

## **NEON RECORDS PTY LTD / OF LEISURE - PRIVACY POLICY**

This Privacy Policy (**Privacy Policy**) relates to all personal information collected, held, used and disclosed by or on behalf of Neon Records Pty Limited (ACN 133 732 180) ATF Neon Records Unit Trust (ABN 87 800 816 565) t/as “Of Leisure”, “Mottobeats Records” and “Neon Records” and Mottobeats Records Pty Ltd (collectively, **Neon, we, our, or us**, as applicable). It covers all personal information (including any Personal Data as defined herein) that we collect from you, or that you provide to us, through the websites [www.neonrecords.com.au](http://www.neonrecords.com.au), [ofleisure.com.au](http://ofleisure.com.au) (the **Website**), any social media sites we operate or control, and the products, services, applications, features or content that we may offer from time to time, (collectively, the **Services**). This Privacy policy applies to all personal information that we collect from you or that you provide to us for the purposes of an agreement between you and us or otherwise.

We are committed to respecting the privacy of your personal information. The *Privacy Act 1988* (Cth) (**Privacy Act**) sets out the Australian Privacy Principles (**Privacy Principles**) and governs the collection, storage, use, and disclosure of information by which individuals may be identified. This Privacy Policy sets out how we comply with the Privacy Act regarding the collection, use, storage, sharing and protection of your information and data. We also comply with the EU General Data Protection Regulation 2016/679 (**GDPR**).

By using the Services, you consent to our collection, use, storage, deletion, and disclosure of information relating to you but always subject to the terms set out in this Privacy Policy. If you do not agree with the Privacy Policy, you may not, under any circumstances or for any reason, use the Website or access the Services. Any use of the Services shall constitute agreement and acceptance of this Privacy Policy. The Services are not intended for use or access by children under the age of 13. We do not knowingly collect or maintain any personal information or non-personally-identifiable information from anyone under the age of 13.

**PLEASE READ THIS PRIVACY POLICY CAREFULLY BEFORE USING THE APPLICATION.**

**IF YOU DO NOT AGREE WITH ANY PART OF THIS PRIVACY POLICY, PLEASE DO NOT INSTALL, ACCESS OR USE THE APPLICATION.**

### **THE INFORMATION WE COLLECT**

We may collect and store the following information –

#### **Personal Information and Personal Data**

‘Personal Information’ means information that can be used to personally identify you, such as your name, date of birth, address, telephone number, email address, user ID or payment details. We collect personal information when you use the Website, access the Services, or when you otherwise enter into an agreement with us.

‘Usage Information’ means anonymous aggregate data that is automatically collected through your use of the Services. This includes information that identifies your device, your operating system, your IP address and the dates and times that you access and use the Services. This information is used to aid us in resolving any technical issues that may arise, or for statistical analysis to help us to improve the Services to the benefit of all users.

The GDPR recognises that Usage Information, whilst for the most part anonymous, can be cumulatively used to directly or indirectly identify you. Usage Information that can be used to identify you in any way, together with your Personal Information, shall collectively be referred to in this privacy policy as ‘Personal Data’.

#### **Collection of your Personal Data**

We may collect Personal Data you provide us when you fill out forms on our Website; correspond with us via phone, email or otherwise; create an account on our Website or otherwise register for access to the Services; participate in

discussion boards or other social media functions connected with the Services; enter into a competition, promotion or survey we may operate from time to time; or otherwise for purposes of an agreement between you and us. If you are a Neon artist or performer, and the Website pertains to royalty payments and your commercial relationship with us, then information needed to calculate and present royalty data within your account on the Website or otherwise may have already been obtained from you and stored by us as part of your agreement with Neon.

The kinds of Personal Data that we may hold and collect include:

- certain information that can be used to identify and contact you such as your username, password, name, email address, date of birth, gender, address, postal code, and country.

If you are a Neon artist or performer, we may collect and hold additional Personal Data including:

- your signature;
- your banking details;
- music copyright information;
- photographs of you;
- contractual information with respect to Neon artists or performers;
- other information for our business purposes, which is reasonably necessary for, or directly related to, our functions or activities.

It is your responsibility to ensure the information provided by you is true, accurate and complete. You warrant that the information provided by you is true, accurate and complete, and you agree, at all times, to keep it that way.

#### **Usage, log data & Cookies**

We keep track of your interaction with the Services by the use of cookies. Our software automatically records information that your browser sends whenever you access the Services. The information recorded includes your Internet Protocol address (IP address), your cookie ID, your browser type and version, which aspects of the Services you use and when and how long you use them for. These are the types of cookies we may use to operate the Website:

- **Strictly Necessary Cookies** – these cookies are essential to making sure the Website works correctly, and record information that allows you to move around the Website and navigate its features;
- **Performance Cookies** – these cookies collect information about how you use the Website, such as how often you access the Website and if you encounter any errors;
- **Functionality Cookies** – these cookies allow the Website to remember the choices you make to provide a more personalised experience;
- **Targeting and Advertising Cookies** – these cookies deliver targeted advertising based on your interests and your use of the Website; and
- **Third-Party Cookies** – we use a number of partners who pay to deliver cookies via our Website.

