

## PRIVACY POLICY FOR WEBSITE

***www.somdaily.co***

Effective Date: 16/12/2021

This privacy policy (hereinafter "Privacy Policy") deals with the protection of Your privacy while You use Our website which is hereinafter referred to as "the Product" and which is located at: [www.somdaily.co](http://www.somdaily.co)

The Product is owned and operated by: State Of Mind Daily Pty Ltd T/A SOMDAILY

We are committed to the protection of Your privacy while You use the Product.

This Privacy Policy only applies to the Product. The Product may contain links to other websites or applications, but if that is the case, the Privacy Policy does not apply to any of those linked websites or applications.

We gather certain information from users of the Product, so this Privacy Policy explains what information we collect, how we use it, and your rights in relation to it.

By continuing to use the Product You acknowledge that You have had the chance to review and consider this Privacy Policy, and You acknowledge that You agree to it. This means that You also consent to the use of Your information and the method of disclosure as described in this Privacy Policy. If You do not understand the Privacy Policy or do not agree to it then please do not use the Product.

### 1. DEFINITIONS

*"Company IP"* includes, but is not limited to, the contents, layout, design, colours, appearance, graphics and imagery of the Website, Content and Materials as well as all copyrights, trademarks, trade secrets, patents and other intellectual property contained in the Product, Content and Materials.

*"Content"* means any content, writing, images, audiovisual content or other information published on the Product.

*"Effective Date"* means the date that this Privacy Policy comes into force.

*"Items"* means any and all of the Product, Services, Content and Materials collectively.

*"Materials"* means any materials, information or documentation that We may provide to You in connection with Your use of the Services or Product including documentation, data, information developed by Us or owned by Us, and other materials which may assist in Your use of the Services or Product.

*"Parties"* means both You (the user of the Product) and Us (the owner of the Product) collectively.

*"Personal Information"* means information that we obtain from You in connection with Your use of the Product.

*"Privacy Policy"* means this privacy policy.

*"Product"* means the website including all pages, all sub pages, all blogs, all forums, all other connected pages and all other connected internet content whatsoever, the home page or main page of which is located at: [www.somdaily.co](http://www.somdaily.co)

*"Services"* means any or all services provided by or on the Product.

*"Third Party Links"* means links or references to websites other than the Website, to content other than the Content or to materials other than the Materials, none of which are controlled by Us.

*"Third Party Service Provider"* means a third party, separate from Us or Our company but which provides services that assist Us in serving You. This may include but is not restricted to web hosting, IT services, security services, payment processing, deliveries, customer service, order fulfilment or other services.

*"Us", "We", "Our" or "the Owner"* refers to State Of Mind Daily Pty Ltd T/A SOMDAILY

*"Us", "We", "Our" or "the Owner"* also includes any employees, affiliates, agents or other representatives of State Of Mind Daily Pty Ltd T/A SOMDAILY

*"You" or "Your"* refers to the user of the Website.

*"Your Content"* means any Content posted to or added to the Website, Content or Materials by You or by somebody authorised by You or doing so on Your behalf.

## **2. INTERPRETATION**

a. In this Privacy Policy, unless the context otherwise requires, the following rules of interpretation shall apply:

I. Words referring to one gender include every other gender.

II. Words referring to a singular number include the plural, and words referring to a plural include the singular.

III. Words referring to a person or persons include companies, firms, corporations, organisations and vice versa.

IV. Headings and titles are included in this Privacy Policy for convenience

only and shall not affect the interpretation of this Privacy Policy.

V. Each Party must, at its own expense, take all reasonable steps and do all that is reasonably necessary to give full effect to this Privacy Policy and the events contemplated by it.

VI. Any obligation on a Party not to do something includes an obligation not to allow that thing to be done.

### **3. TYPE OF INFORMATION AND HOW IT IS COLLECTED**

a. When You use the Product, We may collect information from You through automatic tracking systems (such as information about your browsing preferences).

b. In addition, We may collect information that You volunteer to Us (such as information that You provide during a sign up process or at other times while using the Product).

c. In order to access some specific features of the Product, You are required to provide some Personal Information. During this process, We collect some of Your Personal Information, in the following manner:

I. We will not collect information that identifies You personally, except when You specifically volunteer that information to Us when using specific Product features. These specific Product features might include, but are not limited to:

A. making purchases

B. receiving notifications by text message or email about events and promotions

C. receiving general emails from Us

D. commenting on Our content such as blogs, articles, photographs or videos, or participating in Our forums, bulletin boards, chat rooms or other similar features

