

# Privacy Policy

Effective as of October 3, 2024

## 1. About this privacy policy

- 1.1. The purpose of this privacy policy (**Policy**) is to explain to you in clear terms what personal information Ayla Health collects when you use our website, apps and/or services, how we use that personal information, and what rights you have in relation to it.
- 1.2. When we refer to **Ayla Health**, we mean The Health Eating Group Pty Limited ACN 606 533 662 trading as Ayla Health (also referred to in this Policy as **we**, **our** or **us**).
- 1.3. We are committed to protecting your privacy through compliance with the *Privacy Act 1988* (Cth) (**Privacy Act**), the Australian Privacy Principles (**APPs**), and the *Health Records (Privacy and Access) Act 1997* (ACT) (**HRPA**) to the extent applicable to us.
- 1.4. This Policy uses the definition of personal information provided for in the Privacy Act.
- 1.5. Please read this Policy carefully and contact us if you have questions. By using our website, apps and/or services you represent and promise that you have read, understood and agree to this Policy and our Terms and Conditions available at <https://aylahealth.com.au/terms-conditions/>
- 1.6. If there are any terms in this Policy that you don't agree with, please do not install, access or use our app or services, and you should discontinue use of our website immediately.

## 2. What personal information do we collect and how do we collect it?

### 2.1. Personal information

The personal information we collect will depend on how you interact with us, the services you use, and the choices you make, including the following:

Information collected	How we collect it
<b>If you use or interact with our website:</b>	
<ul style="list-style-type: none"><li>Your name, email address, postal address and phone number</li><li>Information you choose to provide to us in communications we have with you</li><li>Information you choose to provide us about your preferences and opinions about our website and services</li><li>Your device ID, device type and information, geo-location information, Internet Protocol (IP) address, standard web log information browser session data, device and network information, statistics on page views, acquisition sources, search queries, browsing behaviour and</li></ul>	<p>Directly from you when you:</p> <ul style="list-style-type: none"><li>Interact or share personal information with us via our website, platforms and social media</li><li>Engage with our Live Chat;</li><li>Communicate with us</li><li>Book a coaching session with one of our dietitians;</li></ul> <p>Through our third party service providers, marketing companies, referrals who may have introduced you to us, and organistaions with</p>

information gathered through internet cookies	which we have an agreement to share information with for marketing purposes
<b>If you download and/or otherwise use our app:</b>	
<ul style="list-style-type: none"> <li>Your name, email address, postal address and phone number</li> <li>Your age, date of birth, weight, gender, medical conditions or allergies / intolerances, nutritional supplement use, and your nutritional habits and preferences</li> <li>Information you choose to provide to us in communications we have with you</li> <li>Information about your meal preferences and opinions about our app and services</li> <li>Your billing and payment information</li> <li>Your device ID, device type and information, geo-location information, Internet Protocol (IP) address, standard web log information browser session data, device and network information, statistics on page views, acquisition sources, search queries, browsing behaviour and information gathered through internet cookies</li> </ul>	<p>Directly from you when you:</p> <ul style="list-style-type: none"> <li>Download our app and create an Ayla Health account;</li> <li>Engage with our Live Chat;</li> <li>Interact or share personal information with us via our app, website, platforms and social media</li> <li>Communicate with us</li> <li>Book a coaching session with one of our dietitians;</li> </ul> <p>Through our third party service providers, marketing companies, referrals who may have introduced you to us, and organisations with which we have an agreement to share information with for marketing purposes</p>
<b>If you engage our coaching service:</b>	
<ul style="list-style-type: none"> <li>Medical information, including medical history, medications, allergies, adverse events, immunisations, social history, family history, dietary history and risk factors</li> <li>Medicare number (when required) for identification and claiming purpose</li> </ul>	<p>Directly from you when you:</p> <ul style="list-style-type: none"> <li>Make your first coaching appointment</li> <li>During the course of providing coaching services to you</li> <li>Communicate with us</li> </ul> <p>In some circumstances, personal information may also be collected from other sources. Often, this is because it is not practical or reasonable to collect it from you directly. This may include information from:</p> <ul style="list-style-type: none"> <li>Your guardian or responsible person</li> <li>Other involved healthcare providers such as GPs, specialists, other allied health professionals, hospitals, community health services and pathology and diagnostic imaging services</li> <li>Your health fund, Medicare, or the Department of Veterans' Affairs (as necessary)</li> </ul>

## 2.2. Sensitive information

Sensitive information includes information about an individual's health, disability, or racial or ethnic origin. We will only collect, use or disclose your sensitive information if it is reasonably necessary to carry out our functions or activities and we have your consent.

### 2.3. *Health information*

Some personal information we collect may include health information e.g. weight, allergies / intolerances, nutritional supplement use, mental state, sleep and exercise habits, and food intake. We collect health information solely for the purposes of providing dietary advice or meal plans, and/or nutritional coaching. This enables us to assess your needs and safely and appropriately tailor meal plans, suggestions and our services.

