

Updated: May 25, 2018

## **Privacy Policy**

This Privacy Policy explains how Opticks and its affiliates ("Opticks", "we", "us", or "our") collects, uses, discloses and transfers the personal information you provide to us or we collect via <http://opticks.io> or other designated websites or IP addresses or mobile applications, as communicated to You by Opticks Platform. It also describes the choices available to you regarding the use of, your access to, and how to update and correct your personal information.

This privacy policy explains how we make use of data and information received from our Clients that integrate our software with their services ("Clients") and the end-users of those Clients ("End Users"). If not specifically defined herein, capitalized terms have the meaning given to them in the Opticks Agreement, which is available at [https://opticks.io/legal/terms\\_and\\_conditions.pdf](https://opticks.io/legal/terms_and_conditions.pdf).

We process information under the direction of our Clients, and have no direct relationship with the individuals whose data we process. We respect the right to privacy of Clients and End Users. Your ability to make informed choices about the use of your information is important to us. This privacy policy explains our policy regarding the collection, use, disclosure and protection of any information we receive.

### **Information We Collect**

In order to receive the Opticks's services, Clients will be required to register and provide us with certain information, entered on our Website or given to us in any other way, including information that can be used to personally identify Clients; such as contact email, contact phone, contact messenger, first and last name, company name, company's website. Clients may also provide their billing details, such as credit card number, should they choose to activate their account right away. It is your voluntary

decision whether to provide us with any such personal information, but if you refuse to provide such information we may not be able to register you to receive our Services.

Personal Information we collect when we obtain online feedback from you: We collect your name, online contact information and any other personal information that you choose to provide in the context of obtaining online feedback from you. At your option, we may also collect your organization's name and physical contact information although we may already hold this information if you have provided it to us for another purpose.

Personal Information that you provide about another person: We rely on our Clients, vendors and business partners to bring this Privacy Policy to the attention of any individuals who they identify to us. If you provide us with information about another person, you confirm that you have informed them of our identity and the purposes (as set out in this Privacy Policy) for which their personal information will be processed and that you have obtained their consent to such processing. Opticks reserves the right to ask the other person to confirm their consent.

### **Analytics End Users Information We Process (Permitted Controller Personal Data Types and Parameters)**

Clients that use our Services to track the use of their services will provide us with information regarding the characteristics and activities of their End Users. Opticks obtains this information as a result of data being sent to our servers from the Client's side, or when the End User is directed to our servers by the Client. The data collected includes information such as IP address, HTTP headers, user agent, browser properties, platform, device properties, manufacturer, OS version, and network status (WiFi/3G), and URL information. End User data processed by the Opticks platform is presented to our Clients to discover and prevent fraud. We provide our Clients with aggregated and anonymous benchmark data.

Personal Information we obtain from other sources: We also may periodically obtain both personal and non-personal information about you from Opticks subsidiaries, business partners or resellers and other third-party sources and add it to the information we already hold about you, such as:

- Updated business address information;

- Credit information about Clients, Vendors or Business Partners from credit reference agencies (for more information see Section “How We Use Information” below).

## **How We Use Information**

The use of information processed by our service will be used for creating aggregate data and anonymous data, and for internal use or for improving the services and creating new features; data may include data of your End Users and such data of all other Clients. We will not share Personal Information provided to us other than as set forth under this Policy and except when required by law, regulation, subpoena or court order. We may use Personal Information internally – for example, to help diagnose problems with our servers, help diagnose and prevent fraudulent activity, or to improve the Services and make Opticks more useful. We may retain Personal Information for as long as the applicable Client account is active or as is necessary for us to provide Services, but we may adopt shorter retention period to the extent required by our partners. By “Personal Information” we mean any information that can be directly associated with a specific person or entity such as a name, address, telephone number, e-mail address, or information about activities directly linked to such person.

By analyzing the information we process (including regarding End Users) we compile certain analytics regarding the use of our Client’s services. We provide such analytics to our Clients. Analytics do not contain the Personal Information of any End User.

