

## WAFFLE CONE PTY LTD – PRIVACY POLICY

Waffle Cone Pty Ltd (ABN 53 637 506 097) (**we, us or our**), understands that protecting your personal information is important. This Privacy Policy sets out our commitment to protecting the privacy of personal information provided to us, or otherwise collected by us when providing our mobile application and website (**Services**) or when otherwise interacting with you.

This Privacy Policy takes into account the requirements of the *Privacy Act 1988* (Cth) and the Australian Privacy Principles. In addition to the Australian laws, individuals located in the European Union or European Economic Area (**EU**) may also have rights under the General Data Protection Regulation 2016/679 and individuals located in the United Kingdom (**UK**) may have rights under the General Data Protection Regulation (EU) 2016/679 (UK GDPR) and the Data Protection Act 2018 (DPA 2018) (together, the **GDPR**). Appendix 1 outlines the details of the additional rights of individuals located in the EU and UK as well as information on how we process the personal information of individuals located in the EU and UK.

### The information we collect

**Personal information:** is information or an opinion, whether true or not and whether recorded in a material form or not, about an individual who is identified or reasonably identifiable.

The types of personal information we may collect about you include:

- **Identity Data** including first name, last name, and date of birth.
- **Contact Data** including email address.
- **Financial Data** including bank account and payment card details (through the relevant third party payment processor, App Store or Google Play Store).
- **Transaction Data** including details about payments to you from us and from you to us and other details of products and services you have purchased from us or we have purchased from you.
- **Technical and Usage Data** including internet protocol (IP) address, your app access data, device and network information, information about your access and use of our website, including through the use of Internet cookies, your communications with our website, the type of browser you are using, the type of operating system you are using and the domain name of your Internet service provider.
- **Profile Data** purchases or orders you have made with us, support requests you have made, content you post, send receive and share through our platform.
- **Interaction Data** including information you provide to us when you participate in any interactive features of our Services, including surveys, contests, promotions, activities or events.
- **Marketing and Communications Data** including your preferences in receiving marketing from us and our third parties and your communication preferences.
- **Professional data** including where you are a worker of ours or applying for a role with us, your professional history such as your previous positions and professional experience.

We do not actively request sensitive information about you. If at any time we need to collect sensitive information about you, unless otherwise permitted by law, we will first obtain your consent and we will only use it as required or authorised by law.

### How we collect personal information

We collect personal information in a variety of ways, including:

- **Directly:** We collect personal information which you directly provide to us, including when you request our assistance via email, or over the telephone.
- **Indirectly:** We may collect personal information which you indirectly provide to us while interacting with us, such as when you use our website or mobile application, in emails, over the telephone and in your online enquiries.

- **From third parties:** We collect personal information from third parties, such as details of your use of our website and mobile application from our analytics and cookie providers and marketing providers. See the “Cookies” section below for more detail on the use of cookies.

### Why we collect, hold, use and disclose personal information

We have set out below, in a table format, a description of the purposes for which we plan to collect, hold, use and disclose your personal information.

Purpose of use / disclosure	Type of Personal Information
To enable you to access and use our mobile application.	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> </ul>
To contact and communicate with you about our Services including in response to any support requests you lodge with us or other enquiries you make with us.	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Profile Data</li> </ul>
To contact and communicate with you about any enquiries you make with us via our website.	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> </ul>
For internal record keeping, administrative, invoicing and billing purposes.	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Financial Data</li> <li>• Transaction Data</li> </ul>
For analytics including profiling on our website, market research and business development, including to operate and improve our Services, associated applications and associated social media platforms.	<ul style="list-style-type: none"> <li>• Profile Data</li> <li>• Technical and Usage Data</li> </ul>
For advertising and marketing, including to send you promotional information about our events and experiences and information that we consider may be of interest to you.	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Technical and Usage Data</li> <li>• Profile Data</li> <li>• Marketing and Communications Data</li> </ul>
To run promotions, competitions and/or offer additional benefits to you.	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Profile Data</li> <li>• Interaction Data</li> <li>• Marketing and Communications Data</li> </ul>
If you have applied for employment with us; to consider your employment application.	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Professional Data</li> </ul>
To comply with our legal obligations or if otherwise required or authorised by law.	<ul style="list-style-type: none"> <li>• Any relevant Personal Information</li> </ul>

### Our disclosures of personal information to third parties

We may disclose personal information to:

- our employees, contractors and/or related entities;

