

Smarter Drafter – Privacy Policy: Published 1st December 2023

FluentDocs Pty Ltd trading as “Smarter Drafter” (ABN 16 163 715 428) (“we”, “us” or the “Company”) is committed to privacy protection. At <https://smarterdrafter.com.au> (“Smarter Drafter” or “this site”), we understand the importance of keeping personal information private and secure. This privacy policy (“Privacy Policy”) describes generally how we manage personal information and safeguard privacy. If you would like more information, please don’t hesitate to contact us.

The Australian Privacy Principles

We will treat all personal information in accordance with any and all obligations that are binding upon us under the *Privacy Act 1988* (Cth) (“Privacy Act”). The Privacy Act lays down 13 key principles in relation to the collection and treatment of personal information, which are called the “Australian Privacy Principles”.

What is “personal information”?

Personal information held by the Company may include your:

- name and date of birth;
- residential and business postal addresses, telephone/mobile/fax numbers and email addresses;
- bank account and/or credit card details for agreed billing purposes;
- preferences for using this site and your computer and connection information; and
- any information that you provide to us in your responses to our online document customisation forms.

Information provided to PayPal

All online document purchases that are made through this site on a “pay-as-you-go” basis are processed securely by PayPal. We are not privy to any of the bank account, credit card or other personal information that you may provide to PayPal, other than your name, billing address and email address.

How we may collect your personal information

At Smarter Drafter, we only collect personal information that is necessary for us to conduct our business as a provider of online automated legal documents.

Information that you provide to us

We may collect personal information that you provide to us about yourself when you:

- use this site, including in your responses to our online document customisation forms;
- provide information to us by telephone or Skype; and/or
- send us an email or other communication (eg, through our online contact form).

Cookies

This site may use “cookies” to help personalise your online experience. A cookie is a text file or a packet of information that is placed on your hard disk by a web page server to identify and interact more effectively with your computer. There are two types of cookies that may be used at this site: a persistent cookie and a session cookie. A persistent cookie is entered by your web browser into a dedicated folder for cookies on your computer and remains in that folder after you close your browser, and may be used by your browser on subsequent visits to this site. A session cookie is held temporarily in your computer’s memory and disappears after you close your browser or shut down your computer. Cookies cannot be used to run programs. Cookies are uniquely assigned to you, and can only be read by a web server in the domain that issued the cookie to you. In some cases, cookies may collect and store personal information about you. The Company extends the same privacy protection to your personal information, whether gathered via cookies or from other sources. You can configure your internet browser to accept all cookies, reject all cookies or notify you when a cookie is sent. Please refer to your internet browser’s instructions to learn more about these functions. Most web browsers automatically accept cookies, but you can usually modify your browser settings to decline cookies if you prefer. If you choose to decline cookies, you may not be able to fully experience the interactive features of Smarter Drafter.

IP addresses

This site may also collect Internet Protocol (IP) addresses. IP addresses are assigned to computers on the internet to uniquely identify them within the global network. Smarter Drafter may collect IP addresses in order to provide internet session management and for security purposes. We may also collect and use web log, computer and connection information for security purposes and to help prevent and detect any misuse of, or fraudulent activities involving, this site.

How we may use your personal information

Your personal information may be used in order to:

- produce and deliver to you any automated legal documents that you may purchase through this site;
- administer and manage any payments that may be made by you to the Company in respect of purchases on online automated legal documents or otherwise, including charging, billing and collecting debts;
- respond to any queries or feedback that you may have;

- verify your identity, and conduct appropriate checks for credit-worthiness and for fraud;
- prevent and detect any misuse of, or fraudulent activities involving, this site;
- conduct research and development in respect of our products and services;
- gain an understanding of your information and communication needs or obtain your feedback or views about our products/services in order for us to improve them; and/or
- maintain and develop our business systems and infrastructure, including testing and upgrading of these systems,

and for any other purpose reasonably considered necessary or desirable by the Company in relation to the operation of its business as a provider of online automated legal documents. Your personal information may also be collected so that the Company can promote and market products and services to you. This is to keep you informed of products, services and special offers that we believe you will find valuable and may continue after you cease acquiring goods or services from us. If you would prefer not to receive promotional or other material from us, please let us know and we will respect your request. You can unsubscribe from such communications at any time if you so choose.

