

## DATA PRIVACY POLICY

This Data Privacy Policy, as amended from time to time, (**Privacy Policy**) is dated and effective as of 30.09.2017 (**Effective Date**).

Proceq AG (**we**) are committed to protecting and respecting your privacy. In this Privacy Policy "**you**" may be a visitor to our website, a user of one or more of our Services or a customer.

### SCOPE OF THIS PRIVACY POLICY

This Privacy Policy (together with our general terms and conditions of sale and general terms and conditions of rental as set out at <http://www.proceq.com/service/overview/> (**General Terms**) and any additional terms of use incorporated by reference into the General Terms, together **our Terms of Use**) applies to your use of our website, any of the services, platforms, mobile applications and software made available by us (**Services**) unless our Terms of Use states that a separate privacy policy applies to a particular Service, in which case that privacy policy only applies.

This Privacy Policy describes and sets out the basis on how collection, use, disclosure, retention and protection of the data you provide to us will be processed. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

The data controller is Proceq AG, with its registered office at Ringstrasse 2, 8603 Schwerzenbach, Switzerland and company no. CHE-105.959.666.

### CONSENT

By using our Services and/or registering for an account with us, you are accepting the terms of this Privacy Policy and consenting to our processing of your information as described herein. For the avoidance of doubt, "Processing" may mean using cookies on a computer/hand held device or using or touching information in any way, including, but not limited to, collecting, storing, deleting, using, combining and disclosing information. If you do not provide the information we require, we may not be able to provide all of our Services to you.

By submitting your personal data, you expressly agree to the transfer, storing or processing

of your information and data as described to in this Privacy Policy.

## **INFORMATION WE MAY COLLECT FROM YOU**

We may collect and process the following data about you:

- **Information you give us (Submitted information).** You may give us information about you by filling in forms on our websites and the Services Sites (together **Our Sites**), or by corresponding with us (for example, by e-mail or chat). This includes, without limitation, information you provide when you register or subscribe to any of our Services, download or register any of our Services, search for a Service, make an in-app purchase, share data via an app's social media functions, enter a competition, promotion or survey, and when you report a problem with an app, our Services, or any of our Sites. The information you give us may include your name, address, e-mail address and phone number, phone number, age, username, password and other registration information, financial and credit card information, postage, billing and other information used to purchase an item.
  
- **Information we collect about you and your device.** Each time you visit one of our Sites or use one of our Services we may automatically collect the following information:
  - (1) technical information, including the type of device you use, a unique device identifier, network information, your operating system, the type of browser you use, time zone setting, etc. (**Device Information**);
  
  - (2) information stored on your device, including without limitation, measurement and signal related information, functions you use, type of measurement signals and displayed results, or (**Content Information**);
  
  - (3) details of your use of any of our Services or your visits to any of our Sites including, but not limited to, traffic data, location data, and any crash data and logs, weblogs and other communication data, whether this is required for our own purposes or otherwise and the resources that you access or usage trends (**Log Information**).

- **Location information.** We may also use GPS technology to determine your current location. Some of our location-enabled Services require your personal data for the feature to work. If you wish to use the particular feature, you will be asked to consent to your data being used for this purpose. You can withdraw your consent at any time by uninstalling our software.
- **Information we receive from other sources (Third Party Information).** We are working closely with third parties (e.g. business partners, sub-contractors in technical, payment and delivery services, advertising networks, analytics providers, search information providers), and may receive information about you from them.  
If you contact us, we may keep a record of that correspondence.
- **Unique application numbers.** When you install or uninstall a Service containing a unique application number or when a Service searches for automatic updates, that number and information about your installation, for example, the type of operating system, may be sent to us.

We may also use the information you provided us with to contact you from time to time to provide you with important information, required notices and/or marketing promotions.

Before you disclose to us the personal information of another person, you must obtain that person's consent to both the disclosure and the processing of that personal information in accordance with this Privacy Policy.

## **COOKIES**

We use cookies to distinguish you from other users of our Services. This helps us to provide you with a good experience when you use our Services or browse any of the sites and also allows us to improve our Services and Sites. For detailed information on the cookies we use and the purposes for which we use them, see our cookie policy <http://www.proceq.com/service/overview/>.

