applicable privacy, data security, and data protection laws, directives, regulations, and rules and are open about our data protection practices;
 - (ii) **Purpose limitation:** we only process personal data for the specific reason we collected it;
 - (iii) **Data minimization:** we don't process any more data than we need;
 - (iv) **Accuracy:** we make sure that any personal data we hold about you is adequate and accurate;
 - (v) **Storage limitation:** we don't store Personal Information for longer than we need to;
 - (vi) **Integrity and confidentiality:** we always process personal data securely and we will not share your Personal Information with anyone else without your permission.
- (f) You expressly agree to the transfers of Personal Information outside your country of residence to Australia as described in this clause.

10. **Data Retention**

We retain your data for the term that you hold a Subscriber account with us. Your Personal Information will be maintained for thirty (30) days after you have closed your Subscriber account with us. After the 30-day period is up, your Subscriber account and all your Personal Information and data will be permanently deleted including any content such as information, data, works and materials (including without limitation,

text, graphics, images, audio material, video material, audio-visual material, scripts, software and files) that a Subscriber submits to us or our Platform for storage, or publication on, processing by, or transmission via, our Platform.

11. Security of your Personal Information

- (a) We are committed to ensuring that the data you provide to us is secure.
- (b) To prevent unauthorised access or disclosure, we have put in place suitable physical, electronic and managerial procedures, such as encryption of Personal Information, to safeguard and secure data and protect it from misuse, interference, loss and unauthorised access, modification and disclosure.

12. Access to and how you can control your Personal Information

- (a) You may request details of Personal Information that we hold about you in accordance with the provisions of the *Privacy Act 1988* (Cth).
- (b) If you would like a copy of your data or believe that your data is inaccurate, out of date, incomplete, irrelevant, please contact us via the support page on our Platform located at <https://photostream.live/contact> or using the contact details provided below.

13. Third-party tools and cookies

- (a) We use technologies and third-party services that use Google Analytics, pixels, tags, scripts and web beacons (code snippets) on our Platform to improve user experience, the supply of our Services and to analyse how our Platform is used.
- (b) The information collected is mostly anonymous traffic data aside from the approximate location (IP address) and may include browser type, device information, and language. The information collection is in aggregate form so that it cannot identify any individual user and provides an overview of how people use our Platform. It is not used for any additional purpose.
- (c) We may use cookies on our Website. Cookies are very small files which our Website uses to identify you when you come back to the Website and to store details about your use of the Website. A cookie stores a small amount of data on your device about your visit to our Website.
- (d) We may use persistent and session cookies to track your use of our Website. Persistent cookies are stored as a file on your computer and remain there when you close your web browser. Session cookies are only stored on your computer during your web session and are automatically deleted when you close your browser.
- (e) We use cookies to improve user experience. This enables us to understand how you use the Website and allows us to distinguish you from other users, so that we can recognise you each time you visit. Cookies also allow us to store user preferences and provide you with a positive experience when you browse our Website, including enabling you to personalise Website settings.
- (f) You may opt-out from the collection of cookies by editing your browser options but certain features of our Services will not function if you disable cookies. To find out how to manage cookies on browsers, visit the specific browser developer's website. To opt out of being tracked by Google Analytics, please visit <https://tools.google.com/dlpage/gaoptout>.

14. Links

Our Platform may from time to time have links to other sites not owned or controlled by us. Links to third party sites do not constitute sponsorship or endorsement or approval of these sites. PhotoStream is not responsible for the privacy practices of other such sites.

15. Complaints about privacy

If you have any complaints about our privacy practices, please contact us. We take privacy seriously and will respond promptly to your notice.

16. Changes to this Privacy Policy

We may modify this Privacy Policy from time to time and all modifications will be effective immediately upon our posting of the modifications on our Website.

17. Our contact details

- (a)** Owner and Data Controller: Mutual Information Technologies Pty Ltd (ABN 46 638 913 425).
- (b)** Address: 2/23 Foster Street Surry Hills NSW 2010 Australia
- (c)** Email: contact@photostream.live

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