

Privacy Policy



Marathon-Photos.com Ltd

Effective Date: 3rd February 2026

Last Updated: 3rd February 2026

1. Company Overview

Marathon-Photos.com Ltd is a private limited liability company incorporated in New Zealand (Company Number: 2356121). We specialise in providing professional photography services for endurance events, capturing memories of individual participants during their athletic achievements and making these images available through our online platform for viewing and purchase.

We operate as the official photographer under contract with event organisers across multiple international jurisdictions.

2. Data Protection Framework

2.1 Regulatory Compliance

Marathon-Photos.com is committed to protecting participants' privacy rights in accordance with applicable data protection laws and regulations worldwide, including the General Data Protection Regulation (GDPR), and other comprehensive privacy legislation across all jurisdictions where we operate or process personal data.

New Zealand Privacy Act 2020 Compliance: Marathon-Photos.com Ltd complies with the New Zealand Privacy Act 2020 and its 13 Information Privacy Principles (IPPs). We ensure that all personal information collection, use, storage, and disclosure meets the requirements of New Zealand privacy law. This includes

adhering to the principles of purpose limitation, collection from the individual where practicable, transparency, lawful and fair collection, security safeguards, access and correction rights, accuracy requirements, retention limitations, use and disclosure restrictions, overseas transfer protections, and unique identifier limitations.

2.2 International Data Transfers

As we operate internationally, personal data may be transferred to and processed in countries outside of the participant's country of residence. We ensure appropriate safeguards are implemented to protect personal data during such transfers, consistent with applicable legal requirements.

Cross-Border Transfer Requirements from the EU/EEA and the UK: Outside the EU/EEA and the UK, data will be processed in New Zealand. New Zealand is considered by the EU and the UK as a country with an adequate level of data protection. In addition, data may be stored with Amazon Web Services, Inc. (AWS), a company based in the U.S. The EU Standard Contractual Clauses have been agreed with AWS. Furthermore, AWS is certified under the EU-U.S. Data Privacy Framework and the UK Extension to the EU-U.S. Data Privacy Framework.

New Zealand Cross-Border Transfer Requirements: Under Information Privacy Principle 12 of the Privacy Act 2020, when we disclose personal information to entities outside New Zealand, we ensure that the recipient is subject to privacy laws that are substantially similar to the Privacy Act 2020, or we obtain the individual's authorisation after informing them that the recipient may not be required to protect the information in a way that provides comparable safeguards to those under New Zealand law.

2.3 Data Processing Role and Accountability

Marathon-Photos.com acts as either a data controller or data processor depending on the specific processing activity. When processing personal information on behalf of event organisers, we act as a data processor with event organisers serving as data controllers. For direct interactions with participants through our website, registration processes, and customer services, we act as a data controller. We are committed to core privacy principles including transparency, accountability and user consent to ensure that individuals have control over their personal data and that we process data responsibly.

Right to Withdraw Consent

If we process data based on your consent, you will be informed separately with details of the intended purposes. You may withdraw your consent at any time with effect for the future. To revoke your consent, please contact us in writing. The contact information can be found in Section 12.

3. Purpose and Legal Basis

We process personal data for legitimate business purposes including:

- Providing personalised photo products with participant names and race information
- Notifying participants when their images are available online
- Facilitating photo identification and retrieval
- Improving our services and website functionality
- Complying with legal and regulatory obligations

The processing of data is based on a contractual obligation, for compliance with a legal obligation, and for the purposes of our legitimate interests. Our legitimate interests include operating our photography services, matching participants with their event photographs, and maintaining and improving our platform. We have assessed that these interests are not overridden by the rights and freedoms of participants, taking into account the limited nature of the personal data processed, the reasonable expectations of participants at sporting events where official photography is provided, and the safeguards we have put in place.

For participants who have provided explicit consent, we may also send promotional communications regarding upcoming events. Participants may withdraw this consent at any time.

New Zealand Legal Authority: Under the Privacy Act 2020, we process personal information in accordance with Information Privacy Principle 1 (purpose of collection) for the lawful purpose of providing photography services connected to our business functions, and only where collection is necessary for that purpose. Processing is lawful under New Zealand privacy law for the performance of our contractual obligations to event organisers and participants.

4. Personal Data Collection and Processing

4.1 Categories of Personal Data

We collect and process personal data including participants' full names, email addresses of those who have opted to receive communications, gender, date of birth, and publicly available race results and timing data. We also collect technical data such as website usage analytics and cookie information as detailed in Section 9 of this policy.

