



## Privacy Policy

### 1. Background

At Loving Tan, we recognise the importance of protecting your privacy. We take privacy seriously. We attach great importance to safeguarding customer personal information. We are a global business. Our Privacy Policy outlines the commitment of Love Cosmetics Pty Ltd (ACN 134 601 791) (“Loving Tan” or “we”, “us” or “our”) to protect the privacy of our customers’ personal information and other personal information we receive in the conduct of our business. We hope that you take the time to read our Privacy Policy. We comply with all relevant privacy laws, including the requirements applicable to us under the Australian Privacy Act 1988 (Privacy Act) and relevant Australian State laws and various jurisdiction-specific privacy laws that apply to us.

### 2. Our Privacy Policy

Our Privacy Policy sets out how we look after personal information. It explains the kinds of personal information we collect and why we collect it. It also describes how we hold, use, and disclose personal information.

This Privacy Policy applies to our all customers regardless of where you are located.

This Privacy Policy applies to our websites. This Privacy Policy does not apply to websites that we do not operate, such as linked third party websites. Those website owners are responsible for the privacy of the information they collect and should be contacted directly for details of their privacy policies. If we refer you to a third-party website, we are not making any representations to you regarding the privacy or security of your Personal Information when collected or held by the other website. The privacy practices applicable to other websites may differ substantially from ours. You should read the privacy policy of any other websites you visit before using them. We do not accept responsibility for the content or practices of websites operated by third parties that are linked from our websites.

This Privacy Policy also applies to job applicants.

By using our websites, or by providing personal information to us, you agree to the terms of our Privacy Policy. If you open a Loving Tan online account or sign up a Loving Tan newsletter, you agree to the terms of our Privacy Policy as part of the account opening or sign-up process. When you agree to the terms of our Privacy Policy, you consent to the collection, use, storage and disclosure of that information as described in our Privacy Policy. You have a right to withdraw your consent at any time and may do so by contacting us via the details provided below.

### 3. What personal information do we collect?

We collect personal information in the provision of our goods and services, including the marketing of our goods and services. We collect personal information so that we can provide products, services and information to you.

We collect information about you when you access and use our websites. The types of information we collect will depend on the type of product or service requested by you.

We also collect information where we are required to do so by law.

The types of personal information we collect depends on the circumstances in which the information is collected. The types of personal information we collect may include:

- Your name
- Your address
- Other contact details for you, such as telephone number and email
- Details of the products you purchase
- Any information provided to us via a customer account signup form
- Your age or date of birth and gender
- Information regarding your use of our products
- Information about products of others that you use or may like to use
- Information sourced from other products and services that you use, where you give us consent to collect and consolidate that information
- How you make payments to us, and how we make refunds to you, such as your banking and payment details. This could include bank account and debit or credit card details



- Information regarding your use of our websites including searches you undertake on our websites and information that you provide to us via our websites (for example if you use a forum, feedback/rating tool, online survey or other tool or input form on our websites)
- Information about your use of our social media content
- Records of communications and dealings with you, such as emails, SMS, telephone, live chat and in-person communications
- Location information
- Information we may collect as part of a survey, customer feedback request or a competition
- Information that you provide to us, for example, when completing an application or as evidence in respect of a complaint
- Information that we derive from the information that we hold about you, such as derived demographic information
- If you apply to work for us: Your resume, information about your past work and study, references and police background checks.

We collect information about people who are our suppliers, business customers and business partners, or who are employed by our suppliers, business customers and business partners. The information we collect is that which we need to do business with that party. For example, if you are an employee of a supplier or business customer, we may collect information about who you work for, the location where you work, your position or job title, and employer contact details. If you are a brand ambassador or influencer, we may collect information from you we need so that we can work with you.

We collect information about people who visit our offices and attend our events. This may include photographs and video, and your signature when you sign in.

We may record and monitor telephone calls and other communications between you and us for training, quality control, verification and compliance purposes.

When you communicate with us, we may collect additional information including the languages you speak and how best to manage communications with you.

We do not seek to collect sensitive information. Sensitive information includes information about your health, racial or ethnic origin, religious beliefs and criminal record. (Sensitive information or sensitive personal information is defined in section 6 of the Australian Privacy Act 1988 and in Article 9 of the GDPR.) If we do have to collect sensitive information, we will do so in accordance with all relevant laws — for example, we will only collect sensitive information about you with your consent and where it is reasonably necessary for us to do so, or if we are otherwise allowed or required by law to collect that information. If you provide us with sensitive information, we will consider that you have consented to us collecting it.