In addition, by analyzing all information we receive, we may compile aggregate or anonymized information across a variety of services and Clients (“Aggregate Information”). Aggregate Information is anonymous and we will not link Aggregate Information to any Personal Information. Aggregate Information helps understand trends and Client needs so that new products and services can be considered and so existing products and services can be tailored to Client desires. We may share such Aggregate Information with our partners, without restriction, on commercial terms that we can determine in our sole discretion.

**Personal Information:** We use or may use your personal information for the following purposes (or as otherwise described at the point of collection) in line with the “legitimate interests” requirements of data protection laws:

- Creating and administering records about your online account (if you have one), including your organization's purchase history;
- To provide you with information, access to resources or other products or services that you have requested from us on behalf of your organization;
- To send you Client service-related communications, including in relation to administering your organization's online account and providing online services to you on behalf of your organization;
- To provide technical product support to Clients and to enhance Client technical product support services.
- To deal with communications that you send to Opticks;
- To alert you to upgrades and enhancements to our products and to new products and/or services, including by email, in accordance with your communication preferences. Please see the "Client Access and Choice" section below for further information about how you can control these updates;
- To request your feedback;
- To assess financial, credit or insurance risks arising from any relationship or prospective relationship with a Client, Vendor or Business Partner;
- To complete and support the current activity, Website and system administration, research and development, and to improve the navigation and content of the Website;
- To improve the Website; and
- To improve our products and services.

Website usage data: We use tools to measure Website visitor performance, click data, engagements with content on the Website, pathing, form completions, etc. When aggregated, we use it to analyze user behavior and make decisions about how to improve the user experience. We use cookies to carry out these activities. However, no individual will be individually identifiable in such information and statistics.

Marketing: We and our business partners may contact you by mail, telephone, fax, email or other electronic messaging service with offers of goods, services, promotions or other information that may be of interest to you in accordance with your communication preferences. Where required by applicable law, your prior consent will be obtained before sending you direct marketing and you may opt out of receiving marketing messages from Opticks (See Section "Client Access and Choice", below).

Opticks does not in any way sell, lease or rent your information to third parties.

Anonymous and Non-personal Information: We may generate, use and disclose aggregated anonymous and non-personal information and statistics about the Website for marketing and strategic purposes. Similarly, we may generate aggregate usage and statistical information related to Clients' use of the Services in order to facilitate analysis and comparisons.

### **How We Protect Information**

We follow generally accepted industry standards to protect the Personal Information submitted to us, we encrypt such information both during transmission and once we receive it. No method of transmission over the Internet, or method of electronic storage, is 100% secure, however. Therefore, while we strive to use commercially acceptable means to protect your personal information, we cannot guarantee its absolute security. We encrypt sensitive information using secure socket layer technology (SSL). Website users can help further protect their personal information by using a secure web browser and by changing any access passwords regularly.

We will make reasonable commercial efforts to delete any information provided to us by a Client upon the receipt of a written request by such Client. We cannot restore information that we have deleted.

## **Legal Disclosures**

We may also disclose your personal information as required by law, such as to comply with a subpoena, bankruptcy proceedings, or similar legal process when we believe in good faith that disclosure is necessary to protect our rights, protect your safety or the safety of others, investigate fraud, or respond to a government request, or in an emergency where the health or safety of you or another individual may be endangered, to the extent permitted by law. Additionally, we may use IP addresses to identify a particular user if we believe it is needed to enforce compliance with these terms or to protect our company, employees, Website, or Clients. If Opticks is involved in a merger, acquisition, or sale of all or a portion of its assets, you will be notified via email and/or a prominent notice on our website, of any change in ownership, uses of your personal information, and choices you may have regarding your personal information. We may also disclose your personal information to any other third party with your prior consent.

