

# **NEC UNIVERGE™ BLUE PRIVACY POLICY**

## **NEC UNIVERGE™ BLUE PRIVACY POLICY APPLICABLE TO AUSTRALIA**

Last Updated: January 2021

### **1. INTRODUCTION**

In this Privacy Policy, NEC Australia Pty Ltd (“NEC”, “Company”, “We” and “Us” ) means the entity that is providing you services and with whom you entered into the Master Service Agreement described in section 5 below. Note that Company’s licensors, vendors and service providers may act in Company’s place with respect to any portion of this Privacy Policy.

### **2. WHAT IS THE PURPOSE OF THIS PRIVACY POLICY?**

NEC created this Privacy Policy (“Policy”) to demonstrate our firm commitment to the privacy of our customers, resellers, affiliates and visitors to our websites and mobile applications (and those of our vendors and affiliates)

### **3. HOW DOES NEC DEFINE “PERSONAL INFORMATION”?**

In this Privacy Policy, We define ‘Personal Information’ in accordance with the Australian Privacy Act 1988 (Cth) and the Australian Privacy Principles (“APP’s”).

“Personal Information” means any information or an opinion about an identified individual who is reasonably identifiable, whether the information is true or not and whether the information or opinion is recorded in a material form or not.

### **4. WHAT IS THE SCOPE OF THIS PRIVACY POLICY?**

This Privacy Policy only covers Personal Information collected by NEC. NEC’s websites may contain links to third-party websites. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that NEC does not accept any responsibility or liability for these policies. Please check the applicable third-party privacy policies before you submit any data to such third-party websites.

### **5. NEC’s PERSONAL INFORMATION HANDLING PRACTICES**

#### **Collection of Personal Information**

NEC will only collect Personal Information from you or your authorized representative where such collection is reasonably necessary and directly related to one or more of our functions and activities. We must take reasonable steps either to notify you about the collection of your Personal Information or ensure that you are aware of that collection. This notification may occur for example when you complete an online form or when you participate in a telephone call and We inform you that your Personal Information may be collected during that telephone call.

Sometimes we may need to collect Personal Information from a third party or a publicly available source, but only if (i) we have made you aware of the name of the third party or kinds of entities who will collect the Personal Information, (ii) you have consented to such collection (iii) you would reasonably expect us to collect your Personal Information in this way, or (iv) if it is necessary for a specific purpose such as conducting a credit check or police check. Sometimes the collection may be required or authorized by or under Australian law or by a Court/Tribunal.

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Examples of how NEC may collect or obtain Personal Information are as follows:

- When you access or use NEC's Univerge Blue websites; and
- When a prospective customer, reseller or affiliate submits information to NEC for the purposes of receiving more information about our services; and
- When a new customer, reseller or affiliate of NEC creates a Company account and voluntarily provides Personal Information, such as name, e-mail address, work address and telephone number; and
- When a new customer, reseller or affiliate of Company purchases our services (the "Services"), including as the term "Services" may be defined in your Master Service Agreement, Customer Ownership Partner Agreement, Agency Partner Agreement, Revenue Share Partner Agreement or other agreement with Company (the "Agreement"); and
- When a current customer or affiliate of Company uses our platform or Services or contacts our customer service or technical support team. This may include technical standard information sent by the customer's browser during visits to our websites or customer's use of the Services, including IP address, the type of device being used, customer's device operating system, location information, internet or network activity, language preference and browser type;
- Personal Information that is generated through customer's actions by using the Services, which is collected, used and processed by Company solely for the purpose of delivering the Services;
- Information about general usage of our website collected by using a cookie file which is typically stored on the hard drive of your computer. Please see the "Cookies" section below.

### Storage of Personal Information

Your Personal Information will be stored by Us to the extent necessary for the processing purposes outlined in this Privacy Policy. Your Personal Information will be deleted or de-identified in accordance with Company policies.

Your Personal Information may be transferred to and processed in countries outside Australia, including amongst others, the United States. Before We disclose your Personal Information to an overseas recipient, We must take reasonable steps to ensure that the overseas recipient (i) is subject to a substantially similar privacy law or binding scheme or (ii) will adhere to the Australian Privacy Act 1988 (Cth) and the Australian Privacy Principles.

### Use and disclosure

We only use Personal Information for the particular purposes for which it was given to us, or for purposes which are directly related to one of our functions or activities. We do not give your Personal Information to government agencies, private sector organisations or anyone else unless one of the following applies:

- the individual has consented;
- the individual would reasonably expect, or has been told, that information of that kind is usually passed to those individuals, bodies or agencies;
- it is otherwise required or authorised by law;
- it will prevent or lessen a serious and imminent threat to somebody's life or health; and
- it is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of public revenue.

