



# PRIVACY NOTICE

Last updated: June 2024

**ADR Technology Pty Ltd** (referred to as "**Immediation**", "**we**", "**us**" or "**our**") operates a platform for use in online dispute resolution including mediations, arbitrations, expert determinations and hearings (the **Platform**) and provides associated services. The Platform is made available to users through different means, including via our website (immediation.com) and through integration partners.

The purpose of this privacy notice (**Privacy Notice**) is to inform you of how we will process your Personal Information and the measures and processes we have put in place to ensure its adequate protection. In the course of our business we may need to gather and use information about you from which you can be identified or are reasonably identifiable, such as your name, and contact details (**Personal Information**). The Privacy Notice applies to all Personal Information that we collect in the course of our business.

In using our Platform and/or receiving our services you consent to the collection, use, disclosure and transfer of your Personal Information as set out in this Privacy Notice.

Our Privacy Notice consists of:

- "General Privacy Information", which applies to each individual whose Personal Information we collect; and
- specific additional information that may apply to how we handle your Personal Information, depending on where you are located.

In this Privacy Notice, by "**processing**", we mean the collection, recording, storage, use, disclosure and any other form of operations or dealings with your Personal Information.

## GENERAL PRIVACY INFORMATION

### 1. TYPES OF INFORMATION COLLECTED

- (a) We only collect Personal Information to the extent that this is reasonably necessary for one or more of our functions or activities.
- (b) We collect the name and contact details (phone number, address, email) of our users, job applicants, contractors and others. Other Personal Information that we may collect includes, but is not limited to:
  - (i) if you are a **subscriber**: your payment details;
  - (ii) **if you use our Platform, websites, applications (including the through integration partners) or other services**: your display name, profile photo, job title, information about you relating to the relevant complaint, dispute or matter and other content, files, links, feedback and information that you upload or share via the Platform or otherwise provide us while interacting with our business (including call recordings and electronic communications for



training purposes), your IP address, device identifiers and information about how you use our Platform, websites or applications (including your setting preferences, browser type, operating system, website visited immediately before coming to our site, and other information); and

- (iii) **if you apply for a role with Immediation:** your qualifications, experience, your curriculum vitae, your education and employment history.
- (c) We may also collect other information relating to you from third parties, including if a user of our Platform, websites, applications or services provides us with any content or information relating to you.
- (d) It is possible that we will collect Sensitive Information about you in the course of performing our services. "**Sensitive Information**" includes health information and information about a person's racial or ethnic origin, political or philosophical beliefs or affiliations, trade or professional affiliations, sexual preferences or practices, or criminal record. We do not collect Sensitive Information unless it is provided by you or a third party.

## 2. **METHOD OF COLLECTION**

- (a) Our preference is to collect Personal Information about an individual directly from that individual unless it is unreasonable or impracticable for us to do so.
- (b) Information will generally be collected from the following sources:
  - (i) **directly from you**, including via our Platform, websites, applications (including integration partners) and social media profiles or through your other interactions with us (e.g. by phone or email). You may wish to provide us with Personal Information concerning other individuals when you use our Platform or any of our services. If you provide us with information about any other individual, where reasonably practicable, you must obtain that person's consent to give us the information and inform them of this Privacy Notice;
  - (ii) from **other users or potential users of our Platform and services**, for example when they nominate you as an authorised user, make an allegation, complaint or claim in relation to you, or upload or share content through our Platform and services that includes information about you; and
  - (iii) from **third party services** used in connection with the provision of our Platform and services.