## **USES MADE OF YOUR INFORMATION**

We may, without limitation, use information held about you in order to:

- o give you access to your usage and purchase history, internal messages or other

features;

- o personalise and administer our Services and business to accommodate your needs;
- o enable and improve usage of our Services and enhance their stability;
- o send and supply you with goods and/or Services purchased;
- o send statements, invoices and payment reminders, and collect payments from you;
- o send you non-marketing commercial communications;
- o send you email notifications that you have specifically requested;
- o send you our email newsletter, if you have requested it (you can inform us at any time if you no longer wish to receive the newsletter);
- o send you marketing communications relating to our business or the businesses of carefully selected third parties which we think may be of interest to you, by post or, where you have specifically agreed to this, by email or similar technology (you can inform us at any time if you no longer require marketing communications);
- o provide third parties with statistical information about our users (but those third parties will not be able to identify any individual user from that information);
- o deal with enquiries and complaints made by or about you relating to our Services;
- o prevent, detect, mitigate and investigate fraud, security breaches, potentially prohibited or illegal activities and keep our Services secure;
- o enforce and verify compliance with our Privacy Policy, our Terms of Use or other policies;
- o prepare business analysis and future developments; or
- o strengthen and improve our technical support enabling the provision of fast and specific assistance.

We may use and disclose your data as we believe necessary: (i) under applicable law, or payment method rules; (ii) to enforce our Terms of Use; (iii) to protect our rights, privacy, safety or property, and/or that of our affiliates, you or others; and (iv) to respond to requests from courts, law enforcement agencies, regulatory agencies, and other public and government authorities, which may include authorities outside your country of residence.

We may associate any category of information with any other category of information and will treat the combined information as personal data in accordance with this Privacy Policy for as long as it is combined.

We do not disclose information about identifiable individuals to our advertisers, but we may provide them with anonymous aggregate information about our User and Customers. We may also use such aggregate information to help advertisers reach the kind of audience

they want to target. We may make use of the personal data we have collected from you to enable us to comply with our advertisers' wishes by displaying their advertisement to that target audience.

## **DISCLOSURE OF YOUR INFORMATION**

We may disclose some or all of the data we collect from you when you download or use our Services to some third parties, including but not limited to mobile applications, websites and third-party integrations on or using our Services, partners or collaborators. Information collected by these third party apps, websites or integrated services is subject to their own terms and policies.

We may disclose your personal information to any member of our group, which means our subsidiaries, our ultimate holding company and/or its subsidiaries.

We may disclose your personal information to third parties:

- In the event that we sell or buy any business or assets, in which case we may disclose your personal data to the prospective seller or buyer of such business or assets.
- If Proceq AG or substantially all of its assets are acquired by a third party, in which case personal data held by it about its customers will be one of the transferred assets.
- If we are under a duty to disclose or share your personal data in order to comply with any legal or regulatory obligation or request.
- With our trusted services providers who work on our behalf, do not have an independent use of the information we disclose to them, and have agreed to adhere to the rules set forth hereunder.
- When we believe in good faith that disclosure is necessary to protect our rights, property or safety of our customers or protect your safety or the safety of others. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction, or respond to a government request, inter alia.
- In order to enforce or apply our Terms of Use <http://www.proceq.com/service/overview/>, and other agreements or to investigate potential breaches.

## **WHERE WE STORE YOUR DATA**

The data we collect from you may be transferred to, and stored on (i) our secure servers in Switzerland or in a destination outside Switzerland, respectively it may be transferred between any of the countries in which we operate that may not have data protection laws

equivalent to those in force in Switzerland, e.g. the United States of America, Russia, Japan, China, Mexico, South Korea, United Arab Emirates and India; or (ii) the Amazon Web Services, a subsidiary of Amazon.com, Inc, cloud infrastructure. It may also be processed by staff operating outside Switzerland who works for us or for one of our suppliers and/or subsidiaries. These staff may be engaged in the fulfilment of your request, order or reservation, the processing of your payment details and the provision of support services.

Any payment transactions carried out by us or our chosen third-party provider of payment processing services will be encrypted.

Personal information that you publish on our Sites or submit for publication on our website may be available, via the internet, around the world. We cannot prevent the use or misuse of such information by others.

Where we have given you (or where you have chosen) a password that enables you to access certain parts of Our Sites, you are responsible for keeping this password confidential.

Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted to Our Sites; any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access, according to the Security section.

We may collect and store personal data on your device using application data caches and/or web browser cookies and any other technology. We may also do data mining to find correlations or patterns among fields in relational databases.

Certain Services include social networking, chat room or forum features. You shall ensure when using these features that you do not submit any personal data that you do not want to be seen, collected or used by other users.

We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Policy.