We may also utilise cookies provided by Google, Inc (**Google**) to help analyse how users use the Website. The information generated by these cookies is transmitted and store by Google on servers in the United States.

Cookies can stay on your device temporarily (**Session Cookies**) or until you manually delete them (**Persistent Cookies**). Data collected by cookies does not identify you, but it does identify your device. Where such data can be cumulatively used to personally identify you, we will seek your consent to collect and process such information.

Depending on your device, you may be able to change your settings to notify you when a cookie is issued, or reject cookies, however if you choose to reject cookies we cannot guarantee the functionality of the Application.

For more information on how cookies work, and how to manage cookies on your device, please visit <http://www.allaboutcookies.org/>.

### **Where we Collect Your Information**

There are places within the Services where you can choose to give us Personal Information, such as:

- Forms filled out on the Website;
- Subscribing to receive emails from us or other electronic direct marketing;
- Participation in discussion boards or other social media functions on the Website or otherwise within the Services;
- If you lodge a complaint, make a comment, or give feedback to us, we collect your email address and sometimes other contact details. We may use your email address to respond to you.

For clarity, if you are a Neon artist or performer, and the Services pertain to royalty payments and your commercial relationship with us, then we may also use Personal Information collected from the Website (or already collected as part of your agreement with Neon) to facilitate royalty payments, register your copyright pursuant to Neon's management of its commercial relationship with you and as otherwise as agreed in your artist or recording services agreement with Neon.

### **HOW WE USE YOUR INFORMATION**

We may use and disclose your Personal Data for the purposes for which it has been collected, or for any other purposes to which you have consented. You may give us your consent expressly, or it may be implied by your conduct. Subject to the requirements of the Privacy Principles, if you would reasonably expect that the information be used or disclosed for another purpose, we may also use or disclose it for that purpose.

We additionally use the information collected by us to:

1. help us respond to your queries and provide information on any Neon artists or writers;
2. to carry out our obligation arising from any agreement entered into between you and us including in order to make a payment to you, register copyrights owned or controlled by you or collecting royalties and other income on your behalf;
3. ensure technical functioning of the Services, develop new products and services, and analyse your use of the Services, including your interaction with applications, advertising, products, and services that are made available, linked to, or offered through the Services;
4. send you emails and/or messages to update you about the Services, any changes to this Privacy Policy, as well as any updates or issues relating to the Services;
5. communicate with you for promotional purposes via emails, notifications, or other messages, consistent with any permissions you may have communicated to us;
6. respond to or confirm any requests submitted by you to our customer service department;
7. notify you and warn you of any inappropriate conduct;
8. to enforce this Privacy Policy, or any other terms that you have agreed to, any terms under any other agreement existing between you and us;
9. as otherwise stated in this Privacy Policy.

In some contexts, we will share certain information with third parties. For example, we may be required to share your personal information with third parties in order to register your music copyright information or collect royalties on your behalf.

### **Others**

We may, under certain circumstances, also share your Personal Data if:

- such action is reasonably necessary to satisfy any applicable law, regulation, legal process, court order or otherwise as requested or required by law enforcement or government authorities;
- such action is appropriate in accordance with any agreement between you and us;
- enforce the terms of any agreement between you and us, including any investigation of potential violations thereof;
- Such action is necessary to detect, prevent or otherwise address fraud, security or technical issues associated with the Services;
- Such action is appropriate to protect the rights, property or safety of our business, its employees, users of the Services;
- We wish to inform business partners about use of the Software and products and items made available through the Software, in the form of aggregated statistics or otherwise in a format which does not identify your identity; or
- We are in the course of negotiating or conducting a merger, acquisition, or sale of all or a portion of our assets.

**WE WILL NOT SELL, RENT, OR LICENCE YOUR EMAIL ADDRESS OR ANY OF YOUR PERSONAL INFORMATION UNLESS OTHERWISE PROVIDED FOR IN THIS PRIVACY POLICY OR WITHOUT YOUR CONSENT.**

#### **Managing your Subscriptions and Notifications**

You may be asked to opt-in to receive any emails, mailings or other announcements from us that we may offer from time to time. If you choose to opt-in to receive communications from us, you may, at any point you are no longer interested in receiving any emails, mailings or other announcements from us, unsubscribe from the receipt of such communications by clicking on the specified link in any given email communication or by amending the notification settings in your account.

You confirm that certain non-marketing related correspondence from us, including, where relevant, messages relating to your artist or performer agreement with Neon, will be automatically received by you by virtue of your agreement with Neon and you will not have the option to opt-in in order to receive this correspondence.

Please note that you may not be able to unsubscribe from certain other non-marketing related correspondence from us, including messages relating to your account and your use of the Services.

#### **Controlling your Information**

You have the right to access, update and correct any inaccuracies in your Personal Data. You may request, access, update, and correct any inaccuracies in your personal information that we control by contacting us directly at [promo@neonrecords.com.au](mailto:promo@neonrecords.com.au). In order to protect your privacy and security, we take all reasonable steps (such as the request of a password or confirmation of certain information) to verify your identity before granting you access or allowing you to make any updates or corrections to your information.

