

Privacy Policy

Privacy Statement last updated 23 May 2018.

1. About this Privacy Statement

1. Opmantek is committed to maintaining the security of personal information ('Personal Information') provided to us. When you share Personal Information with us, we treat it with care and take our responsibility to protect it seriously.
2. This Privacy Statement clearly describes our privacy practices and how we collect, use, process, and manage your Personal Information in relation to our business activities and the use of our websites at opmantek.com, support.opmantek.com, community.opmantek.com, www.open-audit.org ('Website').
3. We adhere to the Australian Privacy Principles contained in the Privacy Act 1988 (Cth) and the EU General Information Protection Regulation (GDPR) enforceable as of 25 May 2018.
4. By using our Website, you consent to the collection and use of your data on this Website as described in this Privacy Statement.
5. Any reference to "Opmantek", "we", "our", or "us" means Opmantek Software Pty Ltd (ABN 35 160 362 907). Any reference to "you, or "your" means you as a user of our Website or products and services.

2. About Us

1. Opmantek operates in the field of network management software and has developed Commercial Open Source Software at an enterprise level that helps IT teams audit IT environments, detects faults, review current and historical network performance and predicts where future failures are likely to occur.
2. Our headquarters are in Australia, but we have offices world wide. Our address for Opmantek offices are available on our [Contact Us](#) page.

3. What Personal Information is collected

1. "Personal Information" is information or an opinion that can reasonably identify an individual.
2. We receive and store Personal Information you provide to us through our business activities or our Website, provided to us directly or indirectly through your use of our products and services or any associated social media platforms from which you permit us to collect your Personal Information.
3. We may ask you to provide Personal Information such as your name, phone number, address and email address to enable us to provide you with support services, mailings, sales and marketing actions, process your product or service order, provide updates and to meet our contractual obligations.
4. We may collect additional data at other times, including but not limited to, when you provide feedback, when you provide data about your personal or business affairs, change your content or email preference, respond to surveys and promotions, provide financial or credit card data, or communicate with our customer support. This data may include your Personal Information.
5. Additionally, Opmantek may also collect any other Personal Information you provide while interacting with us.

4. How we collect your Personal Information

1. Opmantek collects Personal Information from you in a variety of ways, including when you interact with us electronically or in person, when you access our Website and when we provide our products and services to you.
2. We may also receive Personal Information from third parties. If we do, we will protect your Personal Information in accordance with this Privacy Statement.

5. How we use your Personal Information

1. Opmantek uses your Personal Information and you consent to us using your Personal Information to:
 - a. provide you with products and services during the usual course of our business activities;
 - b. administer our business activities;
 - c. manage, research and develop our products and services including through data analytics;
 - d. provide you with information about our products and services;
 - e. communicate with you by a variety of measures including, but not limited to, by telephone, email, sms or mail;
 - f. investigate any complaints; and
 - g. process transactions involving our business and through our Website where you have purchased our products or services.
2. If you choose to withhold your Personal Information, it may not be possible for us to provide you with our products and services or for you to access certain parts of our Website and for us to respond to your query.

6. General Information Protection Regulation (GDPR) and legal basis


1. If you are an individual residing in the European Union (EU), we collect and process Personal Information about you in accordance with the GDPR. We process your Personal Information as a Processor and to the extent that we are a Controller as defined in the GDPR.
2. The legal basis for which we collect your Personal Information depends on the products and services you use and how you use them. Opmantek will only collect and use your Personal Information when you give us your express consent to use and process this Personal Information for a specific purpose or for the satisfaction of a legitimate interest or to comply with a legal obligation.
3. We do not knowingly collect or process any Personal Information from you that is considered "Sensitive Personal Information" under the GDPR.
4. We do not knowingly collect or process Personal Information of persons 13 years or younger. If you are under the age of 16, we request that you obtain and provide parental consent as required by the GDPR.

7. The Personal Information rights of individuals residing in the EU

1. If you are an individual residing in the EU, you have certain rights as to how your Personal Information is being controlled and used.
2. We comply with your rights under the GDPR (subject to the grounds set out in the GDPR) that permit you:
 - a. to be informed as to how your Personal Information is being used;
 - b. to access your Personal Information and to know specifically what information is held about you and how it is processed, where and for what purpose (we will provide you a copy of your Personal Information in electronic format free of charge if requested);
 - c. to rectify your Personal Information if it is inaccurate or incomplete;
 - d. to erase your Personal Information (also known as 'the right to be forgotten') if you wish to delete or remove your Personal Information;
 - e. to restrict processing of your Personal Information;
 - f. to retain and reuse your Personal Information for your own purposes (Personal Information portability);
 - g. to object to your Personal Information being used; and
 - h. to object against automated decision making and profiling.
3. You can **contact us** any time to exercise your rights under the GDPR including as to:
 - a. request access to Personal Information that we hold about you;
 - b. to correct any Personal Information that we hold about you;
 - c. delete Personal Information that we hold about you; or
 - d. opt out of emails, marketing, and any other push notifications that you receive from us.
 - We may ask you to verify your identity before acting on any of your requests.
 - If you have any questions about Opmantek's collection and storage of data, please **Contact us**.