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Examples of how NEC may use and disclose information, which may include Personal Information, include:

- To provide you with information regarding the status of your account and to bill you for our Services;
- To operate, provide and maintain the Services, including providing you with information and Services that you request from Company, delivering customer service or technical support, and carrying out Company's obligations arising from any agreement entered into between you and Company, including the Agreement;
- To manage our existing and prospective relationships with customers, resellers, distributors, vendors, service providers and affiliates, including accounting, auditing, billing and fee collection;
- To administer, test, analyze and improve Company's Services;
- To facilitate direct marketing services, but only where you would reasonably expect your Personal Information to be used for the purpose of direct marketing;
- To gather broad demographic and statistical information, and other de-identified or aggregated information, which Company may use for purposes such as understanding broad demographic trends and statistical information;
- To notify you about changes to the Services, welcome letters, billing reminders, technical notifications and security announcements;
- To comply with applicable legal requirements, industry standards and Company's procedures and policies, to enforce our Agreements, and to defend our legal rights; and
- For other purposes to which you may provide your consent.
- To entities within the Company's group and third-party business partners, consistent with the purposes described in this Policy;
- To provide billing information to organisations who process billing information on NEC's behalf;
- In de-identified or aggregated form to third parties, such as usage information to our service and license providers for licensing compliance, licensing usage calculation, billing and support purposes; or
- To vendors and contractors retained in connection with the provision of the Services or support of Company's business. For example, Company may use service providers to measure Service usage and Service performance metrics; monitor security aspects of our Services and infrastructure; provide data storage services; and deliver customer service or technical support. Company will only release information that is needed to deliver the service for which the third-party vendor has been contracted. These vendors are required to maintain strict security and confidentiality of the information and are prohibited from using it for any other purposes other than in accordance with Company's instructions and policies.

### Quality of Personal Information

We take steps to ensure that the Personal Information we collect and/or use is accurate, up to date, complete and relevant. The first time we must do this is at the time of collection of the Personal Information. The second is at the time the Personal Information is used or disclosed.

The steps we take include maintaining and updating Personal Information when we are advised by individuals that their Personal Information is inaccurate, has changed, and at other times as necessary.

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Correction of Personal Information is dealt with under the heading “Access and Correction”.

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## **Security of Personal Information**

We take reasonable steps to protect the Personal Information we hold against loss, unauthorised access, use, modification or disclosure, and against other misuse.

When the Personal Information is no longer required by NEC, We will take reasonable steps to destroy the Personal Information in a secure manner or ensure that it is de-identified (except where the Personal Information is part of a Commonwealth Government record or a Court or Tribunal requires NEC to retain the Personal Information).

NEC maintains administrative, technical and physical safeguards that are intended to appropriately protect Personal Information against accidental or unlawful destruction, accidental loss, unauthorized alteration or access, misuse, and any other unlawful form of processing of the Personal Information in our possession. Your contact and financial information is submitted via a secure (HTTPS) connection and stored in the Company database protected by a firewall. Any payment transactions will be encrypted using SSL technology.

Although Company uses reasonable efforts to protect your Personal Information, transmission via the Internet is not completely secure. Therefore, Company cannot guarantee the security of your Personal Data transmitted using our websites or Services, and any transmission is at your own risk.

## **Access and correction**

If an individual requests access to the Personal Information we hold about them, or requests that we change or correct that Personal Information, we will take reasonable steps to correct the Personal Information when satisfied that it is no longer accurate, up-to-date, complete, relevant and /or misleading.

That said, we can deny access or refuse to make the changes where we consider that there is a sound reason under the Privacy Act or other relevant law to withhold the information, or not make the changes.

If NEC refuses to correct Personal Information it will provide the individual with a written notice setting out the reasons for the refusal and the complaint mechanisms available.

## **How to make a complaint**

You can complain to us in writing about how we have handled your Personal Information. The NEC Privacy Officer will investigate your complaint and will endeavour to provide a written response within thirty (30) days of receipt of the complaint setting out NEC's decision.

If you are dissatisfied with NEC's response to your complaint you can take your complaint to the Office of the Australian Information Commissioner ("OAIC"). The Australian Information Commissioner may then investigate and attempt to conciliate the matter.

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### How to contact us

If you have any questions in relation to privacy, please contact us on 131 632 between 9.00am and 5.00pm Monday to Friday. Alternatively you can write to NEC's Privacy Officer at: Locked Bag 38003 Docklands 8012 Victoria or email to: [contactus@nec.com.au](mailto:contactus@nec.com.au)

## 6. INFORMATION COLLECTED ONLINE BY NEC

### NEC's website

NEC provides information about its products and services on its website. When you visit the NEC website, the web server may record anonymous information such as the time, date and URL of the visitor. The information that is collected is very limited and is used to assist NEC to improve the structure of its website and monitor the performance of the website.

We do not use the information that is collected to personally identify you or anyone else.