#### **Service Providers**

We may, from time to time, use third parties to assist us with managing certain aspects of the Services, facilitate our business, manage communications with you, or otherwise provide support to us in connection with the Services, including, where relevant, to help facilitate the performance of any agreement between us and you.

Where third parties process information on our or your behalf, we take steps to ensure third parties to comply with the provisions of this Privacy Policy, and to the extent applicable, require that they maintain reasonable security measures and do not use your information for any purpose other than to provide their services to us.

### **Investigations**

You hereby grant us and our representatives the right to access your account and records as may be necessary to investigate any use of the Services including, but not limited to, alleged violations of applicable laws and regulations, abuse and/or harassment.

### **Third Party Affiliates**

We may, from time to time, share statistical and demographical information about our users and their use of the Services with advertisement suppliers and potential affiliate partners. We may also disclose and otherwise use non-personally identifiable information about users. None of the above would include anything that could be used to personally identify you or to discover individual information about you.

### **Third Party Privacy Policies**

We may display advertisements from third parties and other content that links to third party websites and third-party applications. We cannot control or be held responsible for third parties' privacy practices and content. Please read their privacy policies to find out how they collect and process your personal information and usage data.

This Privacy Policy does not cover the information practices of any third party services which may be linked to the Services. Notwithstanding our encouragement for third parties to adopt similar privacy practices as ours, we are not responsible for their collection and use of your personal information and usage data. Please refer to the privacy policies and statements of other such third parties to obtain information regarding their information collection, use and disclosure policies. When you click on a third-party link displayed on the Website or otherwise accessed via the Services, our Privacy Policy will no longer apply, and you agree to accept and abide by the applicable privacy provisions of such third party services.

### **Security**

Your Personal Data which is provided to us is stored on servers with restricted access and which are protected by protocols and procedures designed to enhance the security of information. We restrict access of personal information to our employees, independent contractors, and agents to those who may need to know this information in order to develop, operate and maintain the Services. All our personnel who may have access to your personal information are trained and educated about our Privacy Policy. Your personal information may be processed and stored, transferred or accessed by entities around the world as described in this Privacy Policy. We will take steps to ensure that your personal information is treated securely and in accordance with this Privacy Policy.

No security measures are, however, 100% secure so we cannot guarantee the security of your information or data at any time. To the extent permitted by law, we accept no liability for any breach of security, or direct hacking of our security measures, or any unintentional disclosure, loss or misuse of any information or data or for the actions of any third parties that may obtain any information or data.

Notwithstanding the above, we acknowledge our obligation to report any data breach that is likely to risk the rights and freedoms of natural persons to the Australian Information Commissioner and, where our data breach involves the information of EU citizens, report to the European Data Protection Supervisor. We will also inform you, where possible, if your data has been breached in the circumstance where it poses a risk of serious harm or your rights and freedoms.

### **Users Based in the European Economic Area**

We process your information for the purposes set out in this Privacy Policy, as described above. Our legal basis to process Personal Data includes processing that is: necessary for the performance of the agreement between you and us (for example, to provide you with the services you request and to identify and authenticate you so you may use the

Website); necessary to comply with legal requirements (for example, to comply with applicable accounting rules and to make mandatory disclosures to law enforcement); necessary for our legitimate interests (for example, to manage our relationship with you and to improve the Website); and based on consent by our customers (for example, to communicate with you about our products and services and provide you with marketing information), which may subsequently be withdrawn at any time (by using preference settings in emails or on our Website, or emailing us as set out below) without affecting the lawfulness of processing based on consent before its withdrawal.

In accordance with the GDPR, we acknowledge the right of EU citizens to:

- have their data erased that is no longer being used for a legitimate purpose;
- request a copy of all Personal Data held about you by us in a readable format; and
- request restricted processing of your Personal Data whilst any complaints or concerns are being resolved.

To erase, request or restrict processing of your Personal Data, please email our privacy office at [promo@neonrecords.com.au](mailto:promo@neonrecords.com.au).

### **Changes to Privacy Policy**

We may, from time to time and in our sole discretion, make changes to this Privacy Policy and the way we store and collect Personal Data, so please make sure that you check the Privacy Policy on a regular basis. We will provide notification on our Website of any material changes made to this Privacy Policy however we shall have no obligation to provide you with individual notice of any changes. If you do not agree with any variations to the Privacy Policy, you may not continue to access the Website or otherwise use the Services. Your continued use of the Services following the publication of any amended Privacy Policy by us shall signify your acceptance of any amended Privacy Policy.

### **Questions?**

If you have any questions regarding our Privacy Policy, or our handling of your Personal Data, you can reach our privacy officer at [promo@neonrecords.com.au](mailto:promo@neonrecords.com.au).

If you are not satisfied with our handling of your Personal Data, or have any other concern over our Privacy Policy, then you may lodge a formal complaint with the Office of the Australian Information Commissioner (for more information, please see [www.oaic.gov.au](http://www.oaic.gov.au)) or with the European Data Protection Supervisor (for more information, please see <https://edps.europa.eu>).