## 3. **PURPOSES OF COLLECTION, USE AND DISCLOSURE**

- (a) We collect, use and disclose your Personal Information to provide you with access to our Platform and services, to operate our business and to comply with applicable laws. Other purposes for which we may collect, use or disclose your Personal Information include:
  - (i) **providing you, your organisation or your employer with our services**, including enabling users to conduct and participate in mediations, hearings, conferences, conciliations, arbitrations, determinations and other instances of dispute resolution (**Matter**); to personalise your experience; and to connect



you with other persons, including users participating in your matter, acting as a Neutral or seeking subject matter expertise;

- (ii) **communicating with you**, including communicating with you about your account, our Platform and our services (including for direct marketing as further described below); responding to any enquiries, questions, requests or complaints that you have made; and providing you with customer support;
  - (iii) **operating our business**, including to manage, develop, maintain and improve our Platform and services; for research purposes in relation to our Platform and services; and to provide training to our staff;
  - (iv) **for administrative and security purposes**, including for administrative purposes in relation to confirming your identity and the security and access of our systems, premises, platforms and secured websites and applications; for fraud and crime prevention and detection purposes; for the safety of any individual; to recover any payments due to us and enforce such recovery through engagement of debt collection agencies; and in connection with the acquisition, merger or sale of any part of our business;
  - (v) **complying with applicable laws**, including to comply with our legal and regulatory obligations and requests anywhere in the world, including reporting to and/or being audited by national and international regulatory bodies; and to comply with court orders and exercise and/or defend our legal rights; and
  - (vi) **any other lawful purposes**, including for any other purpose that you have consented to; for any other legitimate business purpose; and as otherwise permitted or required by any applicable law or regulation.
- (b) If you do not provide us with the required Personal Information, we may not be able to provide you with access to our Platform or our services or do business with you or the organisation with which you are connected.

#### 4. **DIRECT MARKETING AND OTHER COMMUNICATION FROM US**

- (a) We may use and disclose your Personal Information (other than Sensitive Information) to provide you with information on offers, products and services offered by us and you expressly consent to us doing so.
- (b) You may opt-out of receiving marketing information from us by using the unsubscribe link within each email, or by contacting us to have your contact information removed from our email subscription list or registration database. Please note that even if you have requested not to receive further direct marketing communications, we may nevertheless continue to provide you with information about changes to our terms and conditions for the supply of our Platform and services and other factual information as permitted under applicable laws.
- (c) We do not use Sensitive Information for marketing purposes.

#### 5. **WHO DO WE SHARE YOUR PERSONAL INFORMATION WITH?**

- (a) We do not and will not sell, rent out or trade your Personal Information. We will only disclose your Personal Information in the ways set out in this Privacy Notice and, in particular, to the following recipients:



- (i) to any **member of ADR Technology**, including their respective employees, officers, insurers, professional advisers, agents, and contractors;
- (ii) to **other persons using the Platform and services or otherwise involved in or connected with your Matter**, including as permitted by the functionality of our Platform or the settings that we have made available on our Platform; or otherwise in accordance with your express or implied consent or where required by law;
- (iii) to **Neutrals and other third party external advisors** or experts engaged in relation to a Matter, with your prior consent, such as mediators, arbitrators, barristers, legal counsel and technology service providers such as eDiscovery, DocuSign and document review platform;
- (iv) to **third parties who process your Personal Information on our behalf** (such as our systems providers, cloud service providers, debt collection agencies, document management systems, dispute resolution bodies, external advisors, and other third parties that Immediation partners with in delivery of its services);
- (v) to any **third party to whom we assign or novate** any of our rights or obligations;
- (vi) to any **prospective buyer** in the event we sell any part of our business or assets;
- (vii) to any **government, regulatory agency, enforcement or exchange body or court** where we are required to do so by applicable law or regulation or at their request; and/or
- (viii) to **other persons or bodies**, to the extent required by applicable law or regulation.

## 6. STORAGE OF DATA AND OVERSEAS DISCLOSURE

- (a) We, including our subcontractors, may hold electronic records of your Personal Information using cloud technology or by other electronic means, or in paper form. These means of holding Personal Information may include offshore storage.
- (b) Given the nature of the Platform and our services, there is the potential for Personal Information to be shared outside of your country, including where you are using the Platform and services to communicate and share content with persons outside of your country. Your Personal Information may be stored or otherwise processed in locations including Australia, New Zealand, the UK, the USA, Germany, or any other country where a user you are communicating and sharing content with is based. It is not practicable for us to specify in advance the location of every service provider or user with whom we deal.

