

This Privacy Policy governs how TrakGene Pty Ltd ACN 148 833 158 (**we, us, our**) will deal with your (and your customers') Personal Information collected in connection with the provision of our products to you through our TrakGene Clinical Genetics Information Management Software and any other applicable technological means or our website at <https://www.trakgene.com/> (**Platforms**) and such other products and services as may be provided from time to time (collectively **Services**). We are the controller of (and are responsible for) your Personal Information.

This Privacy Policy applies to Personal Information collected by us in connection with our Platforms, as well as in connection with any direct communication between you and us.

This Privacy Policy should be read in conjunction with the order form you submit to TrakGene to order TrakGene's Services (**Order Form**), TrakGene's Terms and Conditions of Service (**Terms and Conditions of Service**), and TrakGene's Service Guideline (**Service Guideline**), which govern your use of the Services and Platforms.

1 SCOPE

- (a) We understand that when accessing our Services, the privacy and confidentiality of Personal Information or Personal Data, as applicable (as defined under the Applicable Privacy Laws) is important to you and your customers. That's why we fully respect your rights to privacy and are committed to protecting the personal and financial details you provide us in line with this Privacy Policy. This Privacy Policy applies to our Services and all individuals who use our Services or whose Personal Information is processed by us.
- (b) We are committed to protecting the privacy of everyone who uses our Platforms and/or our Services, for them to understand what Personal Information we collect and store, and why we do so, how we receive and/or obtain that information, the rights an individual has with respect to their Personal Information in our possession, and with complying with laws and regulations including the Australian Privacy Principles set out in the *Privacy Act 1988 (Cth)* (**AU Privacy Act**), *Privacy Act 1993 (NZ)* (**NZ Privacy Act**), *General Data Protection Regulation (EU) 2016.679* (**GDPR**), UK General Data Protection Regulation (**UK GDPR**), *Privacy Act of 1974* (**US Privacy Act**), *Health Insurance Portability and Accountability Act of 1996*, *Children's Online Privacy Protection Act* (**COPPA**), *California Consumer Privacy Act* (**CCPA**), *Personal Data (Privacy) Ordinance (Cap. 486)* (**HK Ordinance**), *Bahamas Data Protection (Privacy of Personal Information) Act 2003* (**BDP**), and any other national laws and regulations applicable to you and/or your customers (collectively, the **Applicable Privacy Laws**).
- (c) It is important that you read this Privacy Policy together with any other privacy policy or fair processing policy we may provide on specific occasions when we are collecting or processing Personal Information about you so that you are fully aware of how and why we are using your data. This Privacy Policy supplements other notices and privacy policies and is not intended to override them.

2 TYPES OF INFORMATION COLLECTED

- (a) We may collect Personal Information that allows us to identify who an individual is and share Personal Information.
- (b) The types of information we may collect includes:
 - (i) Personal Details - personal details such as an individual's name, location, date of birth and, nationality and other identification details (e.g. passport or driver's licence) allowing us to identify who the individual is;

- (ii) User Account Credentials - your usernames, account numbers, security codes or passwords when you access our Platforms and Services;
- (iii) Contact Information - this includes an individual's email address, telephone and fax number, geo-location, unique device identifiers, your mobile number, residential, business and postal address and other information that allows us to contact the individual;
- (iv) Health Information - information such as the health conditions, genetics, illness, disability or injury of an individual;
- (v) Student Information - information relating to your students (if you use our Services for educational purposes), including their student ID, information about their academic institution, or other verification of academic status;
- (vi) Device Information - information relating to your device, such as your device model and name, your operating system, your browser type third-party user names, your Internet Protocol (IP) address or other online or device identifiers;
- (vii) Financial Information - information such as any bank or credit card details used to transact with us and other information that allows us to transact with the individual and/or provide them with our Services; and
- (viii) Statistical Information - behavioural and statistical information about an individual and businesses in connection with the Services and/or the Platforms.

