



Privacy Policy

About this policy

Evolving Pain, ABN: 67 594 826 715 (“us”, “we”, or “our”) recognises the importance of your privacy and respects your right to control how your personal information is collected and used.

We are an APP Entity as defined in the *Privacy Act 1988* (Cth) (the “Act”). This privacy policy is aligned with the Australian Privacy Principles as set out in the Act and describes the way that we may collect, hold and disclose personal information.

This Privacy Policy applies to our website, www.evolvingpain.com.au (the “Site”) which is operated by us, and to the products and services provided by us.

In this policy “**Personal Information**” means any information that may identify you, or by which your identity might be reasonably determined. The information you provide us may include, amongst other things, your name, address, email address, and phone number.

“**Sensitive Information**” means any information about an individual’s racial or ethnic origin, political opinions, memberships of a political organisation, religious belief or affiliation, philosophical belief, membership of a professional or trade association, membership of a trade union, sexual preference or practices, criminal record or health information.

Collection

The purpose for which we collect personal information is to provide you with the best service experience possible on the website and for our internal business purposes that form part of normal business practices. Some provision of personal information is optional. However, if you do not provide us with certain types of personal information, you may be unable to enjoy the full functionality of the website.

To provide our services to you, we may collect Personal Information, such as your contact details, including your name, email address and contact phone number, your business or company name; your payment and billing information, which we use to bill you for the Services and to process your payments, including credit card details. We may also collect details of conversations we have had with you or any other information relevant to us.

We automatically collect through our Site and Services, information that is often not personally identifiable, such as the website from which visitors came to our Site, IP address, browser type and other information relating to the device through which they access the Site. We may combine this information with the Personal Information we have collected about you.

Use & Disclosure



Personal information collected by us will generally only be used and disclosed for the purpose it was collected. This includes maintaining your account and contact details, providing you with our products and services and processing payments. We may disclose your personal information to third parties or contractors who are integral to the provision of our services.

We may from time to time use personal information for another purpose where it would be reasonably expected by you or if permitted by the Privacy Act, including to effectuate or enforce a transaction, procuring advice from legal and accounting firms, auditors and other consultants. We may also disclose your personal information in circumstances where we are compelled by Australian legislation or a court of law to do so.

We may also (for reward) use and share aggregate or non-personally identifying information about clients for market analysis, research, marketing or other purposes.

We will not disclose, sell, share or trade your Personal Information to any third parties unless we first receive your consent.

In the event that we sell our business, or engage in a transfer, mergers, restructure or change of control or other similar transactions, customer information (containing personal information) is generally one of the business assets that forms part of the transaction. Your personal information may be subject to such a transfer. In the unlikely event of insolvency, personal information may be transferred to a trustee or debtor in possession and then to a subsequent purchaser.

Access & Accuracy

You can access and/or correct information we hold about you at any time by contacting us at rachael@evolvingpain.com.au. We encourage you to contact us to keep your Personal Information up to date.

We will respond to your request for Personal Information within a reasonable time. We reserve the right to charge an administration fee to cover the costs of responding to your request, for example, where Personal Information is held in storage.

If required by law or where the information may relate to existing or anticipated legal proceedings, we may deny your request for access to your information. We will respond to your request, setting out the reasons for our refusal in writing.

Storage & Security

We will take reasonable steps to protect your personal information from misuse, loss, unauthorised access and modification or disclosure. We use commercially reasonable physical, technical and administrative measures to protect Personal Information that we hold, including, where appropriate, password protection, encryption, and SSL to protect our Site.



Despite taking appropriate measure to protect personal information used and collected by us, please be aware that no data security measures can guarantee 100% security all of the time. We cannot guarantee the security of any information transmitted to us via the internet and such transmission is at your risk.

If we no longer require the use of your personal information, we will take reasonable steps to destroy or permanently de-identify it.

Personal information may be stored electronically through third party data centres, which may be located overseas, or in physical storage at our premises or third-party secure storage facilities.

You are solely responsible for the maintaining the secrecy of any passwords and other account information pertaining to our Platform, apps or services.

Data Breach Notification Scheme

If we have reason to suspect a data breach has occurred, we will undertake an assessment in accordance with the Notifiable Data Breach Scheme. If we determine there has been an eligible data breach, we will notify you as soon as reasonably practicable.