#### **4. Additional information regarding collection when using our websites or communications**

When using our websites, we and our technology partners may collect information about you and how you use our websites. We may collect information such as:

- your use of the website, such as pages visited, links clicked, text entered, and mouse or cursor movements, and when you visit each page
- device information, such as the model and ID of the device you use, operating system, MAC address, device time zone, telephone number and mobile phone network
- server log information, such as details of how you used the service, IP address, hardware settings, browser type, browser language, the date and time of your use and referral URL
- information that may uniquely identify your browser or your account, and other online identifiers
- your user name and password, if you create an account with us or use a service that requires login information
- location information.

We also collect some statistical information about visitors to our websites (for example, the number of visitors, pages viewed, types of transactions conducted, time online and documents downloaded), but this is not personal information when we aggregate this information so that no person can be identified from the statistical information.

We may use publicly available sources to approximate your geographic region and Internet Service Provider based on your IP address. We use various technologies to collect and store information, including cookies, pixel tags, tracking tags, and local storage such as browser web storage or application data caches, databases, and server logs. These technologies help us track your usage and remember your preferences. Other than for statistical information and user behaviour on our websites, we do not collect any information about you through our websites unless you voluntarily provide the information to us.



Analytics cookies and tracking tags may also be used to collect information about your use of our website (visitation data) that allow our third-party website analytics services (e.g. Google Analytics) to help us analyse trends and understand our website users' behaviour patterns in the aggregate.

You may refuse the use of cookies by selecting the appropriate settings on your browser. However if you do, you may not be able to use the full functionality of our websites.

We do not alter our websites' data collection and use practices when we see a Do Not Track signal from your browser.

These technologies can also be used for targeted marketing, including across platform marketing. Sometimes, for example, your use of our website may be used by a third party to target advertisements to you on a non-Loving Tan website or App.

Through our use of Google Analytics, the information generated by a cookie about your use of our websites (including your IP address) will be transmitted to and stored by Google on servers in the United States. Google will use this information for the purpose of evaluating your use of our websites, compiling reports on website activity for website operators and providing other services relating to website activity and internet usage.

Google may also transfer this information to third parties where required to do so by law, or where such third parties process the information on Google's behalf.

Information collected by the Google Analytics cookie or tracking tag is transmitted to, and stored by, Google in accordance with its privacy practices. To opt out of Google Analytics, please visit:

<https://tools.google.com/dlpage/gaoptout>

By using our website, you consent to the processing of data about you by Google in the manner described in Google's privacy policy and for the purposes set out above. You can opt out of Google Analytics if you disable or refuse the cookie, disable JavaScript, or use the opt-out service provided by Google.

You can visit this [page](#) to opt out of targeted advertising if the advertiser is a member of NAI.

Our communications to you (such emails, direct messages via social media platforms and the like) may include links to pages on our Website. By clicking on such a link, you will be directed to a page on our Website, and we may collect information related to the "click-through". We may use cookies to associate information in the click-through with your previous experiences on our Website. You may avoid having this information collected by not clicking on the link in our communications. Our advertising partners may also use this "click-through" technology in their links so that (for example) we can track which advertising partners are effective. We use Impact Tech, Inc. to assist us collect this kind of information, and their privacy policy is located at: <https://impact.com/privacy-policy/>.

## **5. How we collect Personal Information**

We collect personal information in several ways, including:

- directly from you, for example, when you give it to us
- when you enter your personal details on our website
- when you create an account with us or update your account details
- when you complete an entry form for a competition or participate in a survey
- when you apply to work for us
- when you email, text or telephone us, engage in live chat or when you share information with us from other social applications, services and websites
- when you interact with our website, online content and advertising
- when you visit or offices or attend our events, for example, you may be photographed or captured on CCTV
- from publicly available sources of information, including third parties from whom we may acquire lists
- from third parties, such as retailers and your family members
- using technology to deduce information about you, such as demographic information
- if you are or work for a supplier or business customer of Loving Tan, or a potential supplier or business customer, as part of business dealings with you
- from your employer, if your employer is a supplier or business customer of Loving Tan
- from background check providers, former employers, referees, and educational institutions, if you apply to work for us.

If you choose not to provide us with information, we may be unable to supply products to you or we may not be able to provide you with products or information that is relevant to you.

