

## PRIVACY POLICY

At TCL Communication Limited ("**we**", "**us**", "**our**"), we regularly collect and use information that could identify an individual ("**personal data**"), in particular about your purchase or use of our products, services, mobile and software applications and websites ("**you**", "**your**"). The protection of your personal data is very important to us, and we understand our responsibilities to handle your personal data with care, to keep it secure and to comply with legal requirements.

The purpose of this privacy policy is to provide a clear explanation of when, why and how we collect and use personal data ("**Policy**"). We have designed it to be as user friendly as possible, and have labelled sections to make it easy for you to find the information that may be most relevant to you and to allow you to click on a topic to find out more.

Please read this Policy carefully. This Policy is not intended to override the terms of any contract that you have with us or any rights you might have available under applicable data protection laws.

We may make changes to this Policy from time to time for example, to keep it up to date or to comply with legal requirements or changes in the way we operate our business. We will notify you about significant changes by sending a message to your mobile phone or by prominently posting a notice on our website <https://www.alcatelmobile.com>. We encourage you to regularly check and review this policy so that you will always know what information we collect, how we use it, and who we share it with.

This Privacy Policy was updated on August 28, 2020.

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### 1. WHO is responsible for looking after your personal data?

TCT Mobile Australasia Pty Ltd Communication Limited ("**TCT**") is an Australian-based telecommunication company with headquarters in Hong Kong, focusing on global scale smart product manufacture and internet

application service. TCT Mobile Australasia Pty Ltd's registered office is Suite 3.08, 55 Miller Street, Pyrmont NSW 2009.

As TCT is the company which was originally responsible for collecting information about you, it will be the data controller principally responsible for looking after your personal data.

## **2. WHAT personal data do we collect?**

Personal data we collect include:

- **Contact and payment details** and basis user information including your name, address, telephone number, credit card number, email address, gender, date of birth;
- **Special categories of data** including biometrics data, health data when you use certain applications;
- Other information about you including your occupation, language, location of your device, and time zone;
- **Your marketing preferences** including interests / marketing list assignments, record of permissions or marketing objections, website data;
- **Device data and log information** including unique device identifiers (such as IMEI number, IMSI Number, Mac, the address of the device's wireless network interface, or mobile phone number used by the device), referrer URL, IP addresses and details about your use of our website, cloud services, app store, browsing history, search queries, browser type, and session frequency;
- **Cookies and tracking technologies** we may use technologies cookies and web beacons - please see our separate **Cookie Policy** [www.alcatelmobile.com](http://www.alcatelmobile.com) for further details on cookies.

## **3. WHEN do we collect your personal data?**

We will collect information from you directly when you use your device, when you upgrade your device, when you register an account on your device, on our app store or on our website, when you sign up for marketing materials, when you purchase or use our products and services, or where you contact

us with questions, complaints or suggestions or provide us with any feedback. We may collect information about you indirectly from other sources and combine that with information we collect through our services where this is necessary to help manage our relationship with you. These other sources may include third party software applications and social media platforms such as Facebook, Google+ and Twitter.

We will not knowingly collect any personal data about children under 13 without making it clear that such information should only be provided with parental consent, if this is required by applicable laws. TCT will only use the personal data of children as far as is permitted by law where the required parental or guardian consent has been obtained.

#### **4.What PURPOSES do we USE your personal data for?**

We will use your personal data

- To keep you posted on software updates, technical updates, security alerts and support and administrative messages;
- To allow you to download and purchase our products and services such as our apps and related websites;
- To help us create, provide, develop, operate, deliver, maintain and improve our products, services, content, advertising and continually improve your user experience;
- To assess customer satisfaction and link or combine with information we get from others to help understand your needs and provide you with better user experience;
- To process transactions and send you related information, including confirmations and invoices;
- To respond to your comments, feedback, inquiries, questions, provide customer service and support and fulfil your requests;

- To verify identity, assist with identification of users, and to determine appropriate services;
- To communicate with you and send you important notices or personalised messages, such as communications about purchases and changes to our terms, conditions, and policies;
- To monitor, evaluate and analyse trends, data, transactions, usage and activities in connection with our products and services;
- To facilitate internal purposes such as auditing, data analysis, and research to improve our products, services, user experience and customer communications;
- To send you marketing materials, news and information which we think will be of interest to you such as our latest product announcements and upcoming events (where we have obtained your consent, or otherwise permitted by law to do so), this process may include profiling;
- To detect, investigate and prevent fraudulent transactions and other illegal activities and protect our rights and property;
- To use your personal data for purposes associated with our legal and regulatory obligations.
- We have to establish a legal ground to use your personal data, so we will make sure that we only use your personal data for the purposes set out in this Section 4 and in Appendix 1 where we are satisfied that:
- our use of your personal data is necessary to perform a contract or take steps to enter into a contract with you (e.g. to fulfil obligations under the contract signed between you and us), or

