

1. Kinderloop Asia Pacific Pty Ltd ACN 165 394 669 ("**KAP**", "us", "we", or "our") operates Kinderloop mobile applications "Kinderloop" and "Kinderloop Plus" (the **App/Apps**) and the website <http://kinderloop.com> (**Our Website**), together the **Products**.
2. The Product enables a registered childcare centre (**Centre**) and its staff, consultants, directors, advisors and representatives (**Educators**) to communicate with a child's parents, guardians and other family members approved by any parent or guardian (**Family Members**), regarding the child's activities.
3. All communication between a Centre and Family Members using the Products is via a personal electronic communication loop (a **Kinderloop**).
4. We provide this Privacy Policy to each person using any Product ("you" or "your").
5. We recognise the importance of protecting your privacy and the privacy of your child. We appreciate your trust and take this responsibility seriously.
6. We adhere to the Australian Privacy Principles contained in the Privacy Act 1988 (Cth) and to the extent applicable, the European Union's General Data Protection Regulation (**GDPR**).

### Acceptance of Privacy Policy

7. By accepting this Privacy Policy you agree to these terms and conditions absolutely in their entirety.

### Your Personal Information

8. This document informs you of our policies regarding our collection, use and disclosure of "**Personal Information**" we may receive from you when a profile is set up for your child, you create your Account, and/or use the Products. Personal Information is information which is identifiable as being about you, such as your first name and surname, your email address, your username, your password, the name of your child's early childhood centre and your mobile phone number.

### Child Personal Information

9. The purpose of the Products is to keep parents, guardians and other family members informed of a child's activities within a registered childcare centre. We handle personal information regarding children under the age of 13 ("**child**" or "**children**").
10. We collect Personal Information that requires verifiable parental/guardian consent under national legislation in multiple jurisdictions including (in Australia) the Privacy Act 1988 (Cth) and (in the USA) the Children's Online Privacy Protection Act 15 U.S.C. §§ 6501–6506 (collectively, "**Child Personal Information**"). Child Personal Information includes for example, name, birthdate, voice, photographic images, video recordings, sound recordings, reports, documents, commentary, and the location of a child.
11. We use Child Personal Information to provide and improve the Products.
12. We use and share Child Personal Information only as described in this Privacy Policy and the Terms of Use available on our Website.

### Why we collect Personal Information

13. We collect Personal Information and Child Personal Information to enable us to conduct the business of KAP.
14. We do not provide Accounts for use by children.
15. We provide Accounts for use by adults including parents/guardians, other approved family members, Centres and Educators. You must not provide us with your Personal Information and Child Personal Information if you are under the age of 18 without the consent of your parent or someone who has parental authority for you.
16. We do not collect Personal Information from children under the age of 13 without the consent of the child's parent or guardian.
17. We collect Child Personal Information from parents/guardians and from Centres with the express permission of the parent/guardian, and use it solely for business purposes connected with providing the Products.
18. We do not collect, use, or disclose any Child Personal Information without permission from the child's parents/guardians. That permission may come to us directly (through acceptance of our terms of use) or indirectly (each Centre warrants to us that they have obtained relevant express parental/guardian consent).

## **KAP use of Personal Information and Child Personal Information**

19. A Centre will provide certain Child Personal Information to us when creating a profile about your child (Child Profile).

20. You will provide us with certain Personal Information to create your account (Your Account) in order to use the Products.

## **Centre use of Personal Information and Child Personal Information**

21. You provide your Personal Information and Child Personal Information to the Centre, and the Centre use that information for the following purposes:

- (a) creating a Child Profile which must then be activated by the child's parent or guardian;
- (b) enabling parents, guardians and other family members to access the Child Profile;
- (c) creating and uploading certain content (Content), including:
  - i. digital recordings of the child including video and sound recordings, photographic images of the child and/or their artistic works, alone and together with other children, Educators, and/or other persons (Child Recordings);
  - ii. reports, documents and comments concerning your child and their activities;
  - iii. information about group activities;
  - iv. Centre information; and
  - v. Other material,

to the Child Profile, and/or profiles of other children at the Centre (which are accessible by the parents, guardians and certain family members of those other children).

(d) storing, accessing and updating records held by the Centre; and

(e) creating and maintaining records for accreditation purposes.

## **Processing and storing your Personal Information and Child Personal Information**

22. All the Personal Information and Child Personal Information we collect, hold and process is stored in the monitored cloud storage data centre of Amazon Web Services, Inc. being a subsidiary of **Amazon.com**, Inc. or its affiliates (Amazon.com). Amazon.com works to protect the security of Personal Information and Child Personal Information during transmission by using encrypting secure sockets layer (SSL) software.

