

Privacy Policy

Version 1.0 - 3 August 2023

Background

This Privacy Policy describes how JawSpace Pty. Limited ABN 29 663 745 524 manages personal information about individuals entered into the JawSpace smartphone app (the "**App**").

The App includes tools that help users manage their Temporomandibular dysfunction ("TMD"). The App is downloadable from the Apple App Store and can be installed on a compatible smartphone or tablet. The App is not a healthcare or medical advice service and we do not represent that use of the App will result in the diagnosis, detection, treatment, cure or prevention of TMD. We do not provide any personal TMD recommendations or treatment plans through the App or otherwise.

We are committed to complying with our privacy obligations in accordance with the Australian Privacy Principles contained in Schedule 1 to the Privacy Act 1988 (Cth) (each, an **APP**). If we decide to change this Privacy Policy, we will post the updated version on this webpage. Our policy is to be open and transparent about our privacy practices.

INFORMATION FOR ALL USERS

1 Consents

- 1.1 When you register a user account on the App, you will be provided with our privacy collection notice. The privacy collection notice is made in accordance with APP 5, and notifies you, among other things, of the circumstances under which we collect your personal information, the purpose for the collection and the likelihood that the personal information will be disclosed to overseas recipients.
- 1.2 Users must provide the relevant privacy consents and authorisations required by law in order for the personal information that is entered into the App to be collected, held, disclosed and otherwise processed by us for the purposes set out in this Privacy Policy.
- 1.3 We rely on users to ensure that all personal information collected from them and held by us is accurate, up to date, complete, relevant and not misleading. The App has functionality to enable users to update, modify and correct personal information collected about them.
- 1.4 We encourage users to ensure that they are familiar with this Privacy Policy to understand how we collect, use and otherwise process personal information about them via the App.

2 The Types of Personal Information We Collect and Hold

2.1 We collect and hold the following types of personal information:

2.2 Users

We collect the following types of personal information about users of the App:

- device and network usage details (IP addresses) collected via a user's smartphone, tablet or other mobile device the App is installed on;
- personal information, including health information, entered by or on behalf of a user into the App. This may include first name, email address, age, mood, gender, heart rate and heart rate variability, step count, skin temperature, sleep duration, sleep quality, stress levels, temporomandibular joint dysfunction disorder severity (based on the TDM index), TMD pain severity and symptoms, headache location and severity, accompanying headache symptoms, possible TMD-related symptoms, TMD relief used, other categories of information such as if you are traveling, have any illness/injury or are menstruating, have bodily aches/pains, irregular medication or tooth issues, survey responses and feedback

received via the App, as well as any other personal information entered into the App by a user;

2.3 Information required for the support, maintenance and security of the App

In order to support and maintain the App, we collect and process user information in the form of:

- IP addresses, email addresses, user access logs, usernames, passwords and statistical data; and
- information included by users in error messages, technical support tickets and telephone calls to our support team.

3 How we collect personal information

3.1 Our policy is to not collect personal information by means that are unfair or unreasonably intrusive in the circumstances. We only collect personal information that is necessary to provide the functionality of the App and to operate our business.

3.2 We collect personal information, including health information, about users in one or more of the following ways:

- (a) when personal information is entered by or on behalf of the user into the App;
- (b) when a user voluntarily discloses personal information to us (via the App, e-mail and online forms).

3.3 Users are responsible for ensuring that all consents and authorisations have been obtained or provided by them as required by law for the lawful collection of personal information that is disclosed to us.

4 How we use personal information

4.1 How we use personal information about users is set out in the following table:

Category	How We Use and Process Personal Information that We Collect	Why We Collect Personal Information
Personal information about users	<ul style="list-style-type: none"> • To manage, provide and support a user's use of the App; • In order to store personal information in databases and systems in our hosting environments at third party data centres; • To provide technical support services to users that require us to view and update personal information held in the App; • When backing up and restoring data; • When conducting traffic analysis of the App and Services; • When conducting research and development of the App; • When sending newsletters and other promotional material to identify and inform users about products, functionality and 	<ul style="list-style-type: none"> • Required for users to receive information that may be of use to them in connection with their TMD. • Required to identify persons who use the App and to identify persons who request technical support or wish to exercise their rights under privacy law to access and correct their personal information or otherwise to exercise their other rights with respect to their personal information; • Necessary for our legitimate interests, including in order to operate and grow our business and in order to administer and allow users to operate the App; • To comply with our legal and statutory obligations; • Required in order to determine which privacy law applies to the individual.

