

KUGACHARGE APP TERMS AND CONDITIONS

Last Updated: 16 December 2024

1. Introduction

KUGA Pty Ltd (ABN 81 102 585 338) of 6 Turbo Rd, Kings Park, NSW 2148, ("KUGA", "we", "our", "us") is committed, by the Privacy Act 1988 (Cth) (as amended from time to time) (Privacy Act) and the Australian National Privacy Principles set out in the Privacy Act (APPs or Privacy Principles), to protecting your privacy and ensuring that your Personal Information and Customer Data is handled in a safe and responsible manner. This Privacy Policy outlines how we collect, use, disclose, and safeguard your Personal Information and Customer Data;

- (a) when you use KUGA's open-platform network of Charging Stations to charge your EV and all the support network infrastructure and services supplied by KUGA in respect of the Charging Stations;
- (b) when you use our billing services to pay for charging your electric vehicle (EV) at any electric vehicle charging station (Charging Stations) connected to our billing platform (KUGA Hub);
- (c) when you use the KUGA Hub (KUGA Hub); and
- (d) when you use the KUGA App (KUGA App); and
- (e) when you access and use the KUGA Website (www.13kuga.com.au) (Website).

In this policy, KUGA Hub, KUGA App, Website and any associated services, products and communication channels, are collectively referred to as "KUGA Software". This policy will also apply to any information we collect about you by means other than those listed above (for example, by written communications) on the same basis as this policy.

We may, from time to time, review and update this Privacy Policy including, to consider new laws, regulations and technology. All Personal Information held by us will be governed by our most recent Privacy Policy, posted on our website.

Types of Information We Collect

A. Personal Information

"Personal Information" is information or an opinion, 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. Personal Information collected may include (but is not limited to) the following:

- (a) **Contact Information:** name, addresses, telephone numbers, email, and social media (e.g. Facebook) addresses;
- (b) **Vehicle Information:** driver's licence details, and car registration information;
- (c) **Payment Information:** Credit card details, bank account information, Stripe account information, and transaction history;
- (d) **Account Information:** User IDs, passwords, and account preferences;
- (e) **Technical Data:** IP addresses, browser types, and device identifiers;
- (f) **Other Information:** certain information about how an individual uses our KUGA Software.

B. Customer Data

“**Customer Data**” is information we collect about customers which is not considered to be Personal Information because an individual's identity could not reasonably be ascertained through the information. Customer Data collected by us may include (but is not limited to, the following:

- (a) **EV Charging Data:** details of your EV charging sessions, including location, duration, and energy consumption.
- (b) **EV Usage:** details of your usage frequency and locational trends of your EV charging sessions.

2. Collection of Personal Information How We Collect Information and Data

We collect Personal Information and Customer Data in the following ways:

- (a) **Directly from You:** When you register an account for the use of our KUGA Charge Software, make a payment, or communicate with us, and when you access or use our KUGA Charge Software. When you request information about us, our products or services, request technical support or assistance or provide feedback or make new service requests or contact us by telephone, email, or through social media such as Facebook, post, or in person.
- (b) **Automatically:** Through the use of our KUGA Charge Software, including cookies and similar tracking technologies.
- (c) **From Third Parties:** Payment processors, EV Charging Station managers and operators, and other service providers.

We collect your Personal Information to manage our relationship with you and perform functions and activities relating to our business as further described in clause 3.

3. How We Use Your Personal Information

We use your personal information for the following purposes:

- (a) **To Provide Services:** To process and manage billing for EV charging sessions, handle customer support, and improve our services;
- (b) **To Communicate with You:** To send information, invoices, updates, and promotional information (with your consent where required);
- (c) **To Manage and Administer Your Account:** including in relation to your subscription, use of the KUGA Software or to answer any enquiries you may have about your account;
- (d) **To Ensure Security:** To detect, prevent, and address fraud and other unlawful activities;
- (e) **To Comply with Legal Obligations:** To meet regulatory and legal requirements;
- (f) **To Promote and Market Our Products and Services to You;**
- (g) **To Arrange for Services to be Provided by Third Parties;**
- (h) **To Personalise and Customise Your Experiences: On our KUGA Charge Software;**
- (i) **To Help Us Research the Needs of Our Customers:** To gain a better understanding of your needs and the needs of customers generally;

- (j) To Conduct Research: To improve or update our services, creating new services via our KUGA Charge Software or to conduct research, data analytics, and other reasonable activities on behalf of our business partners; and
- (k) For Internal Operations: such as record keeping and data analytics.

We may collect and use your Personal Information for other purposes not listed above. If we do so, we will make it known to you at the time we collect or use your Personal Information.

If you choose not to provide your Personal Information to us for the purposes set out in this Privacy Policy, we may not be able to undertake certain activities for you, such as providing you with requested information, products or services.

4. How We Use Your Customer Data Information

We use the non-identifiable Customer Data we collect about you for our business functions and activities, which may include the following:

- (a) collecting information and aggregating data on customers' EV charging sessions, including location, duration, billing, and energy consumption;
- (b) carrying out research and analysis of the behaviour of our customers; and
- (c) developing processes, products, services and benefits to better meet our customers' needs.

We may provide Customer Data to our business partners, agents, contractors, service providers or related companies for, or in connection with, the supply of services to you and for the same purposes above.

You agree that we may use and analyse your Customer Data as required, including to improve our KUGA Charge Software and including your Customer Data in aggregated anonymous databases.