If the breach relates to the *My Health Records Act*, we may disclose your personal information to the My Health Records System Operator under s 73A of that Act.

Identifiers

An identifier is a unique number assigned to an individual to identify them. Identifiers include Medicare Numbers and Tax File numbers. We will not adopt as our own any identifier of you or use or disclose an identifier of you which has been assigned by a government agency, unless permitted under the Act.

Anonymous Health Care

You may request to remain anonymous when you seek health services from us. While we endeavour to comply with any request to use our services anonymously or using an alias, there may be circumstances in which it is unlawful or unpracticable to do so.

Your health care will always remain our priority, and we are unable to provide services in circumstances where treating you anonymously may compromise your treatment or health outcomes.

We cannot provide Medicare rebates or access to Veterans affairs entitlements without properly identifying you. If you request to be seen anonymously you will also not be able to access the Pharmaceutical Benefits Scheme in the event you require any medication.



We have a legal obligation under the *Public Health Act*, to report certain medical conditions. If, during the course of providing our services, we diagnose a prescribed medical condition, we must make a report, including your identity, to the Health Department.

Career Applications

Employment applications and resumes collected by us are safely and securely stored and only used for the purposes for which they were collected.

Cookies, web beacons and analytics

When you interact with our Site, we strive to make your experience easy and meaningful. We, or our third-party service providers, may use cookies, web beacons (clear GIFs, web bugs) and similar technologies to track site visitor activity and collect site data. We may combine this data with the Personal Information we have collected from Customers. Examples of information that we may collect include technical information such as your computer's IP address and your browser type, and information about your visit such as the products you viewed or searched for, the country you are in, what you clicked on and what links you visited to get to or from our site. If we identify you with this information, any use or disclosure of that information will be in accordance with this Privacy Policy.

Third-party websites

At times, our Site may contain links to other, third-party websites. Any access to and use of such linked websites is not governed by this Privacy Policy, but, instead, is governed by the privacy policies of those third-party websites. We are not responsible for the information practices of such third-party websites.

Marketing emails

We may send you direct marketing emails and information about products and services that we consider may be of interest to you. These communications will only be sent via email and in accordance with applicable marketing laws, such as the *Spam Act 2004* (Cth) as you consented to upon registering for our Services. If, at any time, you would like to stop receiving these promotional emails, you may follow the opt-out instructions contained in any such email. Please note that it may take up to 10 business days for us to process opt-out requests. If you opt-out of receiving emails or promotions from us, we still may send you email about your account, your account or any Services you have requested or received from us, or for other customer service purposes. We do not provide your personal information to other organisations for the purposes of direct marketing.

If you receive communications from us that you believe have been sent to you other than in accordance with this Privacy Policy, or in breach of any law, please contact us using the details provided below.



Consent to international transfer

We may transfer your Personal Information to organisations in other countries. Recipients may include our related entities or employees, external service providers such as administration providers or information technology providers such as cloud storage and data processing. We only transfer information where we reasonably believe that the recipient is legally or contractually bound to principles that are substantially similar to the Australian Privacy Principles.

Changes to this policy

We may change this Privacy Policy from time to time. Any updated versions of this Privacy Policy will be posted on our Site - you should check periodically to review our current Privacy Policy, which is effective as of the effective date listed above. Your continued use of any of our Site and Services constitutes your acceptance and understanding of the Privacy Policy as in effect at the time of your use. If we make any changes to this Privacy Policy that materially affect our practices with regard to the Personal Information we have previously collected from you, we will endeavour to provide you with notice in advance of such change by highlighting the change on the Site, or where practical, by emailing Customers. This policy current as of 15th of October 2020.

Complaints and Enquiries

If you have any questions or complaints regarding privacy, or if at any time you believe we may have wrongfully disclosed your Personal Information or breached our privacy policy, please contact us on (03)99082998 or lodge your complaint in writing to:

Rachael Sheat
Evolving Pain
Suite 17, Level 1, 242 Hoppers Lane, Werribee, VIC 3030

or via email at rachael@evolvingpain.com.au

If you are not satisfied with our response you are entitled to contact the Office of the Australian Information Commissioner, by phoning 1300 363 992 or writing to the Director of Complaints, Office of the Australian Information Commissioner, GPO Box 5218, Sydney NSW 1042.