3 PURPOSE OF COLLECTION

- (a) We collect your Personal Information so that we can carry out the following actions:
 - (i) to enable you to use our Platforms;
 - (ii) to provide our Services and ensure third parties are able to provide similar services to you;
 - (iii) to communicate with you, including about our Services and offers which might interest you;
 - (iv) to provide you with information or advice;
 - (v) to undertake research in relation to (and to improve) our Services;
 - (vi) to process payments by or to you in connection with our Services;
 - (vii) to create accounts, tax invoices or receipts;
 - (viii) to provide your Personal Information to third parties in order for them to supply the Services to you, or to undertake research in relation to (and to improve) our Services;
 - (ix) to consider and respond to complaints made by you;
 - (x) to consider an application for employment with us;
 - (xi) to perform identification and security checks; and

- (xii) to comply with our legal and regulatory obligations.
- (b) In the United States, we may also perform identity verification using names, emails, date of birth, phone numbers, payment information, and third party wallets, to help prevent use of our Services by fraudulent accounts.
- (c) We may disclose additional purposes for collection of your Personal Information in collection statements at the point of collection.

4 HOW INFORMATION IS COLLECTED

- (a) Personal Information is collected in association with your use of the Services, an enquiry about us or generally dealing with us directly or via our Platforms.
- (b) As you interact with us or our Platforms, we will automatically collect technical data about your equipment, browsing actions and patterns. We collect this Personal Information by using cookies, server logs and other similar technologies.

5 USE AND DISCLOSURE OF PERSONAL INFORMATION

- (a) We will not use any Personal Information other than for the purpose for which it was collected other than with the individual’s permission or as otherwise outlined in this Privacy Policy. Most commonly, we will use your Personal Information in the following circumstances:
 - (i) where we need to perform the contract we are about to enter into or have entered into with you;
 - (ii) where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests; and
 - (iii) where we need to comply with a legal obligation.
- (b) We have set out below a description of the ways we plan to use your Personal Information, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate. Note that we may process your Personal Information for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose	Personal Information	Legal Basis (pursuant to GDPR and UK GDPR)
Creating an account with us.	<ul style="list-style-type: none"> • Contact and personal details such as name, address and email address. 	Our legitimate interests in providing the Services to you.
Processing and completing transactions.	<ul style="list-style-type: none"> • Contact and account details. • Financial information including bank card details. 	Our legitimate interests in providing the Services to you. Our performance of a contract when you purchase the Services.

Requesting feedback in regards to our Services, or other companies, and other news and promotions we think will be of interest to you.	<ul style="list-style-type: none"> Contact and account details. 	Our legitimate interests in providing the Services to you and informing you of products we believe will be of interest to you.
Responding to your emails, questions, comments, requests and complaints for customer service.	<ul style="list-style-type: none"> Contact and account details. 	Our legitimate interests in providing support services to you.
To monitor and analyse Service usage and trends.	<ul style="list-style-type: none"> Contact and account details. Technical data such as cookies and IP addresses. Health and student data. Usage data. 	Our legitimate interests in monitoring our Platforms to improve and analyse our Services.
To perform analytics and to increase the Platforms' functionality, market profile and user friendliness	<ul style="list-style-type: none"> Contact and account details. Technical data such as cookies and IP addresses. Device information. Usage data. 	Our legitimate interests in monitoring our Platforms to improve and analyse our Services.
Investigating and preventing fraudulent transactions and other illegal activities	<ul style="list-style-type: none"> Contact and account details. Device information. Financial and payment information. 	Performance of our legal obligations.
To send notifications regarding important changes to our	<ul style="list-style-type: none"> Contact and account details. 	Our legitimate interests in informing you of any changes to our Services and/or the Platforms.

Services and/or the Platform		
To send you confirmations, updates, security alerts, additional information about our products and Services and support, and otherwise assist with the provision of the Services and your use of the Platform	<ul style="list-style-type: none"> Contact and account details. 	<p>Our legitimate interests in informing you of any alerts and information regarding your account, our Services and Platforms.</p> <p>Where you have provided your express consent to receive direct marketing from us (in accordance with clause 15 of this Privacy Policy). You can withdraw your consent to receive direct marketing at any time.</p>

