

ACT Systems

Privacy Policy

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1.0 Objective

The aim of this Privacy Policy Section (this "Privacy Policy") is to provide adequate safeguards for the handling of Personal Data (as defined below) by all ACT Systems entities.

2.0 Scope

This Privacy Policy applies to all ACT Systems entities that process Personal Data.

"Automated Decisions" are defined as decisions about individuals that are based solely on the automated processing of data and that produce legal effects that significantly affect the individuals involved.

"Controller" means a person or organization which, alone or jointly with others, determines the purposes and means of the processing of Personal Data.

"Data Subject" means an individual for whom ACT Systems Processes Personal Data.

"Employee" means any current, former or prospective employee, temporary worker, intern or other non-permanent employee of ACT Systems or any current or prospective subsidiary or affiliate of ACT Systems.

"European Economic Area ("EEA")" currently means the following countries: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Republic of Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, The Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the UK. This list is subject to change, a current list of countries can be obtained from the European Commission.

"Personal Data" means any information relating to an identified or identifiable natural person ("data subject"); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity and includes information, that (i) relates to an identified or identifiable Customer, Employee or Supplier's representative; (ii) can be linked to that Customer, Employee or Supplier's representative; and (iii) is recorded in any form.

"Privacy Officer" means the individual officer designated by ACT Systems as the initial point of contact for inquiries, complaints, or questions regarding privacy matters. The Privacy Officer is identified at the end of this Privacy Policy.

"Processing" is defined as any action that is performed on Personal Data, whether in whole or in part by automated means, such as collecting, modifying, using, disclosing, or deleting such data. This Privacy Policy does not cover data rendered anonymous or where pseudonyms are used that do not allow for, directly or indirectly, the identification of an individual. The use of pseudonyms involves the replacement of names or other identifiers with substitutes, so that identification of individual persons is either impossible or at least rendered considerably more difficult. This Privacy Policy shall apply again if the protections offered through anonymization no longer apply.

"Sensitive Personal Data" means Personal Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership or concerning health or sex, and the commission or alleged commission of any offense, any proceedings for any offense committed or alleged to have been committed by the individual or the disposal of such proceedings, or the sentence of any court in such proceedings.

"Schedule" means Schedule of Technical Services provided to ACT Systems client detailing the type of services to be performed and the related fees.

"Supplier" means any supplier, vendor or other third party that provides services or products to ACT Systems.

"Sub-processors" means ACT Systems' Affiliates or other third-party service providers that Process Customer Data for ACT Systems.

3.0 Application of Data Protection Laws

This Privacy Policy is designed to provide compliance with all relevant applicable data protection laws in the EEA, and in particular the General Data Protection Regulation ("GDPR"). ACT Systems will handle Personal Data in accordance with local law at the place where the Personal Data is processed.

In the course of providing the services as per the Schedule to the Customer under the Agreement, ACT Systems will process User Data on your behalf. User Data may include Personal Data. This section reflects the parties' agreement relating to the Processing of User Data in accordance with the requirements of Data Protection Laws and Regulations. This section will control in the event of any conflict with the Agreement.

4.0 Principles for Processing Personal Data

ACT Systems respects the privacy of Data Subjects and is committed to protecting Personal Data. ACT Systems will observe the following principles when processing Personal Data:

- Data will be processed fairly and in accordance with applicable law.
- Data will be collected for specified, legitimate purposes and not processed further in ways incompatible with those purposes.
- Data will be relevant to and not excessive for the purposes for which they are collected and used. For example data may be rendered anonymous if deemed reasonable, feasible and appropriate, depending on the nature of the data and the risks associated with the intended uses.
- Data Subjects in the EU may be asked to provide their clear and unequivocal consent for the collection, processing and transfer of their Personal Data.
- Data will be accurate and, where necessary kept up up-to-date. Reasonable steps will be taken to rectify or delete Personal Data that is inaccurate or incomplete.
- Data will be kept only as it is necessary for the purposes for which it was collected and processed. Those purposes are described in this Privacy Policy.
- Data will be deleted or amended following a relevant request by the Data Subject, provided such request complies with applicable law.
- Data will be processed in accordance with the Data Subject's legal rights (as described in this Privacy Policy or as provided by law).
- Appropriate technical, physical and organisational measures will be taken to prevent unauthorized access, unlawful processing and unauthorized or accidental loss, destruction or damage to data. In case of any such violation with respect to Personal Data, ACT Systems will take appropriate steps to end the violation and determine liabilities in accordance with applicable law and will cooperate with the competent authorities.