4.2 Data Sources

Personal data is received from multiple sources:

- **From Event Organisers:** We receive first and last names, bib number, event participated in, email address for those participants who have opted to receive communications, and timing data.
- **From Timing Companies:** We receive publicly available race results from timing companies
- **Directly from Participants:** Participants provide data directly to us when they email our Customer Services team or upload photos where facial comparison search is available.

New Zealand Indirect Collection Notification: Where we collect personal information indirectly from event organisers or timing companies (rather than directly from participants), we will take reasonable steps to ensure individuals are aware of the collection, the purposes for which the information is collected, the intended recipients, and their rights under the Privacy Act 2020, except where it is not reasonably practicable to do so or where an exception applies under Information Privacy Principle 2.

4.3 Facial Comparison Technology

How We Use Facial Comparison: Where agreed with the event organiser, Marathon-Photos may use facial comparison technology as a supplementary method to help match participants with their event photographs. This technology is used solely for the purpose of photo identification and is not used for tracking, surveillance, or any unrelated purpose.

Purpose and Limitations: Our facial comparison technology is limited to grouping photographs by visual likeness. It cannot identify individual persons and does not generate permanent biometric profiles. It is not capable of determining a person's identity from an image alone.

Data Handling: Where participants upload a selfie to locate their photographs, the uploaded image is processed transiently and is not permanently stored. We do not retain uploaded selfie images beyond the time required to complete the matching process. Participants may request removal of any facial comparison data from our systems by contacting privacy@marathonphotos.com.

New Zealand Biometric Processing Compliance: Our facial comparison processing complies with the New Zealand Privacy Act 2020 and the Biometric Processing Privacy Code. We process biometric information only for the purpose of matching participants with their race photographs. Participants have the right to request access to or correction of their biometric information under applicable law.

Accuracy, Fairness and Automated Processing: We maintain appropriate measures to promote accuracy and to guard against unintended bias in our facial comparison systems. The facial comparison process involves automated matching of photographs, which is used solely to group photographs by visual likeness and does not produce legal or similarly significant effects on participants. Human review is available where participants believe photographs have been incorrectly matched. Under GDPR Article 22, you have the right not to be subject to a decision based solely on automated processing that produces legal or similarly significant effects. If you have concerns about automated matching, please contact us at privacy@marathonphotos.com.

4.4 Payment and Sensitive Data

Marathon-Photos.com does not collect, process, or store credit or debit card information, bank account details, or sensitive personal data as defined under applicable data protection regulations. All payment processing is conducted through PCI DSS-compliant third-party payment providers.

4.5 Children's Data

Our services may involve the photography of participants under the age of 18 where they are registered for an event by a parent or legal guardian. We do not knowingly collect personal data directly from children. Where a minor participates in an event, responsibility for providing and managing their personal data rests with the parent or legal guardian who registered them. The same data protection rights described in this policy apply equally to children's data, and parents or legal guardians may exercise these rights on behalf of a minor by contacting us at privacy@marathonphotos.com. Where we process facial comparison data relating to a minor, we apply the same safeguards described in Section 4.3 above. Under GDPR Article 8, where consent is the legal basis for processing, we require parental consent for participants under the age of 16 (or such lower age as applicable in the relevant EU Member State).

5. Other Personal Data Collection

In addition to participant data collected through event photography, we collect personal data through the following channels. The processing of data described in this section is based on contractual obligation or our legitimate interest in managing business relationships.

Deletion of this data can be requested at any time by contacting privacy@marathonphotos.com.

5.1 Website Contact Form

We collect your name, email address, message content, the event you participated in, and your bib number when you submit a query through our website contact form. This data is processed for the purpose of resolving your query and is managed through a third-party ticketing system that operates under a data processing agreement requiring the provider to process data only on our instructions and to implement appropriate security measures. Contact form data is linked to order records and retained for the purpose of managing ongoing customer service relationships, resolving follow-up queries, and identifying recurring issues.

5.2 Event Organiser Registration

We collect name and contact details (phone and email) from event organisers to facilitate the provision of our photography services. This information is typically business contact data rather than personal information. Event organiser data is retained for the purpose of managing our ongoing and future business relationships. We do not share event organiser data with any third parties.

5.3 Photographer Registration

We collect name, email, phone number, and business address from photographers who register to work with us. Photographer registration data is retained for the purpose of managing our ongoing and future working relationships.