- our use of your personal data is necessary to comply with a relevant legal or regulatory obligation that we are subject to, or
- our use of your personal data is necessary to support 'legitimate interests' that we have as a business (for example, to improve our products, or to carry out analytics across our datasets), provided it is always carried out in a way that is proportionate, and that respects your privacy rights.
- In order for us to provide you with our services when you use certain applications, we may collect special categories of data from you. For our collection or use of your special categories of data, we will establish an additional lawful ground to those set out above which will allow us to use that information. This additional exemption will typically be:
  - your explicit consent;
  - the establishment, exercise or defence by us or third parties of legal claims; or
  - a specific exemption provided under local laws and implementing the GDPR.
- **PLEASE NOTE:** If we have previously advised that we are relying on consent as the basis of our processing activities, going forward we will not be relying on that legal basis except where this has been explicitly set out to you.  
**PLEASE NOTE:** If you provide your explicit consent to allow us to process your special categories of data, you may withdraw your consent to such processing at any time. However, you should be aware that if you choose to do so we may be unable to continue to provide certain services to you. If you choose to withdraw your consent we will tell you more about the possible consequences.

## 5. Who do we SHARE your personal data with?

Your data may be shared with other TCT group companies within Australasia. We may also share your data with third parties, to help manage our business and deliver services. These third parties may from time to time need to have access to your personal data. These third parties may include:

- **Service providers**, who perform functions on our behalf such as fulfilling orders, delivering packages, sending postal mail and e-mail, removing repetitive information from customer lists, analysing data (such as Google Firebase, Microsoft Power BI, Facebook), providing marketing assistance, providing search results and links (including paid listings and links), processing credit card payments, providing translation services (such as Baidu) and providing customer services. If you share your data through one of our websites or devices with a third party account such as Facebook, Google + or Twitter, your personal data will be managed respectively by one of those third parties. Please review the third party's privacy policy, as their data processing will not be covered by this Policy;
- **Our regulators**, as well as law enforcement agencies;
- **Other third parties**, for the purposes of detecting, preventing or otherwise addressing fraud, security or technical issues, protecting against harm to the rights, property or safety of our users or the public;
- **Solicitors** and other professional services firms (including our auditors).
- Also, if we were to sell part of our businesses we would need to transfer your personal data to the purchaser.

## **6. Direct Marketing**

We may use your personal data to send you direct marketing communications about our products and services or our related services including our latest product announcements and upcoming events. This may be in the form of [email, post, SMS, telephone or targeted online advertisements]. We limit direct marketing to a reasonable and proportionate level, and to send you communications which we think will be interesting and relevant to you, based on the information we have about you.

For the purposes of GDPR our processing of your personal data for direct marketing purposes is based on our legitimate interests as further detailed in Appendix 1, but where opt-in consent is required by the relevant Australian laws, we may ask you for your consent. You have a right to stop receiving direct marketing at any time. You can do this by following the opt-out links in electronic communications (such as emails), or by contacting us using the details in Section 12.

We also use your personal data for customising or personalising ads, offers and content made available to you based on your usage of our mobile applications, websites, platforms or services, and analysing the performance of those ads, offers and content, as well as your interaction with them. We may also recommend content to you based on information we have collected about you and your viewing habits. This constitutes 'profiling' in respect of which more information is provided at Section 8 of this Policy.

## **7. International Transfers**

We may share your personal data overseas, for example if we receive a legal or regulatory request from a foreign law enforcement body. We will always take steps to ensure that any international transfer of information is carefully managed to protect your rights and interests:

- we will only transfer your personal data to countries which are recognised as providing an adequate level of legal protection; and
- transfers to TCT group companies, service providers and other third parties will always be protected by contractual commitments for additional security.

## **8. Profiling**

'**Automated decision making**' refers to a decision which is taken through the automated processing of your personal data alone. This means processing using, for example, software code or an algorithm, which does not involve any human intervention. As profiling uses automated processing, it is sometimes connected with automated decision making. Not all profiling results in automated decision making, but it can do.

If you are a consumer that has signed up to receive marketing updates, we may use profiling [to ensure that marketing materials are tailored to your preferences and to what we think you will be interested in.] This does not have any significant effect, or a legal effect on you. In certain circumstances it may be possible to infer certain information about you from the result of profiling, which may include special categories of data. We will not however conduct profiling based on your special categories of data unless we have obtained your explicit consent to do so.