5.0 Types of Data Processed

ACT Systems services do not need to collect or process individual consumer information to perform its services. However, as part of the services ACT Systems provides, it may have incidental access to Personal Data.

With regard to Customer contact information, ACT Systems collects and processes the following categories of Personal Data:

- First and last name
- Business email address, and

- Business telephone number
- IP Addresses

ACT Systems does not need any Sensitive Personal Data and instructs its customers to avoid submitting any Sensitive Personal Data to ACT Systems.

6.0 Ways of Obtaining Personal Data

ACT Systems obtains Personal Data through various sources:

- As submitted by the customer through the services, as per the Schedule;
- Collected from publicly available databases;
- The use of third party vendors who compile databases for ACT Systems use (ACT Systems requires assurances from the third-party vendor that the information was collected, processed, and transferred in compliance with applicable data protection laws and that ACT Systems are permitted to make further use of the information)

7.0 Purposes for Personal Data Processing

ACT Systems processes Personal Data for legitimate purposes related mostly to direct marketing in a business-to-business context. ACT Systems does not process for purposes of marketing to individual consumers.

In addition, ACT Systems may process Personal Data for business operational purposes. The foregoing limited purposes will be taken into consideration before any type of processing of Personal Data occurs

For customer/supplier-specific Personal Data, the purposes of processing may include:

- Management of ACT Systems relationships with its customers and suppliers
- Processing payments
- Carrying out ACT Systems obligations under its contracts with customers and suppliers
- ACT Systems reserves the right to use any business email addresses obtained to provide updates on products, services and security updates.
- ACT Systems will endeavour to remove any personal email addresses from any mailing lists.
- Any personal or business emails addresses can be removed by request.

In the event of a change of the foregoing, ACT Systems will inform affected Data Subjects of new processes or applications, new purposes for which the Personal Data are to be used, and the categories of recipients of the Personal Data.

8.0 Security and Confidentiality

ACT Systems are committed to implementing and maintaining appropriate technical, physical and organizational measures to protect Personal Data against unauthorized access, unlawful processing, accidental loss or damage and unauthorized destruction.

9.0 Rights of Data Subjects

Any person has the right to be provided with information as to the nature of the Personal Data stored or processed about him or her by ACT Systems and may request deletion or amendments. Data Subjects may contact the Privacy Officer or privacy@actsystems.co.uk to review, update, and revise their Personal Data.

If access is denied, the Data Subject has the right to be informed about the reasons for denial. The person affected may contact any competent regulatory body or authority to resolve the issue. ACT Systems will handle in a transparent and timely manner any type of complaint resolution or inquiry about Personal Data.

- **Correction, Blocking and Deletion:** If you do not have the ability to amend, block, or delete Customer Data as required by Data Protections Laws and Regulations, the Customer can provide written instructions to ACT Systems to act on your behalf. ACT Systems will follow your instructions to the extent they are technically feasible and legally permissible. You will pay ACT Systems' costs of providing this assistance.
- **Data Subject Requests:** If permitted, ACT Systems will promptly notify you of any request from a Data Subject for access to, correction, amendment, or deletion of that Data Subject's Personal Data. ACT Systems will not respond to any Data Subject request without your prior written consent, except to confirm that the request relates to you.
- **Cooperation and Assistance:** ACT Systems will assist you to address any request, complaint, notice, or communication you receive relating to ACT Systems' Processing of Customer Data received from (A) a Data Subject whose Personal Data is contained within the Customer Data, or (B) any applicable data protection authority.
- ACT Systems will also assist the Customer with your reasonable requests for information to confirm compliance with this Section or to conduct a privacy impact assessment. You will pay ACT Systems' costs of providing assistance if the assistance exceeds the services provided under the Agreement.