- IT service providers, data storage, web-hosting and server providers such as Wix.com, Unity Ads and UGS Analytics;
- marketing or advertising providers;
- professional advisors, bankers, auditors, our insurers and insurance brokers;
- payment systems operators such as Apple App Store and Google Play Store;
- our existing or potential agents or business partners;
- sponsors or promoters of any promotions or competition we run;
- anyone to whom our business or assets (or any part of them) are, or may (in good faith) be, transferred;
- courts, tribunals and regulatory authorities, in the event you fail to pay for goods or services we have provided to you;
- courts, tribunals, regulatory authorities and law enforcement officers, as required or authorised by law, in connection with any actual or prospective legal proceedings, or in order to establish, exercise or defend our legal rights;
- third parties to collect and process data; and
- any other third parties as required or permitted by law, such as where we receive a subpoena.

### Overseas disclosure

While we store personal information in Australia, where we disclose your personal information to the third parties listed above, these third parties may store, transfer or access personal information outside of Australia. We will only disclose your personal information overseas in accordance with the Australian Privacy Principles.

### Your rights and controlling your personal information

**Your choice:** Please read this Privacy Policy carefully. If you provide personal information to us, you understand we will collect, hold, use and disclose your personal information in accordance with this Privacy Policy. You do not have to provide personal information to us, however, if you do not, it may affect our ability to provide our Services to you and your use of our Services.

**Information from third parties:** If we receive personal information about you from a third party, we will protect it as set out in this Privacy Policy. If you are a third party providing personal information about somebody else, you represent and warrant that you have such person's consent to provide the personal information to us.

**Anonymity:** Where practicable we will give you the option of not identifying yourself or using a pseudonym in your dealings with us.

**Restrict and unsubscribe:** To object to processing for direct marketing/unsubscribe from our email database or opt-out of communications (including marketing communications), please contact us using the details below or opt-out using the opt-out facilities provided in the communication.

**Access:** You may request access to the personal information that we hold about you. An administrative fee may be payable for the provision of such information. Please note, in some situations, we may be legally permitted to withhold access to your personal information. If we cannot provide access to your information, we will advise you as soon as reasonably possible and provide you with the reasons for our refusal and any mechanism available to complain about the refusal. If we can provide access to your information in another form that still meets your needs, then we will take reasonable steps to give you such access.

**Correction:** If you believe that any information we hold about you is inaccurate, out of date, incomplete, irrelevant or misleading, please contact us using the details below. We will take reasonable steps to promptly correct any information found to be inaccurate, out of date, incomplete, irrelevant or misleading. Please note, in some situations, we may be legally permitted to not correct your personal information. If we cannot correct your information, we will advise you as soon as reasonably possible and provide you with the reasons for our refusal and any mechanism available to complain about the refusal.

**Complaints:** If you wish to make a complaint, please contact us using the details below and provide us with full details of the complaint. We will promptly investigate your complaint and respond to you, in writing, setting out the outcome of our investigation and the steps we will take in response to your complaint.

## Storage and security

We are committed to ensuring that the personal information we collect is secure. In order to prevent unauthorised access or disclosure, we have put in place suitable physical, electronic and managerial procedures, to safeguard and secure personal information and protect it from misuse, interference, loss and unauthorised access, modification and disclosure.

While we are committed to security, we cannot guarantee the security of any information that is transmitted to or by us over the Internet. The transmission and exchange of information is carried out at your own risk.

## Cookies

We may use cookies on our website from time to time. Cookies are text files placed in your computer's browser to store your preferences. Cookies, by themselves, do not tell us your email address or other personally identifiable information. However, they do recognise you when you return to our online website and allow third parties, such as Google and Facebook, to cause our advertisements to appear on your social media and online media feeds as part of our retargeting campaigns. If and when you choose to provide our online website with personal information, this information may be linked to the data stored in the cookie.

You can block cookies by activating the setting on your browser that allows you to refuse the setting of all or some cookies. However, if you use your browser settings to block all cookies (including essential cookies) you may not be able to access all or parts of our website.