When we may disclose your personal information

In order to deliver the products/services you require or for the purposes set out above, the Company may disclose your personal information to organisations outside the Company. Your personal information may be disclosed to these organisations only in relation to Smarter Drafter, and the Company takes reasonable steps to ensure that these organisations are bound by confidentiality and privacy obligations in relation to the protection of your personal information. These organisations may carry out or provide:

- customer enquiries;
- mailing systems;
- billing and debt-recovery functions;
- information technology services;
- marketing, telemarketing and sales services;
- market research; and
- website usage analysis.

In addition, we may disclose your personal information to:

- your authorised representatives or legal advisers (when requested by you to do so);
- credit-reporting and fraud-checking agencies;
- credit providers (for credit-related purposes such as checks for creditworthiness, credit rating as well as credit provision and financing);
- banks or other financial institutions (for the purposes of processing payments made by you to the Company);
- our professional advisers, including our accountants, auditors and lawyers;
- government and regulatory authorities and other organisations, as required or authorised by law;
- organisations who manage our business and corporate strategies, including those involved in a transfer/sale of all or part of our assets or business (including accounts

and trade receivables) and those involved in managing our corporate risk and funding functions; and/or

- the police or other appropriate persons where your communication suggests possible illegal activity or harm to others.

Contacting us about privacy

If you would like more information about how we manage personal information that we may hold about you, or are concerned that we may have breached your privacy, please contact our Privacy Officer by email to privacy@smarterdrafter.com.au.

Access to your personal information

In most cases, you may have access to personal information that we hold about you. We will handle requests for access to your personal information in accordance with the Australian Privacy Principles. All requests for access to your personal information must be directed to our Privacy Officer by email using the email address provided above. We will deal with all requests for access to personal information as quickly as possible. Requests for a large amount of information, or information that is not currently in use, may require further time before a response can be given. We may charge you a fee for access if a cost is incurred by us in order to retrieve your information, but in no case will we charge you a fee for your application for access. In some cases, we may refuse to give you access to personal information that we hold about you. This may include circumstances where giving you access would:

- be unlawful (eg, where a record that contains personal information about you is subject to a claim for legal professional privilege by one of our contractual counterparties);
- have an unreasonable impact on another person's privacy; or
- prejudice an investigation of unlawful activity.

We may also refuse access where the personal information relates to existing or anticipated legal proceedings, and the information would not be accessible by the process of discovery in those proceedings. If we refuse to give you access, we will provide you with reasons for our refusal.

Correcting your personal information

We will amend any personal information about you that is held by us and that is inaccurate, incomplete or out of date if you request us to do so. If we disagree with your view about the accuracy, completeness or currency of a record of your personal information that is held by us, and you ask us to associate with that record a statement that you have a contrary view, we will take reasonable steps to do so.

Storage and security of your personal information

We are committed to maintaining the confidentiality of the information that you provide us and we will take all reasonable precautions to protect your personal information from unauthorised use or alteration. In our business, personal information may be stored both electronically (on our computer systems and with our website hosting provider) and in hard-copy form. Firewalls, anti-virus software and email filters, as well as passwords, protect all of our electronic information. Likewise, we take all reasonable measures to ensure the security of hard-copy information.

Third party websites

You may click-through to third party websites from this site, in which case we recommend that you refer to the privacy statement of the third party websites that you visit. This Privacy Policy applies to this site only and the Company assumes no responsibility for the content of any third party websites.

Credit card payment processing by PayPal

In particular, when you submit an online document customisation form to us on a “pay-as-you-go” basis, your payment will be processed securely by PayPal. The payment processing function is not part of this site. As noted above, we are not privy to any of the bank account, credit card or other personal information that you may provide to PayPal, other than your name, billing address and email address. We recommend that you refer to PayPal’s privacy statement if you would like more information about how PayPal collects and handles your personal information.