## **6. Use and Disclosure of Personal Information**

We may use and disclose your personal information for the following purposes:

- to provide our products to you
- to identify you and to assist you to obtain and use our products
- to consider whether to recommend products to you
- to provide you with information regarding the best ways to use our products
- to administer and manage our websites
- to help us decide how we can improve our products
- to provide you with information that we think may be of interest to you
- provide you with relevant and timely advertising
- to complete transactions with you
- to manage your account
- to respond to inquiries from you
- to provide you with customer support
- to create reports for our management and business partners
- to ensure that you comply with all relevant laws and your contractual obligations to us
- to process payments
- to review your dealings with us, including the products you use, your potential needs, and new products that might be of interest to you or other customers
- to improve our websites, our products and our customer service
- to administer surveys, contests and promotional activities or events sponsored or managed by us or our business partners
- to carry out consumer, market, community and product research, compile demographics, to analyse data and to deduce information
- for security purposes, including to perform functions that we believe are necessary to protect the security and proper functioning of our websites
- to respond to complaints
- to comply with our legal and regulatory obligations, resolve disputes, and enforce agreements
- to investigate or pursue a legal claim
- to protect and defend our rights and property
- to make special offers related to our products
- to contact you from time to time by telephone or email about new products, services or offers
- to gain an understanding of your needs to provide you with or to recommend to you better and more personalised products tailored to your requirements
- to promote and market our products and the products and services of others
- to provide you with relevant and timely information and advertising
- to assist in the enforcement of laws
- to report to our directors and shareholders
- to maintain and update our records, which may include billing records
- ensure our internal business operations are running smoothly which may include fulfilling legal requirements and conducting confidential systems maintenance and testing
- help preserve the personal safety and security of our customers, website users, staff and the public
- to determine whether to hire you to work for us
- to conduct appropriate checks to detect fraud
- to monitor and detect possible fraud or breaches of our terms and conditions of service
- as otherwise required or authorised by law.

We may also use personal information for purposes as would be reasonably expected by you in connection with those activities described above.

## **7. Direct Marketing and Opt Out**

To provide our newsletters and to communicate account and promotional information to you, you may be contacted by us via several means including e-mail, SMS and phone communications, push notifications, social media posts or chats, hardcopy mail and other similar means. If you have provided us with your email address, created an account with us, purchased a product or subscribed to any of our newsletters, we may send you information from time to time that we think is relevant to you and your interests. Should you not wish to receive communications of this nature from us, you may unsubscribe or opt-out:

- by following the link or instructions in the communication
- by contacting us at [privacy@lovingtan.com](mailto:privacy@lovingtan.com) to update your communication preferences
- by changing the marketing preference settings for your account on our websites
- by changing settings on your device, such privacy settings or push notification settings.



If you unsubscribe from marketing communications, this will not stop you receiving service-related communications from us if we are otherwise legally entitled to send them to you.

We will not charge you for giving effect to your opt out request and will take all reasonable steps to meet your request at the earliest possible opportunity.

By providing us with your telephone number (for example, when entering your phone number during the checkout process, when opening an account with us, and the like), you agree that we may send you text notifications (for example, for your order including abandoned cart reminders) and text marketing offers. Text marketing messages will not exceed 30 a month. You acknowledge that consent to receiving text notifications is not a condition for any purchase. Your telephone number, name, and purchase information may be shared with our SMS platform provider, SMSBump Inc, a European Union company with an office in Sofia, Bulgaria, EU. This data that is shared with SMSBump will be used for sending you targeted marketing messages and notifications. Upon sending the text messages, your telephone number will be passed to a text messages operator to fulfill their delivery.

If you wish to unsubscribe from receiving text marketing messages and notifications reply with STOP to any mobile message sent from us or use the unsubscribe link we provided you within any of our messages. Alternative methods of opting out, such as using alternative words or requests will not be accounted as a reasonable means of opting out. Your telephone provider may charge you for sending messages or using data. For any questions about text messages from us, please text HELP to the number you received the messages from.

#### **8. Disclosure of Personal Information**

We only disclose personal information for a purpose for which it was collected, or for a secondary purpose in circumstances permitted by law. This includes where you consent to us disclosing your personal information. You can give us your consent expressly or your consent may be implied.

We may disclose your personal information:

- to any organisation where you request us to do so
- to insurance companies
- to a court or tribunal
- to anyone who acquires or is considering acquiring our assets or business (or part of it)
- to a person who serves us with a subpoena or other legal document requiring us by law to disclose information or documents about you to them
- to our consultants, contractors, subcontractors, suppliers, service providers and professional advisors, who assist us in operating our business, for example to IT and cloud service providers, payment service providers, companies that provide identification verification services, customer analytics providers, marketing service providers, accounting service providers, website operators, mail house operators, CRM providers, collection services, banks, investigators, and organisations that we engage to deal with you on our behalf
- to government agencies, regulators and law enforcement bodies
- to other organisations where necessary or reasonable to do so in relation to the operation of our business.