E. Our chatbot app

II. In addition to any Personal Information that You are required to provide in order to access these additional Product features, in some cases You may be required to provide more specific information. For example, in order to make purchases, You may need to provide credit card information, billing information and postal addresses.

d. From time to time We may request information from You to assist Us in improving Our Product, Services, Content or Materials. For example, We may

ask You to answer some questions about Your demographics, Your shopping preferences, or Your other preferences in relation to the Product.

e. In addition to collecting the Personal Information as already described in this clause, we may also collect the following Personal Information:

- Name
- Gender
- Age Bracket
- Location (suburb/state/Country)
- Marital Status/Children
- Employment status
- Email
- Mobile Number
- Mood/Emotion
- Activity/Event relating to that emotion

#### **4. COOKIES**

a. Cookies are small files stored on Your computer or mobile device which collect information about Your browsing behaviour.

b. Cookies do not access information which is stored on Your computer.

c. Cookies enable us to tailor our configurations to Your needs and preferences, in order to improve Your user experience.

d. Most internet browsers accept cookies automatically, although You are able to change Your browser settings to control cookies, including whether or not You accept them, and how to remove them. You may also be able to set Your browser to advise You if You receive a cookie, or to block or delete cookies. However, if You do this, You may be prevented from taking full advantage of the Product.

e. Third parties who advertise on the Product may use cookies in order to learn about Your browsing preferences and to present relevant advertisements to You. Cookies enable these advertisers to recognise Your computer each time You are sent an advertisement. It allows them to compile information about where You saw their advertisement, and to better target their advertisements. You may notice these targeted advertisements on the Product or on other websites that You visit. We do not control the cookies that may be used by these third party advertisers. This Privacy Policy only addresses Our use of cookies and does not address the use of cookies by any of these third party advertisers. For information about the use of cookies by these third party advertisers you will need to consult their privacy policies or cookies policies respectively.

## 5. HOW YOUR INFORMATION IS STORED

a. Please note that no systems involving the transmission of information via the internet, or the electronic storage of data, are completely secure. However, we take the protection and storage of Your Personal Information very seriously. We take all reasonable steps to protect Your Personal Information.

b. We use appropriate physical, digital, managerial and security systems to store Your Personal Information and to protect it against unauthorised access, destruction or disclosure. These systems include but are not limited to:

strict vetting of management staff before granting (only necessary) access to users personal information, regular audits of staff and departments that handle user information.

## 6. THIRD PARTIES

a. We may provide some of Your Personal Information from time to time to Third Party Service Providers so that they can help us to serve You via the Product. In particular, We may use Third Party Service Providers to assist with information storage (such as cloud storage).

b. We may provide some of Your Personal Information to Third Party Service Providers for the purpose of analysing data or tracking usage. For example, We may use these services to find out where page requests come from, dates and times of page requests, details of any website that referred You to the Product and other details about Your usage of the Product. This information enables Us to understand patterns of usage of the Product, and to improve the Product.

c. We may use Third Party Service Providers to host the Product. If this occurs, that Third Party Service Provider is likely to have access to some of Your Personal Information.

d. We may use Third Party Service Providers to fulfil orders in relation to the Product.

e. We may allow third parties to advertise on the Product. These third parties may use cookies in connection with their advertisements (see the "Cookies" clause in this Privacy Policy).

f. For Your information, some of Our Third Party Service Providers may be located outside Australia and may not be subject to Australian privacy laws. The countries or regions in which our Third Party Service Providers may be located include:

Africa, Asia, Central America, Eastern Europe, European Union, Middle East, North America. Oceania, South America and the Caribbean- This

information can be shared only, if you are located in that region.

g. In some circumstances, We may share some or all of Your Personal Information with other third parties in accordance with the following policy:

If you are under 18 years old, your mental wellbeing and related information may be shared with your parents, your legal guardian, or another adult who has been approved in writing by your parent, your legal guardian or a court.

h. Notwithstanding the other provisions of this Privacy Policy, We may provide Your Personal Information to a third party or to third parties in order to protect the rights, property or safety, of Us, Our customers or third parties, or as otherwise required by law.

i. We may also share Your Personal Information with the following third parties:

Charities, other mental health services/websites/mobile apps, Mental Health Research institutions, other research institutions that benefit the wellbeing of our users.

j. We will not knowingly share Your Personal Information with any third parties other than in accordance with this Privacy Policy.

k. If Your Personal Information might be provided to a third party in a manner which is other than as explained in this Privacy Policy, You will be notified. You will also have the opportunity to request Us not to share that information.