## **Automatic Information**

23. We receive and store certain types of information whenever you interact with us and we obtain certain types of information when your web browser accesses Products as described below.

24. When you come to Our Website, we may collect certain information such as browser type, operating system, website visited immediately before coming to our site, etc. This information is used in an aggregated manner to analyse how people use Our Website, such that we can improve our service.

25. We may use cookies on our website. Cookies are very small files which a website uses to identify you when you come back to the site and to store details about your use of the site. Cookies are not malicious programs that access or damage your computer. Most web browsers automatically accept cookies but you can choose to reject cookies by changing your browser settings. However, this may prevent you from taking full advantage of our website. Our Website may from time to time use cookies to analyse website traffic and help us provide a better website visitor experience.

## **Why we collect your Personal Information and Child Personal Information**

26. We may use your Personal Information and Child Personal Information to enable us to do certain things such as:

- (a) support the Child Profile to enable you to access a Kinderloop;
- (b) manage, research and develop Products;
- (c) provide you with information regarding Products;
- (d) investigate any complaints.
- (e) administer our business activities as described in paragraph 27 below;

- (f) communicate with you;
- (g) comply with legal obligations as described in paragraph 30 below; and
- (h) transfer assets under a sale of business described in paragraph 31 below.

### **Third Party Service Providers**

- 27. We may engage other persons not connected with KAP (Third Parties) to help us run our business, with database storage and content delivery, improve the Products, provide the Products on our behalf, perform related services and assist us in analysing how our Products are used.
- 28. We may disclose your Personal Information and Child Personal Information to Third Parties for the purpose of enabling them to perform the tasks described in paragraph 27 above on our behalf, and they will be obligated not to disclose or use your Personal Information or Child Personal Information for any purpose other than as described in paragraph 25 above.

### **Communications**

- 29. We may use your Personal Information to contact you with information that we believe may be of interest to you such as new developments and additional features available in the Products. You will receive push notifications when using the App and/or an email notification at your registered email address alerting you and family members to new Content uploaded to a Kinderloop. You may opt out of receiving any, or all, of these communications from us by following the unsubscribe link or changing your settings in the App.

### **Compliance With Laws**

- 30. We will disclose your Personal Information and Child Personal Information where required to do so by law such as by subpoena or warrant, legal proceedings or in response to a law enforcement agency request (including in relation to child protection issues and/or confirmation of identity of users).

### **Business Transaction**

- 31. In the event that we sell or buy businesses or their assets, or engage in transfers, acquisitions, mergers, restructurings, changes of control and other similar transactions, customer or user information is generally one of the transferable business assets. Thus, your Personal Information and Child Personal Information may be subject to such a transfer.

### **Insolvency**

- 32. In the unlikely event of insolvency, we may transfer your Personal Information and Child Personal Information to an agent, liquidator, trustee or debtor in possession and/or then to any subsequent purchaser.

### **Security**

- 33. The security of your Personal Information and Child Personal Information is important to us, but no method of transmission over the Internet, or method of electronic storage is 100% secure. While we strive to use commercially acceptable means to protect your Personal Information and Child Personal Information, we cannot guarantee its absolute security.

### **General Data Protection Regulation (GDPR) for the European Union (EU)**

- 34. We comply with the principles of data protection set out in the GDPR for the purpose of fairness, transparency and lawful data collection and use.
- 35. We will only collect your Personal information and Child Personal Information with your express consent for a specific purpose and any data collected will be to the extent necessary and not excessive for its purpose. We will keep your data safe and secure.
- 36. We may use your Personal information and Child Personal Information if it is necessary to protect your life or in a medical situation, it is necessary to carry out a public function, a task of public interest or if the function has a clear basis in law.
- 37. We do not collect or process any personal information from you that is considered "Sensitive Personal Information" under the GDPR, such as personal information relating to your sexual orientation or ethnic origin unless we have obtained your explicit consent, or if it is being collected subject to and in accordance with the GDPR.
- 38. Personal Information and Child Personal Information received through the Products is collected, processed and stored through Amazon data centres within the same country as each Centre. We do not transfer Personal Information and Child Personal Information from the country in which each Centre is located to any other country.