We may publish the names of competition winners as set out in the terms and conditions of the relevant competition.

Sometimes, we disclose personal information to a third party who has the right to use our brand or logo. The third party may provide products or services, or operate a website or App, but these are not our products, services, websites or Apps. We do not accept responsibility for the privacy practices of the third parties in these circumstances.

Data used and stored by Loving Tan is hosted in Australia, the United States, Canada, UK and the EU. We may store your personal information on servers in web hosting facilities outside of these countries.

We may disclose your personal information to organisations outside of Australia, including to our related bodies corporate, to contractors, cloud service providers, providers of payment services, and to third party providers who assist us to manage marketing material related to our products, management of our customer base and support processes, email, website hosting, office administration, courier and accounting services. The disclosure may be to organisations located in the United States, the UK and the EU. If you are located outside of Australia, your information will be stored and accessed in Australia where we are located.



The personal information we collect may be transferred out of Australia, UK, the EU or the United States and to countries including but not limited to Australia, the EU and the United States.

The service providers we engage may use international data centres and disaster recovery sites.

The Australian Privacy Principles require that we take reasonable steps, dependent on the circumstances, to ensure that the overseas service provider to whom personal information is disclosed does not breach Australian privacy laws (the "Requirement"). When you provide us with your personal information you consent to the disclosure of your information to an overseas provider. Your consent to this disclosure means that the Requirement does not apply and we will not be held accountable under the Australian Privacy Act for any breaches of the Australian Privacy Act by the overseas provider.

#### **9. Security and Storage of Personal Information**

We take reasonable steps to protect your personal information from misuse, loss, unauthorised access, modification or disclosure. We provide a robust level of security when you use our websites or when you sign in as a visitor to our office. We have physical, electronic and procedural safeguards to protect personal information which is held by us.

We may store personal information in a variety of formats, including electronic or paper formats.

We take measures to enhance the security of our websites. If you are a customer who has an account with us, it is important for you to protect against unauthorised access to your password and to your computer. You should have a unique and complex password and make sure to regularly update your operating system. You must not disclose your password to others.

Transmissions sent to or from our websites are routinely monitored for quality control and systems administration. We cannot guarantee the total security of any data transmission over the Internet.

A number of physical, administrative, personnel and technical measures are used to protect your personal information, including restricting access to offices, databases and firewalls to keep personal information secure from misuse, loss or unauthorised use. We continuously monitor and update our website security to minimise the risk of hacking. Access to personal information stored electronically is restricted to staff and contractors whose job purpose requires access.

Although due care is taken, we cannot guarantee the security of information provided to us via electronic means or stored electronically. No security measures are perfect and we cannot promise to be able to withstand security threats in all circumstances.

Personal information is only retained for as long as is necessary or as required by law.

We use secure methods to destroy or de-identify any personal information, provided the information is no longer needed by us for any purpose and doing so is not prohibited by law.

You may make a request to us in writing to remove or delete your personal information and, where permitted, we will do so in accordance with all relevant laws.

#### **10. Amendment of this policy**

We regularly review this Privacy Policy and our privacy practices.

We may amend this policy from time to time. If we do, we will update the Privacy Policy on our websites. The changes will come into effect immediately upon notification on our websites. If the changes are significant and relevant to customers, we will aim to provide customers who have an account with us with an email or text notification of the changes. You should check our websites from time to time to understand how the current version of our Privacy Policy applies to you.

#### **11. Access to your information**

You can request access at any time to personal information we hold about you by using the contact details below for the Privacy Officer.

We will process your request within a reasonable time, usually 21 days for a straightforward request. More time may be needed, depending on the nature of the request. There is no fee for requesting access to your personal information; however, we may charge you the reasonable cost of processing your request. If a fee applies, we will advise you before we provide access. Sometimes we are not required to provide you with access – for example, if the law says we can deny access.

If there is a reason for not granting you access to any of your personal information, we will provide you with a written explanation of the reasons for the refusal (unless unreasonable to do so) and inform you of the mechanisms to complain about the refusal.

We may also need to verify your identity when you request your personal information.

#### **12. Correction of information**

We try to ensure that all information we hold about you which we hold about you is accurate, complete and up to date. You must promptly notify us if there are any changes to your personal information. You may ask us at any time to correct personal information held by us about you, which you believe is incorrect or out of date. We will deal with your request within a reasonable time.