8. Disclosure of your Personal Information and Third Parties with access to it

1. We will only share your Personal Information where you have given us your consent, and only for the purposes described in this Privacy Statement.
2. We may disclose your Personal Information to any of our employees, officers, insurers, professional advisers, agents, suppliers or subcontractors insofar as reasonably necessary for the purposes set out in this Statement. Personal data is only supplied to a third party when it is required for the delivery of our services.
3. We may share your Personal Information with third-party service providers to help us provide our services, and to provide you with a payment platform. Our third-party service providers may be located outside of Australia, or outside of the EU.
4. When we disclose your data to third-party service providers we do so on the basis that your data is treated with confidence, and only used for the limited purpose of providing support to our Website and services, and in manner consistent with this Privacy Statement.

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5. We may from time to time need to disclose Personal Information to comply with a legal requirement, such as a law, regulation, court order, subpoena, warrant, in the course of a legal proceeding or in response to a law enforcement agency request.
 6. We may also use your Personal Information to protect the copyright, trademarks, legal rights, property or safety of Opmantek, opmantek.com, www.open-audit.org, its customers or third parties.
 7. If there is a change of control in our business or a sale or transfer of business assets, we reserve the right to transfer to the extent permissible at law our user databases, together with any Personal Information and non-Personal Information contained in those databases. This data may be disclosed to a potential purchaser under an agreement to maintain confidentiality. We would seek to only disclose data in good faith and where required by any of the above circumstances.
 8. By providing us with Personal Information, you consent to the terms of this Privacy Statement and the types of disclosure covered by this Statement. Where we disclose your Personal Information to third parties, we will request that the third party follow this Statement regarding handling your Personal Information.

9. International Data Transfers

1. We may store, process and transfer your data, including your Personal Information in countries other than the country you live in. Data transfer may occur in and between countries outside of Australia which may include but are not limited to the United States and Europe.
2. Where we disclose Personal Information to a third party in another country, we put safeguards in place to protect your Personal Information.
3. You may not have the same rights to protect your data in these countries as you do in Australia. Where your data has been transferred to a country abroad, it will be treated in accordance with the purposes described in this Privacy Statement.
4. For individuals in the European Economic Area (EEA), your data will be stored and processed in Australia which provides an adequate level of data protection. This mean that your personal data will be transferred from the EEA to Australia. If your personal data is transferred from the EEA to a country or international organisation outside of Australia, we will ensure that we have approved transfer mechanisms in place to protect your Personal Information adequately (for example, by entering into the European Commission's Standard Contractual Clauses for data protection for data that is transferred internationally or ensuring the entity is Privacy Shield certified for data transfer to third parties based in the United States).

https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries_en

[tracts-transfer-personal-data-third-countries_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries_en)

10. How we secure your Personal Information

1. We are committed to ensuring that the data you provide to us is secure. To prevent unauthorised access or disclosure, we have put in place suitable physical, electronic and managerial procedures to safeguard and secure data and protect it from misuse, interference, loss and unauthorised access, modification and disclosure.
2. The transmission and exchange of data is carried out at your own risk. We cannot guarantee the security of any data that you transmit to us or receive from us over the Internet. Although we take measures to safeguard against unauthorised disclosures of data, we cannot assure you that Personal Information that we transmit to you or you transmit to us will not be disclosed in a manner that is inconsistent with this Privacy Statement.

11. Access to and how you can control your Personal Information

1. You may request details of Personal Information that we hold about you in accordance with the provisions of the Privacy Act 1988 (Cth). If you would like a copy of the data which we hold about you or believe that any data we hold on you is inaccurate, out of date, incomplete, irrelevant or misleading, please email us at contact@opmantek.com.
2. We reserve the right to refuse to provide you with data that we hold about you, in certain circumstances set out in the Privacy Act 1988 (Cth).

12. Third-party website tools and cookies

1. We use technologies and third-party services that use Google Analytics, pixels, tags and web beacons (code snippets) on our Website to improve user experience, the supply of our products and services and to analyse how our Website is used.
2. The information collected is mostly anonymous traffic data aside from the approximate location (IP address) and may include browser type, device information, and language. The information collection is in aggregate form so that it cannot identify any individual user and provides an overview of how people use our Website. It is not used for any additional purpose.
3. We may use cookies on our Website. Cookies are very small files which a Website uses to identify you when you come back to the Website and to store details about your use of the Website. In addition, cookies may be used to serve relevant ads to Website visitors through third party services such as Google AdWords.

13. Links

1. Our Website may from time to time have links to other websites not owned or controlled by us. Links to third party websites do not constitute sponsorship or endorsement or approval of these websites. Opmantek is not responsible for the privacy practices of other such websites.

14. Complaints about privacy

1. If you have any complaints about our privacy practices, please **contact us**. We take privacy seriously and will respond promptly to your notice.

15. Changes to this Privacy Statement

1. We may modify this Statement at any time, in our sole discretion and all modifications will be effective immediately upon our posting of the modifications on our Website.

16. Our contact details

Opmantek Asia Pacific
Attention: Data Protection Officer

Level 13, 50 Cavill Avenue,
Surfers Paradise
Queensland 4217
Australia

Phone: +61731023042

Fax: +61756417820

Email: contact@opmantek.com

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