Re-marketing

We may use the Google AdWords and/or Facebook re-marketing services to advertise on third party websites to previous visitors to this site based upon their activity on this site. This allows us to tailor our marketing to better suit your needs and to only display advertisements that are relevant to you. Such advertising may be displayed on a Google search results page or a website in the Google Display Network or inside Facebook. Google and Facebook may use cookies and/or pixel tags to achieve this. Any data so collected by Google and/or Facebook will be used in accordance with their own respective privacy policies. None of your personal Google and/or Facebook information is reported to us. You can set preferences for how Google advertises to you using the Google Ads Settings page (<https://www.google.com/settings/ads>). Facebook has enabled an AdChoices link that enables you to opt out of targeted advertising and you can also click on the “x” in the upper-right-hand corner of any targeted Facebook advertisement to reveal further options.

GDPR

The Company welcomes the General Data Protection Regulation ("GDPR") of the European Union ("EU") as an important step forward in streamlining data protection globally. We will comply with the data handling regime laid out in the GDPR in respect of any personal information of data subjects in the EU that we may obtain.

GDPR rights

The requirements of the GDPR are broadly similar to those set out in the Privacy Act and include the following rights:

- you are entitled to request details of the information that we hold about you and how we process it. For EU residents, we will provide this information for no fee;
- you may also have a right to:
 - have that information rectified or deleted;
 - restrict our processing of that information;
 - stop unauthorised transfers of your personal information to a third party;
 - in some circumstances, have that information transferred to another organisation; and
 - lodge a complaint in relation to our processing of your personal information with a local supervisory authority; and
- where we rely upon your consent as our legal basis for collecting and processing your data, you may withdraw that consent at any time.

If you object to the processing of your personal information, or if you have provided your consent to processing and you later choose to withdraw it, we will respect that choice in accordance with our legal obligations. However, please be aware that:

- such objection or withdrawal of consent could mean that we are unable to provide our goods/services to you, and could unduly prevent us from legitimately providing our goods/services to other clients subject to appropriate confidentiality protections; and
- even after you have chosen to withdraw your consent, we may be able to continue to keep and process your personal information to the extent required or otherwise permitted by law, in particular:
 - to pursue our legitimate interests in a way that might reasonably be expected as part of running our business and which does not materially impact on your rights, freedoms or interests; and
 - in exercising and defending our legal rights and meeting our legal and regulatory obligations.

Storage and processing by third parties

Data that we collect about you may be stored or otherwise processed by third party services with data centres based outside the EU, such as Google Analytics, Microsoft Azure, Amazon Web Services, Apple, etc and online relationship management tools. We consider that the collection and such processing of this information is necessary to pursue our legitimate interests in a way that might reasonably be expected (eg, to analyse how our

clients use our goods/services, develop our goods/services and grow our business) and which does not materially impact your rights, freedom or interests. The Company requires that all third parties that act as “data processors” for us provide sufficient guarantees and implement appropriate technical and organisational measures to secure your data, only process personal data for specified purposes and have committed themselves to confidentiality.

Duration of retention of your data

We will only keep your data for as long as is necessary for the purpose for which it was collected, subject to satisfying any legal, accounting or reporting requirements. At the end of any retention period, your data will either be deleted completely or anonymised (for example, by aggregation with other data so that it can be used in a non-identifiable way for statistical analysis and business planning). In some circumstances, you can ask us to delete your data.

Keeping your information up-to-date

To ensure that your personal information is accurate and up to date, please promptly advise us of any changes to your information by contacting our data protection officer at privacy@smarterdrafter.com.au or by post.

Changes to this Privacy Policy

From time to time, it may be necessary for us to revise this Privacy Policy. Any changes will be in accordance with any applicable requirements under the Privacy Act and the Australian Privacy Principles. We may notify you about changes to this Privacy Policy by posting an updated version on this site.

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If you require any further information about the Privacy Act and the Australian Privacy Principles, you can visit the Australian Information Commissioner’s website (see <https://www.oaic.gov.au/>).