- (c) We will retain Personal Information for the period necessary to fulfil the purposes outlined in this Privacy Policy unless a longer retention period is required or permitted by law. To determine the appropriate retention period for Personal Information, we consider the amount, nature and sensitivity of the Personal Information, the potential risk of harm from unauthorised use or disclosure of your Personal Information, the purposes for which we process your Personal Information and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.
- (d) Subject to clauses 8 and 13, we will not sell or otherwise provide or share an individual's Personal Information to unrelated third parties unless:
 - (i) you consent to the sharing of your Personal Information, and you have not withdrawn your consent; and/or
 - (ii) in connection with, or during negotiations of any merger, sale, financing or acquisition of our assets where this information may be disclosed or transferred as one of our business assets.
- (e) There are some circumstances in which we must disclose an individual's information:
 - (i) where we reasonably believe that an individual may be engaged in fraudulent, deceptive or unlawful activity that a governmental authority should be made aware of;
 - (ii) to enforce or apply this Privacy Policy, or our terms, conditions and policies and/or agreements;
 - (iii) as required by any Applicable Privacy Laws; and/or
 - (iv) in order to sell our business (in that we may need to transfer Personal Information to a new owner).
- (f) We will only use your Personal Information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the

processing for the new purpose is compatible with the original purpose, please contact us.

- (g) If we need to use your Personal Information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.
- (h) Please note that we may process your Personal Information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

6 SENSITIVE INFORMATION

- (a) Sensitive information is information about you that reveals your racial or ethnic origin, political opinions, religious or philosophical beliefs or affiliations, membership of a professional or trade association, membership of a trade union, details of health, disability, sexual orientation or criminal record.
- (b) It is our policy to only collect your sensitive information where it is reasonably necessary for our functions or activities and either you have consented or we are required or authorised under law to do so.

7 OPT IN AND OPT OUTS

- (a) An individual may opt to not have us collect their Personal Information (for example by unsubscribing to any marketing emails received). This may prevent us from offering them some or all of our Services and may terminate their access to some or all of the Services they access with or through us.
- (b) Where we rely on your consent to process your Personal Information, or to send you direct marketing, you can withdraw your consent at any time by either following the link to unsubscribe in the email sent to you, or by contacting us at the details provided in clause 16 of this Privacy Policy.
- (c) If an individual believes that they have received information from us that they opted out of receiving, they should contact us on the contact details set out in clause 16.

8 DE-IDENTIFIED INFORMATION

- (a) We may use your Personal Information in de-identified form (de-identification being a process by which a collection of data or information is altered to remove or obscure personal identifiers and Personal Information) to assist us in running our business. We may also provide, including by way of sale, de-identified information in aggregated form, to third parties.
- (b) When your Personal Information is included in de-identified, aggregated data, it is not possible to identify you or anything about you from that data.

9 COOKIES

We may use temporary (session) cookies or permanent cookies when you access our Platforms and/or Services. This allows us to recognise your browser and track the web pages you have visited. Some of these cookies also help improve your user experience on our websites, assist with navigation and your ability to provide feedback and assist with our promotional and marketing efforts. You can switch off cookies by adjusting the settings on your web browser.

10 SAFETY AND SECURITY

- (a) We may hold your Personal Information in either electronic or hard copy form.
- (b) If you provide information to us electronically we retain this information in our computer systems and databases. If you provide information to us in hard copy (paper) this information is normally retained in our files and a copy is made to our electronic files.
- (c) We use industry standard security measures to safeguard and protect your information from misuse, loss, and unauthorised access, modification and disclosure.
- (d) Subject to clause 17 below (where applicable), we may disclose your Personal Information to third parties and service providers located overseas, including to overseas cloud computing hosts. We take reasonable steps to ensure that the overseas recipients of your Personal Information do not breach the privacy obligations relating to your Personal Information.
- (e) We are not responsible for the privacy or security practices of any third party, including retailers and third parties that we are permitted to disclose an individual's Personal Information to in accordance with this Privacy Policy, any Applicable Privacy Laws or any other laws and regulations. The collection and use of an individual's information by such third parties may be subject to separate privacy and security policies.
- (f) If an individual suspects any misuse or loss of, or unauthorised access, modification or disclosure to, their Personal Information, they should let us know immediately by contacting us on the contact details set out in clause 16.
- (g) Where we become aware of any breach to our security systems that breaches or is likely to result in a breach of your rights or freedoms with respect to your Personal Information, we will notify you and any supervisory authority as required.
- (h) Except for our subprocessors, we are not liable for any loss, damage or claim arising out of another person's use of the Personal Information where we were authorised to provide that person with the Personal Information.
- (i) While we take reasonable steps to maintain the security of our internet connections, for reasons outside our control, information transmitted to us over the internet may not be absolutely secure and we assume no responsibility for the disclosure of data due to errors in transmission.