### Cookies

#### What are Cookies?

Cookies are small text files that are placed on your device or browser when you make use of Company's websites, services, applications and/or administrative control panel. These allow Company's services to function more efficiently, for example, storing and honoring your settings or preferences, combating fraud, providing advertising, and analyzing how Company's services perform. Some cookies only last for a short duration and expire at the end of a session, for example, when you close a browser window. These are known as "session cookies." Other cookies last longer and remain stored on your browser or device and can, for example, track your settings or activities on several sites. These are known as "persistent cookies."

#### How does Company Use Cookies?

When you access Company's websites, services, applications and/or administrative control panel, Company may send one or more cookies (and/or similar technologies) to your computer. By sending you cookies with values that are unique, Company may be able to uniquely identify your web browser or device when you access Company's websites, services, applications and/or administrative control panel. Company may use both "session" and "persistent" cookies to collect, store, and sometimes track various types of information.

#### Why Does Company Use Cookies?

Company uses cookies to retain your session states and to offer you a personalized experience on Company's websites, services, applications and/or administrative control panel. You can review the "Help" file in your browsers or mobile devices to learn the proper way to modify your cookie settings. Please be aware, however, that the use of cookies is necessary for the use of the administrative control panels and certain other aspects of Company's websites, services, applications and/or administrative control panel.

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### What Are the Different Types of Cookies Used by the Company?

The following are the different types of cookies that Company uses and why Company uses them:

#### Necessary Cookies

Company uses cookies that are necessary so Company's website and Services can operate. These are required to monitor the functionality of Company's site, improve security, and/or allow you to make use of functions such as the Partner Portal and web chat.

#### Performance Cookies

Company uses cookies to assess the performance of Company's website, Services and administrative control panel to improve your user experience. This includes analyzing how users use Company's website, Services and control panel and making sure they remain up and operational.

#### Functional Cookies

Company uses cookies that help with functionality when accessing or using Company's website or Services. For example, cookies may be used to authenticate your credentials when you log into your account or to save your preferences or location settings.

#### Advertising or Targeting Cookies

Company uses cookies to deliver content tailored to you. Company also uses cookies to help measure the effectiveness of Company's marketing campaigns. Company also partners with some authorized third parties who may place cookies on your device when you interact with Company's website or Services.

When you visit one of Company's websites, advertising companies may place a cookie or similar technologies on your computer and may collect certain information about your use of Company's websites. These companies may use this information, as well as information they collect from your use of other websites, to display advertisements on the Internet about products and services they believe you may be interested in. You can learn more about this practice, and can learn about your choices with respect to the use of this information about you for customizing advertisements, at [www.aboutads.info/choices](http://www.aboutads.info/choices).

## 7. WHAT ABOUT USE OF COMPANY FORUMS?

Company may make chat rooms, forums, message boards, news groups and similar media, including social media, available to you. Please remember that any information that is disclosed in these areas may become public and you should exercise caution when deciding to disclose any Personal Information in any of these areas.

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### 8. YOUR RIGHTS AND CHOICES

You have the right to request that Company not contact you or use your Personal Information for purposes which are not reasonably necessary for the administration of our websites and/or the provision of Services. If you wish to exercise this opt-out right or to terminate your account, you may indicate a preference to stop receiving further marketing communications from us by accessing available termination or opt-out features in the administrative control panel for your Account, by “opting out” by following the unsubscribe instructions provided in the communication you receive, or by contacting Company by e-mail (at such address as is provided on Company’s website or in the Agreement). Where required under applicable law, we will only send you marketing communications with your consent.

Please note that you cannot unsubscribe from certain correspondence from us regarding our provision of Services to you, including messages relating to your Account, unless you stop using our Services. In addition, certain information may be required in order to use our websites or Services; as such, the only practicable method to opt out of providing information in connection with the use of those websites or Services would be to refrain from subscribing to or using those websites or Services.

If you have any questions about this Privacy Policy, the privacy practices of our websites or Services, or your dealings with our websites or Services, please feel free to contact NEC’s Privacy Officer (whose details are provided earlier in this document)..

You may also revise your contact and financial information associated with your account, or terminate your account subject to contract conditions.

### 9. HOW IS THIS PRIVACY POLICY UPDATED?

NEC reserves the right to change this Privacy Policy at any time. Any changes to the Privacy Policy will be posted to at least one of our websites, including at <https://www.univerge.blue/legal>.

In the event that the changes materially alter your rights or obligations under this Privacy Policy, we will make reasonable efforts to notify you of the change. For example, we may send a message to your email address, if we have one on file, or generate a pop-up or similar notification when you access our Services or administrative control panel for the first time after such material changes are made. In addition, we will obtain your consent prior to any new uses of your Personal Data, as may be required by law.

Your continued use of our Services constitutes your acceptance of the terms of the Privacy Policy as amended or revised by us from time to time.