

## 1. WE RESPECT YOUR PRIVACY

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- 1.1 ThinkSmart Health Pty Ltd, ABN 55 149 802 228, respects your right to privacy and is committed to safeguarding the privacy of its website users, software users and recipients of services.
- 1.2 We adhere to the Australian Privacy Principles contained in the *Privacy Act 1988* (Cth). This policy sets out how we collect and treat your Information.
- 1.3 In this Privacy Policy, **Information** includes Personal Information and Sensitive Information.
- (a) **Personal Information** is information or an opinion about an identified individual, or an individual who is reasonably identifiable; whether the information or opinion is true or not; and whether the information or opinion is recorded in a material form or not. This includes information such as your name, email address, home or business address, phone number, identification number, or any other type of information that can reasonably identify an individual, either directly or indirectly.
- (b) **Sensitive Information** is information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, or criminal record that is also personal information, health information, genetic information (that is not otherwise health information) or biometric information.
- (c) **Health Information** is information or an opinion about: (i) the health, including an illness, disability or injury, at any time, of an individual; (ii) an individual's expressed wishes about the future provision of health services to the individual; (iii) a health service provided, or to be provided, to an individual - that is also personal information. It also includes (i) other personal information collected to provide, or in providing, a health service to an individual; (ii) other personal information collected in connection with the donation, or intended donation, by an individual of his or her body parts, organs or body substances; and (iii) genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.
- (d) **Health Service** is activity that is intended or claimed (expressly or otherwise) by the individual or the person performing it: (i) to assess, maintain or improve the individual's health; (ii) where the individual's health cannot be maintained or improved – to manage the individual's health; or (iii) to diagnose the individual's illness, disability or injury; (iv) to treat the individual's illness, disability or injury or suspected illness, disability or injury; (v) to record the individual's health for the purposes of assessing, maintaining, improving or managing the individual's health.

## 2. WHAT INFORMATION IS COLLECTED

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- 2.1 We will, from time to time, collect Information that is disclosed to us, whether through use of our website, use of our software, receipt of services provided by us, or otherwise.
- 2.2 We may collect Information including, but not limited to: name, gender, date of birth, phone number, address, email address, ethnicity and nationality, medical device data and health information.

### **3. HOW WE COLLECT YOUR INFORMATION**

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- 3.1 We collect Information in a variety of ways, including when users interact with us electronically or in person, when users access our website, when users use software developed and/or owned by us, when user receive services provided by us, and when we engage in business and administrative activities.
- 3.2 We may collect Information at other times, including but not limited to, when users provide feedback, respond to surveys and/or promotions, or communicate with our customer support.
- 3.3 We may record telephone conversations with you for staff training and compliance purposes. We will inform and obtain your approval prior to any recording commencements.
- 3.4 We may also collect Information from third parties. If we do so, we will protect it in accordance with the Australian Privacy Principles and as set out in this Privacy Policy.
- 3.5 If you provide us with third parties' Information, you hereby warrant to us that you have authority and have procured all relevant consents to collect and disclose that third parties' Information.
- 3.6 By providing us with Information, you consent to our use of that information subject to the terms of this Privacy Policy.
- 3.7 If you withhold Personal Information (including Sensitive Information), it may not be possible for us to provide you with (i) complete access to our website, (ii) use of software developed or owned by us, or (iii) our products and services.

### **4. HOW WE USE YOUR INFORMATION**

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- 4.1 You hereby consent to us using Information you disclose to us to:
  - (a) provide you with products and services during the usual course of our business activities;
  - (b) administer our business and administrative activities;
  - (c) manage, research and develop our products and services;
  - (d) provide you with information about our products and services;
  - (e) communicate with you by a variety of measures including, but not limited to, by telephone, email, SMS or mail; and
  - (f) investigate any complaints.
- 4.2 We may disclose your Information to comply with a legal requirement, such as an act, regulation, court order, subpoena, warrant, legal proceedings or in response to a law enforcement agency request.
- 4.3 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 user databases, together with any Information contained in those databases.

### **5. DISCLOSURE OF YOUR INFORMATION**

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- 5.1 We may disclose your Information to any of our related entities, employees, officers, insurers, professional advisers, agents, suppliers, service providers or subcontractors insofar as reasonably necessary to allow us to use your Information in accordance with the purposes set out in this Privacy Policy.
- 5.2 If we disclose your Information to a third party, we will ensure that it is protected in accordance with the *Privacy Act 1988* (Cth).

## **6. SECURITY OF YOUR INFORMATION**

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- 6.1 We are committed to ensuring that the Information you provide to us 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 Information and protect it from misuse, interference, loss and unauthorised access, modification and disclosure.
- 6.2 The transmission and exchange of Information is carried out at your own risk. Although we take measures to safeguard against unauthorised disclosures of Information, we cannot guarantee the security of any Information that we collect.

## **7. UP-TO-DATE INFORMATION**

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- 7.1 It is important that the Information we hold about is accurate, complete and up-to-date in order to efficiently provide our services. If you find that Information we hold about you is incorrect, inaccurate, out-of-date, incomplete, irrelevant or misleading, you can ask us to correct it by contacting us.

## **8. USE OF WEBSITE**

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- 8.1 When you come to our websites (including [www.thinksmarthealth.com](http://www.thinksmarthealth.com), [www.thinksmarthealth.com.au](http://www.thinksmarthealth.com.au), [www.lemr.com](http://www.lemr.com), [www.lemr.com.au](http://www.lemr.com.au)), we may collect certain non-personal 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 site, such that we can improve our service.
- 8.2 Cookies are uniquely numbered identification numbers like tags which are placed on individuals' browsers. We use information from cookies to monitor usage of the website, identify returning users, enable targeted services and opportunities to be directly marketed to you based on your browsing history. Cookies are necessary for us to create a better user experience on our website. You can delete cookies and change the settings on your web browser not to accept cookies, however, certain features and content may not be available to you.
- 8.3 Our site may from time to time have links to other websites not owned or controlled by us. These links are meant for your convenience only. Links to third party websites do not constitute sponsorship or endorsement or approval of these websites. Please be aware that we are not responsible for the privacy practices of other such websites. We encourage our users to be aware, when they leave our website, to read the privacy statements of each and every website that collects personal identifiable information.

## **9. ACCESS TO YOUR INFORMATION**

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- 9.1 You may request details of Information that we hold about you in accordance with the provisions of the *Privacy Act 1988* (Cth). If you would like a copy of the information which we hold about you or believe that any information we hold on you is inaccurate, out of date, incomplete, irrelevant or misleading, please contact us.
- 9.2 We reserve the right to refuse to provide you with Information that we hold about you, in certain circumstances set out in the *Privacy Act 1988* (Cth) or any other applicable law.
- 9.3 You may be required to verify your identity when requesting access to Information. We may charge a fee to cover the cost of verifying the request and locating, retrieving, reviewing and copying any material requested. We will advise the likely cost of any such charge in advance

## **10. CHANGES TO PRIVACY POLICY**

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- 10.1 We may modify this Privacy Policy at any time, in our sole discretion and all modifications will be effective immediately upon our posting of the modifications on our website. Please check back from time to time to review our Privacy Policy.

## **11. CONTACT**

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- 11.1 You may contact us by emailing [contact@thinksmarthealth.com](mailto:contact@thinksmarthealth.com) for further information about this Privacy Policy.
- 11.2 If you have any complaints about our privacy practices, please feel free to email us details of your complaints. We take complaints very seriously and will respond shortly after receiving written notice of your complaint.