#### **WITHDRAWAL OF CONSENT**

You have the right to ask us not to process your personal data and withdrawn your consent at any time by contacting us according to the below Contacts, Questions or Complaints section.

You can stop all collection of information by certain of our Services by uninstalling such Services.

### **COLLECTION OF DATA FOR MARKETING PURPOSES**

We will usually inform you before collecting your data if we intend to use your data for marketing purposes or if we intend to disclose your information to any third party for such purposes. You can exercise your right to prevent such processing by contacting us as per Contact, Questions and Complaints section below.

### **ACCESSING AND UPDATING YOUR INFORMATION**

You have the right to access information held about you, subject to supply of appropriate evidence of your identity, according to this section.

We take steps to ensure that the personal information we collect is accurate and up to date, and that you have the ability to access and make corrections to it. You can see, review and change your personal information by signing in to your account. Please update your personal information immediately if it changes or is inaccurate.

We will honour any statutory right you might have to access, modify or erase your personal information. Where you have a statutory right to request access or request the modification or erasure of your personal information, we can still withhold that access or decline to modify or erase your personal information in some cases in accordance with applicable law, but will give you reasons if we do so.

You may instruct us to provide you with any personal information we hold about you. The provision of such information will be subject to the supply of appropriate evidence of your identity.

### **DATA RETENTION POLICY, MANAGING YOUR INFORMATION**

We will retain the data provided by you for as long as you use our Services and for a reasonable time thereafter so long as it is necessary and relevant for our operations.

Notwithstanding other provisions of this Privacy Policy, we may retain documents (including electronic documents) containing personal data:

- to the extent that we are required to do so by law;

- if we believe that the documents may be relevant to any ongoing or prospective legal proceedings relevant to Proceq; and
- in order to establish, exercise or defend our legal rights (including without limitation, collection of any fees owed, resolve disputes, troubleshoot problems, enforce this Privacy Policy and/or our Terms or Use or providing information to others for the purposes of fraud prevention and reducing credit risk.

After it is no longer necessary for us to retain your personal information, we dispose of it in a secure manner according to our data retention and deletion policies.

## **SECURITY**

We are concerned about safeguarding the confidentiality of your information. We provide physical, electronic, and procedural safeguards to protect information we process and maintain. For example, we limit access to this information to authorized employees and contractors who need to know that information in order to operate, develop or improve our Application. Please be aware that, although we endeavor to provide reasonable security for information we process and maintain, no security system can prevent all potential security breaches.

We will take reasonable technical and organisational precautions to prevent and prevent the risk of loss, misuse or unauthorized access, disclosure and alteration of your personal information. The storage of your data on our servers is password- and firewall-protected and all electronic financial transactions entered into through our website will be protected by encryption technology.

You acknowledge that the transmission of information over the internet is inherently insecure, and we cannot guarantee the security of data sent over the internet.

You are responsible for keeping the password you use for accessing our website safe and confidential; we will not ask you for your password (except when you log in to our Website).

If you believe your account has been abused, please contact us immediately following the instructions in the Contact section below.

## **THIRD PARTIES PRIVACY PRACTICES**

Our Sites may, from time to time, contain links to and from websites of our partner networks, advertisers and affiliates (including, but not limited to, websites on which our Services are



advertised). We cannot guarantee the privacy or security of your information once you provide it to a third party and we do not accept any responsibility or liability for these policies or for any personal data that may be collected through these third-parties websites or services. We encourage you to evaluate the privacy and security policies of such third party before choosing to share your information.

This Privacy Policy addresses only the use and disclosure of information we collect from you. If you disclose your information to others, or if you are directed to a third party website, their privacy notices and practices shall apply.

### **CHANGES TO THE PRIVACY POLICY**

This Privacy Policy may be updated from time to time for any reason at our sole discretion. We will notify you of any changes to our Privacy Policy by posting the new Privacy Policy in our website and informing you when you next start using or log onto one of the Services. You are advised to consult this Privacy Policy regularly for any changes, as continued use is deemed approval of all changes. The new terms may be displayed on-screen and you may be required to read and accept them to continue your use of the Services.

### **CONTACT, QUESTIONS OR COMPLAINTS**

Any questions, complaints, comments or requests regarding this Privacy Policy or our information handling practices are welcomed. You can contact us:

- by post to the following address: Ringstrasse 2, 8603 Schwerzenbach, Switzerland;
- using our Website contact form;
- by telephone, on the contact number published on our website from time to time;
- by email, using the email address published on our website from time to time.