

Last updated on 21 November 2024

Our Privacy Policy describes how we collect, process, use, dispose and protect information that relates to an identified or identifiable individual across our website (at [actuallyapp.com](https://actuallyapp.com)) (**Website**) and/or the service that we provide to our customers (**Personal Information**). If an individual can't be identified (for example, when Personal Information is aggregated and anonymised) then the information or data is not Personal Information and this policy doesn't apply.

Counterfactual Limited, operating as Actually, is a company registered in Christchurch, New Zealand.

This Privacy Policy is governed by New Zealand law. When handling Personal Information, we will comply with the New Zealand Privacy Act 2020 and any other applicable privacy laws that we are legally obliged to comply with (**Applicable Privacy Laws**).

This privacy policy uses the same definitions as those used in our terms and conditions of use, found at [actuallyapp.com](https://actuallyapp.com) (**Terms of Use**).

### INFORMATION WE COLLECT

We collect Personal Information (including names, IP address, email addresses, phone numbers, location information, browser information and interactions an individual has with our Website, App and Service. We collect this information from:

- **you**, when you provide that Personal Information to us, through use of our Website, App and/or Service, or through any other interactions with us (e.g. telephone call, email or web chat).
- **use of the Website and/or App**, any action an individual takes while using our Website or App. We use this information to provide the Services, understand what content and features are effective and improve our Website and/or Services.

Personal Information of our Customer's clients (**Clients**) is collected and processed by us as a consequence of our provision of the Service to the relevant Customer. In respect of such Client Personal Information, the relevant Customer (and its Authorised Users) are responsible for obtaining the appropriate consents and approvals for us to lawfully process such Personal Information in the manner anticipated by the Service and the Terms of Use (including this Privacy Policy). We act solely as the data processor of the Customer in respect of Client Personal Information and the Customer is the data controller.

We do not knowingly collect any Personal Information from children under the age of 18. If you think that your child provided this kind of information on our Website, we strongly encourage you to contact us immediately and we will do our best efforts to promptly remove such information from our records.

### HOW WE USE YOUR PERSONAL INFORMATION

We will not process Personal Information, other than as outlined in this Privacy Policy, without having a lawful basis to do so.

We process Personal Information:

- to activate Accounts within the App and complete user profiles;
- to provide our Service and otherwise carry out our obligations under our contracts with our customers; and
- to invoice Fees and to collect money that is owed, including authorising and processing credit card transactions.

We also process Personal Information:

- to verify an individual's identity;
- to communicate with third parties, as necessary to provide the Website, App and Service;
- to communicate with you, other authorised users of the Website, App and Service, and other customers, licensors and suppliers relating to the Website, App and Service, including for administration purposes, such as Account management, customer service or system maintenance;
- to comply with our obligations to our third-party data and service providers, suppliers and other users of our Website, App and Service;

- to identify Authorised Users when they sign-in to an Account and verify that the Account is not being used by unauthorised persons;
- to send our customers (and their Authorised Users) marketing and promotional messages and other information that may be of interest where they have consented to receiving such material. You can opt out of receiving marketing materials from us by using the opt-out facility provided (e.g. an unsubscribe link) or by emailing us at [unsubscribe@actuallyapp.com](mailto:unsubscribe@actuallyapp.com) ;
- to improve our Website, App and Service;
- to analyse usage of the Website, App and Service, or carry out research and analysis, so we can improve the Website, App and Service;
- to enforce compliance with our customer contracts;
- to respond to due diligence requests and/or transfer Personal Information in the case of a sale, merger, consolidation, liquidation, reorganisation or acquisition of our business;
- to protect and/or enforce our legal rights and interests, including defending any claim; and
- to comply with our legal obligations, including any notification and reporting obligations and any access directions imposed on us by a Government agency or regulatory authority.

We may also use Personal Information collected for such other purposes that are compatible with the original purpose described above, or that we the relevant individual has otherwise consented to from time to time.

We may anonymise and aggregate information such that no person could be re-identified from the information. This aggregated and anonymised data is not Personal Information and this privacy policy does not apply to it.