	<p>services that may be of interest to them;</p> <ul style="list-style-type: none"> • To improve and develop the App; • To carry out security audits, investigate security incidents and implement security processes and procedures that require access to personal information; • Backing up and restoring data that includes user's personal information; • To handle complaints. 	
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5 Analytics data

- 5.1 We collect information about users through their use of the App, known as analytics data.
- 5.2 Such analytics data is limited to information about devices accessing the App, the amount of time a user spends on the App, in which parts of it and the path navigated through it.
- 5.3 All analytics data is de-identified and is not collected or held in a form that could reasonably be expected to identify an individual.
- 5.4 In any event, we only use analytics data for the following purposes:
- (a) to help us review, enhance and improve the App (for statistical or research purposes);
 - (b) to develop case studies and marketing material without identifying any individual; and
 - (c) to develop educational materials and content addressing temporomandibular joint dysfunction disorder.

6 How we hold and secure personal information

- 6.1 We hold and store personal information that we collect in our offices, computer systems and third party owned and operated hosting facilities. In particular:
- (a) we engage hosting facilities operated by reputable hosting providers, namely Google Cloud Services including Google's Firebase;
 - (b) personal information that is provided to us via email is held on our servers or those of our cloud-based email providers which has restricted access security protocols;
 - (c) personal information is held on computers and other electronic devices in our offices and at the premises of our personnel; and
 - (d) we hold personal information that is provided to us in hard copy in files and folders in secure locations.
- 6.2 We take reasonable steps to protect personal information that we hold using such security safeguards as are reasonable in the circumstances to protect against loss, unauthorised access, modification and disclosure and other misuse, and we implement technical and organisational measures to ensure a level of protection appropriate to the risk of accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal information transmitted, stored or otherwise processed by us.
- 6.3 We:
- (a) only use reputable hosting providers such as Google Cloud Services to host personal information;
 - (b) implement 256 salted and hashed passwords and access control procedures into our computer systems;
 - (c) apply a consistent Information Security framework aligned with the ISO 27001 "Information Security Management System" standard;
 - (d) carry out penetration testing and vulnerability scanning regularly;
 - (e) ensure that all data collected and processed via the App is encrypted at all times, both in transit and at rest. We encrypt all personal data, secure all keys and decrypt at the last point; and
 - (f) verify that all protection levels have an associated set of protection requirements, such as encryption requirements, integrity requirements, retention, privacy and other

confidentiality requirements, and that these are applied in the underlying architecture of the App.

6.4 We:

- (a) perform security testing and maintain other electronic (e-security) measures for the purposes of securing personal information, such as passwords, anti-virus management and firewalls;
- (b) carry out security audits of our systems which seek to find and eliminate any potential security risks in our electronic and physical infrastructure as soon as possible;
- (c) maintain physical security measures in our buildings and offices such as door and window locks and visitor access management, cabinet locks, surveillance systems and alarms to ensure the security of information systems (electronic or otherwise);
- (d) require all of our employees, agents and contractors to comply with privacy and confidentiality provisions in their employment contracts and subcontractor agreements that we enter into with them;
- (e) have a Data Breach Response Plan in place;
- (f) use SSL encryption on our systems;
- (g) implement anti-virus and security controls for email and other applicable computer software and systems;
- (h) have data backup archiving, data breach response plans and disaster recovery processes in place;
- (i) implement passwords and access control procedures into our computer systems;
- (j) if appropriate in the circumstances, taking into account the state of the art, the costs of implementation and the nature, scope, content and purpose of the processing, we pseudonymize and/or encrypt personal data;
- (k) have anti-virus and security control for email and other applicable computer software and systems in place; and
- (l) with respect to personal information that we no longer require or where we are otherwise required to destroy it under applicable law, we ensure that such personal information is securely destroyed.

7 Disclosure of personal information

7.1 We will disclose personal information to our employees, officers, advisors, suppliers, agents and related entities who assist us with the delivery and operation of the App. We take reasonable steps to ensure that they are aware of their information security responsibilities, are appropriately trained to meet those responsibilities and have entered into agreements which require them to comply with privacy and confidentiality obligations which apply to personal information that we provide to them.

7.2 We only disclose personal information that we collect to third parties as follows:

- (a) to data storage and software providers who host the App databases and information (e.g. email hosting providers and online CRM providers) on our behalf;
- (b) when providing information to our legal, accounting or financial advisors/representatives or insurers, or to our debt collectors for debt collection purposes or when we need to obtain their advice, or where we require their representation in relation to a legal dispute;
- (c) where a person provides written consent to the disclosure of their personal information;
- (d) where we become aware that specific personal information needs to be disclosed to protect the safety or vital interests of any person we may disclose it. Please note that while we *may* monitor personal information entered into, or generated via, the App from time to time, although we may review that information to provide the functionality of the App, we do not review all such information and do not represent that we will monitor any person's use of the App or their security or take any specific action based on such information;
- (e) if we are contacted by any person who represents to us that they are a user, for security purposes, we will only discuss the personal information that we hold about them with them if they correctly identify themselves as such according to our security measures;
- (f) if we sell all or part of our business, we will provide our databases to the purchaser;
- (g) to avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences;
- (h) for the enforcement of a law imposing a pecuniary penalty;
- (i) for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); and
- (j) where required by law.