## 7. HOW LONG WILL WE HOLD YOUR PERSONAL INFORMATION FOR?

We will only retain your Personal Information for as long as reasonably necessary to fulfil the purpose for which it was collected or to comply with legal, regulatory or internal policy requirements.



## 8. DATA SECURITY

- (a) We are committed to safeguarding and protecting Personal Information and will implement and maintain appropriate technical and organisational measures to ensure a level of security appropriate to protect any Personal Information provided to us from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to Personal Information transmitted, stored or otherwise processed.
- (b) We will also take steps as are reasonable in the circumstances to destroy or de-identify Personal Information as soon as reasonably practicable once we no longer need it for any purpose for which the information may be used, disclosed or retained for the purposes described in this Privacy Notice. However, when using our Platform, websites or applications (including through integration partners) you should be aware that no data transmission over the Internet can be guaranteed as totally secure. Although we strive to protect such information, we do not warrant the security of any information that you provide us over the Internet and you do so at your own risk.

## 9. THIRD PARTY SITES

If you link to or use other websites, services or software, please review the privacy policies posted at those websites. This Privacy Notice does not apply to, and we are not responsible for, any third party websites which may be accessible through links from the Platform or our websites. If you follow a link to any of these third party websites, they will have their own privacy policies and you will need to check these policies before you submit any Personal Information to such third party websites.

## 10. TRACKERS

- (a) When you use our Platform, websites or applications (including through integration partners) we may collect certain information such as browser type, operating system, and details of the website visited immediately before coming to our site. This information is used in an aggregated manner to analyse how people use our site, so that we can improve our service.
- (b) We may from time to time use cookies or other trackers on our Platform, websites or applications (including integration partners) (**Trackers**). Trackers allow us to access and store information (for example, by using cookies) or resources (for example, by running a script) on a user's device when they interact with Immediation. One type of tracker is a cookie, which is a very small file which a website uses to identify you when you come back to the site and to store details about your use of the site. Trackers used by Immediation are not malicious programs that access or damage your device. Trackers are used on our websites and in our applications to analyse usage, remember your selected features and settings, and help us provide a better user experience. In addition, Trackers may be used to serve relevant ads to you through third party services such as Google AdWords. These ads may appear on our website or other websites you visit. We are not responsible for the privacy practices of third party websites which may be linked to or accessible through the Platform or our website.
- (c) Most web browsers and applications automatically accept Trackers, but you can choose to reject cookies by changing your browser settings or managing your



consent preferences on our Platform and websites. Certain Trackers may be required to enable core site functionality (**Necessary Trackers**). If you wish to use our Platform, websites and/or applications, you cannot opt-out or choose to disable Necessary Trackers.

- (d) If you do not agree to the use of Trackers, please disable them by following the instructions for your browser or device, using the automated disabling tool where available, or updating your consent preferences on our Platform, website or applications. However, if you disable any Trackers, you will not be able to take full advantage of our Platform, websites and applications, and you may experience a drop in the performance of our Platform, websites and applications.

## 11. **CHANGES TO OUR PRIVACY NOTICE**

- (a) We may change or update parts of this Privacy Notice in order to maintain our compliance with applicable law and regulation or following an update to our internal practices. We will do this by updating this Privacy Notice on <https://www.immediation.com/privacy>. You may obtain a copy of our current notice from our website or by contacting us via the details in paragraph 14.
- (b) If the proposed modification will result in a material change to this Privacy Notice, we will provide you with written notice of the change. Except where required by law, you may not be directly notified of other changes to this Privacy Notice. Please ensure that you regularly check this Privacy Notice so you are fully aware of any changes or updates.