**PLEASE NOTE:** You have certain rights in respect of automated decision making, including profiling where that decision has significant effects on you, including where it produces a legal effect on you. See Section 10.

## **9. How long do we keep your personal data?**

We will retain your personal data for as long as is reasonably necessary for the purposes listed in Section 4 of this Policy. In some circumstances we may retain your personal data for longer periods of time, for example where we are required to do so to meet legal, regulatory, tax or accounting requirements. In specific circumstances we may also retain your personal data for longer periods of time so that we have an accurate record of your dealings with us in



the event of any complaints or challenges, or if we reasonably believe there is a possibility of legal action relating to your personal data or dealings. We maintain a data retention policy which we apply to records in our care. Where your personal data is no longer required we will ensure it is either securely deleted or stored in a way which means it will no longer be used by the business.

## **10. What are your rights?**

You have a number of rights in relation to your personal data. In summary, you may request access to your data, rectification of any mistakes in our files, erasure of records where no longer required, restriction on the processing of your data, objection to the processing of your data, data portability and various information in relation to any automated decision making and profiling or the basis for international transfers. You also have the right to complain to your supervisory authority (further details of which are set out in Section 12 below).

Those underlined are defined in more detail as follows:

### **Access**

You can ask us to:

- confirm whether we are processing your personal data;
- give you a copy of that data;
- provide you with other information about your personal data such as what data we have, what we use it for, who we disclose it to, whether we transfer it abroad and how we protect it, how long we keep it for, what rights you have, how you can make a complaint, where we got your data from and whether we have carried out automated decision making or profiling, to the extent that information has not already been provided to you in this Policy.

### **Rectification**

You can ask us to rectify inaccurate personal data. We may seek to verify the accuracy of the data before rectifying it.

### **Erasure**

You can ask us to erase your personal data, but only where:

- it is no longer needed for the purposes for which it was collected; or



- you have withdrawn your consent (where the data processing was based on consent); or
- following a successful right to object (see 'objection' below); or
- it has been processed unlawfully; or
- to comply with a legal obligation which TCT is subject to.
- We are not required to comply with your request to erase your personal data if the processing of your personal data is necessary: for compliance with a legal obligation; or for the establishment, exercise or defence of legal claims. There are certain other circumstances in which we are not required to comply with your erasure request, although these two are the most likely circumstances where we would deny that request.

### **Restriction**

You can ask us to restrict (i.e. keep but not use) your personal data, but only where:

- its accuracy is contested (see 'rectification' below), to allow us to verify its accuracy; or
- the processing is unlawful, but you do not want it erased; or
- it is no longer needed for the purposes for which it was collected, but we still need it to establish, exercise or defend legal claims; or
- you have exercised the right to object, and verification of overriding grounds is pending.

- We can continue to use your personal data following a request for restriction, where:
- we have your consent; or
- to establish, exercise or defend legal claims; or
- to protect the rights of another natural or legal person.

### **Portability**

You can ask us to provide your personal data to you in a structured, commonly used, machine-readable format, or you can ask to have it 'ported' directly to another data controller, but in each case only where: the processing is based on your consent or the performance of a contract with you; and the processing is carried out by automated means.

### **Objection**

You can object to any processing of your personal data which has our 'legitimate interests' as its legal basis (see Appendix 1 for further details), if you believe your fundamental rights and freedoms outweigh our legitimate interests. Once you have objected, we have an opportunity to demonstrate that we have compelling legitimate interests which override your rights.

### **Automated Decision Making**

You can ask not to be subject to a decision which is based solely on automated processing (see Section 8), but only where that decision:

- produces legal effects concerning you (such as the rejection of a claim); or
- otherwise significantly affects you.
- In such situations, you can obtain human intervention in the decision making, and we will ensure measures are in place to allow you to express your point of view, and/or contest the automated decision. Your right to obtain human intervention or to contest a decision does not apply where the decision which is made following automated decision making:

- is necessary for entering into or performing a contract with you; or
- is authorised by law and there are suitable safeguards for your rights and freedoms; or
- is based on your explicit consent.
- To exercise your rights you may contact us as set out in Section 12. **PLEASE NOTE** the following if you do wish to exercise these rights:
  - **Identity.** We take the confidentiality of all records containing personal data seriously, and reserve the right to ask you for proof of your identity if you make a request.
  - **Fees.** We will not ask for a fee to exercise any of your rights in relation to your personal data, unless your request for access to information is unfounded, repetitive or excessive, in which case we will charge a reasonable amount in the circumstances. We will let you know of any charges before completing your request.
  - **Timescales.** We aim to respond to any valid requests within one month unless it is particularly complicated or you have made several requests, in which case we aim to respond within three months. We will let you know if we are going to take longer than one month. We might ask you if you can help by telling us what exactly you want to receive or are concerned about. This will help us to action your request more quickly.
  - **Exemptions.** Local laws may provide additional exemptions.
  - **Third Party Rights.** We do not have to comply with a request where it would adversely affect the rights and freedoms of other Data Subjects.