We use the following cookies:

- **Strictly necessary cookies.** These are cookies that are required for the operation of our online Services. They include, for example, cookies that enable you to log into secure areas of our online Services, use a shopping cart or make use of online payment services.
- **Analytical/performance cookies.** These are cookies that allow us to recognise and count the number of visitors to our online Services and to see how visitors move around our online Services when they are using them. This helps us to improve the way our online Services work, for example, by ensuring that users find what they are looking for easily.
- **Functionality cookies.** These are used to recognise you when you return to our online Services. These cookies enable us to personalise our content for you and remember your preferences (for example, your choice of language or region).
- **Targeting and advertising cookies.** These cookies record your visit to our website, the pages you have visited and the links you have followed. We will use this information to make our website and the advertising displayed on it more relevant to your interests. We may also share this information with third parties for this purpose.

You can find more information about the individual cookies we use, their category, and the purposes for which we use them in the table below:

Cookie	Category	Purpose
Currency	Functionality	This cookie stores the currency used for the online Services ([insert currency])
Language	Functionality	This cookie stores the language used for the online Services ([insert languages])
PHPSESSIONID	Analytical/ performance	This cookie contains a unique ID to support functions (for example, last viewed pages) to improve user experience
newsbcsb	Functionality	This cookie is stored once the user has completed or closed the Register Pop Up, preventing it from re-appearing until after 7 days

TLSCookiesEU	Strictly necessary	This cookie tracks when a user has accepted that the online Services use cookies preventing the popup from being displayed again during that session
_ga / _gid / _gat	Analytical/ performance	These cookies are used by our Google Analytics account to track customer traffic through the website to help us understand how our website is being used by our users
XSRF-TOKEN	Strictly necessary	Used for security reasons
Hs	Strictly necessary	Used for security reasons
svSession	Strictly necessary	Used in connection with user login
SSR-caching	Strictly necessary	Used to indicate the system from which the site was rendered
_wix_browser_sess	Strictly necessary	Used for system monitoring/debugging
_wixCIDX	Strictly necessary	Used for system monitoring/debugging
Consent-policy	Strictly necessary	Used for cookie banner parameters
smSession	Strictly necessary	Used to identify logged in site members
TS*	Strictly necessary	Used for security and anti fraud reasons
bSession	Strictly necessary	Used for system effectiveness measurement
fedops.logger.X	Strictly necessary	Used for stability/effectiveness measurement
wixLanguage	Functionality	Used to save user language preference

You can block cookies by activating the setting on your browser that allows you to refuse the setting of all or some cookies. However, if you use your browser settings to block all cookies (including strictly necessary cookies) you may not be able to access all or parts of our online Services.

### Links to other websites

Our website may contain links to other party's websites. We do not have any control over those websites and we are not responsible for the protection and privacy of any personal information which you provide whilst visiting those websites. Those websites are not governed by this Privacy Policy.

### Amendments

We may, at any time and at our discretion, vary this Privacy Policy by publishing the amended Privacy Policy on our website. We recommend you check our website regularly to ensure you are aware of our current Privacy Policy.

**For any questions or notices, please contact us at:**

Waffle Cone Pty Ltd (ABN 53 637 506 097)

Email: [info@waffleconegames.com](mailto:info@waffleconegames.com)

**Last update:** 13 January 2023

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## APPENDIX 1: ADDITIONAL RIGHTS AND INFORMATION FOR INDIVIDUALS LOCATED IN THE EU OR UK

Under the GDPR individuals located in the EU and the UK have extra rights which apply to their personal information. Personal information under the GDPR is often referred to as personal data and is defined as information relating to an identified or identifiable natural person (individual). This Appendix 1 sets out the additional rights we give to individuals located in the EU and UK, as well as information on how we process the personal information of individuals located in the EU and UK. Please read the Privacy Policy above and this Appendix carefully and contact us at the details at the end of the Privacy Policy above if you have any questions.

### What personal information is relevant?

This Appendix applies to the personal information set out in the Privacy Policy above. This includes any Sensitive Information also listed in the Privacy Policy above which is known as 'special categories of data' under the GDPR.

### Purposes and legal bases for processing

We collect and process personal information about you only where we have legal bases for doing so under applicable laws. We have set out below, in a table format, a description of all the ways we plan to use your personal information, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate. Note that we may process your personal information for more than one lawful ground depending on the specific purpose for which we are using your data. Please reach out to us if you need further details about the specific legal ground, we are relying on to process your personal information where more than one ground has been set out in the table below.

