



# THE KITE PROGRAM

## Privacy Policy

This is version 1.1 of our Privacy Policy and became effective on 1st August 2019 and is reviewed on a bi-monthly basis..

Privacy is very important to us. This Privacy Policy explains what Personal Information we collect from you and what we do with this Personal Information and why we collect Personal Information. We do our best to treat your Personal Information as required by the New Zealand Privacy Act 1993 (Privacy Act) and the Regulation (EU) 2016/679 (GDPR).

We want to provide the best experience to you and welcome any feedback on this Privacy Policy. We welcome any feedback and you can send such feedback to [hello@thekiteprogram.com](mailto:hello@thekiteprogram.com).

"We" are The KITE Program Limited a limited liability company incorporated in New Zealand.

### 1 Definitions

1.1 This Privacy Policy uses the same definitions as those used in all legal documents.

### 2 What information we collect

2.1 We collect Personal Information including:

2.1.1 your name;

2.1.2 your contact details (including email address); and

2.1.3 some basic information about your personal circumstances (such as the industry you work in).

2.2 Upon accessing the App, your Device transmits certain information. This information is saved in log files and includes:

2.2.1 operating system, information about your Device;

2.2.2 IP-address and date and time of access; and

2.2.3 information related to your use of the App.

2.3 Please note that if we are unable to collect information in the manner outlined in this Privacy Policy, then the App may suffer from reduced functionality, and you will not have access to certain Features of the App.

### 3 How we collect information

#### 3.1 We collect Personal Information in three (3) ways:

3.1.1 the Personal Information described in clause 2.1 may be collected when you create an Account, or otherwise when you provide your Personal Information directly to us within the App;

3.1.2 your organisation may provide us with Personal Information about you, including the Personal Information described in clause 2.1, and your organisation must ensure that they are authorised to disclose that information to us in accordance with applicable privacy and data protection laws; and

3.1.3 we automatically collect the information described in clause 2.2 through cookies (or similar technologies) and other software within the App. Cookies are small files stored in a browser-related file on your Device when you use the App. You have the option to disable cookies by changing your browser settings.

### 4 Analytical data

4.1 We may combine and analyse the information that we have collected. Where possible we will use de-identified information. This means the information is collated in such a way so that it no longer reflects or represents any individual User.

4.2 However, it is possible that data analytics will create new personal information. For example, we may apply insights from data analytics to a User to understand that User's preferences and behaviour.

4.3 We limit our collection of information via data analytics to ensure that we are only creating personal information that is reasonably necessary for the purposes described in this privacy policy. If personal information is created via data analytics which is not necessary for these purposes, then such information will be either de-identified or destroyed as described below.

### 5 Where we store information

5.1 The security of your Personal Information is important to us. We follow generally accepted standards to protect the Personal Information submitted to or collected or created by us, both during transmission and once it is received.

5.2 Personal Information may be transferred and securely stored on servers outside of New Zealand. All Personal Information that we store on servers located outside of New Zealand will remain in our effective control at all times.

5.3 In addition, our employees and the contractors who provide services related to our information systems are contractually obliged to respect the confidentiality of any Personal Information we hold.

### 6 What we do with the information we collect

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

6.2 We process Personal Information:

6.2.1 to carry out our obligations under the End User Agreement;

6.2.2 to provide and tailor the App, Content and Features;

6.2.3 to identify you when you sign-in to your Account and verify that your Account is not being used by others;

6.2.4 to enforce compliance with our End User Agreement; and

6.2.5 to comply with laws,

and such processing is necessary for the performance of the contract between you and us.

6.3 We process Personal Information:

6.3.1 to carry out our obligations under any Master Agreement between us and your organisation;

6.3.2 to comply with our obligations to our third-party service providers;

6.3.3 to analyse usage of the App, or carry out research and analysis, so we can improve the App; and

6.3.4 to personalise the App for Users,

and such processing is necessary for the purposes of a legitimate interest pursued by us, and we have assessed that our interests are not overridden by the interests or fundamental rights and freedoms of the person to whom the Personal Information relates.

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

6.5 We also process Personal Information to communicate with you in relation to the App from time to time, including to respond to your contact request and any related communication. You can unsubscribe from any communications from us by contacting us as directed in any such communications.

6.6 We may also use and disclose de-identified information (non-Personal Information) as set out in this Privacy Policy and as we otherwise determine, provided that there is only a low risk that any person could be re-identified from the information.

## 7 Third party services

7.1 We use third party services for providing a better experience for Users and for improving our App. In the process of doing so, the third party service provider may have access to Personal Information as described below. However, third parties do not have the right to use the Personal Information for their own use.

7.2 We use a third party provider to:

7.2.1 send newsletters and updates about the Services. Using such a third party provider requires that we upload your contact details such as an email address to their server. You can always unsubscribe by following the directions within the Services; and

7.2.2 send emails when you use the Services, such as when you activate your account or reset your password. Using such a third party provider requires that we upload your contact details such as an email address to their server.

## 8 Retention of information

8.1 We will delete your Personal Information once:

8.1.1 the purpose for collection of that information is no longer relevant; and

8.1.2 we are no longer required to comply with any legal obligation that necessitates the retention of that information.

8.2 Despite 8.1, we may retain a copy of Personal Information (in a static form, not accessible online) for archival purposes only.

## 9 Your rights

### Privacy Act 1993 (NZ)

9.1 AS we are a New Zealand based company, you have the right under the Privacy Act 1993 (NZ) to access and/or correct your Personal Information held by us.

9.2 Please note that in certain circumstances we may withhold access to your information where we have the right to do so under the Privacy Act, for example, where disclosing the information may reveal the identity of a third party.

## GDPR

9.3 If you are an EU based person you have the right, under the GDPR, to:

9.3.1 access and correct your Personal Information;

9.3.2 in certain circumstances, have your Personal Information erased;

9.3.3 restrict the processing of your Personal Information;

9.3.4 move, copy or transfer your Personal Information easily for your own purposes across different services in a safe and secure way; and

9.3.5 object to processing where we rely on our legitimate interests as the lawful basis for processing.

9.4 Please note that in certain circumstances we may refuse to respond to a rights request where it we have the right to do so under the GDPR, for example, where a request is manifestly unfounded or excessive.

### Exercising your rights

9.5 If you wish to exercise your rights, you can do this by contacting us using the details provided at the beginning of this Privacy Policy. We may require you to provide verification of your identity.

## 10 Changes to this policy

10.1 We may update the Privacy Policy from time to time. The most current version will be published here. We will inform registered users about any material changes to this Privacy Policy via email or notification via the Website.

## 11 Governing law

11.1 This Privacy Policy is governed by New Zealand law. For more information about privacy issues in New Zealand and protecting your privacy, visit the New Zealand Privacy Commissioner's website at [www.privacy.org.nz](http://www.privacy.org.nz).



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