## 3. **Why do we collect your personal information and how do we use it?**

- 3.1. We collect your personal information to interact with you, to give you information about our offerings and services, provide you with our services (including our app and coaching services) and otherwise for our legitimate business purposes. We only collect personal information if it is reasonably necessary for us to carry out our functions and activities.
- 3.2. The ways in which we use your personal information include:
  - 3.2.1. to provide and deliver products and services, comprised by our website, app and coaching services, including personalizing our services;
  - 3.2.2. to provide you with information about our products and services, provide customer support and respond to your queries;
  - 3.2.3. to fulfill our legal and ethical obligations under the Dietitians Australia Code of Conduct and the Nutrition Society of Australia code of ethics, respectively (as applicable);
  - 3.2.4. to communicate with you about new services, offers, promotions, upcoming events, and other information about our services and those of our selected partners, and otherwise send you promotional communications (see also section 7, below);
  - 3.2.5. to perform accounting, billing and other administrative and operational functions, including to create backups of business records and improve our internal operations;
  - 3.2.6. to send you information, including confirmations, invoices, technical notices, updates, security alerts, reminders, support, and administrative messages;
  - 3.2.7. to evaluate and improve our products and services, create new products and services, and conduct user research (e.g. request feedback about your use of our services and/or website);
  - 3.2.8. to secure and protect our website and app, detect fraudulent or illegal activity, or enforce our legal rights;
  - 3.2.9. to respond to subpoenas and other legal requests, or otherwise comply with our legal and regulatory obligations; and
  - 3.2.10. for any other purpose for which you give your consent. An example would be if you consent to us posting a testimonial on our website.
- 3.3. We do not sell or trade your personal information to third parties.

- 3.4. We may, for trend analysis or research in connection with our business, anonymize and aggregate information so that it is not associated with any individual and does not include personal information.

#### **4. How do we hold and protect your personal information?**

- 4.1. We hold your personal information in both hard copy and encrypted electronic forms, in databases that we own and operate or that are owned and operated by our service providers.
- 4.2. We take reasonable steps to keep secure and protect any personal information which we hold about you, including by:
  - 4.2.1. engaging ISO 27001-certified third-party service providers to store health information that we collect from you during any coaching services;
  - 4.2.2. securing our physical premises and digital storage media;
  - 4.2.3. placing password protection and access control over our information technology systems and databases to limit access and protect electronic information from unauthorised interference, access, modification and disclosure; and
  - 4.2.4. taking regular back-ups of our electronic systems.
- 4.3. While we take reasonable steps to protect the security of your personal information, data protection, security measures and electronic transmission over the Internet can never be guaranteed to be 100% secure. We therefore cannot guarantee the security of your personal information.
- 4.4. We destroy or anonymise personal information when we no longer need it, unless we are otherwise required or authorised by law to retain it.

#### **5. To whom we disclose your personal information?**

- 5.1. Subject to our professional and ethical obligations, we may disclose your personal information to:
  - 5.1.1. our employees, officers and agents;
  - 5.1.2. certification and accreditation organisations such as Dietitians Australia and the Nutrition Society of Australia;
  - 5.1.3. our professional advisers such as legal advisers and auditors;
  - 5.1.4. our business partners;
  - 5.1.5. governmental or regulatory authorities, and enforcement agencies;
  - 5.1.6. third parties and contractors who provide services to us, including support services, debt-recovery functions, information technology service providers, marketing services;
  - 5.1.7. protect the interests or welfare of our clients or third parties; and
  - 5.1.8. enforce this Policy or any of our terms and conditions with you.
- 5.2. We may also disclose your personal information if we are required, authorised or permitted by law to do so.
- 5.3. Notwithstanding anything else in this Policy, we will not disclose your health information to any third party without your consent, unless required or

authorized by law to do so e.g. for the purpose of finding a missing person, or upon the request of a law enforcement agency, or if we believe, on reasonable grounds, that the disclosure is necessary to prevent or lessen a serious and imminent risk to the life or physical, mental or emotional health of you or someone else.

## **6. Do we disclose your personal information overseas?**

- 6.1. We use reputable third party server providers including our email and website hosts, which may be located overseas and your personal information (excluding health information) may be stored and transmitted overseas as part of the normal operation of our business.
- 6.2. By providing us with your personal information, you consent to us disclosing your personal information to third parties located overseas and acknowledge APP 8.1 does not apply to any such disclosure.
- 6.3. You acknowledge that:
  - 6.3.1. we are not responsible for the privacy practices of third parties located overseas; and
  - 6.3.2. we do not have to ensure third parties located overseas handle your personal information in compliance with the Privacy Act and the APPs.