If you would like to make an update or correction to any personal information we hold about you, please let us know by sending an email to [privacy@lovingtan.com](mailto:privacy@lovingtan.com). If there is a reason for not making a correction to



any personal information, we will provide you with a written explanation of the reasons for the refusal (unless unreasonable to do so) and inform you of the mechanisms to complain about the refusal.

We may also need to verify your identity when you request an update or correction to your personal information.

You may choose to interact with us anonymously or through the use of pseudonyms for example if you have questions general in nature. However, you are required to provide true and accurate details when requesting the supply of products. You agree to provide accurate information if so required.

### **13. Contact Details and Complaints**

Loving Tan is a customer service-oriented business. Therefore, if you have a complaint about privacy related issues, please contact us. Our Privacy Officer can be contacted via the information provided below. Following receipt of your complaint, we will investigate and respond to you within a reasonable period. For further information, or if you would like to make a complaint about our use, handling or disclosure of your personal information, please contact our Privacy Officer or refer your complaints in writing to [privacy@lovingtan.com](mailto:privacy@lovingtan.com).

If you are not satisfied with our response, you may also contact the relevant regulator such as the Australian Information Commissioner. As at the date of this Privacy Policy, the contact details are as follows:

#### **Office of the Australian Information Commissioner**

GPO Box 5218

Sydney NSW 2001

Phone: 1300 363 992

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

Online: <https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint>

If you would like more information about the Privacy Act or Australian privacy requirements in general, please visit the Office of the Information Commissioner's website at [www.oaic.gov.au](http://www.oaic.gov.au).

Alternatively, if you are an EU resident or citizen you may contact your local supervisory authority. If you are a United Kingdom resident, you may wish to contact the UK Information Commissioner's Office:

<https://ico.org.uk/for-the-public>

### **14. Additional rights under the GDPR**

If you are an EU resident or citizen or are located in the European Economic Area, you have the right to access the personal information we hold about you and to ask that your personal information be corrected, updated, or deleted, restricted or ported to another goods or services provider. You may also object to the processing of your personal information.

If you would like to exercise these rights, please contact us through [privacy@lovingtan.com](mailto:privacy@lovingtan.com).

### **15. Californian Residents**

This notice to California residents is provided under California law, including the California Consumer Privacy Act ("CCPA"), Cal. Civ. Code 1798.100, et seq. This notice supplements and is incorporated into our Privacy Policy by explaining your privacy rights if you are a California resident, providing our "notice at collection," and providing certain mandated disclosures about our treatment of California residents' information, both online and offline.

#### **Right to Access**

If you are a California resident, you have the right to request, up to two times each year, access to categories and specific pieces of personal information about you that we collect, use, disclose, and sell.

#### **Right to Delete**

If you are a California resident, you have the right to request that we delete personal information that we collect from you, subject to applicable legal exceptions.

#### **Right to Opt Out of Sale of Personal Information**

If you are a California resident, you have the right to "opt out" of the "sale" of your "personal information" to "third parties" (as those terms are defined in the CCPA).

If you wish to make such a request or to opt out, please contact us by email on the email address below. Before completing your request, we may need to verify your identity.

Our Privacy Policy above sets out any mandatory disclosures required under the CCPA.

### **16. Virginia United States Residents' Rights**

Virginia is a State in the United States. Virginia law provides Virginia residents with the rights listed below.

#### **Right to Access**

You have the right to confirm whether we are processing your personal data and to access your personal data.



**Right to Correct**

You have the right to correct inaccuracies in your personal data, taking into account the nature of the personal data and the purposes of the processing.

**Right to Delete**

You have the right to delete personal data provided by or obtained about you.

**Right to Portability**

You have the right to obtain a portable copy of the personal data that you provided to us.

**Right to Opt Out**

You have the right to opt out of targeted advertising (as defined under Virginia law). We do not sell data as defined under Virginia law.

To make an access, deletion, or correction request, please contact us by email on the email address below. Before completing your request, we may need to verify your identity.

Our Privacy Policy above sets out any mandatory disclosures required under Virginia laws.

**17. Disclaimer**

While your privacy is important to us, nothing in this Privacy Policy constitutes a voluntary opt in by us to any privacy laws, anywhere in the world, which we are not legally bound to comply with.

**18. Contacting Us**

Privacy Officer  
Suite 9A  
204 Alice Street  
Brisbane QLD 4000 Australia  
Telephone: +61 7 3172 8399  
Email: [privacy@lovingtan.com](mailto:privacy@lovingtan.com)  
This policy was last updated on **21 January 2023**.