

ATOMOS LTD PRIVACY POLICY

1. INTRODUCTION

Atomos Ltd (ACN 139 730 500), and its subsidiaries and affiliates in Australia, the United Kingdom, the United States of America, Germany, Japan and China (collectively referred to as “**Atomos**”) are committed to managing personal information in accordance with the Australian Privacy Principles under the *Privacy Act 1988* (Cth), the General Data Protection Regulation (EU) 2016/679 (**GDPR**) and other applicable privacy laws.

Your privacy is very important to us. This document provides you with details of our policies for managing your personal information and is referred to as our **Privacy Policy**.

In this Privacy Policy, “**we**”, “**us**” and “**our**” refers to Atomos and “**you**” refers to any individual about whom we collect personal information.

Atomos is the data controller for the purposes of the GDPR (as applicable) and this Privacy Policy applies to all personal information collected by us, or submitted to us, whether offline or online, including personal information collected or submitted through our websites www.atomos.com and www.shop.atomos.com, through our social media channel pages which we control (such as our Facebook, Twitter, Vimeo, YouTube and Instagram pages), through email messages that we may send to you or receive from you, as well as in administering and managing relationships with our shareholders.

Contact Details

Our contact details are:

Full name of legal entity: Atomos Ltd (ACN 139 730 500)

Email address: compliance@atomos.com

Postal address: 29 Nott Street, Port Melbourne VIC 3207, Australia

Telephone number: +61 03 9999 5908

2. WHAT KINDS OF INFORMATION DO WE COLLECT ABOUT YOU, FOR WHAT PURPOSE AND ON WHAT GROUND WE PROCESS IT

Personal information means any information or an opinion about an identified individual, or an individual who is reasonably identifiable. It does not include anonymised data.

We may collect, use and process the following categories of personal information about you:

- “**Communication Data**” that includes any communication that you send to us, including your name, email address, postal address and other contact details, whether that be through a contact form on our website, through email, text, social media messaging, social media posting or any other communication that you send us. We process this data for the purposes of communicating with you, for record keeping and for the establishment, pursuance or defence of legal claims. Our lawful ground for this processing is our legitimate interests which in this case are to reply to communications sent to us, to keep records and to establish, pursue or defend legal claims.
- “**Customer Data**” that includes data relating to any purchases of goods and/or services such as your name, title, professional details, product registration, billing address, delivery address, email address, phone number, contact details and other relevant purchase details. We do not store your credit card details. We process this data to supply the goods

and/or services you have purchased and to keep records of such transactions. Our lawful ground for this processing is the performance of a contract between you and us and/or taking steps at your request to enter into such a contract.

- **“User Data”** that includes data about how you use our website (whether as a member or a visitor) and any online services together with any data that you post for publication on our website or through other online services. We process this data to operate our website and ensure relevant content is provided to you, to ensure the security of our website, to maintain back-ups of our website and/or databases and to enable publication and administration of our website, other online services and business. Our lawful ground for this processing is our legitimate interests which in this case are to enable us to properly administer our website and our business.
- **“Technical Data”** that includes data about your use of our website and online services such as your IP address, your login and password data, details about your browser, length of visit to pages on our website, page views and navigation paths, details about the number of times you use our website, time zone settings and other technology on the devices you use to access our website. The source of this data is from our analytics tracking system. We process this data to analyse your use of our website and other online services, to administer and protect our business and website, to deliver relevant website content and advertisements to you and to understand the effectiveness of our advertising. Our lawful ground for this processing is our legitimate interests which in this case are to enable us to properly administer our website and our business and to grow our business and to decide our marketing strategy.
- **“Marketing Data”** that includes data about your preferences in receiving marketing from us and our third parties and your communication preferences. We process this data to enable you to partake in our promotions such as competitions, prize draws and give-aways, to deliver relevant website content and advertisements to you and measure or understand the effectiveness of this advertising. Our lawful ground for this processing is our legitimate interests which in this case are to study how customers use our products/services, to develop them, to grow our business and to decide our marketing strategy.
- **“Employment Data”** that includes data such as your name, title, date of birth, gender, contact details, qualifications and work history (including references and other information included in a CV or cover letter as part of the application process) when we recruit personnel. Generally, we will collect this information directly from you. We may also collect personal information from third parties in ways which you would expect (for example, from recruitment agencies or referees you have nominated, and from LinkedIn and other professional websites). Before offering you a position, we may collect additional details such as your tax file number and superannuation information and other information necessary to conduct background checks to determine your suitability for certain positions. Our lawful ground for this processing is your explicit agreement to process your personal information for the consideration of employment with us.
- **“Shareholder Data”** that includes data such as the name of the individual shareholder and any trustee (if applicable), personal details relating to any power of attorney (e.g. attorney’s name, address, occupation, date of birth and phone number), bank account details and your Securityholder Reference Number or Holder Identification Number. We may also collect other information required in accordance with Australian Securities Exchange (ASX) requirements. When we collect Shareholder Data, we may also use and disclose it for other reasons related to your shareholding, such as identity verification, providing shareholder services, sending you correspondence and documents and responding to complaints or inquires. We may also use Shareholder Data to market our products and services, such as exclusive shareholder offers, to you. Our lawful ground for processing is to comply with our legal obligations and our legitimate interests.
- We may use Customer Data, User Data, Technical Data, Shareholder Data and Marketing Data to deliver relevant website content and advertisements to you (including Facebook adverts or other display advertisements) and to measure or understand the effectiveness of the advertising we serve you. Our lawful ground for this processing is