## 11. How we PROTECT your personal data?

We endeavour to protect us and you from unauthorised access to or unauthorised alteration, disclosure or destruction of personal data that we hold.

In particular:

- We review our information collection, storage and processing practices, including physical security measures, to guard against unauthorized access to systems;
- We use encryption where appropriate;
- We use password protection where appropriate; and
- We restrict access to personal data to our employees, contractors and agents who need access to the relevant personal data in order to for them to process it for us and who are subject to strict contractual confidentiality obligations.
- You are responsible for the personal data that you choose to share, disclose or submit voluntarily while using our website or devices and which can be viewed by members of third party applications or sites such as chat applications or messengers.

## **12. Contact and complaints**

The primary point of contact for all issues arising from this Policy, including requests to exercise data subject rights, is our data protection officer. In order for us to facilitate your enquiries, requests or complaint, please contact our data protection officer - [privacy@tcl.com](mailto:privacy@tcl.com).

If you have a complaint or concern about how we use your personal data, please contact us in the first instance and we will attempt to resolve the issue as soon as possible. You also have a right to lodge a complaint with your national data protection supervisory authority at any time.

We do ask that you please attempt to resolve any issues with us first, although you have a right to contact your supervisory authority at any time.

## **APPENDIX 1 - LEGAL BASIS FOR PROCESSING**

Setting up an account (e.g. app store, website)

- Contact details and basic user information
- Payment details
- Legitimate interests (to ensure we have an accurate record of all customers that we interact with, to assist with identification of users and to improve user experience)
- Providing client care and support and providing product warranty
- Contact details and basic user information
- Payment details
- Device data and log information
- Legitimate interest (to improve product and customer service experience, to ensure quality and functions of products, to assess customer satisfaction and to handle requests from customers)
- Synchronising data
- Contact details and basic user information
- Device data and log information

- Legitimate interest (to improve user experience, to perform functions and services and to ensure quality and functions of products) Providing products and services (e.g. app store services, website, app)
- Contact details and basic user information
- Special categories of data
- Device data and log information
- Cookies and tracking data
- Legitimate interest (to provide products and services and to improve product and customer service experience)
- Explicit consent (for the collection of special categories of data: to provide users with certain products and services in relation to health and lifestyle)
- Marketing, profiling and generating reports
- Contact details and basic user information
- Special categories of data
- Device data and log information
- Cookies and tracking data

- Marketing preference
- Legitimate interests (to improve product and customer service experience and to conduct diagnostics or analytics on customer behaviour)
- Explicit consent (for the collection and processing of special categories of data: to provide users with certain products and services in relation to health and lifestyle)
- Consent (for the collection and processing of personal data for direct marketing purposes)
- Processing transactions and sending related information (e.g. confirmation, invoices)
- Contact details and basic user information
- Payment details
- Legitimate interests (to provide products and services, to improve product and customer service experience and to handle requests from customers)
- System upgrades, bug fixing and sending notifications (e.g. software updates, technical updates, security alerts and support and administrative messages)
- Contact details and basic user information
- Device data and log information



- Legitimate interest (to fix issues and improve product and customer service experience)
- Product analysis, development, improvement and testing
  
- Contact details and basic user information
  
  
- Device data and log information
  
  
- Legitimate interest (to fix issues, to improve product and customer service experience, to ensure quality and functions of products and to assess customer satisfaction)
  
  
- Sale or reorganisation of our business
  
  
- All (where relevant to the sale or reorganisation)
  
  
- Legitimate interest (to structure our business appropriately)
  
  
- Monitor and detect fraud
  
  
- Anti-fraud data
  
  
- Legitimate interest (to monitor, assess and ultimately prevent fraud)
  
  
- Comply with legal and regulatory obligations
  
  
- All (where required under applicable laws and regulations)

- Legal obligation (for detecting, preventing, or otherwise addressing fraud, security or technical issues and protecting users or public against harm)