## **7. COMBINING INFORMATION**

a. We may combine, link or aggregate some of Your information in order to obtain a better understanding of Your requirements. This may enable Us to better design the Product and may also assist with Our business or administration requirements.

b. We may also share aggregated information with third parties but only if that aggregated information does not contain any information that identifies You personally.

## **8. HOW YOUR INFORMATION IS USED**

a. We use Your Personal Information to help us improve your experience with Our Product. We may use Your Personal Information for purposes including but not limited to:

I. order fulfilment.

II. providing customer service to You.

III. marketing and advertising to You including both direct and indirect marketing and advertising and including marketing and advertising about products that may interest You based on Your personal preferences or demographics.

IV. advising You about updates to the Product or related Items.

V. market research; product development.

VI. notifying Your nominated family and friends to 'reach out' to You when You have logged 3 or more days of high or low mood. No other personal information will be shared with them.

## **9. MERGER, RESTRUCTURE OR SALE OF OUR BUSINESS**

a. Part or all of Our business may be merged, restructured or sold including but not limited to through an ordinary sale of business or of stock, a corporate reorganisation, a change in control, bankruptcy or insolvency proceedings.

b. In the event that such a merger, restructure or sale occurs as described in the preceding sub-clause hereof, We may transfer Your Personal Information, including personally identifiable information, as part of that merger, restructure or sale.

## **10. INFORMATION YOU RELEASE**

You acknowledge and agree that if You publish or submit Personal Information in publicly accessible sections of the Product (such as forums, bulletin boards, chat rooms, or other similar sections), then You are solely responsible for the release of that Personal Information and We are not liable or responsible in relation to the release of that Personal Information.

## **11. EMAIL OPT IN/OUT**

If You receive an email from Us in relation to the Product and would prefer not to receive such correspondence in the future, You may follow the instructions in the

email to opt out of future correspondence. You may also contact Us, using the details at the bottom of this Privacy Policy, in order to opt out of future correspondence. We will make all reasonable efforts to promptly comply with Your requests. However, You may receive subsequent correspondence from Us while Your request is being handled.

## **12. ACCESSING, UPDATING AND CORRECTING YOUR PERSONAL INFORMATION**

- a. You have the right to request access to any of Your Personal Information which We are holding.
- b. You have the right to request that any of Your Personal Information which We are holding be updated or corrected.
- c. In order to request access, an update or a correction to Your Personal Information, you may contact us using the details at the end of this Privacy Policy.

## **13. DISCLAIMER REGARDING SECURITY**

By continuing to use the Product, You agree to the terms of this Privacy Policy. You acknowledge, agree and accept that no transmission of information or data via the internet is completely secure. You acknowledge, agree and accept that We do not guarantee or warrant the security of any information that You provide to Us, and that You transmit such information at Your own risk.

## **14. CHANGES TO THIS POLICY**

- a. We may make changes to this Privacy Policy at any time in Our sole discretion.
- b. If We make changes to this Privacy Policy, unless We obtain Your express consent to those changes, then such changes will only apply to any information that We obtain from You after the date that the changes take effect.
- c. If We make changes to this Privacy Policy, Your continued use of the Product after the date that the changes take effect confirms that You acknowledge, accept and agree to those changes.

## **15. COMPLAINTS**

- a. We take customer satisfaction very seriously. If You have a complaint in relation to Our handling of Your Personal Information, We will endeavour to handle it promptly and fairly. For Your information, an overview of Our complaints handling procedure is as follows:



I. Complaints are reviewed within 7 days. After that period, we may contact You to request further information. If We accept fault then We will propose a resolution. In any case, we aim to provide a response within 21 days.

II. If You have a complaint in relation to Our handling of Your Personal Information, You should use the following procedure to lodge Your complaint with Us:

Email us at [team@somdaily.co](mailto:team@somdaily.co).

In the subject line please write: complaint.

Then in the body, describe the nature of your complaint, people or parties involved, any consequences that have occurred, and what you believe should be done to rectify the issue.

III. If You are not satisfied with Our response to Your complaint, You may refer your complaint to the relevant external dispute resolution organisation in Your area.

## **16. CONTACT US**

You can contact Us about this Privacy Policy using the following details:

E: [team@somdaily.co](mailto:team@somdaily.co)