legitimate interests which is to grow our business. We may also use such data to send other marketing communications to you. Our lawful ground for this processing is either consent or legitimate interests (namely to grow our business).

Sensitive Information

We do not collect any sensitive information about you. Sensitive information is a subset of personal information and refers to information that includes details about your race or ethnicity, religious or philosophical beliefs and affiliations, sexual practices, sexual orientation, political opinions, membership of a political association, trade association or trade union, information about your health and genetic and biometric data, and information about your criminal record.

What happens if you don't provide your personal information?

Where we are required to collect personal information from you by law, or under the terms of the contract, and you decline to provide us with that personal information when requested, we may not be able to perform the contract (for example, to deliver goods or services to you) or we may not be able to do business with you effectively or meet the expectations of customers or shareholders. If you have any concerns about personal information we have requested, please let us know.

We will only use your personal information for a purpose it was collected for or a reasonably compatible purpose if necessary. For more information on this please email us at compliance@atomos.com. In case we need to use your details for an unrelated new purpose we will let you know and explain the legal grounds for processing.

We may process your personal information without your knowledge or consent where this is required or permitted by applicable privacy law.

We do not carry out automated decision making or any type of automated profiling.

3. HOW WE COLLECT AND USE YOUR PERSONAL INFORMATION

Atomos collects personal information reasonably necessary to carry out our business, to assess and manage our customers' needs, and provide products and services. We may also collect information to fulfil administrative functions associated with these services, for example, billing, entering into contracts with you and/or third parties and managing customer and other business relationships. We also collect personal information to administer and manage relationships with our shareholders. Atomos may allow shareholders and other visitors to our website to sign up for alerts and otherwise communicate with us.

The purposes for which Atomos usually collects and uses personal information depends on the nature of your interaction with us, but may include:

- responding to requests for information and other general enquiries about our products and services;
- managing our relationship with you if you are a supplier, business partner, shareholder or customer;
- managing, planning, advertising and administering programs and events which may be of interest to you;
- researching, developing and expanding our products and services;
- informing you of our activities, products and services; and
- recruitment processes (including for contractors).

Atomos generally collects personal information directly from you. We may collect and update your personal information over the phone, by email, over the internet via our website or social media, or in person. We may automatically collect certain data from you as you use our website by using cookies and similar technologies. Please see our Cookie Policy for more details about this www.atomos.com/cookie-policy.

We may also receive personal information about you from other sources and third parties, for example:

- analytics providers such as Google based outside the EU, advertising networks such as Facebook based outside the EU, such as search information providers such as Google based outside the EU, providers of technical, payment and delivery services, such as data brokers or aggregators;
- our group companies; and
- other third party suppliers and contractors who assist us to operate our business.

4. CAN YOU DEAL WITH ATOMOS ANONYMOUSLY?

Atomos will provide you with the opportunity of remaining anonymous or using a pseudonym in your dealings with us where it is lawful and practicable (for example, when making a general enquiry). Generally it is not practicable for Atomos to deal with you anonymously or pseudonymously on an ongoing basis. If we do not collect personal information about you, you may be unable to utilise our services or participate in our events, programs or activities that we manage or deliver.

5. HOW DOES ATOMOS HOLD PERSONAL INFORMATION

Atomos stores information in paper-based files or other electronic record keeping methods in secure databases (including trusted third party storage providers based in Australia and overseas). Personal information may be collected in paper-based documents and converted to electronic form for use or storage (with the original paper-based documents either archived or destroyed).

