

## 1. Introduction

Operata Pty Ltd (“Operata”, “we”, “us”, or “our”) provides Software as a Service (SaaS) and software modules that enables customers to continuously collect quality data from calls, then uses machine learning to diagnose issues and assist agents to improve the contact centre environment. (the “**Service**”).

A “**Customer**” is an entity with whom Operata has an agreement to provide the Service.

This document is intended to supplement and clarify the Operata General Privacy Policy with regard to Personal Data processed on behalf of our Customers during provision of the Service ("Service Data").

This Privacy Statement for Service Data represents an Agreement between Operata and the Customer and governs the use of Service Data. If there is any inconsistency between this Agreement and any negotiated Agreement between Operata and the Customer, the terms of the negotiated agreement will prevail.

## 2. Definitions

- a. **Agent:** an individual who communicates within the Operata Platform on behalf of the Customer For example, a member of the Customer’s sales team, or a representative of a third party to whom support has been outsourced.
- b. **Customer:** a legal entity with whom Operata has an agreement to provide the Services. For clarity, a Customer may be a Controller or a Processor of Personal Data. Where a Customer is a Processor of Personal Data, Operata shall process Personal Data as sub-processor on behalf of the Controller. Instructions from the Controller regarding the processing Personal Data shall be given through the Processor.
- c. **User:** an individual who communicates with a Customer or Agent For example, a member of the public on a mobile phone or a visitor to the Customer’s Website

The following terms are used as defined in the EU General Data Protection Regulation (GDPR):

- d. **Controller:** the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data
- e. **Personal Data:** any information relating to an identified or identifiable natural person ("Data Subject")
- f. **Processor:** a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller

- g. **Third Party:** a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorized to process personal data

### 3. Data We Process

This document is intended to supplement and clarify the Operata General Privacy Policy with regard to Personal Data processed on behalf of our Customers during provision of the Service ("Data Subject")

Operata may collect and process Personal Data about individuals for the purposes of account creation, billing, usage tracking, recruiting and marketing. These data types and processing activities are governed instead by the Operata General Privacy Policy.

Data that is not related to an identified or identifiable natural person, including aggregated or de-identified data, is not Personal Data and is not addressed by this document.

Operata Services are not directed to children under 16. If you learn that a child under 16 has provided us with Personal Data without consent, please contact us at [privacy@operata.com](mailto:privacy@operata.com)

### 4. Types of Service Data

Operata may process the following types of Service Data on behalf of Customers:

#### *User Information*

- a. The Operata Service collects data as Agents to communicate with Users. The majority of this data is anonymous network performance logs, however it may contain the Users transmitted phone number with the date and time that the call was made.
- b. The Operata Service may provide links to audio recordings on the Customer Recording platform, as part of any recording integration, the Customer has accountability for ensuring that User Access Management and other relevant policies are adhered to.

#### *Agent Information*

- c. The Operata Service collects data as Agents to communicate with Users. The majority of this data is anonymous network performance logs, however it may contain the Agents login name with time stamps that contacts were received or made.
- d. The Operata Service may provide links to audio recordings on the Customer Recording platform, as part of any recording integration, the Customer has accountability for ensuring that User Access Management and other relevant policies are adhered to.

## *Metadata*

- e. Operata servers automatically records some information when Services are used, including information sent by browsers or mobile apps.
- f. Operata may collect information about the devices Services are being used on, including what type of device it is, it's network connection type, IP address, operating system type, device settings, application IDs, unique device identifiers, and crash data.

## **5. Purposes for Processing**

Operata processes the Personal Data types outlined above for the following purposes:

- a. To provide and enhance our product and service offerings
- b. To provide insights and statistics on an aggregated basis to help our Customers measure their performance, better understand their customers and improve their service offerings
- c. To respond to Customer requests for support or assistance

This policy is not intended to place any limits on what we do with data that is aggregated and/or de-identified. It is no longer associated with an identifiable user or Customer of the Services and is therefore not Personal Data.

## **6. How We Protect Data**

With regard to the Service and Service Data, Operata acts as a Processor on behalf of Customers. Customers have primary responsibility for interacting with Data Subjects, and the role of Operata is generally limited to assisting Customers as needed. Operata processes Service Data only upon a Customer's instruction and shall have a duty to respect the security and confidentiality of Personal Data, pursuant to the measures outlined in agreements with Customers and as required by applicable law.

## **7. Privacy Program**

Operata maintains a managed privacy program to identify risks and implement preventative measures. Our Chief Privacy Officer, is responsible for managing the privacy program. The privacy program is and will be reviewed on a regular basis to provide for continued effectiveness.

Personal Data collected and processed by Operata is governed by the Operata Data Privacy Policy. Employees with access to Personal Data are trained on the Policy and their responsibility to protect the data, and they are bound by confidentiality agreements.

