

## KIBYTES PTY LTD Privacy Policy

### What information KIBYTES collects

"User Personal Information" is any information about one of our customers or staff members which could, alone or together with other information, personally identify them or otherwise be reasonably linked or connected with them. Information such as a username and password, an email address, phone number and User Personal Information.

Customer and staff Personal Information does not include aggregated, non-personally identifying information that does not identify a customer or staff member or cannot otherwise be reasonably linked or connected with them. We may use such aggregated, non-personally identifying information for research purposes and to operate, analyse, improve, and optimize our Services.

Information customers and staff members provide directly to KIBYTES

### Registration information

We require some basic information at the time of liaising with KIBYTES. When we gather your personal information, we also ask you for a valid email address.

### Payment information

All payment information we collect from you are the following; full name, address, and credit card information or PayPal information. Please note, KIBYTES does not process or store your credit card information or PayPal information, but our third-party payment processor does.

### Profile information

You may choose to give us more information for your Account profile, such as your full name, your location and/or your company. This information may include User Personal Information. Please note that your profile information may be visible to other Staff within KIBYTES.

Information KIBYTES automatically collects from your use of the Service

### Transactional information

we automatically collect certain information about your transactions from Services with KIBYTES, such as the date, time, and amount charged.

### Usage information

If you're accessing our Service or Website, we automatically collect the same basic information that most services collect, subject, where necessary, to your consent. This includes information about how you use the Service, such as the pages you view, the referring site, your IP address and session information, and the date and time of each request. This is information we collect from every Customer and staff member who access the Website, whether they have an Account or not. This information may include User Personal information.

### Cookies

As further described below, we automatically collect information from cookies (such as cookie ID and settings) to keep you logged in, to remember your preferences, to identify you and your device and to analyse your use of our service.

#### Device information

We may collect certain information about your device, such as its IP address, browser or client application information, language preference, operating system and application version, device type and ID, and device model and manufacturer. This information may include your personal information.

#### Information we collect from third parties

KIBYTES may collect your personal information from third parties. For example, this may happen if you sign up for training or to receive information about KIBYTES from one of our vendors, partners, or affiliates. KIBYTES does not purchase User Personal Information from third-party data brokers.

#### What information KIBYTES does not collect

We do not intentionally collect “Sensitive Personal Information”, such as personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning the work carried out between KIBYTES staff and the customer. If you choose to store any Sensitive Personal Information on our servers, you are responsible for complying with any regulatory controls regarding that data.

If you are a child under the age of 18, you may not have an Account with KIBYTES. KIBYTES does not knowingly collect information from or direct any of our content specifically to children under 18. If we learn or have reason to suspect that you are a customer who is under the age of 18, we will have to get further approval from your legal guardian or close your Account. We don't want to discourage you from getting support from KIBYTES, but those are the rules. Please see our Terms of Service for information about Account termination.

#### How KIBYTES uses your information

We may use your information for the following purposes:

We use your Registration Information to create your account, and to provide you the Service.

We use your Payment Information to provide you with the Paid Account services.

We use your User Personal Information, specifically your email address, contact number and name to identify you.

We use your Profile Information to fill out your Account profile and to share that profile with other staff members, customers or other relevant parties if you ask us to.

We use your email address to communicate with you, if you've said that's okay, and only for the reasons you've said that's okay. Please see our section on email communication for more information.

We use User Personal Information to respond to support requests sent to [support@kibytes.com.au](mailto:support@kibytes.com.au)

We use User Personal Information and other data to make recommendations for you, such as to suggest products or projects you may want.

We may use your personal information to invite you to take part in surveys, beta programs, or other research projects, subject, where necessary, to your consent.

We use Usage Information and Device Information to better understand how KIBYTES can improve our Website and Service.

We may use your personal information if it is necessary for security purposes or to investigate possible fraud or attempts to harm KIBYTES or any unlawful acts against the Australian state and national laws.

We may use your personal information to comply with our legal obligations, protect our intellectual property, and enforce our Terms of Service.

We limit our use of your User Personal Information to the purposes listed in this Privacy Statement. If we need to use your personal information for other purposes, we will ask your permission first. You can always see what information we have, how we're using it, and what permissions you have given us in your user profile.

#### Contract Performance:

When you create a KIBYTES Account, you provide your Registration Information. We require this information for you to enter into the Terms of Service agreement with us, and we process that information on the basis of performing that contract.