## 12. **ACCESS, CORRECTION AND FURTHER INFORMATION**

- (a) We will take such steps as are reasonable in the circumstances to ensure that the Personal Information which we collect remains accurate, up to date and complete.
- (b) We will provide you with access to your Personal Information held by us unless we are permitted under the applicable privacy and data protection laws to refuse to provide you with such access. Please contact us via the details in paragraph 14 if you:
  - (i) wish to have access to the Personal Information which we hold about you;
  - (ii) consider that the Personal Information which we hold about you is not accurate, complete or up to date; or
  - (iii) require further information on our Personal Information handling practices.
- (c) There is no charge for requesting access to your Personal Information but we may require you to meet our reasonable costs in actually providing you with access.
- (d) If you consider that the information which we hold about you is inaccurate, out of date, incomplete, irrelevant or misleading, we will take reasonable steps, consistent with our obligations under the applicable privacy and data protection laws, to correct that information if you so request.
- (e) We will respond to all requests for access and/or correction within a reasonable time.



### 13. COMPLAINTS

- (a) If you have a complaint or inquiry about the way in which we have handled any privacy issue, please advise us via the details in paragraph 14. We will use reasonable efforts to deal promptly with complaints and inquiries and, in any event, acknowledge your complaint or inquiry within 30 days.
- (b) If you are not satisfied with how we manage your complaint, you may contact:
  - (A) if you are based in Australia, the Office of the Australian Information Commissioner, which can be contacted at GPO Box 5218 Sydney NSW 2001 or [oaic.gov.au](http://oaic.gov.au);
  - (B) if you are based in New Zealand, the Privacy Commissioner, which can be contacted at PO Box 10 094, Wellington 6143;
  - (C) if you are based in the EEA, Switzerland or the UK, the Information Commissioner's Office, which can be contacted at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF; or
  - (D) if you are based outside of the areas reference above, the local privacy regulator or privacy commissioner in your location.

### 14. CONTACT INFORMATION

Our Data Protection Officer may be contacted at:

Attention: The Data Protection Officer

Mail: ADR Technology Pty Ltd  
First Floor, 35 Richardson Street  
West Perth, WA 6005

Email: [privacy@immediation.com](mailto:privacy@immediation.com)

## SPECIFIC PRIVACY INFORMATION FOR AUSTRALIA

If you are in Australia, the following additional information is relevant to how we handle your Personal Information.

### 15. EMPLOYEE RECORDS

In accordance with the *Privacy Act 1988 (Cth)*, this Privacy Notice does not apply to our acts and practices directly related to a current or former employment relationship between us and an employee, and an employee record held by us relating to the employee.

## SPECIFIC PRIVACY INFORMATION FOR NEW ZEALAND

If you are in New Zealand, the following additional information is relevant to how we handle your Personal Information.



## 16. YOUR RIGHTS IN RELATION TO THE PERSONAL DATA WE COLLECT

If you wish to update, modify or obtain a copy of the Personal Information that we hold on you, you can request this by emailing us at the address set out in paragraph 14 above. We endeavour to respond to such requests within 20 working days or less, although we reserve the right to extend this period for complex requests.

## 17. STORAGE OR DISCLOSURES OUTSIDE OF NEW ZEALAND

Your information will be collected by: ADR Technology Pty Ltd, First Floor, 35 Richardson Street, West Perth, WA 6005

- (a) Your Personal Information may be disclosed, accessible from, and/or stored at, a destination outside of New Zealand, in which privacy and data protection laws may not provide comparable safeguards to those in the *Privacy Act 2020 (NZ Privacy Act)*.
- (b) Where your Personal Information is disclosed outside of New Zealand, we will ensure that your personal information is protected in a way that overall, provides comparable safeguards to those in the NZ Privacy Act, usually by entering into contractual arrangements with the recipient of your Personal Information.

## SPECIFIC PRIVACY INFORMATION FOR EEA, SWITZERLAND AND UK

If you are in the EEA, Switzerland or the UK, the following additional information is relevant to how we handle your Personal Information.