39. Amazon:

- (a) maintains physical, electronic and procedural safeguards in connection with the collection, storage and disclosure of Personal Information and Child Personal Information;
- (b) devices offer security features to protect against unauthorised access and loss of data; and
- (c) keeps Personal Information / Child Personal Information to enable continued use of Amazon Services, for as long as it is required in order to fulfil the relevant purposes as may be required by law such as for tax and accounting purposes.

#### **Your rights under the GDPR**

40. If you are an individual residing in the EU, you have certain rights as to how your Personal information and Child Personal Information is obtained and used. We comply with our obligations under the GDPR as to how your Personal information and Child Personal Information is used and controlled if you are an individual residing in the EU
41. Except as otherwise provided in the GDPR, you have the following rights:
- (a) to be informed how your Personal information and Child Personal Information is being used;
  - (b) access your Personal information and Child Personal Information (we will provide you with a free copy of it);
  - (c) to correct your Personal information and Child Personal Information if it is inaccurate or incomplete;
  - (d) to delete your Personal information and Child Personal Information (also known as “the right to be forgotten”);
  - (e) to restrict processing of your Personal information and Child Personal Information;
  - (f) to retain and reuse your Personal information and Child Personal Information for your own purposes;
  - (g) to object to your Personal information and Child Personal Information being used; and
  - (h) to object against automated decision making and profiling.
42. Please contact us at any time to exercise your rights under the GDPR at the contact details in this Privacy Policy.
43. We may ask you to verify your identity before acting on any of your requests.

#### **Access and Correction of Personal Information and Child Information**

44. At any time, you may access and correct, any Personal Information and/or Child Personal Information we hold about you or your Child, including requesting us to delete your Personal Information or Child Personal Information. If you would like to obtain such access, please send an email to [privacy@kinderloop.com](mailto:privacy@kinderloop.com).
45. Please note that the access and correction requirements under this Privacy Policy operate alongside and do not replace other informal or legal procedures by which an individual can be provided access to, or correction of, their Personal Information.

#### **Complaints**

46. You may make a complaint to us at any time if you are concerned about any use or misuse of your privacy associated with your use of any Product.
47. In order to lodge a complaint with us, please contact us using the details above with the following information your name and address, details of the alleged breach of privacy and the URL link to the alleged breach of privacy (if applicable).
48. Please allow us thirty (30) days to investigate your complaint, after which we will contact you to resolve the issue.

#### **Retention of Information - How images and videos of children are taken, used, stored, and destroyed**

49. We securely retain information in line with the National Regulations. We may dispose of Personal Information at our discretion without notice, subject to applicable law that specifically requires the handling or retention of information.

#### **Links To Other Sites**

50. Products may contain links to other sites that are not operated by us. If you click on a third party link, you will be directed to that third party's site. We strongly advise you to review the Privacy Policy of every site you visit.
51. We have no control over, and assume no responsibility for the content, privacy policies or practices of any third party sites or services.

## Changes To This Privacy Policy

- 52. We may update this Privacy Policy from time to time. We will notify you of any changes by posting the new Privacy Policy on Our Website.
- 53. You must review Our Website periodically for any changes to this Privacy Policy. Changes to this Privacy Policy are immediately effective when they are posted on Our Website.
- 54. If we make any material changes to this Privacy Policy, we will also notify you of the changes by emailing you at the email address you have provided us, and/or placing a prominent notice on Our Website.

## Consent

- 55. You warrant that you are able to give consent or in the event that you do not have the capacity to give consent, you warrant that your guardian or attorney is able to give any consent required under this Privacy Policy on your behalf.
- 56. You hereby expressly and voluntarily grant your informed consent to us to deal with your Personal Information in accordance with the terms and conditions of this Privacy Policy.
- 57. This Privacy Policy shall be governed by the Privacy Act 1988 (Cth), laws of the New South Wales and the Commonwealth of Australia and the parties hereby submit to the non-exclusive jurisdiction of the Courts of New South Wales.

## Ai

- 58. The Kinderloop Magic feature utilises the OpenAI toolkit. OpenAI is a company based in the United States of America at the time of implementing this feature. By using the Magic feature on a post, the textual content is sent to, and processed by, OpenAI. OpenAI have a number of policies that you should be familiar with before proceeding, they are available here: <https://openai.com/policies>  
Kinderloop accepts no responsibility for any losses or damages occurred by use of this feature, it is intended as an aid to assist staff when writing posts within Kinderloop.

If you have any questions about this Privacy Policy, please send an email to – [privacy@kinderloop.com](mailto:privacy@kinderloop.com)