#### Consent:

We rely on your consent to use your personal information under the following circumstances: when you fill out the information in your user profile; when you decide to participate in training, research project, beta programs, or surveys; and for marketing purposes, where applicable. All personal information is entirely optional, and you have the ability to access, modify, and delete it at any time. While you are not able to delete your email address entirely, you can make it private. You may withdraw your consent at any time.

#### Legitimate Interests:

Generally, the remainder of the processing of your personal information we perform is necessary for the purposes of our legitimate interest, for example, for legal compliance purposes, security purposes, or to maintain ongoing confidentiality, integrity, availability, and resilience of KIBYTES systems, Website, and Service.

If you would like to request deletion of data we process on the basis of consent or if you object to our processing of personal information, please use our Privacy contact form.

How we share the information we collect

We may share your personal information with third parties under one of the following circumstances:

#### With your consent

We share your personal information, if you consent, after letting you know what information will be shared, with whom, and why. For example, if you direct us through your actions to KIBYTES to share your personal information. For example, if you join an organization, you indicate your willingness to provide the owner of the Organization with the ability to view your activity in the Organization's access log.

#### With service providers

We share User Personal Information with a limited number of service providers who process it on our behalf to provide or improve our Service, and who have agreed to privacy restrictions similar to the ones in our Privacy Statement by signing data protection agreements or making similar commitments. Our service providers perform payment processing, customer support ticketing,

network data transmission, security, and other similar services. While KIBYTES processes all User Personal Information in Australia, our service providers may process data outside of Australia. If you would like to know who our service providers are, please see our page on Subprocesses.

For security purposes

If you are a member of an Organization, KIBYTES may share your username, Usage Information, and Device Information associated with that Organization with an owner and/or administrator of the Organization, to the extent that such information is provided only to investigate or respond to a security incident that affects or compromises the security of that particular Organization.

For legal disclosure

KIBYTES strives for transparency in complying with legal process and legal obligations. Unless prevented from doing so by law or court order, or in rare, exigent circumstances, we make a reasonable effort to notify users of any legally compelled or required disclosure of their information. KIBYTES may disclose User Personal Information or other information we collect about you to law enforcement if required in response to a valid subpoena, court order, search warrant, a similar government order, or when we believe in good faith that disclosure is necessary to comply with our legal obligations, to protect our property or rights, or those of third parties or the public at large.

For more information about our disclosure in response to legal requests, see our Guidelines for Legal Requests of User Data.

Change in control or sale

We may share User Personal Information if we are involved in a merger, sale, or acquisition of corporate entities or business units. If any such change of ownership happens, we will ensure that it is under terms that preserve the confidentiality of User Personal Information, and we will notify you on our Website or by email before any transfer of your User Personal Information. The organization receiving any User Personal Information will have to honor any promises we made in our Privacy Statement or Terms of Service.

Access to private repositories

If your repository is private, you control the access to your Content. If you include User Personal Information or Sensitive Personal Information, that information may only be accessible to KIBYTES and the company or organisation you work for in accordance with this Privacy Statement. KIBYTES personnel do not access private repository content except for

security purposes

to assist the repository owner with a support matter

to maintain the integrity of the Service

to comply with our legal obligations

if we have reason to believe the contents are in violation of the law, or

with your consent.

However, while we do not generally search for content in your repositories, we may scan our servers and content to detect certain tokens or security signatures, known active malware, known vulnerabilities in dependencies, or other content known to violate our Terms of Service, such as violent extremist or terrorist content or child exploitation imagery, based on algorithmic

fingerprinting techniques (collectively, "automated scanning"). Our Terms of Service provides more details on private repositories.

KIBYTES will provide notice regarding our access to private repository content, unless for legal disclosure, to comply with our legal obligations, or where otherwise bound by requirements under law, for automated scanning, or if in response to a security threat or other risk to security.

#### Public repositories

If your repository is public, anyone may view its contents. If you include User Personal Information, Sensitive Personal Information, or confidential information, such as email addresses or passwords, in your public repository, that information may be indexed by search engines or used by third parties.

Please see more about User Personal Information in public repositories.

#### Other important information

##### Public information on KIBYTES

Many of KIBYTES services and features are public-facing. If your content is public-facing, third parties may access and use it in compliance with our Terms of Service. We do not sell that content; it is yours.