## **Third-Party Service Providers**

We may transfer your personal information (across borders and from your country or jurisdiction to other countries or jurisdictions around the world) as follows:

- With Opticks affiliates, for the purposes described in Section “How We Use Information” above;
- With our service providers or agents solely to the extent necessary to enable such service providers or agents to provide services to Opticks or on Opticks's behalf.
- In response to subpoenas, court orders or other legal process, for reasons relating to national security, to defend against legal claims, to protect the rights, property or safety of Opticks, Opticks Clients, Vendors or Business Partners, Website users, employees or others, or as may otherwise be required by applicable law;
- To Opticks auditors, legal representatives or similar agents;
- To resellers for the purposes of sales and support-related matters;

- To any third party that purchases, or to which a Opticks entity transfers, all or substantially all of the Opticks assets or business (in which case the relevant Opticks entity will use reasonable efforts to ensure that the third party to which it transfers personal information uses it in a manner that is consistent with this Policy);
- To credit reference agencies for the purposes of making periodic searches in the context of managing and taking decisions about Opticks's relationship or prospective relationship with a Opticks Client, Vendor or Business Partner. Such information as is provided to credit reference agencies may be used by other credit providers to take decisions about the Opticks Client, Vendor or Business Partner.

Opticks's policy is to maintain contracts with all third parties with whom we share personal information that restrict their access, use and disclosure of personal data in compliance with our legal obligations.

Note that Opticks does not control the sharing of End User Personal Information; rather, this is governed by our Client (i.e., the data controller), in accordance with the Client's privacy policy and applicable privacy legislation.

### **Client Access and Choice**

If at any time you decide you do not want us to retain any personal information we collected from you when you registered on our website, or otherwise collected about you from others as described in Section "Information We Collect" of this Policy, you may request we delete your information. Instructions for contacting us are provided in Section "Access to Data" of this policy. Of course, once we delete your information you will no longer be registered with us and you will not have access to the services that are only available through registration. As noted above, even if you are not registered with us we collect Navigation and click-stream data, HTTP protocol elements, and search term data, which helps us to optimize the browsing experience. This data is not personally identifiable if you are not registered on the website.

You may opt-out of receiving marketing messages from Opticks or its business partners without de-registering with us. To opt out of receiving marketing messages

please send an opt out email to [sales@opticks.io](mailto:sales@opticks.io). Please note that, by opting out, you acknowledge and agree that you will not receive emails concerning upgrades and enhancements to Opticks products. However, we will continue to send you services-related (non-marketing) communications in connection with the administration of your organization's account and products or services that you have requested from Opticks on behalf of your organization.

### **Tracking Technologies on Our Website**

When you use our Website, we automatically collect the following information:

- Navigation and click-stream data
- HTTP protocol elements
- Search terms

This information is not identifiable to you unless you choose to register yourself on the website.

In operating the Services, we along with our third party partners may use tracking technologies such as cookies, E-Tags, JavaScript, beacons and Local Storage such as HTML5.

A cookie is a small piece of text that is sent to a browser. The browser provides this piece of text to the originating server when the visitor returns. Opticks uses cookies to help implement its tracking technology. Opticks does not store any Personal Information in cookies. Most Web browsers are initially configured to accept cookies, but you can change this setting so your browser either refuses all cookies or informs you when a cookie is being sent. Also, you are free to delete any existing cookies at any time. Please note that some features of Opticks may not function properly when cookies are disabled or removed.

E-Tag is a technology that is part of the standard HTTP protocol that allows our website to validate temporary storage (cache) of our pages and images. This ensures that you are viewing the latest version of our website since your last visit.



JavaScript is a dynamic object oriented computer programming language. JavaScript is used to understand user behavior on our website.

Local Storage (LS) such as HTML5 and Local Shared Objects (LSOs) such as Flash are used to store content information and preferences. Various browsers may offer their own management tools for removing HTML5 LS's.

Beacons are clear graphic image(s) of 1×1 pixel that is delivered through a web browser usually as part of a webpage request. Web beacons operate as a tag that records an end users visit to a particular webpage.

As is true of most websites, we gather certain information automatically, such as Internet protocol (IP) addresses, browser type, internet service provider (ISP), referring/exit pages, operating system and/or clickstream data.