Atomos maintains physical security over paper and electronic data stores, such as through locks and security systems at our premises. We also maintain computer and network security; for example, we use firewalls (security measures for the internet) and other security systems such as user identifiers and passwords to control access to our computer systems.

Our website does not necessarily use encryption or other technologies to ensure the secure transmission of information via the internet. Users of our website are encouraged to exercise care in sending personal information via the internet.

6. DIRECT MARKETING COMMUNICATIONS

Atomos may use or disclose your personal information for the purpose of informing you about our services, upcoming promotions and events, or other opportunities that may interest you or as otherwise permitted under applicable privacy laws.

This means under certain privacy laws we do not always need your consent to send you marketing communications, such as member updates. However, where consent is required under applicable privacy laws, we will ask for this consent separately and clearly. If you do not want to receive direct marketing communications, you can opt out at any time by contacting us using the contact details above or using the opt-out functionality contained in the electronic message.

If you opt out of receiving marketing communications from us this opt-out does not apply to personal information provided as a result of other transactions, such as purchases, warranty registrations etc., and we may still contact you in relation to our ongoing relationship with you.

7. DISCLOSURES OF YOUR PERSONAL INFORMATION

The purposes for which we may use and disclose your personal information will depend on the goods or services we are providing you. For example, we may disclose your personal information to the parties set out below:

- Other companies in our group, located in Australia and overseas.
- Third parties, contractors and service providers who provide services to us including: information technology and support and system administration services, event and planning services, data analysis services, customer satisfaction services, service support services, website maintenance/development services, printing, archiving and mail-out services, market research services and shareholder relationship administration services.
- Professional advisers including lawyers, bankers, auditors and insurers.
- Government bodies that require us to report processing activities under applicable law.
- Third parties to whom we sell, transfer, or merge parts of our business or our assets.

We require all third parties to whom we disclose your data to respect the security of your personal information and to treat it in accordance with applicable privacy laws. We only allow such third parties to process your personal information for specified purposes and in accordance with our instructions.

We may use and disclose your personal information for other purposes explained at the time of collection (such as in a specific privacy collection statement or notice) or otherwise as set out in this Privacy Policy.

8. DISCLOSURES OF PERSONAL INFORMATION OVERSEAS

Atomos is a global organisation and works with members, customers, resellers, service providers, sponsors, and commercial interests across the globe. It is likely that your personal information will be disclosed within our group of companies which operate in different jurisdictions around the world, including in countries such as the United Kingdom, the United States of America, Germany, Japan and China, and to overseas recipients including service providers who may handle, process or store your personal information on our behalf.

We will generally collect personal information about you in Australia or the jurisdiction in which Atomos group company you are dealing with is located.

It is likely that your personal information will be transferred outside of the jurisdiction it was collected. We only ever disclose your personal information outside the jurisdiction it was collected where we are permitted to do so under applicable privacy laws. Generally this means we will take reasonable steps to ensure your personal information is treated securely and in accordance with applicable privacy laws, including, where relevant, by:

- entering into EU standard contractual clause (or equivalent measures) with the party outside of the European Economic Area (**EEA**). The EU standard contractual clauses are available [here](#); or
- transferring your personal information to countries that the European Commission have approved as providing an adequate level of protection for personal information.

There are circumstances where we may disclose your personal information to an overseas recipient. For example, where you have provided your consent or we are otherwise permitted to do so under the Australian Privacy Principles or other relevant laws.

9. DATA SECURITY

We have put in place reasonable security measures to protect your personal information and to prevent your personal information from misuse, interference and loss, and being used, altered, disclosed, or accessed without authorisation. We also allow access to your personal information only to those employees and partners who have a business need to know such information. They will only process your personal information on our documented instructions and they must keep it confidential.

We have procedures in place to deal with any suspected or eligible data breach and will notify you and any applicable regulator of a breach if we are legally required to.

10. DATA RETENTION

We will only retain personal information we collect about you for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

When deciding what the correct time is to retain your personal information for we take account of:

- legal and regulatory requirements and guidance;
- limitation periods that apply in respect of taking legal action;
- our ability to defend ourselves against legal claims and complaints;
- good practice; and
- the operational requirements of our business.