8 Third Party Websites

- 8.1 The App may include links to third party websites. Our linking to those websites does not mean that we endorse or recommend them. We do not warrant or represent that any third party website operator complies with applicable data protection laws. You should consider the privacy policies of any relevant third party website prior to sending personal information to them. All users should contact us in the first instance, if they have any enquiries about any links on the App.

9 Interacting with us without disclosing personal information

- 9.1 You do not have to provide us with personal information when you use the App. You can use a pseudonym when registering an account on the App.

10 Offshore Disclosure

- 10.1 We may transfer your personal information to our contractors and service providers who assist us with the supply and provision of the App to you, and to assist us with the operation of our business generally, where we consider it necessary for them to provide that assistance. We will take reasonable steps to ensure that such recipients do not breach the APPs in relation to personal information or other relevant State and Territory laws (as applicable).
- 10.2 Provided that we comply with applicable law, at present we transfer your personal information to our offshore contractors and service providers that may be located outside of Australia. Our offshore contractors and service providers are currently located in the United States of America.

11 How to Access and Correct Personal Information Held by Us

- 11.1 Users who have an account on the App can access and correct personal information contained in their profile, or delete their profile, at any time, by logging into their profile where such functionality is available. Once an account is deleted, we may still be required to retain the data in accordance with our data retention obligations. It is our policy to retain personal information in a form which permits identification of any person only as long as is necessary for the purposes for which the personal data was collected; and for any other related, directly related or compatible purposes if and where permitted by applicable law. We will only process personal data that you provide to us while you have an account on the App and only thereafter for the purposes of deleting or returning that personal data to you (except where we also need to retain the data in order to comply with our legal obligations, or to retain the data to protect your or any other person's vital interests).
- 11.2 As an alternative to deleting health information, we may elect to de-identify it where permissible by law. We will de-identify certain types of personal information for the purpose of improving the solution and for provision to third parties for research purposes.
- 11.3 Where you require personal data to be returned, it will be returned to you at that time, and we will thereafter delete all then remaining existing copies of that personal data in our possession or control as soon as reasonably practicable thereafter, unless applicable law requires us to retain the personal data in which case we will notify you of that requirement and only use such retained data for the purposes of complying with those applicable laws.
- 11.4 We will handle all requests for access to personal information in accordance with our statutory obligations. We may require payment of a reasonable fee by any person who requires access to their personal information that we hold, except where such a fee would be contrary to applicable law. We will not charge you for the making of any such request. We will endeavour to provide a response to any request for access to personal information within 72 hours from the time a request is made.

12 Our contact details

- 12.1 Any person who wishes to contact us for any reason regarding our privacy practices or the personal information that we hold about them, or make a privacy complaint, may contact us as follows:

Contact: Privacy Representative
Email: help@jawspace.app

12.2 We endeavour to resolve any privacy complaint with the complainant within a reasonable time frame given the circumstances. This may include working with the complainant on a collaborative basis or otherwise resolving the complaint.

12.3 If the complainant is not satisfied with the outcome of a complaint or they wish to make a complaint about a breach of the Australian Privacy Principles, they may refer the complaint to the Office of the Australian Information Commissioner who can be contacted using the following details:

Telephone:	1300 363 992
Online Enquiries:	https://www.oaic.gov.au/about-us/contact-us
Online Privacy Complaint Form:	https://www.oaic.gov.au/privacy/privacy-complaints/lodge-a-privacy-complaint-with-us
Address:	GPO Box 5288, Sydney NSW 2001, Australia

13 Subscription with Apple

13.1 If you choose to subscribe to JawSpace through the Apple App Store, please note that Apple may collect and process your personal information in accordance with its own privacy policy. We encourage you to review Apple's privacy policy before subscribing to our App through the Apple App Store.

13.2 The subscription process through the Apple App Store may require you to provide certain personal information, such as your Apple ID, payment information, and contact details. This information will be collected and processed by Apple and is subject to their privacy practices.

13.3 While we do not have access to the specific personal information you provide to Apple during the subscription process, we may receive anonymized or aggregated data from Apple for analytics and reporting purposes. This data will not contain any personally identifiable information.

13.4 If you have any concerns or questions regarding the collection and processing of your personal information by Apple, please refer to Apple's privacy policy or contact Apple directly.

13.5 It is important to note that our privacy policy only applies to the personal information collected and processed directly by JawSpace. Any personal information collected and processed by Apple or other third-party platforms is subject to their respective privacy policies and practices.

13.6 We are committed to safeguarding the privacy and security of our users' personal information, and we will continue to work diligently to protect your data when interacting with our App, regardless of the platform through which you access and use our services.