Your User Personal Information associated with your content could be gathered by third parties in these compilations of KIBYTES data. If you do not want your User Personal Information to appear in third parties' compilations of GitHub data, please do not make your User Personal Information publicly available and be sure to configure your email address to be private in your user profile and in your git commit settings. We currently set Users' email address to private by default, but legacy KIBYTES Users may need to update their settings.

#### Organizations

You may indicate, through your actions with KIBYTES, that you are willing to share your User Personal Information. If you collaborate on or become a member of an Organization, then its Account owners may receive your User Personal Information. When you accept an invitation to an Organization, you will be notified of the types of information owners may be able to see (for more information, see About Organization Membership). If you accept an invitation to an Organization with a verified domain, then the owners of that Organization will be able to see your full email address(es) within that Organization's verified domain(s).

Please note, KIBYTES may share your username, Usage Information, and Device Information with the owner(s) of the Organization you are a member of, to the extent that your User Personal Information is provided only to investigate or respond to a security incident that affects or compromises the security of that particular Organization.

If you collaborate on or become a member of an Account that has agreed to the Corporate Terms of Service and a Data Protection Addendum (DPA) to this Privacy Statement, then that DPA governs in the event of any conflicts between this Privacy Statement and the DPA with respect to your activity in the Account.

Please contact the Account owners for more information about how they might process your User Personal Information in their Organization and the ways for you to access, update, alter, or delete the User Personal Information stored in the Account.

#### Additional services

#### How you can access and control the information we collect

If you're already a KIBYTES customer, you may access, update, alter, or delete your basic user profile information by editing your user profile or contacting KIBYTES support. You can control the information we collect about you by limiting what information is in your profile, by keeping your information current, or by contacting KIBYTES support.

If KIBYTES processes information about you, such as information KIBYTES receives from third parties, and you do not have an account, then you may, subject to applicable law, access, update, alter, delete, or object to the processing of your personal information by contacting KIBYTES support.

#### Data retention and deletion of data

Generally, KIBYTES retains User Personal Information for as long as your account is active and 5 years after the point of account closure.

If you would like to cancel your account or delete your User Personal Information, you may do so by contacting KIBYTES support. We retain and use your information as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements, but barring legal requirements, we will delete your full profile (within reason) within 90 days of your request. You may contact KIBYTES support to request the erasure of the data we process on the basis of consent within 30 days.

#### Our use of cookies and tracking

##### Cookies

KIBYTES only uses strictly necessary cookies. Cookies are small text files that websites often store on computer hard drives or mobile devices of visitors.

We use cookies solely to provide, secure, and improve our service. For example, we use them to keep you logged in, remember your preferences, identify your device for security purposes, analyse your use of our service, compile statistical reports, and provide information for future development of KIBYTES. We use our own cookies for analytics purposes, but do not use any third-party analytics service providers.

By using our service, you agree that we can place these types of cookies on your computer or device. If you disable your browser or device's ability to accept these cookies, you will not be able to log in or use our service.

#### How KIBYTES secures your information

KIBYTES takes all measures reasonably necessary to protect User Personal Information from unauthorized access, alteration, or destruction; maintain data accuracy; and help ensure the appropriate use of User Personal Information.

KIBYTES enforces a written security information program. Our program:

aligns with industry recognized frameworks;

includes security safeguards reasonably designed to protect the confidentiality, integrity, availability, and resilience of our Users' data;

is appropriate to the nature, size, and complexity of KIBYTES's business operations;

includes incident response and data breach notification processes; and

complies with applicable information security-related laws and regulations in the geographic regions where KIBYTES does business.

In the event of a data breach that affects your User Personal Information, we will act promptly to mitigate the impact of a breach and notify any affected Users without undue delay.

Transmission of data on KIBYTES is encrypted using SSH, HTTPS (TLS), and git repository content is encrypted at rest. No method of transmission, or method of electronic storage, is 100% secure.

Therefore, we cannot guarantee its absolute security. For more information, see our security disclosures.

#### How we communicate with you

We use your email address or contact number you have provided to communicate with you, if you've said that's okay, and only for the reasons you've said that's okay. For example, if you contact our Support team with a request, we respond to you via email.

#### Resolving complaints

If you have concerns about the way KIBYTES is handling your User Personal Information, please let us know immediately. We want to help. You may contact us by filling out the Privacy contact form. You may also email us directly at [privacy@kibytes.com.au](mailto:privacy@kibytes.com.au) We will respond promptly — within 2 weeks at the latest.