We take steps to destroy or de-identify information that we no longer require or as required by an applicable law. In some circumstances we may anonymise your personal information for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

11. YOUR LEGAL RIGHTS IF YOU ARE RESIDENT IN THE EUROPEAN ECONOMIC AREA

If the GDPR applies you, you have the following rights in relation to your personal information (where applicable):

- **Access:** you have the right to request a copy of any personal information we hold about you. Any request for access to or a copy of your personal information must be in writing and we will endeavour to respond within a reasonable period and in any event within one month (in compliance with the GDPR).
- **Rectification:** you have the right to the rectification of your personal information, if you consider that it is inaccurate.
- **Deletion:** you have the right to request that we delete personal information that we process about you, except we are not obliged to do so if we need to retain such personal information in order to comply with a legal obligation or to establish, exercise or defend legal claims.
- **Restriction:** you have the right to erasure of your personal information, if you consider that we do not have the right to hold it.
- **Portability:** you have the right to ask us to transfer a copy of your personal information to you or to another service provider or third party where technically feasible.

- **Objection:** you have the right to object to your personal information being processed for a particular purpose or to request that we stop using your information.
- **Complaint:** if you are unhappy with our treatment of your personal information, and you have contacted us as set out below, you have the right to lodge a complaint with the local data protection authority.

If you have consented to our processing of your personal information, you have the right to withdraw, at any time, any consent that you have previously given to us for use of your personal information. In certain circumstances even if you withdraw your consent we may still be able to process your personal information if required or permitted by law or for the purpose of exercising or defending our legal rights or meeting our legal and regulatory obligations.

To make a request to exercise any of these rights (where applicable) in relation to your personal information, please contact us using the contact details set out above.

12. ACCESS AND CORRECTION OF YOUR PERSONAL INFORMATION

You are entitled to access your personal information held by Atomos on request. To request access to your personal information, please contact us using the contract details set out above.

We will take reasonable steps to ensure that the personal information we collect, use or disclose, is accurate, complete and up-to-date. You can help us to do this by letting us know if you notice errors or discrepancies in information we hold about you, or if you are a member, by logging into the members area of our website and updating your details there. If you consider any personal information we hold about you is inaccurate, out-of-date, incomplete, irrelevant or misleading you are entitled to request correction of the information. After receiving a request from you, we will take reasonable steps to correct your information.

We may decline your request to access or correct personal information in certain circumstances in accordance with the Australian Privacy Principles. If we do refuse your request, we will provide you with a reason for our decision and, in the case of a request for correction, we will include a statement with your personal information about the requested correction.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal information. This is a security measure to ensure that personal information is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you.

13. COMPLAINTS ABOUT THE HANDLING OF YOUR PERSONAL INFORMATION

You may contact Atomos at any time if you have any questions or concerns about this Privacy Policy or about the way in which your personal information has been handled. You may make a complaint about privacy to us at our contact details set out above.

We will first consider your complaint to determine whether there are simple or immediate steps which can be taken to resolve the complaint, We will generally respond to your complaint within a week.

If your complaint requires more detailed consideration or investigation, we will acknowledge receipt of your complaint within a week and endeavour to complete our investigation into your

complaint promptly. We may ask you to provide further information about your complaint and the outcome you are seeking. We will then typically gather facts, locate and review relevant documents and speak to individuals involved.

In most cases, we will investigate and respond to a complaint within 30 days of receipt of the complaint. If the matter is more complex or our investigation may take longer, we will let you know.

If you are not satisfied with our response to your complaint, or you consider that Atomos may have breached the Australian Privacy Principles or the *Privacy Act 1988* (Cth), a complaint may be made to the Office of the Australian Information Commissioner. The Office of the Australian Information Commissioner can be contacted by telephone on 1300 363 992 or by using the contact details on the website www.oaic.gov.au.

If you are outside of Australia you may wish to take your complaint up with the local data protection authority in your jurisdiction. For example, if you are based in Germany, this is the German Federal Commissioner for Data Protection and Freedom of Information.

14. THIRD-PARTY LINKS

Our website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their content or privacy practices. When you leave our website, we encourage you to read the privacy policy or notice of every website you visit.

15. COOKIES

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of our website may become inaccessible or not function properly. For more information about the cookies we use, please see our Cookie Policy at www.atomos.com/cookie-policy.

16. CHANGES TO THIS PRIVACY POLICY

Atomos may amend this Privacy Policy from time to time, with or without notice to you. We recommend that you visit our website regularly to keep up to date with any changes. We also try to let you know about major changes to our Privacy Policy (for example by putting a notice up on our website).

This Privacy Policy was last updated in October 2018.