### **Use of Opticks by Children**

Opticks does not knowingly collect personal information from children under the age of 18, and you must be 18 years of age or older in order to establish an account for Opticks. In the event you become aware that an individual under the age of 18 has enrolled, please contact us immediately at [sales@opticks.io](mailto:sales@opticks.io) and we will remove their information from our system immediately.

### **Geo-Location**

We may collect geo-location information from Clients and users that enable this feature.

### **Third-Party Links**

From time to time, the Website may contain links to other websites owned by non-Opticks affiliated entities and we may display advertisements from third parties on our Website. When you click on these links, you enter another website. Opticks is not responsible for the content, operation or privacy practices of any such websites. Your use of such websites will be subject to any terms of use posted on such websites and not by the terms of use of the Website. In particular, unless expressly stated, we are

not agents for these sites or advertisers, nor are we authorized to make representations on their behalf.

### **Commitment to protecting children's privacy**

**Special Note to Parents:** Opticks does not knowingly collect personal information from children under the age of 18, and you must be 18 years of age or older in order to establish an account for Opticks. If you are a parent or guardian who knows or has discovered that your child under the age of 18 has submitted his or her personal information or other information without your consent, permission, or authorization; upon request, we will promptly remove your child's personal information or other information from our database, cease the use of such information and direct any other party with access to such information to do the same.

### **Access to Data**

We have no direct relationship with the individuals whose Personal Information we process. An individual who seeks access, or who seeks to correct, amend, or delete inaccurate data should direct his query to the service provider (the data controller). If an End User wishes us to remove his or her Personal Information stored with us (if any), he or she may send us an e-mail to [sales@opticks.io](mailto:sales@opticks.io), and we will respond to their request within a reasonable timeframe.

Opticks seeks to ensure that your information and preferences are accurate and complete. You have the right to update your information and/or preferences at any time. If you wish to review or change the information we have regarding you or to update your preferences regarding our retention or use of your personal information please let us know by sending an e-mail with your name, full mailing address and e-mail address to [sales@opticks.io](mailto:sales@opticks.io) together with a description of the changes you request.

In certain circumstances, persons in the EU may have rights of rectification (where data is inaccurate), erasure, restriction, objection or portability. EU persons may also have a right to receive from us a copy of their personal data we have in our possession. To exercise these rights or to obtain a copy of the personal information we hold about you, please write to the above address.

Further, Jarvis Digital, a company incorporated and existing in Spain, whose principal office is at C/Amigo 11 Barcelona 08021 Spain, is the place of central administration for Opticks in the EU and as such is the “Main Establishment” for Opticks in the EU. EU Data subjects seeking to make changes to the information we have regarding you or to update your preferences regarding our retention or use of your personal information can send an e-mail with your name, full mailing address and e-mail address to sales@opticks.io together with a description of the changes you request.

### **Data Retention**

We may retain Personal Information we process on behalf of our Clients for as long as needed to provide services to our Clients. We may adopt shorter retention periods if so directed by them. We may retain and use this Personal Information as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements.

### **Changes**

We may update this privacy statement to reflect changes to our information practices from time to time. If we make any material changes we will notify our Client by email or by means of a notice on this Site prior to the change becoming effective. We encourage you to periodically review this page for the latest information on our privacy practices. You will be deemed to have accepted such amendments by your continued use of the Website after the effective date.

### **Questions, Objections and Complaints**

We are responsible for our collection, use and disclosure of EU Personal Data in accordance with the Principles. We also are responsible for onward transfers to third party agents that are processing such data on our behalf, unless we prove that we are not responsible for the event giving rise to the damage. In certain situations, we may be required to disclose EU Personal Data in response to lawful requests by public authorities, including meeting national security or law enforcement requirements.

Where we are relying on our legitimate interests to process your personal data (see section “How We Use Information” above), you have the right to object to such processing. To exercise your right to object, please contact us as specified above. We

will consider your objection and we will comply with it unless we have a compelling legitimate ground as permitted by applicable law.

Opticks is committed to reply to any questions and resolve any complaints you have about our collection or use of your Personal Data. Anyone with inquiries or complaints regarding our collection or use of his or her Personal Data may contact Opticks as specified above.