10.0 Transfers

In connection with the activities described under Section 7, ACT Systems may transmit Personal Data outside the EEA, Personal Data might be sent to the following third parties in or outside the EEA:

- **Selected Third Parties:** ACT Systems may disclose or share Personal Data of customers or prospective customers with suppliers, or other third party vendors, but ACT Systems will not sell any Personal Data without the Data Subject's valid consent.
- **Other Third Parties:** ACT Systems may be required to disclose certain Personal Data to other third parties: (i) As a matter of law (e.g. to tax authorities); (ii) to protect ACT Systems legal rights; (iii) to Law Enforcement Authorities in compliance with applicable laws.

11.0 Automated Decisions

ACT Systems does not make Automated Decisions for customer data. If Automated Decisions are made, affected persons will be given an opportunity to express their views on the Automated Decision in question and object to it. However, ACT Systems uses cookies for analytics, user experience optimization, ad personalization and measurement.

12.0 ACT Systems Personnel

- **Confidentiality.** ACT Systems informs its personnel engaged in the Processing of Customer Data about the confidential nature of such Customer Data. These personnel receive appropriate training on their responsibilities and are subject to written agreements with confidentiality obligations that survive the termination of their relationship with ACT Systems.
- **Limitation of Access.** ACT Systems ensures that access to Customer Data is limited to those personnel who require access to Process Customer Data under the Agreement.

13.0 Sub-Processors

- **Authorization:** You expressly authorize ACT Systems to use Sub-processors to perform specific services on ACT Systems' behalf to enable ACT Systems to perform its obligations under the Agreement. ACT Systems has written agreements with its Sub-processors that contain obligations substantially similar ACT Systems' obligations under this Section. ACT Systems is responsible to you for ACT Systems' Sub-processor's compliance with the terms of the Agreement.
- **Notice and Objection:** ACT Systems will notify you of changes to its Sub-processors upon written request. You have a right to reasonably object to ACT Systems' use of a new Sub-processor by notifying ACT Systems in writing within 10

business days after receipt of ACT Systems' notice. If you do so, ACT Systems will use reasonable efforts to change the affected Software or Cloud Service, or recommend a commercially reasonable change to your configuration or use of the affected Software or Cloud Service, to avoid Processing of Customer Data by the new Sub-processor. If ACT Systems is unable to make or recommend such a change within a reasonable period of time, not to exceed 60 days, you may terminate only the Subscription Term for the Software and Cloud Service that ACT Systems cannot provide without using the new Sub-processor. You must provide written notice of termination to ACT Systems in accordance with the Agreement. ACT Systems will promptly refund you the fees applicable to the unused portion of the Subscription Term for the terminated Software and Cloud Services offering.

14.0 Security

- **Controls for the Protection of Customer Data:** ACT Systems maintains appropriate administrative, technical and organisational safeguards to protect Customer Data from unauthorised or unlawful Processing, from accidental loss, destruction, or damage.
- **Incident Management and Breach Notification:** The Customer will be informed no later than 72 hours after any breach involving the potential loss or damage to personal data

15.0 Contact Information

ACT Systems will ensure that this Privacy Policy is observed and duly implemented. All ACT Systems Employees who have access to Personal Data must comply with this Privacy Policy.

If at any time, a person believes that Personal Data relating to him or her has been Processed in violation of this Privacy Policy, he or she should report the concern to the Privacy Officer. In addition, ACT Systems is happy to answer any questions related to its Processing of Personal Data.

Please contact us at privacy@actsystems.co.uk