## **8. Information Security**

Operata takes security seriously. We take various steps to protect the information you provide to us from loss, misuse, and unauthorized access or disclosure. These steps take into account the sensitivity of the information we collect, process and store, and the current state of technology.

## 9. Transparency and Cooperation with Customers

Operata undertakes to be transparent regarding its Personal Data processing activities and to provide Customers with reasonable cooperation to help facilitate their respective data protection obligations regarding Personal Data.

## 10. Data Breach Notification

In the event that Operata becomes aware of any unauthorized access to or disclosure of Personal Data, Operata will promptly notify affected Customers to the extent such notification is permitted by applicable law.

## 11. Customer Audits

Upon a Customer's request, and subject to appropriate confidentiality obligations, Operata shall make available to the Customer (or such Customer's independent, third-party auditor) information regarding Operata and third-party sub-processors' compliance with the data protection requirements set forth in our agreements.

## 12. Obligations Upon Termination

Upon termination of the Services, Operata shall, at the request of the Customer, delete, render unidentifiable, or return all Personal Data to the Customer. Operata will certify that it has done so, unless legislation prevents it from returning or destroying the data. In that case, Operata will protect the data in accordance with its commitments and will not actively process the personal data transferred anymore.

## 13. Sharing and Disclosure

There are times when information described in this privacy statement may be shared by Operata. This section discusses how Operata may share such information. Customers determine their own policies for the sharing and disclosure.

Operata reserves the right to disclose or use aggregate or de-identified information for any purpose. For example, we may share aggregated or de-identified information with our partners or others for business or research purposes for example publishing average measured performance statistics.

## 14. Sub-processing by Third Parties

Operata may retain third party sub-processors, and depending on the location of the third-party sub-processor, processing of Personal Data by such sub-processors may involve transfers of Personal Data. Such third-party sub-processors shall process Personal Data only in accordance with the Customer's instructions.

As of the date hereof, these third party providers include technical operations such as database monitoring, data storage and hosting services and customer support software tools.

Such third-party sub-processors have entered into written agreements with Operata in accordance with the applicable requirements.

## 15. Compliance with Laws

Operata may share or disclose data to comply with legal or regulatory requirements and to respond to lawful requests, court orders and legal process.

## 16. Enforcing Our Rights, Preventing Fraud, and Safety

Operata may share or disclose data to protect and defend the rights, property, or safety of us or third parties, including enforcing contracts or policies, or in connection with investigation and preventing fraud.

## 17. Changes to our Business Structure

Operata may share or disclose data if we engage in a merger, acquisition, bankruptcy, dissolution, reorganization, sale of some or all of Operata's assets, financing, acquisition of all or a portion of our business, a similar transaction or proceeding, or steps in contemplation of such activities (e.g. due diligence).

## 18. Data Subject Rights

Operata acts as a data Processor on behalf of Customers. Customers have primary responsibility for interacting with Data Subjects, and the role of Operata is generally limited to assisting Customers as needed.

## 19. Access, Correction, Amendment or Deletion Request

Operata shall promptly notify a Customer if Operata receives a request from a Data Subject for access to, correction, amendment or deletion of that person's Personal Data. Operata shall not respond to any such Data Subject request without the Customer's prior written consent except to confirm that the request relates to that Customer.

Operata shall provide Customers with cooperation and assistance in a reasonable period of time and to the extent reasonably possible in relation to any request regarding Personal Data to the extent Customers do not have access to such Personal Data through their respective uses of the Services.

## 20. Handling of Complaints

Data Subjects may lodge a complaint about the processing of their respective Personal Data by contacting the relevant Customer or the Operata Privacy department at the email address [privacy@Operata.io](mailto:privacy@Operata.io). Operata shall promptly communicate the complaint to the Customer to whom the Personal Data relates.

Customers shall be responsible for responding to all Data Subject complaints forwarded by Operata, except in cases where a Customer has disappeared factually or has ceased to exist in law or become insolvent. Where Operata is aware of such a case, it undertakes to respond directly to Data Subjects' complaints within thirty (30) days, including the consequences of the complaint and further actions Data Subjects may take if they are unsatisfied by the reply.

## 21. Regulatory Inquiries and Complaints

Operata shall, to the extent legally permitted, promptly notify a Customer if it receives an inquiry or complaint from a data protection authority in which that Customer is specifically named. Upon a Customer's request, Operata shall provide the Customer with cooperation and assistance in relation to any regulatory inquiry or complaint involving Operata's processing of Personal Data.

## 22. Changes to this Statement

We may change this statement from time to time, and if we do we will post any changes on this page. If you continue to use the Services after those changes are in effect, you agree to the revised policy.

This document was last updated in June 2019.

## 23. Contacting Operata

Please feel free to contact us if you have any questions about Operata's Privacy commitments or practices. You may contact us at [privacy@Operata.com](mailto:privacy@Operata.com) or at our mailing address below:

Operata Pty Ltd  
3/162 Collins St  
Melbourne  
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