5. Disclosure of Personal Information

We may disclose your Personal Information in the following circumstances:

- (a) **To Service Providers:** To carry out the above purposes, we may disclose your Personal Information to third parties that provide products and services to or through us (including third-party couriers), our business partners, suppliers, distributors, vendors, financial institutions, our professional advisors, and other parties to whom we are authorised or required by law to disclose information and Third Parties who assist us in providing our services, such as payment processors and IT service providers;
- (b) **To Software Application Providers:** We may also disclose your Personal Information to our KUGA Charge Software providers in certain limited circumstances, for example, when our KUGA Charge App or Website experiences a technical problem or to ensure that they operate in an efficient and secure manner;
- (c) **To Overseas Entities/ Google Analytics:** We may disclose your Personal Information to an entity or entities overseas where Google's servers are located, where it will be stored solely for the purposes described in this Privacy Policy. In these circumstances, you consent to the collection, use, storage and processing of your Personal Information in those countries;

- (d) For Legal Reasons: We may disclose your Personal Information to comply with legal obligations, respond to requests from authorities or enforce our terms and conditions;
- (e) For Business Transfers: We may disclose your Personal Information In connection with a merger, acquisition, or sale of assets;
- (f) For Marketing: We may use your Personal Information to provide you with marketing material about us, our services, or products that we think may be of interest to you. We do not disclose any -personally identifiable information of our users to advertisers.

You may opt-out of receiving marketing information from us at any time by:

- (i) Clicking on the “Unsubscribe” link included in any marketing email you receive from us; or
- (ii) Contact us as specified in clause 11.

Unless otherwise specified in this Privacy Policy, neither we nor our KUGA Charge Software hosts will disclose any of your Personal Information to any other organisation unless the disclosure is required by law or is otherwise permitted by the Privacy Principles.

We may use your Personal Information from time to time to inform you, by direct marketing, about our current and future services, including contacting you by phone, email, SMS or post. You can request that you do not receive direct marketing communications by following the instructions in the communications or contacting us directly at it-support@kuga.energy. We will not charge you for giving effect to your request and will take all reasonable steps to meet your request at the earliest possible opportunity.

6. Security of Personal Information

We aim to keep your Personal Information secure and up to date. To this end, we implement reasonable measures to protect your Personal Information from unauthorized access, use, or disclosure. However, no security measures are entirely foolproof, and we cannot guarantee the absolute security of your information.

7. International Use and Your Personal Information

Some of your Personal Information and Customer Data may be transmitted, stored and processed by our agents, contractors, service providers or related companies located in jurisdictions other than Australia. You agree that section 8.1 of the Privacy Act will not apply to such disclosures and that if an overseas recipient breaches the APPs that entity will not be bound by and you will not be able seek redress under, the Privacy Act. We make no representation or warranty that your Personal Information will be collected, held, and used by us other than in accordance with Privacy Principles set out in the Privacy Act.

8. Your Rights and Choices

8.1. Access and Correction

You have the right to access and correct your Personal Information. If you believe that any information we hold about you is inaccurate, out of date, incomplete, irrelevant or misleading, please contact us using the details below. We will take reasonable steps to promptly correct any information found to be inaccurate, out of date, incomplete, irrelevant or misleading. In some situations, we may be legally permitted to not correct your personal information. If we decide not to correct your information, then we will advise you

as soon as reasonably possible and provide you with the reasons for our refusal and any mechanism available to complain about the refusal.

8.2. Opt-Out

You may opt-out of receiving marketing communications from us by following the instructions in the communications or contacting us directly at it-support@kuga.energy.

8.3. Data Retention

We retain your personal information only as long as necessary to fulfil the purposes outlined in this policy or as required by law.

9. Cookies and Tracking Technologies

We may use cookies on our Website from time to time. Cookies are text files placed in your computer's browser to store your preferences. Cookies, by themselves, do not tell us your email address or other personally identifiable information. However, they do recognise you when you return to our Website and allow third parties, such as Google and Facebook, to cause our advertisements to appear on your social media and online media feeds as part of our retargeting campaigns. If and when you choose to provide our Website with personal information, this information may be linked to the data stored in the cookie.

You can block cookies by activating the setting on your browser that allows you to refuse the setting of all or some cookies. However, if you use your browser settings to block all cookies (including essential cookies) you may not be able to access all or parts of our website.

10. Changes to this Privacy Policy

We may update this Privacy Policy from time to time. Any changes will be posted on our Website, and we will notify you of significant changes where required by law.

11. Contact Us

If you have any questions or concerns about this Privacy Policy or our privacy practices, please contact us at:

Email: it-support@kuga.energy

Phone Number: 87970185

Address: 4 Bridge Rd, Keysborough, VIC 3173
6 Turbo Rd, Kings Park, NSW 2148

12. Complaints

If you believe that we have not complied with our obligations under the Privacy Act 1988 (Cth) or any other applicable privacy laws and that your privacy has not been respected or that we have conducted ourselves inconsistently with this Privacy Policy in respect of your Personal Information or for any other queries or communication to this Privacy Policy, please contact us using the contact details listed above. We will respond to all queries as quickly as possible.

If you do not consider our response satisfactory, you may contact the Office of the Australian Information Commissioner or you may complain with us or the Office of the Australian Information Commissioner (OAIC).