## 18. FAIR AND LAWFUL PROCESSING

- (a) Under applicable EU and UK data protection laws we are required to have a "lawful basis" to collect and use your information. We will only process your Personal Information, where we are able to rely upon the following lawful bases:
  - (i) you have given your consent to such processing (which you may withdraw at any time, as detailed at paragraph 19 below);
  - (ii) the processing is necessary to perform our contract with you to enable you to use the Service and receive our other services;
  - (iii) the processing is necessary for compliance with our legal obligations; and/or
  - (iv) the processing is necessary for our legitimate interests or those of any third party recipients that receive your personal data (as detailed in paragraphs 3 and 5 above).
- (b) If you have consented to our use of your Personal Information about you for a specific purpose, you have the right to change your mind and withdraw your consent at any time, but this will not affect any processing that has already taken place. Where we are using your Personal Information because we or a third party (such as your employer) have a legitimate interest to do so, you have the right to object to that use; however, this may mean you can no longer use the Service or our other services.





## 19. YOUR RIGHTS IN RELATION TO THE PERSONAL DATA WE COLLECT

- (a) Under applicable EU and UK data protection laws, you may have certain legal rights in respect of your Personal Information, such rights include:
- (i) **To request access to your Personal Information.** This is commonly known as a 'data subject access request'. This enables you to receive a copy of the Personal Information we hold about you and to check that we are lawfully processing it.
  - (ii) **To request correction of your Personal Information.** This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
  - (iii) **To request erasure of your Personal Information.** This enables you to ask us to delete or remove Personal Information where there is no good reason for us continuing to process it.
  - (iv) **To object to processing of your Personal Information.** This applies where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your individual rights and freedoms. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
  - (v) **To request restriction of processing of your Personal Information.** This enables you to ask us to suspend the processing of your Personal Information in the following scenarios: (A) if you want us to establish the data's accuracy; (B) where our use of the data is unlawful but you do not want us to erase it; (C) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; (D) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
  - (vi) **To request the transfer of your Personal Information to you or to a third party.** We will provide to you, or a third party you have chosen, your Personal Information in a structured, commonly used, machine-readable format (if feasible). Note that this right only applies to automated information which you initially provided consent for us to use or where you provided the information to us to perform a contract with you.
  - (vii) **To request that we cease or not begin processing your Personal Information for direct marketing purposes.** Where we are processing your Personal Information for direct marketing purposes, you have the right to notify us in writing requesting that we cease or do not begin processing your personal data for direct marketing purposes.
  - (viii) **To object to a decision made about you based solely on automated processing.** This applies if the decision is made solely by automated means (without human involvement). You will be notified when decisions are made solely on an automated basis.



- (ix) **To withdraw consent at any time where we are relying on consent to process your Personal Information.** If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you would like to exercise any of your information rights, please email us at: [privacy@immediation.com](mailto:privacy@immediation.com).

- (b) In any of the situations listed above, we may request that you prove your identity by providing us with a copy of a valid means of identification in order for us to comply with our security obligations and to prevent unauthorised disclosure of data.
- (c) We reserve the right to charge you a reasonable administrative fee for any manifestly unfounded or excessive requests concerning your access to your Personal Information, and for any additional copies of the Personal Information you request from us.
- (d) You are entitled to lodge a complaint with our data protection regulator if you consider that we have breached your data protection rights.

## 20. **STORAGE OF DATA AND OVERSEAS DISCLOSURE OUTSIDE OF THE UK, EEA AND SWITZERLAND**

The Personal Information we collect from you may be transferred to (including accessed in or stored in) a country or territory outside the UK, the EEA and Switzerland including to countries whose laws may not offer the same level of protection of personal data as are enjoyed within the EEA, the UK and Switzerland.

Regardless of the location of our processing, we will impose the same data protection safeguards that we deploy inside the EEA, the UK and Switzerland and implement appropriate measures as required by applicable data protection laws to ensure that your Personal Information is protected.