6. Data Sharing and Third Parties

6.1 Data Sharing Principles

We do not sell, rent, or trade personal data to third parties. Data may be shared only in specific circumstances including with event organisers acting as data controllers, with third-party service providers operating under strict contractual obligations, when required by law or legal process, or to protect our rights, property, or safety.

6.2 Third-Party Services

We use limited third-party service providers who assist in photo processing. These services may have access to race photos during the identification process but do not retain or use this data for any other purposes. All third-party service providers operate under data processing agreements that require them to process data only on our instructions and to implement appropriate security measures.

6.3 International Data Transfers

Data Storage and Processing Locations: Original images are only stored in New Zealand with processing through AWS S3 (Amazon Web Services) for access through their Content Delivery Network.

Safeguards for International Transfers: AWS provides Standard Contractual Clauses under the AWS Data Processing Agreement (DPA). Participants can obtain copies of these safeguards at: https://d1.awsstatic.com/legal/aws-gdpr/AWS_GDPR_DPA.pdf

7. Copyright Retention Clause

When you exercise your data subject rights under GDPR, including but not limited to data access, portability, or deletion requests, please note that:

- No transfer of copyright or intellectual property rights occurs when we provide you with copies of your personal data
- All photographic content and images displayed on our website remain the property of their respective copyright holders
- Our compliance with data subject requests does not grant any rights to use, reproduce, or distribute copyrighted photographic content
- Third-party content included in your data export remains subject to the original copyright holder's rights
- Commercial use restrictions apply to all copyrighted content as per our Terms of Service
- Personal data and account information provided in data exports does not constitute a license to use any copyrighted material

This provision ensures that our legal obligations under GDPR are fulfilled while preserving all intellectual property rights of photographers and copyright holders whose work appears on our platform.

8. Data Retention and Storage

8.1 Retention Periods

Participant Personal Data (names, emails, etc.): Retained for the period necessary to fulfil our service obligations and legal requirements, after which it is securely deleted.

Participant Photographs: Participant photographs are retained indefinitely so that participants may return to view and purchase their event images at any time.

Facial Comparison Data: Facial comparison data is retained only for the period necessary to complete the photo matching process for each event. Once matching is complete, this data is deleted. Removal of facial comparison data does not affect the availability of participant photographs.

Contact Form Data: Retained for the purpose of managing ongoing customer service relationships and identifying recurring issues.

Event Organiser Data: Retained for the purpose of managing ongoing and future business relationships.

Photographer Registration Data: Retained for the purpose of managing ongoing and future working relationships.

Website Analytics Data: Retained in accordance with our analytics retention schedule.

Deletion Processes: We maintain procedures for deleting data when retention periods expire. For contractually required deletions, this is triggered manually after the last use of the data. Other data is removed as part of scheduled maintenance procedures.

Participants may request deletion of their photographs by contacting privacy@marathonphotos.com, and we will action such requests within the timeframes required by applicable law.

New Zealand Retention and Deletion Requirements: Under Information Privacy Principle 9 of the Privacy Act 2020, we ensure that personal information is not retained for longer than is required for the purposes for which it may lawfully be used. We will establish and implement appropriate procedures for the secure disposal of personal information when it is no longer required, including secure electronic deletion and physical destruction methods where applicable.

8.2 Data Storage Security

All personal data is stored using industry-standard security measures including encrypted data transmission and storage, access controls and authentication protocols, regular security assessments and updates, and secure data centres with appropriate physical safeguards.

New Zealand Security Safeguards: In accordance with Information Privacy Principle 5 of the Privacy Act 2020, we ensure that personal information is protected by such security safeguards as it is reasonable in the circumstances to take against loss, misuse or disclosure, unauthorised access, modification or other misuse. These safeguards include both physical and technological measures appropriate to the sensitivity of the information and the harm that might result from unauthorised access or disclosure.

9. Cookies and Website Analytics

9.1. Cookie Usage

We use the following categories of cookies: (a) strictly necessary cookies, which are essential for the operation of our website and cannot be disabled; (b) analytical and performance cookies, which help us understand how visitors interact with our website by collecting usage data; and (c) functional cookies, which enable enhanced functionality such as remembering your preferences. We do not use marketing or advertising cookies.

Cookie Consent Management: Users give consent for optional cookies through a pop-up on initial visit to our website. Users can withdraw cookie consent at any time by adjusting their preferences through the cookie banner on our website or by deleting cookies for our site through their browser settings.