## **7. What about direct marketing?**

- 7.1. You acknowledge that by providing us with your personal information, we may communicate with you by email, SMS or push notification, to promote our services, to facilitate the carrying out of our services, to connect you to a coach (where you have elected to receive coaching services) and/or to inform you about matters that may be of interest to you including workshops, informational content or features on our website.
- 7.2. You can opt-out from being contacted by us for direct marketing by emailing “unsubscribe” to support@aylahealth.com.au

## **8. What happens if you don't provide us with your personal information?**

You can choose not to provide us with your personal information. If you choose not to provide us with certain types of personal information, we may not be able to provide our services to you or otherwise interact with you.

## **9. How do you access and correct your personal information or make a complaint?**

- 9.1. Contacting us
  - 9.1.1. If you have any queries about this Policy, wish to access or correct the personal information we hold about you, or make a complaint, please contact us in writing at:

*Contact Name:* The Privacy Officer

*Email:* support@aylahealth.com.au

- 9.2. In certain circumstances, we may be unable to give you access to your personal information. If this is the case, we will write to you to explain why we cannot comply with your request, unless it is unreasonable to do so.

- 9.3. While we will try to give you access to your personal information free of charge, we may (depending on the request) charge you a fee. We will inform you of any fees payable in respect of accessing your personal information prior to actioning your request.
- 9.4. All requests for personal information will be handled in a reasonable period of time (no more than 30 calendar days after the request is received).
- 9.5. Correcting your personal information
  - 9.5.1. We try to ensure any personal information we hold about you is accurate, up-to-date, complete and relevant.
  - 9.5.2. If you believe the personal information we hold about you is inaccurate, out-of-date, incomplete or not relevant, please contact us using the details provided above.
- 9.6. Making a complaint
  - 9.6.1. If you believe your privacy has been breached or you have a complaint about our data privacy practices, please contact us using the details provided above.
  - 9.6.2. We take privacy complaints seriously. If you make a complaint, we will endeavour to resolve your complaint within 30 calendar days. When this is not reasonably possible, we will contact you within that time to let you know how long we will take to resolve your complaint.
  - 9.6.3. We will investigate your complaint and, where necessary, consult with third parties. We will decide about how to address your complaint and write to you to explain our decision.
  - 9.6.4. You can also complain directly to the Office of the Australian Privacy Commissioner. Details about how to make a complaint can be found at [www.oaic.gov.au](http://www.oaic.gov.au) or by calling 1300 363 992.

## 10. Cookies

- 10.1. When you visit our website, we may use cookies and other tracking technology (**Cookies**) to recognise you and customise your online experience. Cookies are small files that store information on your computer, mobile phone or other device. They enable us to recognise you across different websites, services, devices and/or browsing sessions. Cookies also assist us to customise online content, save your preferences for future visits to the website, prevent potential fraud and analyse your and other users' interactions with the website.
- 10.2. You may be requested to consent to use of Cookies when you access certain parts of our website, for example, when you are asked if you want the website to "remember" certain things about you.
- 10.3. If you do not wish to grant us the right to use cookies to gather information about you while you are using our website, then you may set your browser settings to delete, disable or block certain Cookies. This could affect certain features or services of our website.

## 11. Third party links

Our website, apps and services may contain links to websites and services operated by third parties. Those links are provided for your convenience only and may not

remain current or be maintained. We are not responsible for the privacy practices of, or content on, those linked websites or services. You should read the privacy statements and terms of the operators of those third party websites before using their websites or services.

## **12. What about EU and Californian residents?**

We do not develop, target or direct our website or services towards individuals situated outside Australia. Our business is targeted at individuals who are domiciled in Australia even though you are able to request our services from outside Australia.

## **13. Changes to this policy**

- 13.1. We may amend this Policy from time to time, including to take into account and cater for business developments or legal or regulatory developments.
- 13.2. If we make changes, we will notify you by revising the date at the top of the Policy and publishing the updated version on [www.aylahealth.com.au](http://www.aylahealth.com.au). The updated version will be effective as soon as it is accessible on our website.
- 13.3. We recommend that you regularly review the Policy to see if there have been any recent changes and to stay informed about our data privacy practices.

## **14. Deleting your data**

- 14.1. You have the right to request the deletion of your Ayla Health app account and all associated personal data at any time. There are two ways to do this:
  - 14.1.1. In-app deletion: If you have access to the app, you can delete your account directly by navigating to: Profile → Profile Settings → Delete my account → Confirm. Once confirmed your account and all associated data (including module progress and preferences) will be permanently deleted. This action is immediate and irreversible.
  - 14.1.2. Support request: If you no longer have access to the app, you can request account deletion by emailing us at [support@aylahealth.com.au](mailto:support@aylahealth.com.au). Please include your full name and the email address associated with your Ayla Health account so we can identify your profile. Manual deletions are processed within **24 hours** during our business hours (Monday to Friday). Once completed, your account and all associated data will be permanently deleted.