Where a third party service provider processes the Personal Information of EEA, Swiss or UK residents on our behalf, we will ensure that appropriate measures are in place to ensure an adequate level of protection for your Personal Information, including EU standard contractual clauses in our agreements with such third party service providers and other contractual and technical measures.

For further information about the measures we rely on, please contact [privacy@immediation.com](mailto:privacy@immediation.com).

## **SPECIFIC PRIVACY INFORMATION FOR CALIFORNIA**

**For California residents only:** If you are a resident of California, the following additional information is relevant to how we handle your Personal Information.

This portion of our Privacy Notice advises California residents of rights provided in the *California Consumer Privacy Act* (the **CCPA**) and how California residents may exercise those rights. The CCPA currently exempts personal information reflecting a written or verbal business-to-business communication (**B2B Personal Information**) from certain of the law's requirements, and also currently exempts Personal Information collected and used about a natural person acting as a business's employee or contractor (**Personnel Information**). The rights described below may not apply to B2B Personal Information or Personnel Information.



If you are a California resident, you may request certain information from or certain action by us, such as exercising the access and deletion rights described below, or you may authorise an agent to make such a request on your behalf. We will seek to verify your identity and your agent's authority when we receive an individual rights request from you or on your behalf to ensure the security of your Personal Information, and may need to collect additional Personal Information to do so.

Please direct any such rights requests (as further described below) or additional questions that you may have regarding this Privacy Notice to: [privacy@immediation.com](mailto:privacy@immediation.com).

## 21. YOUR RIGHTS UNDER THE CCPA

- (a) Under the CCPA and other Californian privacy requirements, California residents may have the following rights:
- (i) **Right to Know** – you may request that we disclose to you details about how we have collected, used, shared and sold your Personal Information in the 12 month period preceding your request, including:
- (E) the specific pieces of Personal Information we have collected about you;
  - (F) the categories of Personal Information we have collected about you;
  - (G) the categories of sources of the Personal Information;
  - (H) the categories of Personal Information that we have disclosed to third parties for a business purpose, and the categories of recipients to whom this information was disclosed;
  - (I) the categories of Personal Information we have sold about you (if any), and the categories of third parties to whom the information was sold; and
  - (J) the business or commercial purposes for collecting or, if applicable, selling the Personal Information;
- (ii) **Right to Delete** – California residents have the right to request the deletion of their Personal Information, but some or all of such Personal Information may need to be retained, as required or permitted by applicable law, such as if the requested information is necessary to:
- (A) complete your transaction;
  - (B) provide you with a good or service;
  - (C) perform a contract between us and you;
  - (D) protect your security and prosecute those responsible for breaching it;
  - (E) fix our Services in the case of a bug;
  - (F) protect the free speech rights of you or other users;



- (G) comply with the *California Electronic Communications Privacy Act* (Cal. Penal Code § 1546 et seq.);
  - (H) engage in public or peer-reviewed scientific, historical, or statistical research in the public interests that adheres to all other applicable ethics and privacy laws;
  - (I) comply with a legal obligation; or
  - (J) make other internal and lawful uses of the information that are compatible with the context in which you provided it;
- (iii) **Right to Opt-Out of Sale** – If a business sells Personal Information, you have a right to opt-out of that sale. We do not, and do not intend to, sell the Personal Information of California residents and, furthermore, do not have actual knowledge that we sell the personal information of consumers under 16 years old; and
- (iv) **Right to Non-Discrimination** – we will not, and are not permitted under the CCPA to, discriminate against you for exercising any of your CCPA rights, such as the access and deletion rights described above.
- (b) **Under California's "Shine the Light" law**, you have a right to know how your information is disclosed to third parties for their direct marketing purposes under California's "Shine the Light" law (Cal. Civ. Code §1798.83).
- (c) To exercise your rights, please contact us by emailing us at the address set out in paragraph 14 above. We will respond to your request within 45 calendar days, unless we notify you that we require a longer period (up to 90 calendar days) to respond to your request.