9.2. Cookie Management

Users can manage cookie preferences through their browser settings. Disabling cookies may affect website functionality. We do not have a separate cookie policy document - cookies are covered within this Privacy Policy. For detailed cookie management instructions, visit www.aboutcookies.org.

10. Privacy Breach Notification

New Zealand Privacy Breach Notification Requirements: In the event of a privacy breach that is likely to cause serious harm, we will notify the relevant authorities and affected individuals in accordance with the applicable legal requirements in each jurisdiction. Under the New Zealand Privacy Act 2020 (sections 96–98), we will notify both the Office of the Privacy Commissioner and affected individuals as soon as practicable after becoming aware that a notifiable privacy breach has occurred. Under GDPR (Article 33), we will notify the relevant supervisory authority within 72 hours of becoming aware of a personal data breach, and will inform affected individuals without undue delay where the breach is likely to result in a high risk to their rights and freedoms (Article 34). Our notification will include details of the nature of the breach, the types of personal information affected, actions taken to address the breach, and contact information for further enquiries. We maintain incident response procedures to ensure prompt assessment and notification of privacy breaches across all jurisdictions in which we operate.

11. Individual Rights

Participants have comprehensive rights regarding their personal data, including:

- **Right to Access:** The right to request a copy of the personal data we hold about you
- **Right to Rectification:** The right to have inaccurate or incomplete personal data corrected
- **Right to Erasure:** The right to request deletion of your personal data in certain circumstances
- **Right to Restrict Processing:** The right to limit how we process your personal data
- **Right to Data Portability:** The right to receive your personal data in a structured, commonly used, and machine-readable format, and to have it

transferred to another service provider, where processing is based on consent or contract and is carried out by automated means

- **Right to Object:** The right to object to processing of your personal data for certain purposes
- **Right to Withdraw Consent:** The right to withdraw consent at any time where processing is based on consent

Rights under the New Zealand Privacy Act 2020: Under the Privacy Act 2020, individuals have the right to request access to their personal information (Information Privacy Principle 6), request correction of personal information that is inaccurate, out of date, incomplete, irrelevant or misleading (Information Privacy Principle 7), and make complaints to the Office of the Privacy Commissioner. We will respond to such requests within the timeframes required by New Zealand law and provide information in a form that is readily understandable.

Biometric Data Rights: For biometric data including facial comparison information, participants have the right to reasonable access to review or request correction of inaccurate identity labelling and the ability to request immediate removal from the website.

11.1 Exercising Rights

To exercise any of these rights, please contact us at privacy@marathonphotos.com. We will respond to your request within the timeframes required by applicable privacy laws.

12. Complaints and Regulatory Contact

12.1 Internal Complaints

If you have concerns about our data handling practices, please contact us at privacy@marathonphotos.com. We will investigate and respond promptly.

12.2 Regulatory Complaints

If unsatisfied with our response, you may lodge a complaint with the Office of the Privacy Commissioner at privacy.org.nz in New Zealand or the relevant data protection authority in your jurisdiction.

New Zealand Privacy Commissioner Complaints: Under the Privacy Act 2020, individuals have the right to make complaints directly to the Privacy Commissioner about our privacy practices. The Privacy Commissioner can be contacted at [privacy.org.nz](https://www.privacy.org.nz) or by calling 0800 803 909. The Privacy Commissioner has the power to investigate complaints, issue compliance notices, and take enforcement action where privacy breaches are identified.

13. Policy Governance

13.1 Policy Updates

This policy may be updated periodically to reflect changes in legal and regulatory requirements, business practices and technology, and industry standards and best practices.

13.2 Regular Review

We conduct comprehensive policy reviews every two years for consent mechanisms and legitimate interest assessments, following significant legal or regulatory changes, and in response to participant feedback or security incidents.

13.3 Notification of Changes

Material changes to this policy will be communicated through our website and, where appropriate, direct notification to affected participants.

14. Contact Information

Marathon-Photos.com Ltd
PO Box 60
Waikato Mail Centre
Hamilton 3204
New Zealand

You can contact us with questions and privacy concerns as follows:

Telephone: +64 7 838 2968

General enquiries: enquiries@marathonphotos.com

Privacy matters: privacy@marathonphotos.com

If you are located in the EU/EEA or the UK and wish to raise a matter relating to our processing of your personal data, you may also contact our designated EU/UK representative by emailing privacy@marathonphotos.com.

This policy represents our commitment to protecting your privacy and maintaining the security of your personal information. We encourage you to review this policy periodically and contact us with any questions or concerns.