

Action Coalition on Meaningful Transparency Privacy Policy

Last updated May 2022

1. Introduction

- 1.1 The Brainbox Institute (referred to in this policy as “**Brainbox**” “**we**” “**us**” or “**our**”) has been appointed by The Global Network Initiative as the project lead for the Action Coalition on Meaningful Transparency (**ACT**).
- 1.2 This Privacy Policy applies to personal information collected by Brainbox in its role as project lead for the ACT. The purpose of this Privacy Policy is to set out what personal information will be collected, how it will be used and disclosed, how it will be protected, and your rights in relation to your personal information.
- 1.3 In addition to complying with our privacy obligations under the New Zealand Privacy Act 2020, to the extent that we collect personal information about individuals residing in the UK or European Union, we are a data controller for the purpose of the UK Data Protection Act 2018 and EU General Data Protection Regulation (EU) 2016/679 (**GDPR**).

2. Consent

- 2.1 Please read this Privacy Policy carefully. By registering as a member of the ACT, engaging in ACT meetings or research, or otherwise providing your personal information to us or other organisations associated with the ACT, you acknowledge that you have read and understood this Privacy Policy and that you agree to its terms. In particular, by registering as a member of the ACT via the GNI Website <https://globalnetworkinitiative.org/act/> (**GNI Website**), you are required to expressly consent to the processing of your personal information as described in this Privacy Policy.

3. Updates to this Privacy Policy

- 3.1 We may update this Privacy Policy from time to time. If we make significant or material changes, we will provide you with reasonable notice of the changes by email or other means as may be appropriate. To the extent permitted under applicable law, by accessing the Website or otherwise engaging with us and/or the ACT after such notice period, you will be deemed to have accepted the changes to this Privacy Policy. If you do not agree to any change, you must notify us and immediately cease your involvement with the ACT.

4. What personal information do we collect?

Personal information for a specified purpose:

- 4.1 The type of personal information we collect depends on the purpose for collection and circumstances of collection, but may include:
 - (a) Personal identifiers and contact information, such as your name and email address;
 - (b) Professional information, such as details of the organisation you work for; and
 - (c) other information that may be attributed to you that is included or embedded in minutes of ACT group meetings, ACT related emails, and other documents prepared or developed by ACT working groups and members.

Special categories of personal information

- 4.2 Generally, we do not collect any special categories of personal information, such as information that reveals racial or ethnic origin, political opinions, religious or philosophical belief, trade union membership, genetic data, biometric data, health status, sex life or sexual orientation. However, if

such information is required in order for your participation or involvement in the ACT, we will only collect and process this type of personal information with your express consent and for the purposes set out in this Privacy Policy.

5. **How and why do we collect personal information?**

5.1 In most cases, the information we process will be collected directly from you for one or more of the following reasons:

- (a) to carry out our role as project lead for the ACT;
- (b) to coordinate and facilitate ACT working group meetings, events, conferences, workstreams and conversations;
- (c) to enable you to contribute to and shape ACT outputs;
- (d) to enable you to engage with other ACT participants, members and affiliated organisations;
- (e) to communicate with you about the ACT (including upcoming events, conferences, working group meetings and workstreams), and send you regular ACT related newsletters (where you have subscribed to the ACT mailing list);
- (f) to develop and improve the ACT; and
- (g) to meet and comply with our legal and contractual obligations.

Lawful basis for processing your personal information

6. Under the GDPR, the lawful bases we rely on for processing personal information are:

6.1 **Where you have given your consent:** This applies where you have freely given an informed, specific and unambiguous indication that we are permitted to collect and process your personal information in accordance with this Privacy Policy. At any time, you may revoke your consent to the processing of some or all of your personal information by:

- (a) emailing our data protection officer at privacy@brainbox.institute; or
- (b) using the “unsubscribe” function in any communication that we send to you.

If you revoke your consent, we may have to terminate your involvement with and in the ACT if consent is the only legal basis for our processing of your personal information. The withdrawal of your consent will not affect processing of personal information that occurs before you notify us that you have withdrawn your consent.

6.2 **For our legitimate business interests:** This applies where the processing of your personal information is necessary for us to carry out our role as project lead for the ACT.

7. **Are you required to provide personal information to us?**

7.1 In general, we will let you know at the time of collection whether the provision of personal information to us is optional or whether it is required for your involvement in the ACT. If we have indicated that the requested personal information is required and you do not provide it, we may not be able to facilitate your request to subscribe to and join the ACT.

8. **Do we share your information with third parties?**

8.1 As part of our role as project lead for the ACT, we may share your personal information with GNI, GNI member organisations, the ACT Steering Group and Advisory Group and other ACT members solely for purposes in connection with the operation and management of the ACT and subject to appropriate confidentiality rules.

- 8.2 We use third party providers to deliver services and perform certain functions on our behalf. We may share your personal information with the third parties we work with and/or who provide us with services or perform functions on our behalf. These third parties include:
- (a) service providers who perform IT, data storage and administrative functions on our behalf, including Air Table, Google Groups, Calendly, Zoom, and Google Workspace; and
 - (b) our professional advisors and consultants.
- 8.3 We may also disclose your personal information to a third party if such disclosure is necessary to:
- (a) enforce this Privacy Policy or any other relevant terms and conditions;
 - (b) comply with a judicial proceeding, court order, or legal process;
 - (c) protect the rights, property, or personal safety of us or our agents, personnel, subcontractors, or others;
 - (d) facilitate the ongoing functioning and administration of the ACT; or
 - (e) is otherwise required or permitted by law.