Purpose of use / disclosure	Type of Data	Legal Basis for processing
To enable you to access and use our mobile application.	<ul style="list-style-type: none"> <li>Identity Data</li> <li>Contact Data</li> </ul>	<ul style="list-style-type: none"> <li>Performance of a contract with you.</li> </ul>
To contact and communicate with you about our Services including in response to any support requests you lodge with us or other enquiries you make with us.	<ul style="list-style-type: none"> <li>Identity Data</li> <li>Contact Data</li> <li>Profile Data</li> </ul>	<ul style="list-style-type: none"> <li>Performance of a contract with you.</li> </ul>
To contact and communicate with you about any enquiries you make with us via our website.	<ul style="list-style-type: none"> <li>Identity Data</li> <li>Contact Data</li> </ul>	<ul style="list-style-type: none"> <li>Legitimate interests: to ensure we provide the best client experience we can offer by answering all of your questions.</li> </ul>
For internal record keeping, administrative, invoicing and billing purposes.	<ul style="list-style-type: none"> <li>Identity Data</li> <li>Contact Data</li> <li>Financial Data</li> <li>Transaction Data</li> </ul>	<ul style="list-style-type: none"> <li>Performance of a contract with you.</li> <li>To comply with a legal obligation.</li> <li>Legitimate interests: to recover debts due to us and ensure we can notify you about changes to our terms and conditions and any other administrative points.</li> </ul>
For analytics including profiling on our website, market research and business development, including to operate and improve our Services, associated applications and associated social media platforms.	<ul style="list-style-type: none"> <li>Profile Data</li> <li>Technical and Usage Data</li> </ul>	<ul style="list-style-type: none"> <li>Legitimate interests: to keep our website updated and relevant, to develop our business, improve our Services and to inform our marketing strategy.</li> </ul>

For advertising and marketing, including to send you promotional information about our events and experiences and information that we consider may be of interest to you.	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Technical and Usage Data</li> <li>• Profile Data</li> <li>• Marketing and Communications Data</li> </ul>	<ul style="list-style-type: none"> <li>• Legitimate interests: to develop our Services and grow our business.</li> </ul>
To run promotions, competitions and/or offer additional benefits to you.	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Profile Data</li> <li>• Interaction Data</li> <li>• Marketing and Communications Data</li> </ul>	<ul style="list-style-type: none"> <li>• Legitimate interests: to facilitate engagement with our business and grow our business.</li> </ul>
If you have applied for employment with us; to consider your employment application.	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Professional Data</li> </ul>	<ul style="list-style-type: none"> <li>• Legitimate interests: to consider your employment application.</li> </ul>
To comply with our legal obligations or if otherwise required or authorised by law.		<ul style="list-style-type: none"> <li>• To comply with a legal obligation.</li> </ul>

If you have consented to our use of data about you for a specific purpose, you have the right to change your mind at any time, but this will not affect any processing that has already taken place. Where we are using your data because we or a third party have a legitimate interest to do so, you have the right to object to that use though, in some cases, this may mean no longer using our services. Further information about your rights is available below.

### Data Transfers

The countries to which we send data for the purposes listed above may be less comprehensive than what is offered in the country in which you initially provided the information. Where we transfer your personal information outside of the country where you are based, we will perform those transfers using appropriate safeguards in accordance with the requirements of applicable data protection laws and we will protect the transferred personal information in accordance with this Privacy Policy and Appendix 1. This includes:

- only transferring your personal information to countries that have been deemed by applicable data protection laws to provide an adequate level of protection for personal information; or
- including standard contractual clauses in our agreements with third parties that are overseas.

### Data retention

We will only retain your personal information for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal information for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

To determine the appropriate retention period for personal information, we consider the amount, nature and sensitivity of the personal information, the potential risk of harm from unauthorised use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

### Extra rights for EU and UK individuals

You may request details of the personal information that we hold about you and how we are process it (commonly known as a “data subject request”). You may also have a right in accordance with applicable data protection law to have your personal information rectified or deleted, to restrict our processing of that information, to object to decisions being made based on automated processing where the decision will produce a legal effect or a similarly significant effect on you, to stop unauthorised transfers of your personal information to a third party and, in some circumstances, to have personal information relating to you transferred to you or another organisation.

If you are not happy with how we are processing your personal information, you have the right to make a complaint at any time to the relevant Data Protection Authority based on where you live. We would, however, appreciate the chance to deal with your concerns before you approach the Data Protection Authority, so please contact us in the first instance using the details set out above in our Privacy Policy.

**For any questions or notices, please contact us at:**

Email: [info@waffleconegames.com](mailto:info@waffleconegames.com)