

DESKACTIVE PRIVACY POLICY

[Version #1, March 7, 2010]

DeskActive, Inc. and DeskActive Pty Limited (“**DeskActive, we or our**”) regards the privacy of the users of its products and services seriously. This privacy policy covers information utilization and information transfer of users and applies to our range of *DeskActive Products*. A full list of the DeskActive Products may be obtained from the DeskActive website: <http://www.deskactive.com>.

This Privacy Policy is part of the DeskActive Software License Agreement and End User License Agreement and is incorporated by reference therein.

DeskActive complies with all applicable laws in the USA including the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy and Security Rules, the Health Information Technology for Economic and Clinical Health Act (HITECH Act) and will comply with any subsequent Federal privacy laws. In Australia, DeskActive has adopted the [Australian National Principles for the Fair Handling of Personal Information](#) as published by the [Federal Privacy Commissioner](#).

In accordance with published guidelines we disclose that we provide to our licensed clients a range of software products, collectively known as the **DeskActive Products**.

Each of our **DeskActive Products**:

1. Allows our licensees, and other personnel authorized by the licensees, access to the licensed **DeskActive Products**. Each licensee of the DeskActive Products has a license for the relevant DeskActive Products for their licensed subscription period.
2. Allows personnel nominated by our licensees to operate and update relevant information within their licensed **DeskActive Products**.
3. Allows a licensee’s authorized personnel to use the **DeskActive Products** that have been licensed to the authorizing licensee.

“**DESKACTIVE web site**” means <http://www.deskactive.com>

“**Personal Information**” means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

“**Users**” of the **DeskActive Products** means those staff and other authorized personnel who are nominated by the licensee to use the **DeskActive Products** in accordance with the specified **DeskActive Products** user terms and conditions or manager terms and conditions where relevant.

We disclose our practices regarding the following information:

1. Information collected and its purpose.
2. Who has access to information collected.
3. Whether Users can have access to the information collected.
4. Policy on correcting and updating Personal Information.
5. Policy on deleting or deactivating Personal Information.
6. How we secure data.
7. How we prevent data misuse.
8. Breach of security of data

1. Information collected and its purpose

1.1 Information collected

a) Corporate information

To enable a licensee of the **DeskActive Products** to operate their licensed **DeskActive Products**, we collect information such as:

- Licensee name and corporate/Federal identity number
- Licensee addresses
- Licensee contact information (ie telephone and facsimile numbers, email and web sites addresses)
- The names and contact information of the licensee's health and safety officers and information technology personnel nominated as holding responsibility for the operation of the **DeskActive Products**
- Technical information about the computer server, environment and systems, which will be used to service the licensee's licensed **DeskActive Products**
- The licensee's data required to populate the **DeskActive Products** so they may operate successfully

b) Personal information of Licensee Personnel

To enable the licensee to operate its licensed versions of **DeskActive Products**, we collect information on the licensee's personnel nominated to oversee the management of the **DeskActive Products**, such as:

- first and second names of key personnel who will operate **DeskActive Products** for the licensee
- key personnel work contact information (ie telephone and facsimile numbers, work addresses and email addresses)

c) Personal information of DeskActive Products Users

To successfully operate **DeskActive Products** for the licensee, we collect information on Users of the product such as:

- first and second names of Users who will utilize the **DeskActive Products**
- gender
- work email address
- computer usage statistics including, but not limited to: number of keys pressed, number of mouse movements and computer usage time
- DeskActive session engagement data, including, but not limited to: health content areas of interest, activities completed or skipped, sessions completed or missed, health advice entries read, messages read & received, and time spent using the **DeskActive Products**

1.2 Information collected

There are 3 different ways that a User's Personal Information could be used at the discretion of the licensee. If Personal Information is to be used by the licensee, the licensee is required to advise each User how it is to be used.

a) Personal information not used by the licensee

The licensee may choose not to use any Personal Information.

b) Personal information used for health and safety reasons

The licensee may choose to use Personal Information for health and safety purposes (eg. for monitoring use of computers by staff who may have higher risk of developing RSI. With knowledge of computer usage strategies to prevent or reduce injury could be developed and implemented.)

Statistical or usage data would not be used by this licensee for performance monitoring or management and would not be provided to assess staff.

c) Personal information able to be used by licensee at its discretion

The licensee may choose to use Personal Information for its own purposes, including performance monitoring or management. In this situation the licensee is required to advise Users of the purpose/s for which it will use any Personal Information collected through their use of the **DeskActive Products**.

