



## PRIVACY POLICY

Privacy policy Last Updated: 08-11-2019

### WHO IS PROCESSING YOUR PERSONAL DATA?

Real Kiwi Heroes is a wholly owned subsidiary of Upside.Digital Pty Ltd, registered as ABN 65 139 669 248 . It operates as a broker between you and Upside.Digital Pty Ltd to transfer your data for processing by us. It also engages in commercial relationships with our partners, listed below. Real Kiwi Heroes complies fully with the Privacy Act 1993.

1. Upside.digital Pty Ltd ("Upside.Digital", "Upside.Digital NZ", "we", "us", "our") is the registered owner of the Real Kiwi Heroes website and owns all rights, including the sites' respective IP, copyrights and trademarks.
2. This privacy policy applies to the following websites owned and operated by us (collectively to be called "the sites"):
  - [www.realkiwiheroes.co.nz](http://www.realkiwiheroes.co.nz)
3. Where there is a conflict of rules between New Zealand and Australian law, the one which offers the strongest consumer protections will be the one we will aim to uphold.

### PURPOSE OF THIS PRIVACY POLICY

4. This Policy sets out how we manage, use and protect your personal data collected while using our sites.
5. We will only use or share your personal data in a manner that is in accordance with this Privacy Policy, and as stated within the registration opt-in definition, and only where we have obtained your prior active consent. Consent is obtained using clear and specific statements that are prominently displayed as part of the registration process on the sites, and can be withdrawn at any time by you.

## **OUR PURPOSE FOR PROCESSING YOUR PERSONAL DATA**

6. Real Kiwi Heroes and Upside.Digital have 3 main business purposes:
  - To manage the participation of the registered individual in draws and/or promotions organised by us
  - To meet the purposes of funding our websites. The commercial use of our website offers are mainly funded by advertising and through the sending of commercial communications of named third parties, market and/or product/item reviews etc. To this end, it is necessary to submit the data of a consumer that registers on our site ("registered individual") to standardisation, filtering and verification. The categories and methods of marketing communication which the registered individual's may receive will be determined, subject to their active consent. All Companies and Partners are listed on our site, prior to registering.
  - To communicate, (via email, telephone or the chosen contact method) the data of interest to Upside.Digital selected companies and trusted partners ("named third party companies"). Advertising will be sent by these named third party companies, subject to explicit, active consent by the registered individual prior to signing up or registering to our websites.
  
7. We will minimize the data and process it only where it is adequate, relevant and limited to what is necessary in relation to the purposes stated above, in accordance with Art. 5 (1), (c) of the GDPR);

## **OUR LEGITIMIZATION FOR PROCESSING YOUR PERSONAL DATA**

8. The basis of legitimization for the purposes of our processing is:
  - To manage the participation of the registered individual in promotions, draws and/or device testing campaigns organised by Upside.Digital as promoted directly via its owned sites, including marketing directly by us;
  - For the fulfilment of a contract with selected Companies and trusted Partners;
  - To carry out third party advertising campaigns / market studies by us where consent has been obtained from the registered individual; and
  - To communicate the registered individual's data to companies, organisations and/or entities interested that they have actively consented to, in carrying out advertising campaigns / market studies

## **COLLECTION AND USE OF YOUR PERSONAL DATA**

9. We collect your details when you register on one of our websites. 'Personal data' means the information you provide during the registration process and any information you provide when entering draws, quizzes, surveys or competitions. Registration is required to participate in any of the branded surveys on the site, however merely browsing does not require registration.

10. The categories of personal data we may collect from you upon registration of via visiting our website:

- Your name
- Your contact information, including email and phone numbers
- Demographic information
- Your address and postcode
- Your IP address or other online identifiers such as Cookies

## **USE OF YOUR PERSONAL DATA**

11. We use your personal data collected via the Upside.Digital sites to:

- Provide you with information about the products and services we offer
- Provide you with a more personalised service
- Conduct market research
- Run prize draws and promotions
- Pass on your details to selected Companies and Trusted Partners which provide you with other offers and promotions of interest to you
- Share your data with third party companies who may contact you. These organisations will have a relationship with you or it may be used where they have a lawful reason, which may include these organisation's own legitimate interest. Use includes tracing of individuals, verification and/or validation of the identity of individuals for the purposes of, but not limited to, anti-money laundering regulations, national security, crime prevention and detection, anti-fraud processes, asset recovery and asset reunification.
- Third parties (see partner list below) may go on to share personal information with their partners if the use of the data will be to augment it with their own data set, and will then be used/shared with their customers for the purposed outlined above if the belief is to benefit the end consumer.
- For analysis purposes or to build data products. In these instances, the information is aggregated and wherever possible anonymised in line with the ICO's code of practice. Again, these products are of a marketing nature.