11 ACCESSING AND UPDATING INFORMATION

- (a) If you would like us to update or amend your Personal Information, please contact us on the contact details set out in clause 16 and we will make the requested amendments.
- (b) We may ask you to verify your identity to ensure that Personal Information we hold is not improperly accessed.
- (c) It is important that the Personal Information we hold about you is accurate and current. Please keep us informed if your Personal Information changes during your relationship with us.

12 CONNECTING VIA SOCIAL NETWORKS

- (a) You may be able to access the Services by signing into social networks such as Facebook or an Open ID provider. Providers such as Facebook provide the option of posting and sharing information with others within your social network. If you stop using the network from which you signed in to use the Service, you agree that we will still retain the personally identifiable information from the social network that you provided us access to in accordance with this Privacy Policy.
- (b) Social media features such as the Facebook “like” and “share” buttons and widgets and interactive mini-programs which run within the Services may collect your IP address and set a cookie to enable the feature to function properly. Your interaction with these features is under the privacy policy of the company providing them.

13 RIGHT TO BE FORGOTTEN

In the event that you decide that you no longer want us to hold your Personal Information, you may notify us in writing on the contact details set out in clause 16 of your desire for us to delete your Personal Information on record. We will use our best endeavours and comply with all legal requirements within a reasonable timeframe to delete your Personal Information, unless we are required by law to retain such information.

14 LINKS

Links from our Platforms or via our Services to third party services that we do not operate or control are provided for your convenience. We are not responsible for the privacy or security practices of services that are not covered by this Privacy Policy. Third party services should have their own privacy and security policies which we encourage you to read before supplying any Personal Information to them.

15 DIRECT MARKETING

- (a) We and/or our carefully selected third party business providers may contact you with direct marketing communications and information about the Services or other products and services offered by us via telephone, email, SMS, or regular mail.
- (b) If you have indicated a preference for a method of communication, we will endeavour to use that method wherever practical to do so.
- (c) You may opt out of receiving marketing communications at any time by responding via the channel in which you received the marketing communication, or by contacting us on the contact details set out in clause 16. You can unsubscribe from emails by clicking the unsubscribe link on the footer of the email communication you have received.

16 COMPLAINTS AND DISPUTES

- (a) If an individual needs to contact us or has a complaint about our handling of their Personal Information, they should address their communication in writing to the details below:
 - (i) Address: 188 Glynburn Road, Tranmere SA 5073, Australia
 - (ii) Email: agrant@trakgene.com
- (b) If we have a dispute regarding an individual's Personal Information, we both must first attempt to resolve the issue directly between us.

- (c) If we become aware of any unauthorised access to an individual’s Personal Information we will inform them and any supervisory authority as required, at the earliest practical opportunity once we have established what was accessed and how it was accessed.

17 INTERNATIONAL TRANSFERS

- (a) We may share your personal data with our group for the purposes set out in clause 5 of this Privacy Policy. This will involve transferring your data outside of Australia.
- (b) Whenever we transfer your personal data out of Australia, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:
 - (i) we will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data; and
 - (ii) where transfers to the EU or the UK take place, we may (if required by law) use specific contractual clauses approved for use in the UK and EU which give personal data the same protection it has in the UK and EU.
- (c) We require all third parties to respect the security of your Personal Information and to treat it in accordance with the law. We do not allow our third-party service providers or any group member to use your Personal Information for their own purposes and only permit them to process your Personal Information for specified purposes and in accordance with our instructions.

18 FOREIGN LAWS

- (a) Any reference to Personal Information in this Privacy Policy is also a reference to Personal Data (as defined under the GDPR, the UK GDPR, the HK Ordinance, or the BDP), Personal Information (as defined under the NZ Privacy Act, US Privacy Act, CCPA and COPPA), and any other equivalent terms under other Applicable Privacy Laws.
- (b) We take the security and privacy of your Personal Information seriously and we have prepared this privacy policy and taken measures to collect, process and hold all Personal Information in compliance with the Applicable Privacy Laws regardless of the user.
- (c) We have set out below a summary of the rights you have in relation to your Personal Information, depending on the country you are based. Please note that the list of countries provided is non-exhaustive, and you should contact us if you require further information regarding your rights under the specific Applicable Privacy Laws in your country.