2. Who has access to information collected?

All data that we collect from or for a licensee may be made available to the following people:

- a) authorized personnel within the licensee's organization, who can access the information with a valid username and password. Their use of the **DeskActive Products** is subject to our Manager Terms of Use and this Privacy Policy;
- b) DeskActive's own employees, independent contractors and representatives ("DeskActive Personnel"), who assist in the configuration of the **DeskActive Products** for a licensee or with support and maintenance of the **DeskActive Products** and the related hardware platforms;
- c) our Help Desk Support employees or contractors, who provide support to the licensee and help to maintain the **DeskActive Products**;
- d) Law enforcement agencies that have provided us with the required legal documentation or court order to show that they may legally access Personal Information.

Note - DESKACTIVE reserves the right to collect and analyze information derived from each licensee's use of the **DeskActive Products**, however this information will not include any Personal Information.

3. Whether Users can have access to the information collected

Users of the DeskActive Products are able to access their own personal data at any time, by going to the "About" tab or menu item of their **DeskActive Products**. Users are able to view collated and graphed data about their own personal activities recorded through the **DeskActive Products**.

4. Policy on correcting and updating Personal Information

A User of the *DeskActive Client Product* of our **DeskActive Products** has full administration access and responsibility to update their own personal data (including password and **DeskActive Products** preferences) within the **DeskActive Products**.

A User of **DeskActive Products** may update their own personal data through the licensee's nominated personnel who have authority to update or modify User accounts.

DESKACTIVE does not hold any Personal Information outside the **DeskActive Products**.

5. Policy on deleting or deactivating Personal Information

If a licensee terminates their **DeskActive Products** licensing agreement(s), we will delete all of the licensee's data from our servers, when requested by the licensee. This will include all Personal Information of Users and the licensee's authorized personnel.

6. How we secure data

a) Database security

The data for each licensee is stored in a secured separate area within the **DeskActive Products** database, into which each licensee's authorized personnel are authenticated upon logging into the **DeskActive Product**. This ensures that data is only accessible to authorized users for that specific licensee entity. It is not possible for any one licensee of the **DeskActive Products** to access data belonging to another licensee.

b) Internet

Strict security is employed in order to prevent unauthorized access. All **DeskActive Products** electronic communications use web security techniques, specifically the HTTPS protocol with SSL technology and security certificates. Data traffic between users and our servers is always encrypted.

c) Servers and physical data

Our servers are housed in a secure data center. Offsite data backups are stored in a fireproof safe and redundant backup data is destroyed periodically.

d) Third party access to data

Anyone to whom DeskActive provides access to the DeskActive database for the purpose of providing **DeskActive Products** services has a contractual obligation to DeskActive to keep all data secure and confidential.

7. How we attempt to prevent data misuse

a) Access privileges

Every authorized user has a unique username to access the **DeskActive Products**, which are used to access data at the level of access designated to them.

b) Revocation of access

DeskActive Personnel may comprise consultants who initially have access to all licensee data as they help to set up a licensee's database. Once the initial consultancy project is completed, user accounts for DeskActive consultants are deactivated and access to the licensee's data is revoked.

DeskActive (and nominated third-parties such as IT support staff) may require occasional access to licensee data to support use of the application and investigate support incidents. Once a support incident is completed, user access is revoked.

c) Confidentiality

All DeskActive Personnel have signed documentation that requires those personnel to keep confidential all data and Personal Information obtained through the DeskActive Products. All DeskActive Personnel are required to protect the privacy of your Personal Information consistent with this Privacy Policy and not use or disclose your information for any purpose except that which will provide our services.

8. Breach of security of data

a) DeskActive's policies and procedures are designed to deliver a secure environment for licensee data that meets current industry standards together with the requirements of regulatory authorities including HIPAA HITECH Act.

b) DeskActive relies upon standards put in place to ensure the privacy of licensee data is kept confidential by DeskActive's own employees, independent contractors and representatives ("DeskActive Personnel"). We rely on the integrity and ethical values of our personnel. Additionally DeskActive has an appointed Privacy Compliance Officer who is responsible for ensuring that DeskActive Personnel have necessary training to handle, and systems to secure, licensee data.

c) In compliance with HIPAA HITECH Act and the Breach Notification Rule we require a Business Associate Agreement to be completed by Covered Entities prior to installation of DeskActive Products which outlines the obligations of both parties regarding compilation and reporting of information pertaining to a breach by either party.

Notification of Change

If we change our information usage practices that affect personal information, we will post a notice on our DeskActive website.

How to contact us

We have an appointed Privacy Compliance Officer to assist our customers with any inquiries, complaints or feedback. Our Privacy Compliance Officer can be contacted at:

Privacy Compliance Officer
DeskActive, Inc.
312 East First St,
Grimes, IA 50111
USA

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Email: info@deskactive.com