12. We may process your personal data ourselves or through data processors that will process data on our behalf (we retain full responsibility) for ensuring the data processor complies with this policy and all current data protection regulations).

13. Depending on the consents that you set up at the time of registration and what personal data we hold about you, we may pass your personal data to our partners who may contact you by post, email, SMS and telephone for direct marketing purposes.

14. We may share your data with selected third parties for marketing communications, market research, analysis, and to profile and extend their databases by appending additional information to an existing information they may already hold on you as their customer.

15. Email and Telephone/SMS data will only be released to third parties where you have given your positive consent (usually at the time of registration) allowing you to fully understand your registration preferences.
16. You can change or update your communication preferences at any time
17. Telephone data will only be released to carefully selected partners where it has been TPS'd (see 'Opting Out' below). Note: if you request a call from one of our sponsors or brand partners this will override the TPS.
18. We will only store your data in accordance with our Data Retention Policy.

## **PROFILE MATCHING (AKA PROFILING)**

19. To enhance the services we provide, we aim to match your profile to third companies that we determine from analysis that will have goods or services that would be of interest to you. It makes sense for us to ensure that you only receive offers that are relevant to you and fit within the context of your lifestyle and available purchasing power.
20. The data that we provide to our third parties may be added to the information that they already hold about you. As an example, a car insurance company will check whether you have been a customer of theirs before. This is to ensure that they provide the right types of products, services and pricing to you.
21. When first contacting you, they always will seek your appropriate opt in and consent.
22. Data sharing in this way allows them to contact you in their own name about their products, services, promotions, offers and competitions.

## **MARKETING TO CHILDREN**

23. We do not knowingly, deliberately or aim to, collect personal data from children under the age of 18, either for registration or for marketing purposes.

## **OUR PARTNERS AND THEIR INDUSTRY SECTORS**

24. Our trusted Charity Partners, are sponsors of the site and particular surveys, may wish to contact you based on your profile, but will only do so subject to your consent and preferences.

## **YOU ARE IN CONTROL**

25. You may choose to restrict the collection or use of your personal data in the following ways:
26. Where consent has been previously obtained to us or our trusted partners to using your personal data for direct marketing purposes, you can change your mind at any time by going to the Marketing Preferences section of the website or emailing our Data Protection Officer at [info@upside.digital](mailto:info@upside.digital)

## **YOUR RIGHTS**

27. You have the right to:
- Obtain access to your personal data;
  - Receive information about us and the purposes for which we process your personal data;
  - Prevent processing which may cause you damage or distress;
  - Object to direct marketing and select the contact channels by which we market
  - Object to purely automated decision-making in certain cases;
  - You have the right to seek compensation through the civil courts for a breach of a data controller's obligations;
  - Ask us to correct any errors and/or delete the information we hold;
  - Be forgotten by requesting all personal data collected from you, by us, be deleted completely from our database, systems and servers \*;
  - Opt out of any further contact by us or selected brand partners or sponsors;
  - Be notified in the event of a data breach, where data lost or stolen involves your personal data; and
  - Write to, report, or complain to your relevant supervisory authority
28. If you would like to amend/delete details or contact us in relation to the above, please contact using the 'Contact Us' page, alternatively send an email to [info@upside.digital](mailto:info@upside.digital)

## **YOUR DATA AND OUR DATA PARTNERS ENTERING A PRIZE DRAW**

29. Your Registration Details, that you submit when entering the competition will be used to administer the competition and as follows:
30. If you enter a prize draw which is sponsored by us, this personal data may be, subject to your consent, shared with our Data Partners.

## **OPTING IN / OPTING OUT**

31. You have the option of Opting In or Out of receiving marketing communications from ourselves and our partners at any time, including at registration.

32. When registering your details, your permission will be sought to:
- Receive offers and updates by email, telephone and post from selected third party companies which we believe will be of interest.
  - Agree that our trusted partners may contact you with more interesting offers by telephone.
33. You will be required to acknowledge that you have read, understood and agreed to our terms prior to registration.
34. Upside.Digital will always remain transparent in disclosing how we intend to process your data, and where your data may be passed on, subject to your consent and preferences upon registration. All companies and partners we work with will be named, and the categories in which they operate in will be made available to you. These opt-ins are optional and only when you put a tick in the box will you consent to receive additional marketing communication.
35. You may change your preferences at any time via the "Account Details" pages once you are registered.
36. Third-party providers are able to send you communications via email, post, SMS or telephone only until such time as you exercise your right to opt out of receiving such communications. However please be aware that marketing campaigns are often planned well in advance, so your changes will be accepted immediately, but may not be effective immediately.

## **OPTING OUT – ADDITIONAL INFORMATION**

37. You can unsubscribe or opt out from any communications from our scheme or any thirdparty brand at any time as indicated above, but you may also wish to consider the following for a more general Opt-Out.