#### **DISCLOSING PERSONAL INFORMATION**

We may disclose Personal Information to:

- service providers, licensees, partners and suppliers who provide necessary data, goods and/or services to us or help us market and sell the Service;
- third parties, as necessary to provide the Website, App and Service;
- any business that supports us, including hosting or maintaining any underlying IT system that we use to provide our Website, App and/or Service;
- other third parties to anonymise and aggregate statistical information;
- a person who can require us to supply Personal Information (e.g. a regulatory authority or law enforcement agency); and
- any other person or entity that we have been validly authorised to disclose information to.

#### **OVERSEAS TRANSFERS**

Actually utilises the services of entities in various countries (including, New Zealand, Australia and United States of America). Consequently, we may transfer Personal Information to parties located in these countries. Although we will endeavour to ensure that Personal Information is treated securely and in accordance with this Privacy Policy as well as applicable privacy laws, we advise that some of these countries may not have an equivalent level of data protection laws as those in New Zealand.

#### **THIRD PARTY SERVICES**

We use third party services for providing the Website and Services, to ensure a better experience for users and for improving the Website and Services. In the process of doing so, the third party service provider may have access to Personal Information. However, these third parties do not have the right to use the Personal Information for their own use.

#### **INTERNET USE**

While we take reasonable steps to maintain secure internet connections, if you provide us with Personal Information over the internet, the provision of that information is at your own risk.

If you follow a link on our Website to another website, the owner of that website will have its own privacy policy relating to your Personal Information. We suggest you review that website's privacy policy before you provide access to your Personal Information.

### **HOW LONG WE KEEP PERSONAL INFORMATION**

We will keep Personal Information:

- until we no longer have a valid reason for keeping it;
- until the relevant individual requests us to stop using it; or
- for as long as required by law e.g., we keep invoice information for 7 years to fulfil our tax obligations.

You should be aware that we do keep backups and logs for a period before they are automatically deleted.

### **COOKIES AND TRACKING**

We may use various technologies to collect and store information about individuals when they use the Website, App and/or the Service, and this may include using cookies and similar tracking technologies, such as pixels and web beacons.

#### **Cookies**

A cookie is a piece of information that our web server may send to your machine when you visit our Website. The cookie is stored on your device, but does not identify you or give us any information about your device.

The types of cookies we use may include:

- Strictly necessary cookies: These cookies are essential for the full functionality of our Website. They enable you to navigate around our Website and use its features. Without these cookies, you may not be able to access all the functions of our Website.
- Performance cookies: These cookies collect information about how you use our Website. All information these cookies collect is anonymous and only used to improve how our Website.
- Functionality cookies: These cookies allow our Website to remember the choices you make (for example, your user name, language or your region). Although these cookies are used to enhance the performance of our Website, they are non-essential to their use. However, without these cookies, certain functionality may become unavailable.

The length of time a cookie will stay on your browsing device depends on whether it is a persistent or session cookie. Session cookies will only stay on your device until you stop browsing. Persistent cookies will stay on your browsing device until they expire or are deleted.

With most internet browsers, you can erase cookies from your computer hard drive, block all cookies, or receive a warning before a cookie is stored. If you want to do this, refer to your browser instructions or help screen to learn more. If you reject the use of cookies, you will still be able to access our Website but please note that some of its functions may not work as well as if cookies were enabled. To learn more about how to enable, edit, or disable cookies on your computer, please visit the [aboutcookies.org](http://aboutcookies.org) website.

#### **Web analytics**

We use Google Analytics to collect information about use of our Website, with the goal of improving our Website. Google Analytics collects information such as how often users visit the Website, what pages they visit when they do so, and what other sites they used prior to coming to the site.

### **PROTECTING PERSONAL INFORMATION**

We take the protection of Personal Information seriously and we will take reasonable steps to keep Personal Information in our possession safe from loss, unauthorised activity, or other misuse.

### **YOUR RIGHTS**

You have the right to access your readily retrievable Personal Information that we hold about you, and to ask for it to be corrected if you think it is wrong.

If you wish to exercise your rights under this Privacy Policy, you can do this by emailing our Privacy Officer at [privacy@actuallyapp.com](mailto:privacy@actuallyapp.com). Your email should provide evidence of who you are and set out the details of your request (e.g. the Personal Information, or the correction, that you are requesting).

**CHANGES TO THIS PRIVACY POLICY**

From time to time we may make changes to this Privacy Policy (for example, to reflect any changes in our Services or any applicable laws). Where a change is significant, we'll make sure we let you know – usually by displaying a notice on our Website or by sending you an email.