9. **Transfer of information overseas**

- 9.1 We generally hold your information in New Zealand. This means that if you are an EU resident, your personal information may be transferred and stored outside the European Economic Area. New Zealand has 'adequacy' status for the purpose of Article 45 of the GDPR.
- 9.2 Because of the international nature of the ACT activities, certain personal information may be transferred to third countries, including the United States, for storage and other processing in accordance with the purposes set out in this Privacy Policy. Where information is transferred outside of the European Economic Area it will be:
- (a) to a country or organisation that has 'adequacy' for the purpose of Article 45 of the GDPR; or
 - (b) transferred subject to the European Commission's then current model contracts for the transfer of personal data to third countries (i.e., the standard contractual clauses).

10. **Third-party sites and services**

- 10.1 The GNI Website may contain links or references to third-party websites, products and services. Information collected by such third parties, which may include your location data or contact details, is governed by that third party's privacy practices or policies. We recommend that you check the privacy policies of those third parties. We accept no responsibility or liability for any third party's practices or policies or your provision of personal information to them.

11. **Security of your personal information**

- 11.1 To help prevent unauthorised access, maintain data accuracy, and ensure the correct use of personal information, we take reasonable steps to put in place appropriate technical and organisational measures to safeguard and secure the information we collect. We also take reasonable steps to ensure our third party providers are required to protect personal information in accordance with applicable privacy laws and to a no less onerous standard as set out in this Privacy Policy.
- 11.2 Given the nature of the internet we cannot guarantee security of information transmitted through the internet. We will do our best to protect your personal information, however any transmission is at your own risk.

12. **How long will we keep your personal information?**

12.1 We will only retain your personal information for as long as it is needed for the purpose for which it was collected (or any other purpose you have consented to) or for so long as we are required by law to retain it. After such time we will securely dispose of your personal information by deleting it from our servers. We may retain anonymised and/or de-identified data for statistical, research or other analytical purposes.

13. **Your data rights**

13.1 Under privacy law, you have certain rights in relation to the personal information we hold about you. We set out these rights and how to exercise them below. Some of these rights only apply in certain circumstances and to certain individuals under the applicable laws of their jurisdiction.

Access

13.2 You have the right to know whether we hold and process personal information about you, and if we do, to access the personal information we hold about you and certain information about how we use it and who we share it with.

Correction

13.3 You may correct any personal information we hold about you that is inaccurate. You may have incomplete personal information we hold about you completed, including by means of a supplementary statement (taking into account the purposes of processing). During the period while we assess whether the personal information we hold about you is inaccurate or incomplete, you may exercise your right to restrict our processing of the applicable data as described below.

Erasure

13.4 You may request that we delete the personal information we hold about you in the following circumstances:

- (a) you believe that it is no longer necessary for us to hold your personal information in relation to the purposes for which it was collected or otherwise processed;
- (b) we are processing your personal information on the basis of your consent, and you wish to withdraw your consent and there is no other legal ground under which we can process the personal information;
- (c) you no longer wish us to use the personal information we hold about you in order to send you information about the ACT; or
- (d) you believe the personal information we hold about you is being unlawfully processed by us.

13.5 During the period while we consider your request for erasure, you may exercise your right to restrict our processing of the personal information as described below.

13.6 Please note that after we delete your personal information, we may not be able to facilitate any further involvement in or with the ACT.

Restriction of Processing

13.7 You may have a right to restrict our processing of your personal information in certain circumstances. However, we may use the personal information again if there are valid grounds under applicable privacy law for us to do so (e.g., for the defence of legal claims or for another individual's protection).

13.8 You may request we restrict processing and just store the personal information we hold about you where:

- (a) you believe the personal information is not accurate, for the period it takes for us to verify whether the personal information is accurate;
- (b) the processing we are doing is unlawful, but you oppose the erasure of the personal information and instead request the restriction of its use; or
- (c) the personal information is no longer necessary for our purposes, but you require us to store that personal information for the establishment, exercise or defence of legal claims.

Portability

- 13.9 You may have the right to receive the personal information that we collect from you in a structured, commonly used and machine-readable format and a right to request that we transmit such personal information to another party, where technically feasible.
- 13.10 If you wish for us to transfer the personal information we hold about you to another party, please ensure you provide the complete and accurate details of that party. We are not responsible for the security of the personal information or its processing once received by the third party.

Automated individual decision-making not used

- 13.11 We do not undertake any automated processing of personal information, including profiling, which produces legal effects or similarly significantly affects any individual.

How to exercise your rights

- 13.12 We will respond to any request to exercise the above rights without undue delay and at least within one month (although this may be extended in certain circumstances if permitted by applicable law). You must provide us with proof of identity before we can respond to any request to exercise your rights. Where we refuse any request, you have the right to make a complaint to us or to your local data protection authority.

14. Questions and Complaints

- 14.1 All personal information collected, used and disclosed in connection with the ACT will be held by Brainbox Limited, a New Zealand limited liability company with a registered office address of 35 Arney Crescent, Remuera, Auckland 1050.
- 14.2 If you have any questions about this Privacy Policy or wish to make a complaint about our privacy practices, you can contact our data protection officer by email at privacy@brainbox.institute.
- 14.3 If we are unable to satisfactorily resolve your concerns about our handling of your personal information, you can contact your local data protection authority or the New Zealand Office of the Privacy Commissioner at: PO Box 10-094, The Terrace, Wellington 6143, or via their website at <http://privacy.org.nz/>.