### **Opting Out – Postal Contact**

You can withdraw your consent for postal marketing from anyone by adding your details to the Mail Preference Service.

### **Opting Out – Email or SMS (text message) Contact**

You can unsubscribe from receiving e-mail or SMS marketing communications from any individual third-party by using the instructions in any email communication such thirdparty sends you (usually an 'unsubscribe' or 'STOP' link).

### **Opting Out – Telephone calls**

To withdraw your consent for live or automated calls from anyone, you can add your name to the Do Not Call Register.

### **Opting Out – Social Media**

You can configure your advertising preferences on social media such as Facebook, Twitter, Instagram or Pinterest by accessing your settings or preference options on the relevant platform.

## **SECURITY AND STORAGE OF YOUR PERSONAL DATA**

38. We store all data collected in a secure environment on servers located within the US and only for as long as is necessary. However, despite our best efforts the Internet is not 100% secure and we cannot guarantee the security of any information you send to us via the Internet. We will not be responsible for any loss or damage you or others may suffer as a result of the loss of confidentiality of such information.

### **IP ADDRESS/COOKIES**

39. We automatically collect your IP address and record the web page from which you originated if you are using the service's website.
40. Cookies are used to increase your security, not infringe on your privacy. Cookies are needed to monitor, facilitate, administer and optimise the website and service for users and to earmark any possible technical issues that may arise within the website or the service. We may use your IP address to help identify you, tend to any difficulties and to gather demographic and profile information. We also use the 'cookies' to collect information about your online activity on our website, such as the web pages you visit, the links you click, and the searches you conduct on our website.
41. Most browsers automatically accept cookies, but you can modify your web browser setting to decline cookies. If you choose to do this, you may not be able to avail yourself of some or all of the functionalities that the website or the service may offer.

## **THIRD PARTY COOKIES THAT WE USE:**

Google Analytics

We use cookies from Google Analytics to track performance across our website, just like many other websites online. We use this cookie to help us with analytical tasks such as seeing how many people are viewing certain webpages and which parts of the site are most popular. The cookies that Google use are called \_\_utma Cookie, \_\_utmb Cookie,

\_\_utmc Cookie, \_\_utmz Cookie and \_\_utmv Cookie. You can find Google's privacy policy here: <https://www.google.com/intl/en/policies/privacy/>

DoubleClick by Google

We use cookies from Doubleclick to allow us to show relevant and engaging display ads to our users. You can find Google's privacy policy here:

<https://www.google.com/intl/en/policies/privacy/>

Facebook

We use advertising within Facebook to promote our website and use cookies to help us know who has visited our site from Facebook and to track user behaviour on the site.

You can find Facebook's cookie policy here: <https://www.facebook.com/policies/cookies/>

New Relic

We use the New Relic service to monitor the performance of the website which helps us keep the site running smoothly. See the following link for further

information: <https://newrelic.com/docs/general/what-cookiesdoes-newrelic-create>

Pingdom

We use Pingdom to help monitor the performance of the website and to ensure that it's always fully operational. See the following link for further information:

<https://www.pingdom.com/legal/cookie-policy> LiveRamp Inc.

LiveRamp Inc., will drop a cookie on your browser and match the shared information to their on- and offline marketing databases and those of its advertising partners to create a link between your browser and those other databases; this link shall be shared by our partners globally for the purpose of enabling interest-based content or advertising throughout your online experience (cross device, web, email and in app...) by third parties unaffiliated with our website who may in turn link further demographic or interestbased information to your browser.

## **ACCESS, RECTIFICATION AND ERASURE OF YOUR PERSONAL DATA**

42. You may request access to, rectification and/or erasure of any personal data which we hold about you under the Data Protection Act 2018 and the GDPR.

43. If you believe that any information we are holding on you is incorrect or incomplete, or you would any data we may hold about you to be completely deleted, please write to or

email us as soon as possible, at the address below. We will promptly endeavour to correct any information found to be incorrect.

44. You may at any time unsubscribe at the bottom of each email that Real Kiwi Heroes or Upside.Digital sends out on behalf of our selves or our sponsors.

45. If you have questions regarding this Privacy Policy, please contact us by any of the following means:

Email: [info@upside.digital](mailto:info@upside.digital)

Tel: +61 2 91146715

Post:

*The Data Protection Officer  
Upside.Digital  
502/22 Central Avenue  
Manly  
NSW, 2095  
Australia*

## **CHANGES TO THIS POLICY**

46. We may change this policy from time to time by updating this page. You should check this page from time to time to ensure that you are happy with any changes. If we make substantial changes to this policy, we will notify you via email.

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[1] We may reserve the right to retain personal data where a reasonable expectation exists in order to fulfill an obligation. This may include suppression, ie. to "block" future communications received by request of the data subject, a regulatory authority or by law. In this event, the data subject will be informed accordingly of our reliance on this expectation(s).