Rights	Description	Countries where such Rights are Applicable
Right to Access	You may request access to your Personal Information. This enables you to receive a copy of the Personal Information we hold about you and to check that we are lawfully processing it.	Europe, Hong Kong, the UK and the US

Right to Correction	You may request correction of the Personal Information that we hold about you in accordance with clause 11.	Europe, the UK, the US and New Zealand
Right to Erasure	You may ask us to delete or remove Personal Information where there is no good reason for us continuing to process it. For EU and UK residents, you also have the right to ask us to delete or remove your Personal Information where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your Personal Information to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.	Europe, the UK, the US, and New Zealand
Right to Object to Processing of Personal Information	You may request restriction of processing of your Personal Information. This enables you to ask us to suspend the processing of your personal data in certain scenarios.	Europe, the UK and the US (specifically for residents of California)
Right to Withdraw Consent	You may withdraw your consent at any time where we are relying on consent to process your Personal Information. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or Services to you. We will advise you if this is the case at the time you withdraw your consent.	Europe and the UK
Right to Complain	<p>You may make a complaint at any time to the applicable national or regional data protection authority. For instance:</p> <p>(a) if you are a UK resident, the Information Commissioner's Office at www.ico.org.uk; and</p> <p>(b) if you are a Hong Kong resident, the Office of the Privacy Commissioner for Personal Data at https://www.pcpd.org.hk/.</p> <p>We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.</p>	Europe, the UK, the UK, Hong Kong, Bahamas and New Zealand

Right to Know	You may request to know what personal information the business has collected, including the categories of personal information, the categories of sources from which the personal information is collected, the business or commercial purpose for collecting, selling, or sharing personal information, the categories of third parties to whom the business discloses personal information, and the specific pieces of personal information the business has collected.	US (specifically for residents of California), Hong Kong and New Zealand
Right to Opt-out from Sales or Sharing	You may request to opt-out of the sale or sharing of their personal information by us.	US (specifically for residents of California)
Right to Non-discrimination	We will not penalise you or other individuals for exercising their rights to their Personal Information under this Privacy Policy or any Applicable Privacy Laws.	US (specifically for residents of California)

- (d) To exercise your rights listed under clause 18(c), please submit your request via one of the methods listed at clause 16 of this Privacy Policy. Note that we may need to verify your identity before fulfilling your request.
- (e) For California residents:
 - (i) submitting a request to erase your Personal Information under the CCPA does not guarantee the complete removal of your Personal Information or content you have shared with us. There are instances where the law allows or requires us to retain certain information, such as for legal compliance, enforcing agreements, or resolving disputes. Additionally, we may continue to use aggregated or de-identified data that does not personally identify you;
 - (ii) you are not required to create an account to exercise your Right to Opt-out from Sales or Sharing. We will only use the Personal Information provided in an opt-out request to process and comply with your request. Under the CCPA, you may exercise your rights directly or appoint an authorised agent to act on your behalf;
 - (iii) please note that the effectiveness of your request to opt-out from sales or sharing may be affected by our ability to link cookies or pixels from your web session to your identity, device, or browsing activity. To maximise the effectiveness of your request, we recommend:
 - (A) avoiding the deletion of cookies from your browser;
 - (B) not using private or 'Do Not Track' (**DNT**) browsing modes; and
 - (C) providing us with the same Personal Information you previously shared.

- (iv) some web browsers offer DNT features that send signals to websites, indicating a preference not to be tracked. Our Platforms and websites do not currently respond to such DNT signals, however, you can manage data collection and usage through other available tools, such as the cookie controls outlined at clause 9 of this Privacy Policy.

19 INFORMATION ABOUT MINORS

- (a) As our Platforms operate on a business-to-business model for commercial and educational organisations, the Platforms and our Services are not intended for individuals under 18. Individuals under 18 are not permitted to provide Personal Information on our Platforms, use its features, or create an account with us.
- (b) If:
 - (i) you submit Personal Information of an individual under 18 to us, you acknowledge and agree that such disclosure complies with the Applicable Privacy Laws (including the US Privacy Act and NZ Privacy Act);
 - (ii) we become aware that we have collected Personal Information from a individual under 18 without verified parental consent, we will delete such Personal Information; and
 - (iii) you believe we may have information from or about an individual under 18, please contact us at info@trakgene.com.

20 CHANGES TO THIS PRIVACY POLICY

If we decide to change this Privacy Policy, we will post the changes on our Platforms. Please refer back to this Privacy Policy to review any amendments.